Initial Study / Environmental Assessment Determination and Compliance Findings for HUD-Assisted Projects (24 CFR Part 58)

# RACE STREET AND GRAND AVENUE RESIDENTIAL DEVELOPMENT PDC17-019

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

January 2018

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# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| AB | Assembly Bill |
| ABAG | Association of Bay Area Governments |
| ACE | Altamont Commuter Express |
| ACM | Asbestos-containing material |
| ADA | Americans with Disabilities Act |
| AHSC | Affordable Housing and Sustainable Communities |
| AIA | Airport Influence Area |
| AMI | Area median income |
| AP | Alquist-Priolo Earthquake Fault Zoning |
| APE | Area of Potential Effect |
| APN | Assessor's Parcel Number |
| ASD | Acceptable Separation Distance |
| BAAQMD | Bay Area Air Quality Management District |
| BCDC | Bay Conservation and Development Commission |
| BMP | Best management practice |
| BMR | Below market rate |
| BRT | Bus rapid transit |
| CAA | Clean Air Act |
| CalARP | California Accidental Release Program |
| CalEEMod | California Emissions Estimator Model |
| CalEPA | California Environmental Protection Agency |
| CAL FIRE | California Department of Forestry and Fire Protection |
| CalGreen | California Green Building Standards |
| Cal/OSHA | California Occupational Safety and Health Administration |
| Caltrans | California Department of Transportation |
| CAP | Clean Air Plan |
| CARB | California Air Resources Board |
| CBIA | California Building Industry Association |
| CCL | Candidate City Landmark |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CESA | California Endangered Species Act |
| CEQA | California Environmental Quality Act |

| | |
|---|---|
| CFR | Code of Federal Regulations |
| CGS | California Geological Survey |
| $CH_4$ | Methane |
| CIWMB | California Integrated Waste Management Board |
| CLUP | Comprehensive Land Use Plan |
| CMP | Congestion Management Program |
| CNEL | Community Noise Equivalent Level |
| CNPS | California Native Plant Society |
| $CO_2$ | Carbon dioxide |
| $CO_2e$ | Carbon dioxide equivalent |
| CRHR | California Register of Historical Resources |
| CS | Contributing Structure |
| CUPA | Certified Unified Program Agency |
| CWA | Clean Water Act |
| dB | Decibel |
| dBA | A-weighted sound level |
| DNL | Day-Night Level |
| DPM | Diesel particulate matter |
| DTSC | Department of Toxic Substances Control |
| du/ac | Dwelling units per acre |
| EA | Environmental Assessment |
| EDD | Employment Development Department |
| EIR | Environmental Impact Report |
| EO | Executive Order |
| ERR | Environmental Record Review |
| ESL | Environmental Screening Level |
| FAA | Federal Aviation Administration |
| FAR | Federal Aviation Regulations |
| FAR | Floor area ratio |
| FEIR | Final Environmental Impact Report |
| FEMA | Federal Emergency Management Agency |
| FIRM | Flood Insurance Rate Map |
| FMMP | Farmland Mapping and Monitoring Program |
| GHG | Greenhouse gas |
| HACSC | Housing Authority of the County of Santa Clara |

| | |
|---|---|
| HIP | Housing Investment Plan |
| HMP | Hydromodification Management Plan |
| HSP | Health and safety plan |
| HUD | Housing and Urban Development |
| IS | Initial Study |
| ITE | Institute of Transportation Engineers |
| IWM | Santa Clara County Integrated Watershed Management |
| IWMP | Integrated Waste Management Plan |
| LBP | Lead-based paint |
| $L_{eq}$ | Noise Equivalent Level |
| LID | Low Impact Development |
| LIHTC | Low Income Housing Tax Credit |
| $L_{max}$ | Maximum Sound Level |
| LOS | Level of service |
| LRT | Light rail transit |
| LUST | Leaking underground storage tank |
| $m^3$ | Cubic meter |
| MBTA | Migratory Bird Treaty Act |
| MLD | Most Likely Descendant |
| mph | Mile per hour |
| MRP | Municipal Regional Permit |
| msl | Mean sea level |
| MT | Metric ton |
| MTC | Metropolitan Transportation Commission |
| MTW | Moving to Work |
| NAHC | Native American Heritage Commission |
| NCS | Non-Contributing Structure |
| NEPA | National Environmental Policy Act |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NFIP | National Flood Insurance Program |
| $N_2O$ | Nitrous oxide |
| NOI | Notice of Intent |
| NOT | Notice of Termination |
| $NO_x$ | Nitrogen oxide |
| NPDES | National Pollutant Discharge Elimination System |

| | |
|---|---|
| NRHP | National Register of Historic Places |
| NS | Non-Significant |
| NWIC | Northwest Information Center |
| PBCE | City of San José Department of Planning, Building, and Code Enforcement |
| PCB | Polychlorinated biphenyl |
| PCE | Tetrachloroethylene |
| PD | Planned Development |
| PDO | Park Dedication Ordinance |
| PIO | Park Impact Ordinance |
| PM | Particulate matter |
| $PM_{10}$ | Coarse particulate matter |
| $PM_{2.5}$ | Fine particulate matter |
| ppm | Part per million |
| PPV | Peak particle velocity |
| RCRA | Resource Conservation and Recovery Act |
| RMP | Risk Management Plan |
| ROG | Reactive organic gas |
| RTP | Regional Transportation Plan |
| RWF | Regional Wastewater Facility |
| RWQCB | Regional Water Quality Control Board |
| SB | Senate Bill |
| SCCDEH | Santa Clara County Department of Environmental Health |
| SCS | Sustainable Communities Strategy |
| SCVHP | Santa Clara Valley Habitat Plan |
| SCVWD | Santa Clara Valley Water District |
| SHMA | Seismic Hazards Mapping Act |
| SHPO | State Historic Preservation Officer |
| SJFD | San José Fire Department |
| SJPD | San José Police Department |
| SLF | Sacred Land Files |
| SM | Structure of Merit |
| SMP | Site Management Plan |
| SP | Substantial Progress |
| STC | Sound Transmission Class |
| SWPPP | Stormwater Pollution Prevention Plan |

| | |
|---|---|
| SWRCB | State Water Resources Control Board |
| TAC | Toxic air contaminant |
| TIA | Traffic Impact Analysis |
| µm | Microgram |
| U.S. EPA | United States Environmental Protection Agency |
| USFWS | United States Fish and Wildlife Service |
| UST | Underground storage tank |
| V/C | Volume-to-capacity ratio |
| VCP | Voluntary Cleanup Program |
| VHP | Valley Habitat Plan |
| VMT | Vehicle miles traveled |
| VOC | Volatile organic compound |
| VTA | Valley Transit Authority |
| WPCP | Water Pollution Control Plant |

# SECTION 1.0 PROJECT INFORMATION

## 1.1 PROJECT TITLE

Race Street and Grand Avenue Residential Development

## 1.2 CEQA LEAD AGENCY / NEPA RESPONSIBLE ENTITY

City of San José
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Department of Planning, Building, and Code Enforcement
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## 1.3 CERTIFYING OFFICER

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## 1.4 GRANT RECIPIENT

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## 1.5 CONSULTANT

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# SECTION 2.0 PROJECT DESCRIPTION

## 2.1 PROJECT LOCATION

The project site is located west of Race Street, east of Grand Avenue, south of Park Avenue, and north of West San Carlos Street in the City of San José; refer to Figures 2.1-1, 2.1-2, and 2.1-3. The Santa Clara County assessor's parcel numbers (APNs) for the project site include: 261-42-007, -008, -011, -058, -069, -070, -071, -072, and -079.

## 2.2 DESCRIPTION OF THE PROPOSED PROJECT [24 CFR 50.12 & 58.32; 40 CFR 1508.25]

### 2.2.1 Existing Conditions

The approximately 2.3-acre project site is currently developed with a mix of commercial and residential uses. The property is zoned Planned Development [A(PD)] and was previously entitled for an 80-unit residential project with 12,000 square feet of commercial space by another developer [PDC13-037].

### 2.2.2 Overview

Two housing development scenarios are evaluated in this Initial Study/Environmental Assessment (IS/EA) for the 2.3-acre site. Scenario 1 proposes the development of 206 multi-family apartment units and Scenario 2 proposes the development of 116 multi-family and 90 senior apartment units. While this IS/EA evaluates both scenarios for potential environmental impacts, approval of the Race and Grand Residential Project would allow for the development under one of these scenarios.

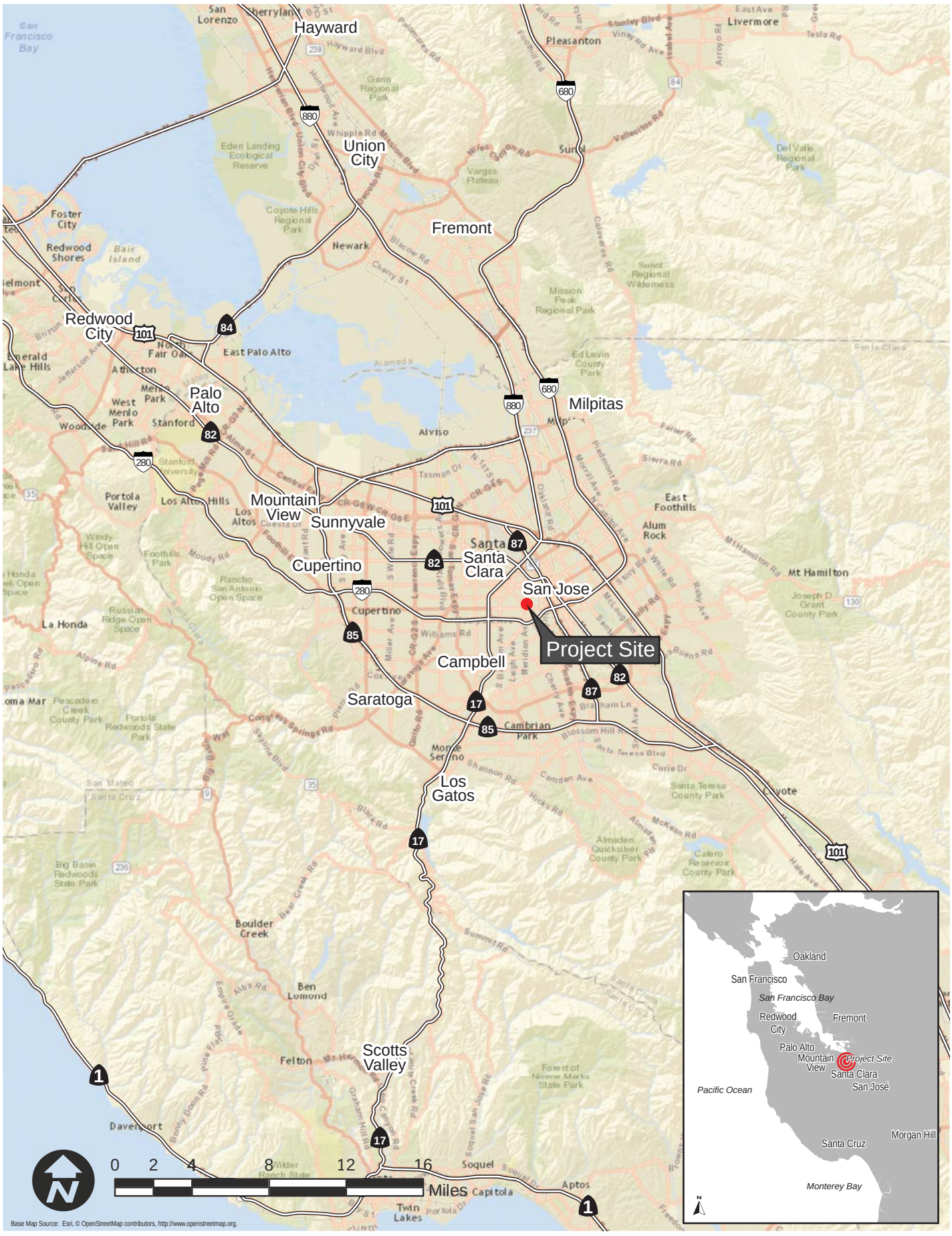
The project would require a new Planned Development Rezoning for the development of up to 206 multi-family apartment units on the site, at a density allowed under the site's *Urban Residential* General Plan Designation. The project applicant may also apply for a Planned Development permit at a future date which, if approved, would specify 116 family apartments and 90 senior apartments.

Additionally, each scenario includes three options evaluating vehicle access and a retail/commercial component[1]. The first option would provide vehicular access to the site via one full-access driveway on Grand Avenue and assumes development of up to 8,500 square feet of retail/commercial space along the Race Street frontage; see Figure 2.2-1. The second option would provide access via a driveway on Race Street with development of up to 8,500 square feet of retail/commercial space on Race Street; see Figure 2.2-2. The third option would provide site access via Grand Avenue and would not include retail/commercial space.

In both scenarios, the project would result in the removal of approximately 9,000 square feet of office space, six single-family homes, a vacant 8,000 square-foot restaurant and market, a 12,000 square-foot warehouse, and a 250 square-foot barber shop.

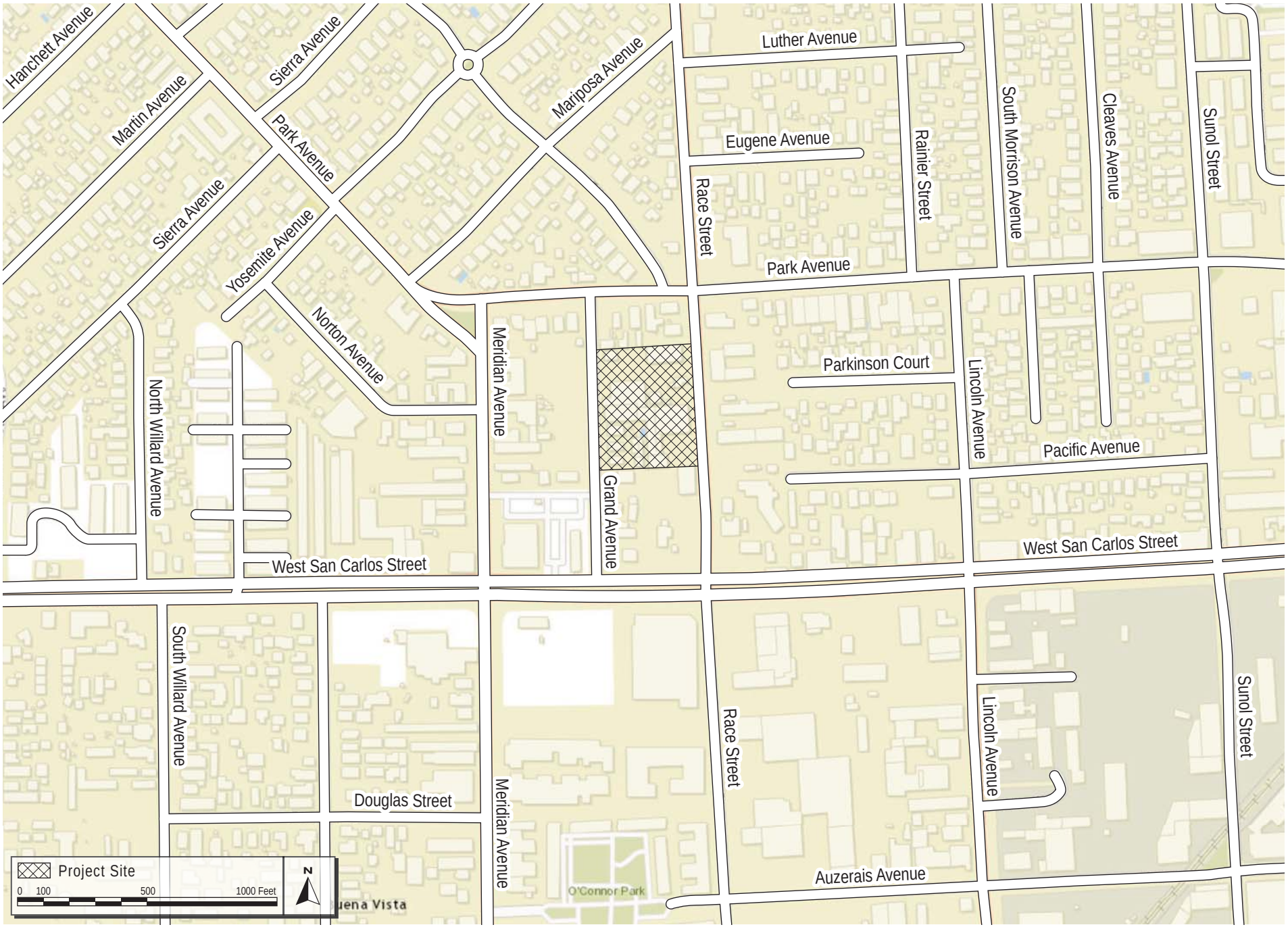
Construction of the proposed project would begin in 2019 and would take approximately 23 months.

[1] Options for vehicular access are addressed in the *Section 3.3, Air Quality*, *Section 3.12, Noise and Vibration*, and *Section 3.16, Transportation/Traffic* of this document.



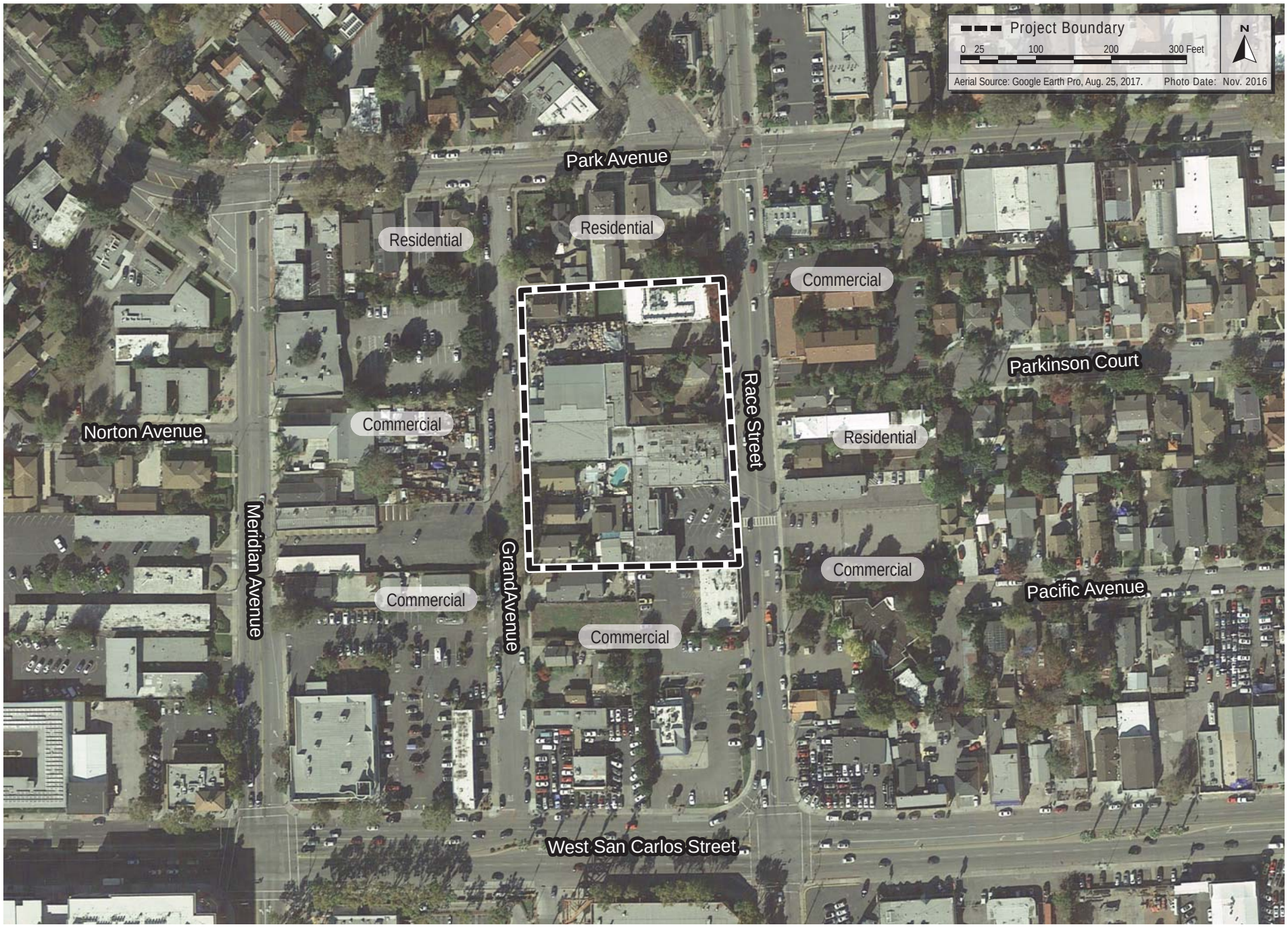

REGIONAL MAP

FIGURE 2.1-1



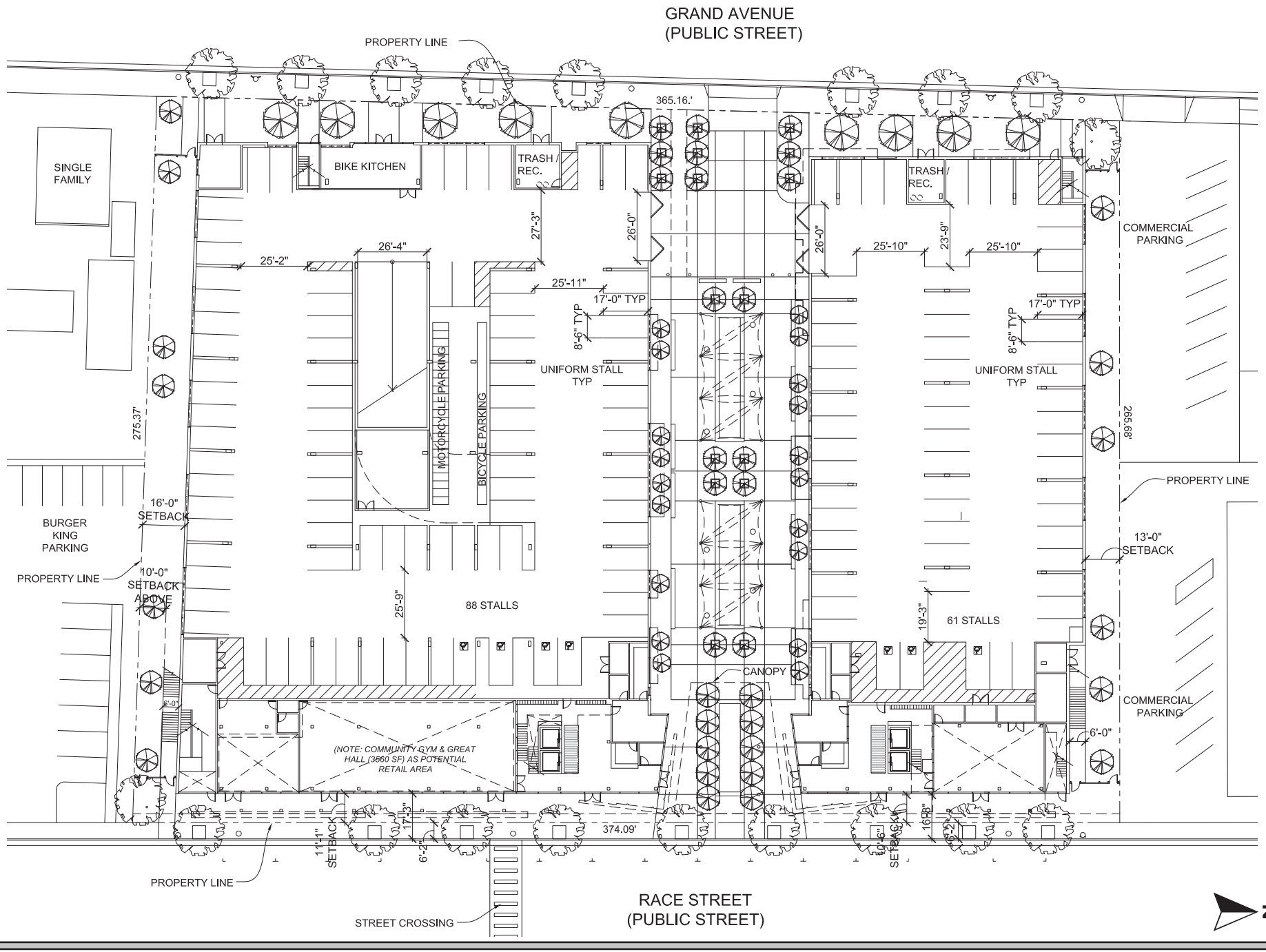

VICINITY MAP

FIGURE 2.1-2



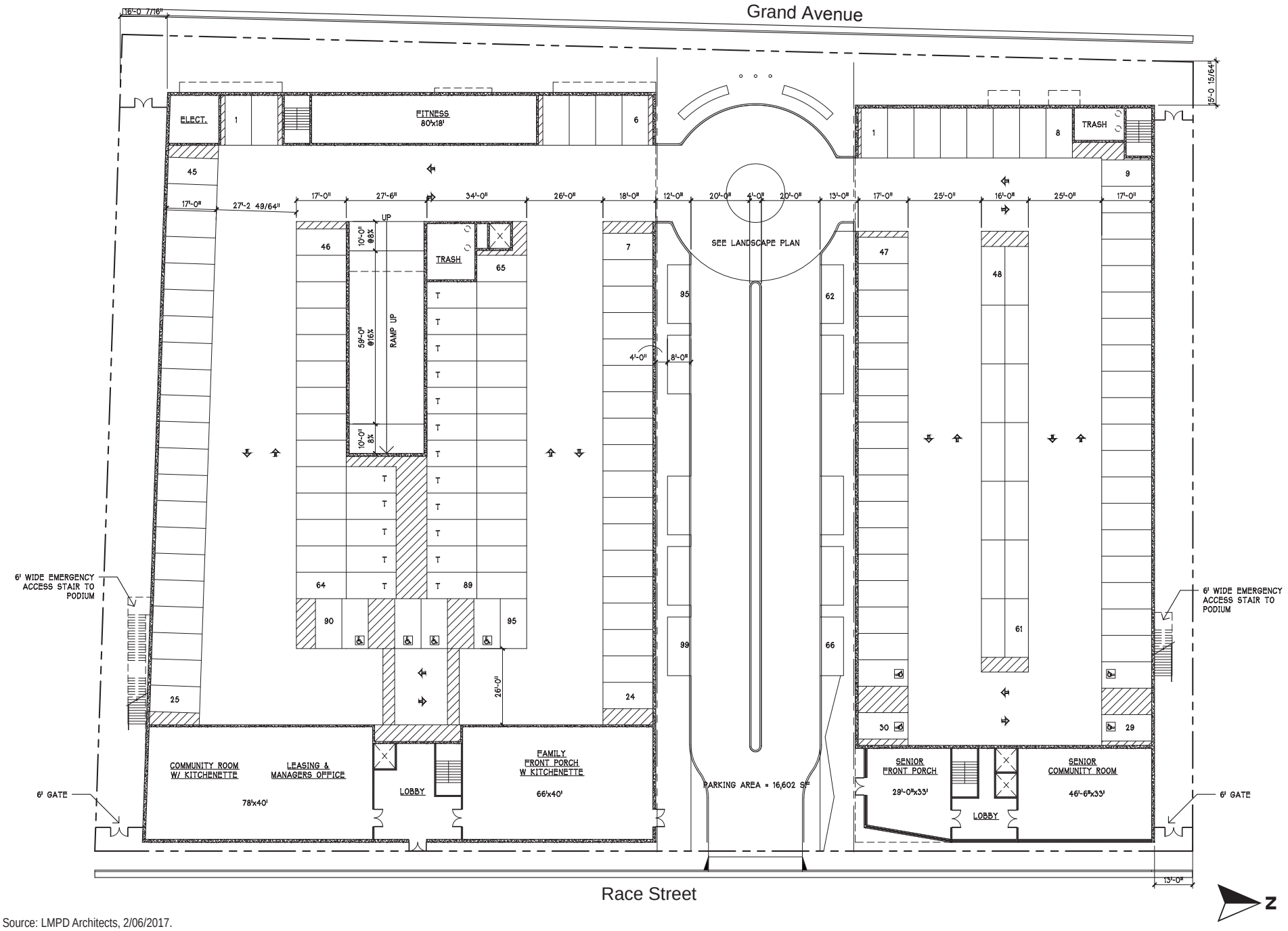

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.1-3




PRELIMINARY SITE PLAN FOR OPTION A - GRAND STREET ACCESS WITH RACE STREET RETAIL

FIGURE 2.2-1




Source: LMPD Architects, 2/06/2017.

PRELIMINARY SITE PLAN FOR OPTION B - RACE STREET ACCESS WITH RACE STREET RETAIL

FIGURE 2.2-2

In both scenarios, two buildings would be constructed on the site, one on the northern side of the site, referred to as Parcel A and the second on the southern side of the site, referred to as Parcel B. The Parcel A building would be five stories tall and contain up to 90 apartment units, and the Parcel B building would be six stories tall and contain up to 116 apartment units. An elevation plan is included as Figure 2.2-3.

### 2.2.3 Scenario 1: Multi-Family Residential Units

Under Scenario 1, the project proposes to demolish all existing buildings and structures on the site. Up to 206 units of market rate multi-family housing would be constructed under the proposed Planned Development Rezoning. Scenario 1 would include the following vehicular access and retail/commercial space options:

- Option 1A: Vehicular access would be provided via a driveway on Grand Avenue. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.
- Option 1B: Vehicular access would be provided via a driveway on Race Street. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.
- Option 1C: Vehicular access would be provided via a driveway on Grand Avenue. No retail/commercial uses would be developed.

The multi-family apartment units would be located within two buildings. The northern building (Parcel A) would be five stories in height and include 90 units on a 0.9-acre site. The southern building (Parcel B) would be a six-story building on 1.4 acres with 116 units. The multi-family apartment buildings would include a mix of one-, two-, and three-bedroom units.

The following amenities are planned to be included in the multi-family apartment buildings: fitness room, community room with kitchenette, leasing/manager's office, laundry room, bike storage, common courtyard area with a children's play area, outdoor kitchen, and fire pit seating. Each apartment would have between 51 and 67 square feet of private open space. Vehicle parking for the multi-family apartments and retail uses (as applicable) would be included on the first floor of the Parcel A building and the first two floors of the Parcel B building.

### 2.2.4 Scenario 2: Senior and Multi-Family Residential Units

Under Scenario 2, the project proposes to demolish all existing buildings and structures on the site. Up to 116 units of below market rate multi-family apartments and 90 units of below market rate senior apartments would be constructed under the proposed Planned Development Rezoning and Planned Development permit. Scenario 2 would include the following vehicular access and retail/commercial space options:

- Option 2A: Vehicular access would be provided via a driveway on Grand Avenue. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of the multi-family residential building, along the Race Street frontage.


Race Street View


Grand Avenue View

Source: LPMD Architects., 2/6/2017.

ELEVATION PLAN FOR OPTION B - RACE STREET ACCESS WITH RACE STREET RETAIL

FIGURE 2.2-3

- Option 2B: Vehicular access would be provided via a driveway on Race Street. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of the multi-family residential building, along the Race Street frontage.
- Option 2C: Vehicular access would be provided via a driveway on Grand Avenue. No retail/commercial uses would be developed.

The northern building, on Parcel A (0.9 acre) would be five stories in height and would provide affordable housing for seniors. The building would include eight studios, 74 one-bedroom units, and seven two-bedroom units, plus one additional, two-bedroom unit for a property manager. Amenities in the senior apartment building would include a community room, laundry room, lobby/leasing office, and common courtyard. Vehicle parking for the senior apartments would be included in the first floor of the building.

The 116 multi-family apartment units would be located in a six-story building on 1.4 acres (southern Parcel B). The multi-family apartment building would include two studios, 54 one-bedroom units, 30 two-bedroom units, and 30 three-bedroom units. The predominant parapet elevation, elsewhere on the building, would be 72 feet. However in a few locations, the building height would be approximately 80 feet to accommodate for architectural features. These projections would create added visual interest to the building. The following amenities would be included in the multi-family apartment building: community room with kitchenette, leasing/manager's office, laundry room, bike kitchen, storage, and common courtyard with a children's play area. Vehicle parking for the multi-family apartments would be included on the first two floors of the southern the building.

For both buildings, each apartment would have an approximately 35 to 65 square feet of private open space. The size of the deck varies by unit location. The units facing the paseo, Race Street, and Grand Avenue would have approximately 65-square foot decks. The units facing the courtyards would have approximately 35-square foot decks. For each building, the proposed private open space meets and exceeds the City's requirements.

### 2.2.5 Green Building Features

The buildings would include GreenPoint Rated green building design features including Energy Star appliances, energy-efficient windows, volatile organic compound (VOC)-free building materials, and water-efficient fixtures.

### 2.2.6 Funding Sources

The Housing Authority of the County of Santa Clara may purchase the site using federal funds. With the use of federal funds, National Environmental Policy Act (NEPA) review meeting the requirements of the U.S. Department of Housing and Urban Development (HUD) (24 Code of Federal Regulations [CFR] 58.36) would be needed, as well as California Environmental Quality Act (CEQA) review for the project. For the purpose of federal funding, the NEPA review focuses on Scenario 2.

## 2.3 STATEMENT OF PURPOSE AND NEED FOR THE PROPOSAL [40 CFR 1508.9(b)]

The purpose of the Race Street and Grand Avenue Residential Project is to provide affordable housing for low income persons in the City of San José. The proposed residential project under Scenario 2 would include 116 below market rate (BMR) family apartments and 90 BMR senior apartments. HACSC proposes to finance the construction of the projects through Low Income Housing Tax Credits (LIHTC) with affordability levels between 20% and 60% of the area median income (AMI). Other sources of financing may include State Affordable Housing and Sustainable Communities (AHSC; also known as Cap and Trade funding), Santa Clara County Measure A funds, federal Moving to Work (MTW) funds, project-based vouchers, and non-federal funds.

The HUD funding for the project is estimated to be $30 million, and the estimated total cost of the project is $100 million.

The 1988 Mayor's Task Force on Housing developed the initial policies that governed the City's affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated in the City's Affordable Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council in November 2015 for Fiscal Year 2016/17-2017/18.

These policies contribute to the creation of a comprehensive Citywide housing vision and ensure that affordable housing resources are distributed equitably and serve those most in need. Faced with competing priorities and limited resources, the City must develop policies that balance these concerns while continuing to provide the greatest good to the largest number of residents.

The proposed action would help meet the City of San José's goals for housing that are listed in the General Plan, including: (1) providing housing in a range of housing densities, especially higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population; (2) increasing, preserving, and improving San José's affordable housing stock; (3) creating and maintaining safe and high quality housing that contributes to the creation of great neighborhoods and great places; and (4) providing housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals. The Race Street and Grand Avenue Residential Action would make a positive impact in addressing the need for affordable housing in San José while enhancing the overall look and feel of the neighborhood.

## 2.4 EXISTING CONDITIONS AND TRENDS [24 CFR 58.40(a)]

### 2.4.1 Regional Outlook

The Bay Area continues to be one of the most expensive real estate markets in the country. Most Bay Area homes are unaffordable for families with average household incomes. As detailed in the San José Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) show a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately $86,000 to $144,000 per year, nearly half of all jobs pay low-income wages between $19,000 and $52,000 annually. Further, projections from EDD anticipate that more

than half of the new jobs created in the County over the next few years will pay $15.00 per hour or less. These working class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30 percent of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. Further, the market has not produced housing that is naturally affordable to low-income households, and public resources for affordable housing have been significantly diminished in recent years. As such, both the existing and future need for affordable housing in San José is considerable and far exceeds available supply.

The low housing availability also contributes to higher home prices. In many Bay Area communities, mostly large single-family homes are planned for and built. This offers consumers limited choice in housing types, especially relatively more affordable smaller homes, condominiums, townhomes, or apartments.

Multi-family housing can provide affordable options for individuals and families. Multi-family housing comes in a range of prices, but it can often include more affordable options than single-family homes. The proportion of multi-family housing built in the Bay Area has increased in the last few years. About one third of the region's total housing stock is in multi-family structures.

### 2.4.2 Local Perspective

According to the Santa Clara County Housing Needs Allocation, 2014 to 2022 (see Table 2.4-1) prepared by the Association of Bay Area Governments (ABAG), the City of San José should add 35,080 new units by 2022 (of which 9,233 would be very low, 5,428 would be low, and 6,188 would be moderate income units) in order to meet the needs for affordable housing.

**Table 2.4-1: Santa Clara County Housing Needs Allocation, 2014-2022**

| Jurisdiction | Very Low <50 Percent | Low < 80 Percent | Moderate <120 Percent | Above Moderate | Total |
|---|---|---|---|---|---|
| Campbell | 253 | 138 | 151 | 391 | 933 |
| Cupertino | 356 | 207 | 231 | 270 | 1,064 |
| Gilroy | 236 | 160 | 217 | 475 | 1,088 |
| Los Altos | 169 | 99 | 112 | 97 | 477 |
| Los Altos Hills | 46 | 28 | 32 | 15 | 121 |
| Los Gatos | 201 | 112 | 132 | 174 | 619 |
| Milpitas | 1,004 | 570 | 565 | 1,151 | 3,290 |
| Monte Sereno | 23 | 13 | 13 | 12 | 61 |
| Morgan Hill | 273 | 154 | 185 | 316 | 928 |
| Mountain View | 814 | 492 | 527 | 1,093 | 2,926 |
| Palo Alto | 691 | 432 | 278 | 587 | 1,988 |
| San José | 9,233 | 5,428 | 6,188 | 14,231 | 35,080 |
| Santa Clara | 1,050 | 695 | 755 | 1,593 | 4,093 |
| Saratoga | 147 | 95 | 104 | 93 | 439 |
| Sunnyvale | 1,640 | 906 | 932 | 1,974 | 5,452 |
| Unincorporated | 22 | 13 | 214 | 28 | 277 |
| **Total** | **16,158** | **9,542** | **10,636** | **22,500** | **58,836** |

Source: Association of Bay Area Governments. *Final Regional Housing Needs Allocation – Santa Clara County*. Adopted July 18, 2013.

### 2.4.3 Physical Setting/Existing Conditions

The 2.3-acre project site consists of nine parcels east of Grand Avenue and west of Race Street within an urbanized area of San José. The project site is bounded by single-family residential uses to the north, and commercial and single-family residential uses to the south. Commercial uses are located west of the project site across Grand Avenue, and commercial and residential development are located east of the site across Race Street. The site is currently developed with commercial and single-family residential uses, along with associated parking and landscaping.

The on-site properties at 243 Race Street, 245 Race Street, 216 Grand Avenue, 246 Grand Avenue, 250 Grand Avenue, and 260 Grand Avenue are one- to two-story single-family residences. The property at 237 Race Street is a two-story office building. The property at 247-253 Race Street is the former Race Street Fish and Poultry restaurant, fish market, and warehouse. The immediate neighborhood surrounding the project site is a mix of commercial, single-family residential, and multi-family residential buildings.

## 2.5 GENERAL PLAN AND ZONING

*General Plan Designation*: Urban Residential
*Zoning District*: Planned Development

# SECTION 3.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This combined CEQA Initial Study and NEPA Environmental Assessment, has been completed to meet applicable requirements of both CEQA and NEPA. In order to satisfy both CEQA and NEPA for the proposed project, this environmental document has been prepared as a joint document, consisting of an Initial Study (IS) under CEQA and an Environmental Assessment (EA) under NEPA.

This combined IS/EA identifies and analyzes the potential environmental impacts of the Race and Grand Residential Project (proposed project) at a project-level. The information and analysis described in this document is organized in accordance with the order of the CEQA checklist in Appendix G of the CEQA Guidelines. Other sections required by NEPA, which are not covered by Appendix G of the CEQA Guidelines, are also included in this document. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that should be applied to the project are prescribed

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

| | | | |
|---|---|---|---|
| 3.1 | Aesthetics | 3.10 | Land Use and Planning |
| 3.2 | Agricultural and Forestry 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 and 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:

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that would minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Baseline** – The baselines for resource analysis are the existing conditions (described in the "Setting" sections of this IS/EA), which are the existing environmental conditions at the time the IS/EA was drafted or when data were collected (i.e., noise measurements, historic evaluation, etc.) unless otherwise stated.

***National Environmental Policy Act (NEPA)***

This section provides key regulatory context information for NEPA, and identifies where the regulatory requirements are addressed within this combined IS/EA. This IS/EA includes all of the information necessary to satisfy the Department of Housing and Urban Development's recommended EA format per 24 CFR 58.36.

> Statutory Checklist [24CFR §58.5]: Refer to Section 4 – Other Sections Required by NEPA – for a full discussion of each listed statute, executive order or regulation and HUD Environmental Standards.
>
> Environmental Assessment Checklist [Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR1508.8 &1508.27]: Refer to Section 3, Evaluation of Environmental Impacts and Section 4, Other Sections Required by NEPA for a full discussion of resource issues.

***Important Note to the Reader***

The California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD),* 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. One of the exceptions is affordable housing, for which hazardous materials, geotechnical hazards, and flooding are still considered CEQA impacts.

In addition, the City of San José currently has policies that address existing conditions (e.g., air quality and noise) 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., Environmental Impact Report [EIR] or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

## 3.1 AESTHETICS

### 3.1.1 Setting

#### 3.1.1.1 *Regulatory Framework*

**California Scenic Highway Program**

The intent of the California Scenic Highway Program (Streets and Highway Code Sections 260 et seq.) is to provide and enhance California's natural beauty and protect the social and economic values provided by the State's scenic resources. The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality.

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.[2] California State Route 9 is approximately 7.5 miles southwest of the project site, and is not visible from the site.

**City of San José General Plan**

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to visual character and scenic resources and would be applicable to the proposed project:

**Envision San José 2040 General Plan Relevant Aesthetics Policies**

| Policy | Description |
|---|---|
| Policy CD-1.1 | Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses. |
| Policy CD-1.8 | Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City. |
| Policy CD-1.12 | Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged. |
| Policy CD-1.13 | Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions. |

[2] California Department of Transportation (Caltrans). "California Scenic Highway Mapping System: Santa Clara County." Accessed July 10, 2017. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

**Envision San José 2040 General Plan Relevant Aesthetics Policies**

| Policy | Description |
|---|---|
| Policy CD-1.17 | Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses. |
| Policy CD-1.23 | Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas. |

In addition to applicable General Plan policies, the project would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines

#### 3.1.1.2 *Existing Conditions*

The project site consists of nine parcels totaling 2.3 acres. The project site is currently developed with commercial and residential uses. The property at 237 Race Street is developed with a two-story office building constructed in 1974 (see Photo 3.1-1). The building at 243 Race Street is a one-story house with an attached barbershop at the front, and was likely built in the late 1890s (see Photo 3.1-2). The 245 Race Street property is developed with a small house moved onto the site in the 1940s (see Photo 3.1-3). Race Street Fish and Poultry, located at 247-253 Race Street and 230 Grand Avenue, operated as a market, restaurant, and distribution center between 1947 and 2016 (see Photo 3.1-4). The property at 216 Grand Avenue is developed with a one-and-one-half story single-family residence constructed before 1913 (see Photo 3.1-5). The building at 246 Grand Avenue is a single-family residence constructed in 1915 (see Photo 3.1-6). The 250 Grand Avenue property is developed with a circa 1916 house (see Photo 3.1-7). The property at 260 Grand Avenue is developed with a circa 1940 house (see Photo 3.1-8). The project site is surrounded by a mix of commercial and single- and multi-family residential development (see Photos 3.1-9 and 3.1-10).

**Photo 3.1-1:** 237 Race Street


**Photo 3.1-2:** 243 Race Street

**Photo 3.1-3:** 245 Race Street

**Photo 3.1-4:** 247-253 Race Street

**Photo 3.1-5:** 216 Grand Avenue

**Photo 3.1-6:** 246 Grand Avenue

**Photo 3.1-7:** 250 Grand Avenue

**Photo 3.1-8:** 260 Grand Avenue


**Photo 3.1-9:** Surrounding residential land uses


**Photo 3.1-10:** Surrounding commercial land uses

### 3.1.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | 1, 2, 4 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ | 1, 5, 6 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |
| d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |

### 3.1.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as aesthetic impacts do not substantially differ between the two scenarios.

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

The project site is not located along a state scenic highway, rural scenic corridor, or City Gateway. Views from the site are limited to the surrounding residential and commercial developments and adjacent streets. The project is located within a developed urban area, and there are no scenic vistas that would be impacted by the proposed project. **[No Impact]**

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

The project site is not located along a state scenic highway and no scenic resources such as heritage trees or rock outcroppings are located on the site. None of the buildings or structures on the site have been designated as historic resources by the City of San José or Santa Clara County.[3][4] **[No Impact]**

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

The project site is currently developed with commercial and single-family residential uses, along with associated parking lots and landscaping. The residential buildings on the site were

[3] City of San José. *Historic Resources Inventory.* Accessed July 10, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/35475
[4] Santa Clara County. *Heritage Resource Inventory*. Accessed July 10, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx

constructed between the 1890s and 1940s, and the commercial buildings were constructed between 1952 and 1974. The existing site buildings are one and two stories tall. The proposed project would alter the visual character of the site and its surroundings by replacing the existing development with new residential structures up to six stories in height and up to 8,500 square feet of commercial uses. The proposed buildings would be modern in style, with stucco and HardiePlank siding, vinyl windows, and metal railings and ventilation screens.

The project site is surrounded by a mix of commercial and single- and multi-family residential development. The project would be generally compatible with the visual character of the surroundings.

Development under the proposed project would be reviewed in accordance with the City's Residential Design Guidelines during the Planning Permit stage (i.e. Site Development or Planned Development Permit) as part of the City's planning review process. For this reason and those stated above, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **[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?**

The project site is developed and located in an urban area with single- and multi-story residential and commercial development. The existing uses on the site include limited outdoor lighting (i.e., security and decorative lights on the buildings). The project would install new light fixtures as part of the redevelopment of the site.

The project proposes to replace the existing one- and two-story buildings with up to six stories of residential development. The project would include security lights, parking garage lights, and decorative outdoor lighting. The project would incrementally increase the amount of nighttime lighting on the project site. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan design and lighting policies would not create a new source of nighttime light that would adversely affect views.

The design of the proposed project would also be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's commercial Design Guidelines. As a result, the project would not significantly impact adjacent uses with daytime glare from building materials. **[Less Than Significant Impact]**

### 3.1.4 Conclusion

Conformance with existing General Plan policies, City design guidelines, and City Council policy will ensure that the proposed project would not result in significant adverse visual or aesthetic impacts for either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

## 3.2 AGRICULTURAL AND FORESTRY RESOURCES

### 3.2.1 Setting

#### 3.2.1.1 *Regulatory Framework*

**State Regulations**

The California Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.

**City of San José General Plan**

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to agricultural resources and are applicable to the proposed project:

**Envision San José 2040 General Plan Relevant Agricultural Resources Policies**

| Policy | Description |
|---|---|
| Policy LU-12.3 | Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:<br>• Limit residential uses in agricultural areas to those which are incidental to agriculture.<br>• Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.<br>• Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.<br>• Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan. |
| Policy LU-12.4 | Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands. |

#### 3.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes, and is located within an existing developed area of Santa Clara County. According to the *Santa Clara County Important Farmland 2014* map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least six units per 10-acre parcel. Common examples of Urban and Built-Up Land include residential, industrial, and commercial purposes; golf courses; landfills; airports; sewage treatment; and water control structures.

The site is not designated by the California Resources Agency as farmland of any type and is not the subject of a Williamson Act contract. No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

### 3.2.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ | 1, 2, 7 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | 1, 3, 8 |
| 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))? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3 |
| d) Result in a loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | 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 or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3 |

### 3.2.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as agricultural and forestry resources impacts do not substantially differ between the two scenarios.

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

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources. **[No Impact]**

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

The project site is not zoned for agriculture, and it is not the subject of a Williamson Act contract. The project would not conflict with existing zoning for agriculture. **[No Impact]**

**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))?**

The project site and surrounding area are developed with urban uses, and are not zoned for forest land or timberland. The project would not conflict with existing zoning for forest land, timberland, or timberland production. **[No Impact]**

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. The proposed project would, therefore, not impact forest land or timberland. **[No Impact]**

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use**?

According to the *Santa Clara County Important Farmland 2014* map, the project site and surrounding area are designated as Urban and Built-Up Land. Redevelopment of the project site would not result in conversion of any forest or farmlands. **[No Impact]**

### 3.2.4 Conclusion

The proposed project would have no impact on agricultural land, agricultural activities, or forestry resources for either Scenario 1 or Scenario 2. **[No Impact]**

## 3.3 AIR QUALITY

The discussion in this section is based in part on the *Air Quality Assessment* prepared by Illingworth & Rodkin, Inc. on November 3, 2017. This report is included in this Initial Study / Environmental Assessment as Appendix A.

### 3.3.1 Setting

#### 3.3.1.1 *Regulatory Framework*

**Regional Air Quality Thresholds**

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the Bay Area Air Quality Management District believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with Toxic Air Contaminants (TACs) and fine particulate matter. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 3.3-1.

| Table 3.3-1: BAAQMD Air Quality Significance Thresholds | | | |
|---|---|---|---|
| **Pollutant** | **Construction Thresholds** | **Operational Thresholds** | |
| | **Average Daily Emissions** (pounds/day) | **Average Daily Emissions** (pounds/day) | **Annual Average Emissions** (tons/year) |
| **Criteria Air Pollutants** | | | |
| ROG | 54 | 54 | 10 |
| $NO_x$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (Exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (Exhaust) | 54 | 10 |
| CO | Not Applicable | 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) | |
| Fugitive Dust | Construction Dust Ordinance or other Best Management Practices | Not Applicable | |
| **Health Risks and Hazards for Single Sources** | | | |
| Excess Cancer Risk | >10 per one million | | |
| Hazard Index | >1.0 | | |
| Incremental annual $PM_{2.5}$ | >0.3 µg/$m^3$ | | |
| **Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)** | | | |
| Excess Cancer Risk | >100 per one million | | |
| Hazard Index | >10.0 | | |
| Annual Average $PM_{2.5}$ | >0.8 µg/$m^3$ | | |
| Notes: ROG = reactive organic gases, NOx = nitrogen oxides, $PM_{10}$ = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µm/$m^3$ = micrograms per cubic meter. | | | |
| Sources:<br>Bay Area Air Quality Management District. *CEQA Thresholds Options and Justification Report*. 2009.<br>Bay Area Air Quality Management District. *CEQA Air Quality Guidelines.* May 2017. | | | |

## Envision San José 2040 General Plan

In connection with the implementation of BAAQMD's Bay Area 2017 Clean Air Plan (CAP), various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The proposed project would be subject to the air quality policies listed in the General Plan, including the following:

**Envision San José 2040 General Plan Relevant Air Quality Policies**

| Policy | Description |
|---|---|
| Policy MS-10.1 | Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures. |
| Policy MS-10.2 | Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law. |
| Policy MS-11.1 | Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety. |
| Policy MS-11.2 | For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors. |
| Policy MS-11.5 | Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses. |
| Policy MS-13.1 | Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type. |
| Policy MS-13.3 | Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations. |
| Policy CD-3.3 | Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets. |
| Policy TR-9.1 | Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips. |

### 3.3.1.2 *Existing Conditions*

#### Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San

Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

### Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB), 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.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$) and state standards for particulate matter ($PM_{10}$). The area is considered in attainment or unclassified for all other pollutants.

### Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants. TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine particulate matter is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Mobile TAC sources within 1,000 feet of the project site are the surrounding streets, including Race Street, West San Carlos Avenue, and Lincoln Avenue. There are no large stationary sources of TACs in the project area.

### Sensitive Receptors

The Bay Area Air Quality Management District defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the adjacent residential uses.

### 3.3.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ | 1, 9 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ | 1, 9 |
| 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? | ☐ | ☐ | ☒ | ☐ | 1, 9 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☐ | ☐ | 1, 9 |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | 1 |

### 3.3.3 Impact Discussion

The proposed project includes the following options:

**Scenario 1:** The project proposes to demolish all existing buildings and structures on the site and construct approximately 206 multi-family residential units. Scenario 1 would also include vehicular access and retail/commercial space of:

- Option 1A: Vehicular access would be provided via a driveway on Grand Avenue. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.
- Option 1B: Vehicular access would be provided via a driveway on Race Street. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.
- Option 1C: Vehicular access would be provided via a driveway on Grand Avenue. No retail/commercial uses would be developed.

**Scenario 2:** The project proposes to demolish all existing buildings and structures on the site and construct 116 family apartments and 90 senior apartments. Scenario 2 would also include the same vehicular access and retail/commercial space options as Options 1A to 1C above.

The *Air Quality Assessment* determined that the air quality impacts under Scenario 2 would be less than those under Scenario 1 given that 90 senior apartments would generate fewer trips than an equivalent number of multi-family apartment units; therefore, Scenario 1 options represent the worst-case scenario and are the focus of the discussion below.

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

BAAQMD is the agency primarily responsible for assuring the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recent adopted plan is the Bay Area 2017 Clean Air Plan. Determining consistency with the 2017 CAP involves assessing whether applicable control measures in the 2017 Clean Air Plan are implemented. Implementation of control measures improve air quality and protect health. The project's consistency with applicable control measures is summarized in Table 3.3-2, below. As shown in Table 3.3-2, the project is consistent with applicable control measures and with the San José General Plan by developing a high-density, transit-oriented infill development, installing energy efficient features, and planting a net increase of at least 43 trees. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. For these reasons, the project would not conflict with or obstruct implementation of the CAP. **[Less Than Significant Impact]**

**Table 3.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures**

| Control Measures | Description | Project Consistency |
|---|---|---|
| ***Transportation Control Measures*** | | |
| Trip Reduction Programs | Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. | The project proposes multi-family residential development at an infill, urban location in proximity to bus routes 23, 63, 81, and 323, and 1.3 miles from the San José Diridon Caltrain Station. The project includes 30 long-term and 20 short term bicycle parking spaces to promote automobile-alternative modes of transportation. The project, therefore, is consistent with this measure. |
| Bicycle and Pedestrian Access and Facilities | Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities. | The project would include at least 50 bicycle parking spaces. The project area is well equipped with pedestrian facilities including sidewalks and crosswalks. The project, therefore, is consistent with this measure. |
| Land Use Strategies | Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices. | The project proposes residential development of multi-family residential units at an infill, urban location in proximity to bus routes and the Diridon Caltrain Station. The project, therefore, is consistent with this measure. |
| ***Building Control Measures*** | | |
| Green Building | Identify barriers to effective local implementation of the CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. | The project would comply with the City's Green Building Program and the California Green Building Standards Code (CalGreen). The project, therefore, is consistent with this measure. |

| Table 3.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures | | |
|---|---|---|
| **Control Measures** | **Description** | **Project Consistency** |
| | Engage with additional partners to target reducing emissions from specific types of buildings. | |
| Decarbonize Buildings | Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters. | The project would be constructed to be "solar ready" with pre-wiring for solar water heating and solar electricity. The project, therefore, is consistent with this measure. |
| Urban Heat Island Mitigation | Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing. | The project would locate vehicle parking for the residents in parking garages on the first floor of the Parcel A building and the first and second floors of the Parcel B building. In addition, the project would plant new landscaping and trees. These features would reduce the project's heat island effect. The project, therefore, is consistent with this measure. |
| ***Waste Management Control Measures*** | | |
| Recycling and Waste Reduction | Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects. | The project shall provide recycling services to project residents as mandated by Assembly Bill 341 and the City's Multi-family Recycling Program. The project, therefore, is consistent with this measure. |
| ***Water Control Measures*** | | |
| Support Water Conservation | Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance. | The project would comply with CalGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, would be consistent with this measure. |

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

As discussed below under checklist question *c* and *d* of *Section 3.3, Air Quality*, the project would have emissions below the BAAQMD thresholds for ozone precursors and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level.

Congested intersections with a large volume of traffic have the greatest potential to cause highly localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon

monoxide levels have been at levels that are below state and federal standards in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the carbon monoxide standard.

The highest measured level of carbon monoxide over any eight-hour period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes below the BAAQMD screening criteria[5] and, therefore, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. **[Less Than Significant Impact]**

**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?**

The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the federal Clean Air Act and California Clean Air Act. The area is also considered non-attainment for $PM_{10}$ under the California Clean Air Act, but not the federal act. The area has attained both state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter, BAAQMD has established thresholds of significance for these air pollutants and their precursors (refer to Table 3.3-1). These thresholds are for ozone precursor pollutants (reactive organic gases [ROG] and nitrogen oxides [NOx]), $PM_{10}$, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

**Construction Period Emissions**

Construction period emissions were modeled based on an equipment list and schedule information provided by the applicant. Refer to Appendix A for more detail about the modeling, data inputs, and assumptions. Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of $PM_{10}$ and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Table 3.3-3 below summarizes the project's estimated construction emissions of ROG, NOx, $PM_{10}$ exhaust, and $PM_{2.5}$ exhaust for Option 1A and 1B. Option 1C, which includes 206 apartments and no retail, would have lower average daily emissions.

BAAQMD considers construction emissions impacts that are below the thresholds of significance (such as those of the project) less than significant if best management practices (BMPs) are implemented. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

[5] For a land-use project type, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

| Table 3.3-3: Summary of Project Construction Period Emissions (Options 1A and 1B) | | | | |
|---|---|---|---|---|
| **Scenario** | **ROG** | **NOx** | **$PM_{10}$ Exhaust** | **$PM_{2.5}$ Exhaust** |
| | (pounds per day) | | | |
| Average daily emissions (pounds)[1] | 6.8 | 5.0 | 0.2 | 0.2 |
| *BAAQMD Thresholds (pounds per day)* | *54* | *54* | *82* | *54* |
| **Exceed BAAQMD Threshold?** | **No** | **No** | **No** | **No** |

**Standard Permit Conditions*:*** The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- 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 we 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 (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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 the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With the implementation of the above Standard Permit Conditions, construction air quality impacts would be less than significant. **[Less Than Significant Impact]**

### Operational Period Emissions

Operational air emissions from the project were modeled and would be generated primarily from vehicles driven by future residents, employees, and customers. Evaporative emissions from

architectural coatings and maintenance products are also typical emissions from these types of uses. Refer to Appendix A for more detail about the model and data inputs and assumptions.

Table 3.3-4 below summarizes the project's estimated operational emissions for Options 1A and 1B. Option 1C (with no retail uses) would have lower operational emissions. Table 3.3-4 shows that the project's annual and daily operational emissions would not exceed the BAAQMD significance thresholds. **[Less Than Significant Impact]**

**Table 3.3-4 Operational Emissions (Options 1A and 1B)**

| Scenario | ROG | NOx | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| 2022 Project (tons) | 1.34 | 1.34 | 1.07 | 0.31 |
| *BAAQMD Thresholds (tons/year)* | *10* | *10* | *15* | *10* |
| **Exceed BAAQMD Threshold?** | **No** | **No** | **No** | **No** |
| Project Operational Emissions (pounds/day) | 7.3 | 7.3 | 5.9 | 1.7 |
| *BAAQMD Thresholds (pounds/day)* | *54* | *54* | *82* | *54* |
| **Exceed BAAQMD Threshold?** | **No** | **No** | **No** | **No** |

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

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of Toxic Air Contaminants or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity.[6] The project would introduce a new source of temporary TACs during project construction near existing sensitive receptors and would introduce new sensitive receptors in proximity to air pollutant or contaminant sources.[7] BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of $PM_{10}$ and $PM_{2.5}$. With implementation of the standard permit condition listed above, fugitive dust impacts would be less than significant.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As discussed above, these exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions, however, may still pose community health risks for sensitive receptors such as

[6] Toxic air contaminants are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). Additional details about air pollutants and their regulations are included in Appendix A.

[7] The project would not be introducing a substantial source of operational-related, localized TACs. No stationary sources of TACs, such as generators, are proposed as part of the project. Therefore, an impact analysis of project operational TACs on existing sensitive receptors was not completed.

nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A community risk assessment was completed to evaluate potential health effects to sensitive receptors at nearby residences.

Particulate Matter

The maximum-modeled $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.2 microgram per cubic meter and would occur at a residence adjacent to the southern project site boundary. The maximum annual $PM_{2.5}$ concentration would not exceed the BAAQMD significance threshold of 0.3 microgram per cubic meter.

Cancer Risks

Results of the community risk assessment (see Appendix A) indicate that the maximum excess residential cancer risk would be 15.8 in one million for an infant exposure and 0.3 in one million for an adult exposure. The maximum residential excess cancer risk would exceed the BAAQMD significance threshold of 10 in one million. The project shall implement the following mitigation measure as a condition of approval for the future Planned Development Permit.

**Impact AIR-1:** The project would result in a maximum residential cancer risk during construction activities that would exceed the BAAQMD significance threshold. **[Significant Impact]**

**Mitigation Measure:** The project proposes to implement the following measure to reduce construction-related TACs at nearby sensitive receptors to a less than significant level:

**MM AIR-1.1:** The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 37 percent reduction in $PM_{10}$ exhaust emissions (assumed to be diesel particulate matter) or more. Feasible methods to achieve this reduction would include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and include the use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters.
- Use of alternatively-fueled equipment (i.e., non-diesel).
- Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.
- The project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction to demonstrate how a fleet-wide average 37 percent reduction in DPM

emissions would be achieved. The plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first). The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure.

The implementation of standard permit conditions would reduce project construction exhaust emissions by five percent and fugitive dust emissions by over 50 percent. Implementation of MM AIR-1.1 would further reduce on-site diesel exhaust emissions. With mitigation, the maximum increased cancer risk would be less than 5.2 in one million, below the BAAQMD threshold of 10 per one million. Therefore, the project would have a less than significant impact with respect to community risk caused by construction activities. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

Odors are general considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Residential and retail development, such as the proposed project, do not typically generate objectionable odors. **[No Impact]**

### 3.3.4 Conclusion

The proposed project, in conformance with existing General Plan policies, MM AIR-1.1, and standard permit conditions above, would ensure that air quality impacts would be reduced to a less than significant level for both Scenario 1 and Scenario 2. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

## 3.4 BIOLOGICAL RESOURCES

The discussion in this section is based in part on a *Tree Report* prepared for the project site by HortScience, Inc. on April 21, 2017. The report is included in this Initial Study / Environmental Assessment as Appendix B.

### 3.4.1 Setting

#### 3.4.1.1 *Regulatory Framework*

**Special-Status Species**

Special-status species include plants or animals that are listed as threatened or endangered under the federal and/or California Endangered Species Act (CESA), species identified by the California Department of Fish and Wildlife (CDFW) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society (CNPS) as rare, threatened, or endangered.

**Migratory Bird Treaty Act**

The federal Migratory Bird Treaty Act (MBTA: 16 USC Section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, bird nests, and eggs. Construction disturbance during the breeding season could result in a violation of the MBTA such as the incidental loss of fertile eggs or nestlings, or nest abandonment.

**California Fish and Game Code**

The California Fish and Game Code includes regulations governing the use of, or impacts on, many of the state's fish, wildlife, and sensitive habitats. Certain sections of the Fish and Game Code describe regulations that pertain to certain wildlife species. Fish and Game Code Sections 3503, 2513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by CDFW.

**Santa Clara Valley Habitat Plan/Natural Community Conservation Plan**

The Santa Clara Valley Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Habitat Plan is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of San José, Gilroy, and Morgan Hill) and two wildlife agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to provide mitigation for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands.

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

**Envision San José 2040 General Plan Relevant Biological Resources Policies**

| Policy | Description |
|---|---|
| Policy ER-5.1 | Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts. |
| Policy ER-5.2 | Require that development projects incorporate measures to avoid impacts to nesting migratory birds. |
| Policy MS-21.4 | Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it. |
| Policy MS-21.5 | As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy. |
| Policy MS-21.6 | As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines. |
| Policy MS-21.8 | For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:<br>1. Avoid conflicts with nearby power lines.<br>2. Avoid potential conflicts between tree roots and developed areas.<br>3. Avoid use of invasive, non-native trees.<br>4. Remove existing invasive, non-native trees.<br>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.<br>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species. |
| Policy CD-1.24 | Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest. |

**San José Tree Ordinance**

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 56 inches in circumference, or approximately 18 inches in diameter, at a height of 24 inches above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

### 3.4.1.2 *Existing Conditions*

The project site is located in an urban area surrounded by existing residential and commercial development. The site is currently developed with single-family homes and commercial uses, along with associated parking and landscaping. The project site currently supports 38 existing trees, including eight ordinance-size trees.

Developed, urban areas are generally low in species diversity. Common species that occur in urban environments include rock pigeons, mourning doves, house sparrows, finches, and European starlings. Raptors and other avian species could forage in the project area or nest in surrounding landscaping or within buildings.

There are no sensitive habitats or wetlands on or adjacent to the project site. Due to the lack of sensitive habitats, and the human disturbance and development, at the project site, special-status plant and animal species are not expected to occur. The primary biological resources on-site are landscape trees.

### 3.4.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? | ☐ | ☐ | ☒ | ☐ | 1, 10 |
| 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? | ☐ | ☐ | ☐ | ☒ | 1, 2 |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 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? | ☐ | ☐ | ☐ | ☒ | 1 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | ☐ | ☒ | ☐ | ☐ | 1 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 11, 12 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☒ | ☐ | 1, 2, 10 |

### 3.4.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as biological resources impacts do not substantially differ between the two scenarios.

**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?**

The project site is located in an urban area that is developed with residential and commercial uses. The site is developed with residential and commercial uses and associated pavement and landscaping. No sensitive habitats or habitats suitable for special-status plant or wildlife species occur on or adjacent to the project site; therefore, redevelopment of the project site under the proposed project would not directly impact special-status species. **[Less Than Significant Impact]**

**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?**

The project site is located in an urban area and does not contain any riparian habitats or other sensitive natural communities. **[No Impact]**

**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?**

The project site is surrounded by urban uses and is devoid of wetlands, marshes, and vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act. **[No Impact]**

**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?**

The site does not support a watercourse or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. Therefore, the site has limited potential to serve as a migratory corridor for wildlife.

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Redevelopment of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by CDFW and USFWS. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact. The project shall implement the following mitigation measure as a condition of approval for the future Planned Development permit.

**Impact BIO-1:** Demolition, grading, and construction activities and tree removal during nesting season could impact nearby migratory birds. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following measure to avoid impacts to nesting migratory birds. Within incorporation of this measure, the project would result in a less than significant impact.

**MM BIO-1.1:** Avoidance: 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), as amended.

**MM BIO-1.2:** Nesting Bird Surveys: 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.

**MM BIO-1.3:** Buffer Zones: 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.

**MM BIO-1.4:** Reporting: 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 MM BIO-1.1 through MM BIO-1.4 would reduce potential impacts to candidate, sensitive, and/or special status species to a less than significant level. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 56 inches in circumference, or approximately 18 inches in diameter, at a height of 24 inches above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality.

The project site currently supports 38 existing trees. In both scenarios, redevelopment of the site with multi-family residential uses would be expected to result in the removal of 36 trees, including six ordinance-size trees. Two ordinance-size London plane trees would be preserved.

The impact to the urban forest resulting from the removal of the trees would be offset by the planting of replacement trees on-site, in conformance with General Plan Policies MS-21.4, MS-21.6, and MS-21.8. The removed trees would be replaced according to tree replacement ratios required by the City, summarized in Table 3.4-1. This condition shall be included as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** The trees removed by the proposed project would be replaced according to the City's required replacement ratios, as provided in Table 3.4-1 below.

| Table 3.4-1: Tree Replacement Requirements | | | | |
|---|---|---|---|---|
| **Diameter of Tree to be Removed** | **Type of Tree to be Removed** | | | **Minimum Size of Each Replacement Tree** |
| | **Native** | **Non-Native** | **Orchard** | |
| 18 inches or greater | 5:1 | 4:1 | 3:1 | 24-inch box |
| 12 – 18 inches | 3:1 | 2:1 | None | 24-inch box |
| Less than 12 inches | 1:1 | 1:1 | None | 15-gallon container |
| x:x = tree replacement to tree loss ratio | | | | |

In the event the project site does not have sufficient area to accommodate the require tree mitigation, one or more of the following measures would 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 a 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building, and Code Enforcement.
- A donation may be made to Our City Forest or similar organization for in-lieu off-site tree planting in the community. Such donations would be equal to the cost of the required replacement trees, including associated installation costs for off-site tree planting in the local community. A receipt for any such donation shall be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.

Removal and replacement of street trees will be coordinated with the Department of Transportation.

Compliance with the City's Tree Replacement Standards would reduce the impacts of tree removal to a less than significant level. **[Less Than Significant Impact]**

**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?**

The Santa Clara Valley Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to provide mitigation for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands. The

project site is not identified as important habitat for endangered and threatened species. Therefore, the proposed project would not result in direct impacts to the Habitat Plan's covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** The project shall implement the following condition to reduce the impacts to endangered and threatened species:

- The project is subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a SCVHP 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.

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. The project would pay nitrogen deposition fees based on the trip generation associated with the proposed uses. Option 2C, with senior housing and no retail uses, would generate the lowest traffic volumes. Options 1A and 1B, with multi-family housing and retail uses, would generate the most traffic and pay the largest nitrogen deposition fee. **[Less Than Significant Impact]**

### 3.4.4 Conclusion

Conformance with the General Plan policies, Habitat Plan requirements, and State and federal laws discussed above, as well as implementation of MM BIO-1.1 through MM BIO-1.4 and standard permit conditions, would ensure that biological impacts from the redevelopment of this urban property would be reduced to a less than significant level for both Scenario 1 and Scenario 2. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

## 3.5 CULTURAL RESOURCES

The discussion of cultural resources in this section is based on the *Cultural Resources Literature Search* prepared by Holman & Associates on April 19, 2017 and a *Historic Resources Survey and Report* prepared by Archives & Architecture on April 25, 2017. The *Cultural Resources Literature Search* is on file with the City of San José Department of Planning, Building, and Code Enforcement (PBCE). The *Historic Resources Survey and Report* is included in this Initial Study / Environmental Assessment as Appendix C1.

### 3.5.1 Setting

#### 3.5.1.1 *Regulatory Framework*

**Federal**

Historic Resources

The National Register of Historic Places (NRHP) is the National Park Service's official list of historic places worthy of preservation, and is part of a national program to identify, evaluate, and protect historic and archaeological resources. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context," and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

**State**

Historic Resources

The California Register of Historical Resources (CRHR) includes buildings and sites significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of the state. The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: a Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and State significance. They are:

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

Native American 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. The legislation includes new requirements for consultation regarding projects that may affect a tribal cultural resource, a definition of what may be considered to be a tribal cultural resources, and 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 mitigate or avoid a significant impact on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Paleontological Resources

Several sections of the California Public Resources Code protect paleontological resources. Section 5097.5 prohibits "knowing and willful" excavation, removal, destruction, injury, and defacement of any "vertebrate paleontological site, including fossilized footprints" on public lands, except where the agency with jurisdiction has granted express permission. "As discussed in this section, 'public lands' means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof." California Public Resources Code Section 30244 requires reasonable mitigation for impacts on paleontological resources that occur as a result of development on public lands.

## Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to redevelopment on the site:

**Envision San José 2040 General Plan Relevant Cultural Resources Policies**

| Policy | Description |
|---|---|
| Policy ER-10.1 | For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design. |
| Policy ER-10.2 | Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps |

**Envision San José 2040 General Plan Relevant Cultural Resources Policies**

| Policy | Description |
|---|---|
| | that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced. |
| Policy ER-10.3 | Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources. |
| Policy LU-13.8 | Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character. |
| Policy LU-13.15 | Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources. |

In addition, Historic Preservation Policies (e.g., LU-13.1 through LU-15) also may apply in the event landmark buildings or districts of historic significance are located within or near new development at the time it is proposed.

**Municipal Code – Historic Preservation Ordinance**

City of San José Criteria for Local Significance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature' as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;

2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future

generations an example of the physical surroundings in which past generations lived or worked; or

f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A). The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B). Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The "Historic Evaluation Sheet" requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into three categories:

- Candidate City Landmark (CCL)
- Structure of Merit (SM) and/or Contributing Structure (CS)
- Non-Significant (NS)/Non-Contributing Structure (NCS)

According to the City of San José's *Guide to Historic Reports*, a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential." The preservation of Structures of Merit "should be a high priority" but these structures are not considered significant historic resources for the purposes of CEQA.

#### 3.5.1.2 *Existing Conditions*

**Archaeological Resources**

There are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity. [8] No known archaeological resources are located within 0.25 mile of the project site. The potential for accidental discovery of archaeological materials is considered moderate to high due to the historical development of the project footprint and the proximity to a waterway.

In this area of San José, native people often settled on lands within 0.5 mile of major creeks and rivers, as well as locations along the edge of historic bay wetlands, near freshwater sources, and near springs. The project site is 0.5 mile from Los Gatos Creek on part of a large valley terrace. There is

[8] City of San José. *Envision San José 2040 General Plan FEIR: City of San José Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources.* 2010.

a moderate potential for intact prehistoric archaeological deposits and cultural materials within the project area.[9]

Based upon the cultural resources literature review, there is a moderate to high potential for intact historic-era archaeological deposits within the project area.

### Historic Resources

The project site is situated on a block that was initially subdivided for residential development in 1889. Prior to that time, it was part of larger agricultural lands. The subdivision was built out in the early twentieth century, and evolved to an unincorporated mixed-use urban district in the 1950s.

The project site contains nine existing parcels. Two parcels are associated historically with Race Street Fish and Poultry. One property has a two-story office building, and the remaining six properties have single-family residential detached buildings, one of which has an attached commercial use (barbershop). The residential buildings were constructed between the late 1890s and the 1940s. The current buildings comprising Race Street Fish and Poultry were constructed in 1952, with additions through 1969. The two-story office building was constructed in 1974.
Based on a review of the City's Historic Resources Inventory and the identification of historic resources in the City of San José completed for the General Plan, there are no known historic sites in the project area. None of the properties within the project site, nor the adjacent properties within the boundaries of the Area of Potential Effect (APE), appear on any local, state, or federal lists of historically or architecturally significant structures and/or sites, landmarks, or points of interest.
The existing residential and commercial buildings on the site do not appear to have exemplary characteristics in design and are not associated with any patterns of development or significant events in the history of the City that would make the building eligible for the National Register of Historic Places, California Register of Historical Resources, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory. [10]

### Paleontological Resources

The site is located in an area of high paleontological sensitivity at depth, but is not within an area of high paleontological sensitivity at the ground surface.[11]

[9] Holman & Associates. *Archaeological Literature Search Results*. April 19, 2017.
[10] Santa Clara County. *Heritage Resource Inventory*. Accessed May 4, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx.
[11] City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report.* 2010.

### 3.5.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5? | ☐ | ☐ | ☐ | ☒ | 1, 5, 13, 14, 15 |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5? | ☐ | ☒ | ☐ | ☐ | 1, 5, 13, 14, 15 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | ☐ | ☐ | ☒ | ☐ | 1, 2, 13, 14 |
| d) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☐ | ☒ | ☐ | 1, 2, 14 |
| e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | | |
| 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or | ☐ | ☐ | ☐ | ☒ | 1, 2, 14 |
| 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered. | ☐ | ☐ | ☐ | ☒ | 1, 2, 14 |

### 3.5.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as cultural resources impacts do not substantially differ between the two scenarios.

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

As discussed above, there are no known historic sites in the project area. The project site and adjacent properties do not appear on any local, state, or federal lists of historically or architecturally significant structures and/or sites, landmarks, or points of interest. The existing buildings are not eligible for listing on the NRHP, CRHR, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory. The proposed project would not have an effect on significant or potentially significant architectural resources. **[No Impact]**

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

There are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity. [12] No known archaeological resources are located within 0.25 mile of the project site. The potential for accidental discovery of archaeological materials is considered moderate to high due to the historical development of the project footprint and the proximity to a waterway. The project proposes to excavate to approximately 10 feet below grade during construction. Therefore, the project shall implement the following mitigation measure as part of the project approval of the future Planned Development permit.

**Impact CUL-1:** Construction activities could impact unknown archaeological resources. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following mitigation measures to reduce and/or avoid impacts to buried archaeological resources on site to a less than significant level.

**MM CUL-1.1:** Preliminary Investigation: Once the buildings and structures have been demolished and the pavement and landscaping removed, a qualified archaeologist shall complete mechanical presence/absence exploration to determine if there are any indications of discrete historic-era subsurface archaeological features. Shallow mechanical excavations shall be focused along the back part of the lot boundaries dividing the eastern and western parcels between Grand Avenue and Race Street where historical outbuildings were once situated. At least one trench shall be excavated to 15 feet deep to address the potential for subsurface Native American archaeological resources within the project area. The results of the presence/absence exploration shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in MM CUL-1.2) shall be prepared by a qualified archaeologist if necessary.

[12] City of San José. *Envision San José 2040 General Plan FEIR: City of San José Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources.* 2010.

**MM CUL-1.2** Treatment Plan: If required by MM CUL 1-1, the project applicant shall retain a qualified archaeologist to prepare a treatment plan that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

**MM CUL-1.3:** Accidental Discovery: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.

The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any occupancy permits. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it shall be avoided by project activities. Project personnel shall not collect or move any cultural

material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan per MM CUL-1.2, or otherwise equivalent as determined by the qualified archaeologist.

Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement and the Northwest Information Center (NWIC) prior to issuance of occupancy permits.

Implementation of MM CUL-1.1 through MM CUL-1.3 would reduce and/or avoid impacts to buried archaeological resources to a less than significant level. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

The project site is located in an area of high paleontological sensitivity at depth, but not of high sensitivity at the ground surface. [13] Additionally, soil on the project site has been previously disturbed during construction of the existing residential and commercial buildings. Redevelopment of the site under the proposed project is not expected to encounter paleontological resources.

Although not anticipated, construction activities associated with the proposed project could significantly impact paleontological resources, if they are encountered. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** The following measure shall be applied to redevelopment of the project site to reduce and/or avoid impacts to paleontological resources:

- 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

[13] City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report (FEIR)*. Figure 3.11-1. 2010.

preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.

Implementation of the above Standard Permit Condition, in accordance with General Plan policies, would ensure that the proposed project would not significantly impact paleontological resources. **[Less Than Significant Impact]**

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

The project site is not located on or near a known archaeological site or cemetery. Although the likelihood of encountering human remains is low, the disturbance of these remains, if they are encountered during construction, could result in an impact. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Conditions:** The following measures shall be applied to the project to reduce and/or avoid impacts to human remains:

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the above Standard Permit Conditions would reduce and/or avoid impacts to unknown human remains to a less than significant level. **[Less Than Significant Impact]**

**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.**

No tribal cultural resources eligible for or listed on the California Register of Historical Resources have been identified on or adjacent to the project site. No known Native American sacred sites are located on or adjacent to the project site. In addition, as part of their archeological investigation, Holman & Associates contacted the Native American Heritage Commission to request a review of the Sacred Land Files (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project site. It was determined by the NAHC that no tribal cultural resources were identified during the review. They also provided a contact list of six Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. Additional outreach has been conducted (phone calls or emails) and no responses, concerns, or additional comments regarding the project were provided. To date, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José under AB 52 regarding the project and their effects on the tribal cultural resources. **[No Impact]**

### 3.5.4 Conclusion

Implementation of the proposed project, in accordance the standard permit conditions and MM CUL-1.1 through MM CUL-1.3 above, would ensure that the project would result in a less than significant impact to cultural resources for both Scenario 1 and Scenario 2. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

## 3.6 GEOLOGY AND SOILS

The discussion in this section is based in part on the *Preliminary Geotechnical Engineering Investigation* prepared by BAGG Engineers on June 22, 2017. This report is included in this Initial Study / Environmental Assessment as Appendix D.

### 3.6.1 Setting

#### 3.6.1.1 *Regulatory Framework*

**Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive 1971 San Fernando earthquake. The AP Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.

**Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The SHMA established a state-wide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The California Geological Survey (CGS) is mapping SHMA Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, which include the central San Francisco Bay Area and Los Angeles Basin.

**California Building Code**

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2016 Building Standards Code.

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The proposed project would be subject to the geology and soil policies listed in the City's General Plan, including the following:

## Envision San José 2040 General Plan Relevant Geology and Soil Policies

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

## City of San José Municipal Code

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

### 3.6.1.2 *Existing Conditions*

**Regional Geology**

The City of San José is located in the eastern portion of the Santa Clara Valley. The Santa Clara Valley, an alluvial basin, is oriented northwest to southeast and is bounded by the Santa Cruz Mountains to the west and the Hamilton/Diablo Range to the east. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Late Jurassic to Cretaceous age (70 to 140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age.

**Seismicity and Seismic Hazards**

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. Major faults in the area include the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east. During an earthquake, very strong ground shaking could occur at the project site.

The project site is not located within an Alquist-Priolo Special Studies Zone or Santa Clara County Fault Hazard Zone. There are no known faults at the project site. Therefore, ground rupture on the site is unlikely.

Liquefaction and Lateral Spreading

Liquefaction is a seismic hazard and is characterized as the temporary transformation of soils to a liquid state during ground shaking. Lateral spreading, typically associated with liquefaction, is horizontal ground movement of flat-lying soil deposits toward a free face such as an excavation, channel, or open body of water.

According to the California Geological Survey, the project site is located within a State of California Seismic Hazard Zone for liquefaction. There is no known history of liquefaction-induced damage at the site. The project site is not located adjacent to a creek or open body of water.

Landslides

The project site is located within the relatively flat Santa Clara Valley. According to the California Geological Survey, the project site is not located within a State of California Seismic Hazard Zone for earthquake-induced landslides.

### 3.6.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| 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.)? | ☐ | ☐ | ☐ | ☒ | 1, 16, 17 |
| 2. Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | 1, 16, 17 |
| 3. Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ | 1, 16, 17 |
| 4. Landslides? | ☐ | ☐ | ☐ | ☒ | 1, 16, 17 |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ | 1, 3 |
| c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | 1, 16, 17 |
| 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? | ☐ | ☐ | ☒ | ☐ | 1, 3, 16 |
| 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? | ☐ | ☐ | ☐ | ☒ | 1 |

### 3.6.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as geology and soils impacts do not substantially differ between the two scenarios.

**a, c) 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, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides? Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. Major faults in the area include the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east. During an earthquake, very strong ground shaking could occur at the project site.

The project site is not located within a known earthquake fault zone or landslide hazard zone. The site is located within a State of California Liquefaction Hazard Zone. There is no known history of liquefaction-induced damage at the site. A liquefaction potential evaluation was completed as part of the geotechnical investigation, and average liquefaction-related settlement was calculated to be less than one inch.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. The building foundation design would incorporate liquefaction control measures, such as a concrete mat slab or a ground improvement system such as soil mixed columns or drilled displacement piles. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José Department of Planning, Building, and Code Enforcement as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code. In accordance with the Municipal Code, the Director of Public Works must approve a seismic hazard evaluation report prior to issuance of a grading or building permit for areas within the defined State Seismic Hazard Zone for Liquefaction.

With implementation of the above standard permit condition, the proposed project would not expose people or structures to substantial adverse effects; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions. **[Less Than Significant Impact]**

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

Redevelopment of the site under the proposed project would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The city's National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (which are discussed in *Section 3.9, Hydrology and Water Quality* of this Initial Study / Environmental Assessment) are the primary means of enforcing erosion control measures. Construction activities would be subject to the requirements of the aforementioned policies and regulations. The project would not, therefore, result in substantial soil erosion or loss of topsoil. **[Less Than Significant Impact]**

**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?**

Expansive soils are common in the San Francisco Bay Area, and were encountered on the site during the subsurface investigation. Expansive soils on the project site could create risks to life or property.

All aspects of site grading, including the placement of fill and backfilling of excavations, would be performed under the observation of a Geotechnical Engineer's field representatives. Field representatives would monitor and test compaction of fill, backfill, and subgrades.

If grading work is scheduled to begin in the wintertime, the near-surface soils, after the removal of asphalt, may become unstable under the heavy traffic loads of construction equipment. The project would incorporate measures to stabilize the subgrade, such as: 1) removal of the wet soil and replacement with imported dry soil or aggregate baserock; 2) addition of geofabrics or geogrids to bridge minor unstable areas; 3) reduction of moisture content through aeration; and 4) addition of quick lime, which reacts with and changes the chemical composition of the soil, resulting in soil with lower shrinkage and swelling potential and less moisture. In addition, the project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

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

- The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.

Redevelopment of the site would not exacerbate existing soil conditions on the project site.

With implementation of the standard permit conditions above, expansive soils onsite would not exacerbate risks to life and property. **[Less Than Significant Impact]**

**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?**

The project site is located within an urbanized area of San José, and sewers are available to dispose of wastewater from the project site. Therefore, redevelopment of the site would not require septic tanks or alternative wastewater disposal systems. **[No Impact]**

### 3.6.4 Conclusion

Through conformance with regulatory standards and standard permit conditions, the project would result in less than significant geology and soils impacts for both Scenario 1 and Scenario 2, and would not significantly expose people or structures to adverse seismic risks. **[Less Than Significant Impact]**

## 3.7 GREENHOUSE GAS EMISSIONS

### 3.7.1 Setting

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 3.3, Air Quality* and have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

#### 3.7.1.1 *Regulatory Framework*

**Federal**

Clean Air Act

The U.S. EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.* ruled that carbon dioxide is an air pollutant as defined under the CAA, and that the U.S. EPA has the authority to regulate emissions of greenhouse gases. Following the court decision, the U.S. EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

**State**

California Global Warming Solutions Act (Assembly Bill 32)

Under the California Global Warming Solution Act, also known as AB 32, the California Air Resources Board established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and the *Climate Change Scoping Plan* identifying how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

On September 8, 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the *Climate Change Scoping Plan* to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state's *Climate Change Scoping Plan*. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be adopted by CARB in 2017.

Senate Bill 375 – Redesigning Communities to Reduce GHGs

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with ABAG, BAAQMD, and Bay Conservation and Development Commission (BCDC) to

prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013, *Plan Bay Area* established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit. Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan are related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

## Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The *Bay Area 2017 Clean Air Plan* focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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

## City of San José

General Plan and Greenhouse Gas Reduction Strategy

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

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan EIR, and as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) $CO_2e$ (carbon dioxide equivalent)/SP (Substantial Progress) efficiency metric for 2035. An additional reduction of 5,392,000 MT $CO_2e$ per year would be required for the projected service population to meet the City's target for 2035.[14]

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

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

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

to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

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

**Envision San José 2040 General Plan Relevant Greenhouse Gas Policies**

| Policy | Description |
|---|---|
| Action MS-2.11 | Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design). |
| Policy MS-14.4 | Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption. |
| Policy CD-3.2 | Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity. |
| Policy CD-5.1 | Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community. |
| Policy LU-5.4 | Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage. |

City of San José Municipal Code

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

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

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by

reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

#### 3.7.1.2 *Existing Conditions*

The project site is currently developed with residential and commercial uses, which generate GHG emissions from the combustion of fossil fuels (oil, natural gas, and coal) for energy production. The energy is used in various ways, directly and indirectly, ranging from electricity used to operate heating, ventilation, and air conditioning, to the fuel used to transport residents, employees, and customers to and from the site.

### 3.7.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 13 |

### 3.7.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as greenhouse gas impacts do not substantially differ between the two scenarios.

**a-b) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Consistency with Greenhouse Gas Reduction Strategy**

The City of San José Greenhouse Gas Reduction Strategies 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.

The primary test for consistency with the GHG Reduction Strategy is conformance to the General Plan Land Use/Transportation Diagram and supporting policies. The proposed project is consistent with the General Plan land use designation for the site. CEQA clearance is required for all development proposals to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions.

Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions. The project's conformance with the GHG Reduction Strategy is described below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
    a. Solar site orientation
    b. Site design
    c. Architectural design
    d. Construction techniques
    e. Consistency with City Green Building Ordinances and Policies
    f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
3. Pedestrian/Bicycle Site Design Measures
    a. Consistency with Zoning Ordinance
    b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

The proposed project would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code. The proposed development would be designed to achieve GreenPoint certification consistent with San José Council Policy 6-32.

Given that the project is consistent with the General Plan land use designation (see *Section 3.10, Land Use and Planning*), is in proximity to transit (see *Section 3.3, Air Quality)*, and includes green building measures, the project would be consistent with the mandatory criteria 1 through 3 listed above.

Criteria 4 through 7 are not applicable to the proposed project because the site does not contain historic structures and the project does not propose an energy-intensive use or vehicle-serving use.

The proposed project is consistent with the GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **[Less Than Significant Impact]**

### BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA *Air Quality Guidelines* include thresholds of significance for project-level analyses based on estimated GHG emissions, as well as service population metrics. These thresholds are the basis upon which post-2020 GHG thresholds have been developed. Because the proposed project would not be operational until after 2020, these estimates are used as thresholds of significance for this analysis.

The City of San José has not yet developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the proposed project have been compared to an efficiency metric threshold consistent with state goals detailed in EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 (per SB 32) and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this IS/EA's assessment uses a Substantial Progress efficiency metric of 3.04 MT $CO_2$e/year/service population.

### Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The emissions summary calculations (see Appendix A) for the construction phase of the project show that the project would generate approximately 418 metric tons of $CO_2$e.

Because construction would be temporary (approximately 23 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32. **[Less Than Significant Impact]**

### Operational Emissions

Once construction of the project is completed, long-term GHG emissions sources would be resident and employee vehicle travel, building energy and water usage, and solid waste disposal. It is estimated that the project would emit 1,482 MT $CO_2$e/year (see Appendix A).[15] Based on the 34 employees[16] and 660 residents (see *Section 3.13, Population and Housing*) that would be located at the project site, GHG emissions resulting from operation of the proposed project would be 2.14 MT $CO_2$e/year/service population. This is below the Substantial Progress

[15] Calculations in this section assume the conservative Options 1A and 1B, with construction of 206 multi-family apartments and 8,500 square feet of retail uses.
[16] Assumes one employee per 250 square feet of commercial space. Source: City of San José. *San José Market Overview and Employment Lands Analysis*. Page 76. January 20, 2016.

efficiency metric of 3.04 MT $CO_2e$/year/service population. As a result, impacts as a result of operational GHG emissions would be less than significant. **[Less Than Significant Impact]**

### 3.7.4 Conclusion

Implementation of the proposed project would not result in significant GHG emissions or conflict with regional or state policies adopted for the purpose of reducing GHG emissions; therefore, it would have a less than significant GHG emissions impact for development through 2030 for both Scenario 1 and Scenario 2. **[Less than Significant Impact]**

## 3.8 HAZARDS AND HAZARDOUS MATERIALS

The discussion in this section is based in part on the *Limited Phase II Subsurface Investigation*, *Phase I Environmental Site Assessment*, and *Additional Subsurface Investigation* prepared by AEI Consultants on December 9, 2016, June 6, 2017, and August 7, 2017 respectively. These reports are included in this Initial Study / Environmental Assessment as Appendices E1, E2, and E3.

### 3.8.1 Setting

#### 3.8.1.1 *Regulatory Framework*

**Comprehensive Environmental Response, Compensation, and Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous wastes at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified.

**Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act (RCRA), initially authorized in 1976, gives the U.S. EPA the authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled the U.S. EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

**Department of Toxic Substances Control and Regional Water Quality Control Board**

The Department of Toxic Substances Control (DTSC) regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code. The San Francisco Bay Regional Water Quality Control Board also provides regulatory oversight for sites with contaminated groundwater or soils.

**Government Code §65962.5 (Cortese List)**

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB). The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

### California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

### Federal Aviation Regulations, Part 77

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways. For the project site, any proposed structure of a height greater than approximately 212 feet in height above mean sea level (msl) is required under FAR Part 77 to be submitted to the FAA for airspace safety review. The maximum elevation of the project site is approximately 120 feet above msl.

### Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport is located approximately 1.7 miles from the project site. Development within the Airport influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP). The project site is not located within the AIA nor the safety zones designated by the CLUP.

### Envision San José 2040 General Plan

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. The proposed project would be subject to the hazards and hazardous materials policies of the City's General Plan, including the following:

## Envision San José 2040 Relevant Hazardous Material Policies

| Policy | Description |
|---|---|
| Policy EC-6.6 | Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health. |
| Action EC-6.8 | The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities. |
| Action EC-6.9 | Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects. |
| Policy EC-7.1 | For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. |
| Policy EC-7.2 | Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards. |
| Policy EC-7.4 | On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations. |
| Policy EC-7.5 | In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements. |
| Policy EC-7.8 | Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports. |
| Policy EC-7.9 | Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists. |
| Action EC-7.10 | Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff. |

| | |
|---|---|
| Action EC-7.11 | Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided. |

### 3.8.1.2 *Existing Conditions*

The project site is currently developed with residential and commercial buildings constructed between 1890 and 1974. Surrounding land uses include single- and multi-family residential and commercial buildings. Prior to existing uses, land in the surrounding area was used for agricultural production.

#### Underground Storage Tanks

According to San José Fire Department files, a 5,000-gallon underground storage tank (UST) and a 1,000-gallon gasoline UST were located at 253 Race Street prior to 1975. It is unclear whether the tanks were removed or closed in place. If closed in place, all contents of the tank would be pumped out prior to being filled with concrete. Based on subsurface samples collected in the vicinity of the UST locations, it does not appear that widespread contamination is present in soil or groundwater in the area of the USTs. Although subsurface investigations have been completed at the property, none were in the area of the USTs. Based on the lack of sampling data, a release from the tanks cannot be ruled out.

At the time that the Phase II Subsurface Investigation was completed, an open leaking underground storage tank (LUST) was located at a former gasoline station approximately 200 feet upgradient of the project site. The site was eligible and under consideration for regulatory case closure. Volatile organic compounds were not reported above environmental screening levels, indicating that a significant vapor intrusion threat from the former gasoline station is not present. Based on the depth to groundwater and hydrocarbon concentrations in the groundwater, it is not expected that the LUST impacted the project site.

#### Shallow Soils

Elevated concentrations of hydrocarbons and certain metals, which appear to be discontinuously present throughout the site, suggests irregular and localized impacts by petroleum, metals, and potentially pesticides. Construction of the proposed project would necessitate removal of up to 10 vertical feet of soils; therefore, it is expected that the identified shallow soil contaminants would be removed.

Volatile organic compounds were not reported above Environmental Screening Levels (ESLs), indicating that a significant vapor intrusion threat is not present.

#### Tetrachloroethylene

A dry cleaning facility is located north and adjacent to the site. Tetrachloroethylene (PCE), a contaminant associated with dry cleaning, was detected in soil gas samples on the project site. Results of the Phase II Subsurface Investigation and additional testing confirm that a release of PCE, likely from the dry cleaning facility, has occurred but impacts to the project site appear minimal.

Sampling at the 235-237 Race Street building did not occur and, as such, the building footprint remains a data gap.

### Hazardous Building Materials

Until 1979, lead-based paint (LBP) and asbestos-containing materials (ACMs) were commonly used in construction. Florescent light ballasts manufactured prior to 1980 may contain polychlorinated biphenyls (PCBs). All three of these substances can pose threats to human health. The existing site buildings were constructed prior to 1979 and, therefore, likely contain one or more of these hazardous materials.

### Wildland Fires

The project site is located in an urbanized area of San José. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located within a moderate, high, or very high fire hazard severity zone.

## 3.8.2 Environmental Checklist

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|---|
| Would the project: | | | | | | |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☒ | ☐ | ☐ | 1, 2, 18, 19, 20 |
| 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? | ☐ | ☒ | ☐ | ☐ | 1, 2, 18, 19, 20 |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☒ | ☐ | 1 |
| 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? | ☐ | ☐ | ☐ | ☒ | 1, 2, 18, 19, 20 |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | 1, 2, 21 |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | 1 |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | 1 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ | 1, 22, 23 |

### 3.8.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as hazards and hazards materials impacts do not substantially differ between the two scenarios.

**a-b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Site Operation**

Post-construction operation of the proposed project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Operation of the proposed project would include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses.

**Project Construction**

Subsurface Contamination

*Underground Storage Tank Impacts*

There is no underground parking proposed for this project and it is unlikely that the 1975 UST, if still on site, will be encountered during construction stage. However, as previously stated, it is unclear whether the tanks were removed or concrete-filled in place. Therefore, a chance that a concreted filled USTs in-ground may be encountered and could be proposed to be removed as part of the project cannot be ruled out. The implementation of MM HAZ-1.1 through MM HAZ-2.2, below, would ensure that the Site Management Plan (SMP) includes protocols

regarding accidental encounter of underground tanks and potential removal of USTs (if still on site).

*Shallow Soils and Soil Gas Impacts*

A dry cleaning facility is located north and adjacent to the site. Tetrachloroethylene was detected in soil gas samples on the project site. The PCE detections were below the residential ESL; however, the detection of PCE indicates that a release has occurred, likely from the immediately adjacent dry cleaning facility. Sampling was limited on the subject site due to the office building at 235-237 Race Street.

In addition, shallow soil samples analyzed as part of the Phase II Subsurface Investigation indicated elevated concentrations of hydrocarbons and certain metals, including chromium and lead, discontinuously present throughout the site. These concentrations and distribution suggest irregular and localized contamination by petroleum, metals, and potentially pesticides. Redevelopment of the site would require excavation and soil removal to a depth of approximately ten feet below grade. Based on this, it is expected that the identified impacted shallow soil would be removed. Therefore, the project shall implement the following mitigation measure to ensure that there is oversight from the appropriate regulatory agency during ground disturbance activities. The project shall implement the following mitigation measures as a condition of approval for the future Planned Development permit.

**Impact HAZ-1**: Tetrachloroethylene was detected in soil gas samples on the project site, indicating a past release, likely from a neighboring dry cleaner business. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following measure to minimize the effects of PCE contamination during and after site development.

**MM HAZ-1.1:** Preliminary investigation: Soil gas investigation and testing shall be completed to determine the extent of PCE contamination on the project site. Based on the results of the investigation, additional mitigation measures may be required, including soil removal and vapor barriers. The results of the preliminary investigation shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH) or equivalent agency. This can also be included in the submittal described in MM HAZ-2.1 below. A copy of the preliminary investigation results shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

**Impact HAZ-2:** Shallow soils to be removed under the proposed project may include elevated hydrocarbon and metals concentrations, and removal of USTs may be needed as part of development. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following measure to minimize the impacts of contaminated soil removal and ensure all protocols are followed if removal of USTs is needed.

**MM HAZ-2.1:** Site Management Plan: Under regulatory oversight from the SCCDEH using their Voluntary Cleanup Program (VCP), or equivalent regulatory agency, the project applicant shall prepare the following documents:

- As mentioned in MM HAZ-1.1, soil gas investigation and testing shall be completed to determine the extent of tetrachloroethylene contamination on the project site. Based on the results of the investigation, the regulatory agency may require a Site Management Plan or similar document to manage the cleanup of potential contamination.
- If applicable, an SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of lead-contaminated soils.
    - A detailed discussion of the site background;
    - Proper mitigation as needed for demolition of existing structures;
    - Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
    - Management of underground structures encountered, including utilities and/or underground storage tanks (also specified in MM HAZ-2.2);
    - Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls, asbestos-containing materials, lead-based paint, etc.) is discovered during excavation or demolition;
    - A health and safety plan (HSP) for each contractor working at the site, in an area below grade, that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction;
    - A section about regulatory agencies and protocol if USTs are encountered during construction activities; and
    - A section about regulatory agencies and protocol if complete removal of USTs is needed.

The SMP shall be submitted to the SCCDEH (or equivalent agency) for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

**MM HAZ-2.2**: Discovery of USTs: If USTs are encountered during demolition, construction, or grading activities, the project applicant shall notify the SCCDEH and the City of San José Fire Department. Earthmoving activities shall be ceased until appropriate measures, approved by the SCCDEH and/or the City of San José Fire Department, are taken to address the UST.

*Off-Site Storage Tank*

At the time that the Phase II Subsurface Investigation was completed, a leaking underground storage tank was located at a former gasoline station approximately 200 feet upgradient of the project site. Based on the results of the subsurface investigation, it is not expected that the LUST impacted the project site.

Hazardous Building Materials

Until 1979, lead-based paint and asbestos-containing materials were commonly used in construction. Due to the age of the existing buildings, there is a potential for ACMs or LBP to be present on the site. The project shall implement the following condition as a condition of approval in the future Planned Development permit.

**Standard Permit Conditions:** In accordance with Envision San José 2040 General Plan policies, the following measures would apply to redevelopment of the site in order to reduce or avoid hazardous building materials impacts:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA (California Occupational Safety and Health Administration) Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

Implementation of mitigation measures MM HAZ-1.1 through MM HAZ-2.2, as well as the standard permit conditions listed above, would reduce potential hydrocarbon, metal, and VOC

impacts to a less than significant level during construction of the proposed project. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

The project site is located approximately 0.22 mile of St. Leo's School; however, redevelopment of the project site with multi-family residential and retail uses is not expected to use or emit significant quantities of hazardous materials. **[Less Than Significant Impact]**

**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?**

The project site is not located on the California Environmental Protection Agency (CalEPA) Cortese List, compiled pursuant to Government Code Section 65962.5. **[No Impact]**

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

The project site is located approximately 1.7 miles from the Norman Y. Mineta San José International Airport. As the project proposes a maximum building height of 80 feet above ground, or approximately 200 feet above msl, it would not require submittal to the FAA for airspace safety review under FAR Part 77. Based on a review of the San José International Airport Land Use Plan, the project site is not located within an airport influence area, airport clear zones, or safety zones. There are no private airstrips within the project vicinity. **[No Impact]**

**g-h) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Redevelopment of the project site under the proposed project would not physically interfere with an adopted emergency response or evacuation plan. The project site is not located in an area that is exposed to wildland fire hazards. **[No Impact]**

### 3.8.4 Conclusion

With implementation of mitigation measures MM HAZ-1.1 through MM HAZ-2.2 listed above, and adherence to standard permit conditions, the proposed project would not result in significant hazards or hazardous materials impacts for either Scenario 1 or Scenario 2. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

## 3.9 HYDROLOGY AND WATER QUALITY

### 3.9.1 Setting

#### 3.9.1.1 *Regulatory Framework*

**Federal Emergency Management Agency**

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City, but not the project site, are identified as special flood hazard areas with a one percent or two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP. The project site is not located within or adjacent to a FEMA designated 100-year floodplain.

**Federal and State Laws and Programs Regarding Water Quality**

The Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board.

Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. U.S. EPA's regulations include the NPDES permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay Regional Water Quality Control Board (RWQCB). Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants.[17] Los Gatos Creek is listed as an impaired water body for diazinon, an organophosphate insecticide, and the Guadalupe River is impaired for diazinon, mercury, and trash.

[17] California State Water Resources Control Board. "Impaired Water Bodies." Accessed November 14, 2017. Available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Program is administered by RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Municipal Regional Stormwater NPDES Permit/C.3 Requirements

The San Francisco Bay RWQCB also issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all post-construction runoff to be treated using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to receiving any LID Reduction Credits, the project must first establish the infeasibility of treating 100 percent of runoff with LID treatment measures. A narrative must be submitted to the City that describes why and how the implementation of 100 percent treatment measures are not feasible, in accordance with the Municipal Regional Stormwater NPDES Permit.

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface, and are located in a sub-watershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

**City of San José Post-Construction Urban Runoff Management (Policy 6-29)**

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. The City of San José's Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures.

This policy also established specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

### City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.

### Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the hydrology policies of the City's General Plan, including the following:

**Envision San José 2040 Relevant Hydrology and Water Quality Policies**

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

| | |
|---|---|
| Policy 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. |

### 3.9.1.2 *Existing Conditions*

#### Hydrology and Drainage

The 2.3-acre project site is located in the Guadalupe watershed. The Guadalupe watershed is a 170-square-mile area that drains the Guadalupe River and its tributaries through downtown San José. Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek, located approximately 0.5 mile east of the site and is a tributary of the Guadalupe River. The project site is currently developed with residential and commercial buildings and associated parking.

#### Flooding and Other Hazards

The project site is not located in a 100-year floodplain. According to the FEMA Flood Insurance Rate Map, the project site is designated as Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D.

As identified in the Envision San José 2040 General Plan Final EIR, the project site is located in the Lexington Reservoir dam failure inundation area, which is the area that may be flooded in the event of a complete dam failure.

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The project site is located on the valley floor and not subject to mudflows.

#### Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged into Los Gatos Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is developed. Runoff from the site contains sediment, metals, trash, oils and grease from paved areas of the site. Runoff from the project site currently flows directly into the City's storm drainage system, untreated for the removal of pollutants.

### 3.9.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☒ | ☐ | 1, 2, 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)? | ☐ | ☐ | ☒ | ☐ | 1, 2, 18 |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site? | ☐ | ☐ | ☒ | ☐ | 1, 2, 22 |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site? | ☐ | ☐ | ☒ | ☐ | 1, 2, 22 |
| e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☒ | ☐ | 1, 2, 22 |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ | 1, 2, 22 |
| 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? | ☐ | ☐ | ☐ | ☒ | 1, 24, 25 |
| h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | 1, 24, 25 |
| 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? | ☐ | ☐ | ☒ | ☐ | 1, 26, 27 |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | 1, 25 |

### 3.9.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as hydrology and water quality impacts do not substantially differ between the two scenarios.

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

The project site is developed with residential and commercial uses. Runoff from the site contains sediment, metals, trash, oils, and grease from paved areas of the site. Runoff from the project site currently flows directly into the City's storm drainage system, untreated for the removal of pollutants.

**Construction-Related Water Quality Impacts**

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the proposed project would disturb approximately 2.3 acres of soil and, therefore, would be required to comply with the NPDES General Permit for Construction Activities and RWQCB Municipal Regional Permit.

All development projects in San José are required to comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the BMPs that would be implemented to prevent the discard of stormwater pollutants.

**Standard Permit Conditions:** Measures to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation is disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- A Storm Water Permit will be administered by the State Water Resources Control Board. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

Construction of the proposed project, with the implementation of the above measures in accordance with the NPDES General Permit and the City's General Plan, would not result in significant construction-related water quality impacts. **[Less Than Significant Impact]**

**Post-Construction Water Quality Impacts**

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit, as applicable. Stormwater runoff from the proposed development would drain into treatment areas, including bioretention areas, prior to entering the storm drainage system. 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) would be included in the project design, to the satisfaction of the Director of Planning, Building, and Code Enforcement.

The project site is currently developed, with approximately 90,000 square feet of impervious surfaces and 10,000 square feet of pervious surfaces. The proposed project would decrease the impervious area, resulting in 84,000 square feet of impervious surfaces and 16,000 square feet of pervious surfaces. Treatment facilities would have sufficient capacity to treat the runoff prior entering the storm drainage system consistent with the NPDES requirements.

The General Plan Final Environmental Impact Report (FEIR) concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies

pertaining to stormwater runoff, the proposed project would have a less than significant water quality impact. **[Less Than Significant Impact]**

**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)?**

The project site is located in a developed urban area and is not within a designated groundwater recharge zone for the groundwater basin. The depth to groundwater in the project area is expected to be approximately 30 to 35 feet, and the project excavation would extend no more than 10 feet below grade. Redevelopment of the project site is not anticipated to result in the need to pump groundwater from the site and would not interfere with groundwater recharge. **[Less Than Significant Impact]**

**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?**

Construction of the proposed project would not substantially alter the drainage pattern of the site or surrounding area. The project would decrease the total impervious surface area of the project site by approximately 6,000 square feet. The project would also comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on and off the site. **[Less Than Significant Impact]**

**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?**

According to the FEMA Flood Insurance Rate Map, the project site is designated as Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D.

The project is not subject to Provision C.3 of the MRP, as the site is not categorized as a land use of concern and the project would not increase impervious surfaces by 10,000 square feet or more. Therefore, the project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. **[Less Than Significant Impact]**

**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?**

The project site is currently developed. Runoff from the project site currently flows overland and directly enters the storm drainage system untreated and unimpeded. The project would result in decreased runoff water compared to existing conditions. Construction of the proposed

project would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. For these reasons, redevelopment of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **[Less Than Significant Impact]**

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

The project would follow Santa Clara County and City of San José water quality guidelines. Standard permit conditions related to water quality impacts are listed above. No additional impacts to water quality are expected. **[Less Than Significant Impact]**

**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?**

The project site is not within a 100-year flood hazard area; therefore, the proposed project would not place housing within a 100-year flood zone. **[No Impact]**

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

The project site is not within a 100-year flood hazard area; therefore, the proposed project would not place structures within a 100-year flood hazard area that would impede or redirect flood flows. **[No Impact]**

**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?**

While the project site is located in the inundation areas for the Anderson and Lexington Reservoirs in the event of a complete dam failure, the Santa Clara Valley Water District's (SCVWD's) comprehensive dam safety program and emergency action plan ensure public safety. For this reason, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. **[Less Than Significant Impact]**

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

The project site is a flat parcel on the valley floor and is not proximate to a large body of water. Additionally, the project site is not located within a designated tsunami inundation zone. Therefore, the proposed project would not be subject to inundation by seiche, tsunami, or mudflow. **[No Impact]**

### 3.9.4 Conclusion

Implementation of General Plan policies and existing City policies and measures would ensure that the proposed project would not result significant hydrology and water quality impacts for either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

## 3.10 LAND USE AND PLANNING

### 3.10.1 Setting

#### 3.10.1.1 *Regulatory Framework*

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. The proposed project would be subject to the land use policies of the City's General Plan, including the following:

**Envision San José 2040 Relevant Land Use Policies**

| Policies | Description |
|---|---|
| Policy CD-1.12 | Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged. |
| Policy CD-4.9 | For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street). |
| Policy CD-5.8 | Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety. |
| Policy LU-6.1 | Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs. |
| Policy LU-6.2 | Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues. |
| Policy LU-9.4 | Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated. |
| Policy LU-9.5 | Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses. |

| | |
|---|---|
| Policy LU-9.7 | Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram. |
| Policy TR-14.2 | Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation. |
| Policy TR-14.4 | Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports. |

**Santa Clara Valley Habitat Plan/Natural Community Conservation Plan**

As discussed in *Section 3.4, Biological Resources* of this Initial Study / Environmental Assessment, the Santa Clara Valley Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

#### 3.10.1.2 *Existing Conditions*

The 2.3-acre project site consists of nine parcels (APNs 261-42-007, -008, -011, -058, -069, -070, -071, -072, and -079) in urban San José. The parcels are currently developed with residential and commercial uses, including five single-family homes, a two-story office building, a barbershop, and the former Race Street Fish and Poultry restaurant and fish market.

Surrounding land uses include single-family residential, multi-family residential, and commercial development. The project site is not located within the Airport Influence Area for the Norman Y. Mineta San José International Airport.

### 3.10.2 Environmental Checklist

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

### 3.10.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as land use impacts do not substantially differ between the two scenarios.

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

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes to construct a multi-family residential development under the existing *Urban Residential* land use designation, would not include construction of dividing infrastructure. The project site is located in a neighborhood with similar uses and patterns of development, and, therefore, implementation of the project would not physically divide an established community. **[Less Than Significant Impact]**

**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?**

The project site's *Urban Residential* land use designation is intended for medium-density residential development and commercial uses, including retail and offices. The land use designation is used within Urban Villages, existing residential areas with similar density, Specific Plan areas, and areas in proximity to transit facilities. New residential development at this density is implemented in Growth Areas in proximity to transit, jobs, amenities, and other services. Existing *Urban Residential* developments are typically three to four stories of residential or commercial uses over parking.

*Urban Residential* developments are required to have a density of 30 to 95 dwelling units per acre (du/ac), floor area ratio (FAR) of 1.0 to 4.0, and height of three to 12 stories. The proposed

development has 90 du/ac, a FAR of 2.0, and a maximum height of six stories, consistent with the *Urban Residential* land use. Construction of the proposed project, in conformance with City and County land use policies, would not conflict with regulations adopted for avoiding or mitigating an environmental effect. **[Less Than Significant Impact]**

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

The project site is located within an area designated as *Urban-Suburban* under the Santa Clara Valley Habitat Plan. No sensitive species or habitat types are present on the project site, and the project would not directly impact any of the covered species in the Habitat Plan. As discussed in *Section 3.4, Biological Resources* of this Initial Study/Environmental Assessment, redevelopment would be required to conform to all applicable policies in the Santa Clara Valley Habitat Plan. **[Less Than Significant Impact]**

### 3.10.4 Conclusion

Conformance with the General Plan policies related to land use compatibility and environmental effects would ensure that the proposed project would not result in significant land use impacts for either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

## 3.11 MINERAL RESOURCES

### 3.11.1 Setting

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill.

### 3.11.2 Environmental Checklist

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

### 3.11.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as mineral resources impacts do not substantially differ between the two scenarios.

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

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill. The project would not result in the loss of availability of a known mineral resource. **[No Impact]**

**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?**

The project site is not located in an area of San José or Santa Clara County with known mineral resources. Therefore, the project would not result in the loss of availability of a mineral resource recovery site. **[No Impact]**

### 3.11.4 Conclusion

The proposed project would not result in the loss of availability of a known mineral resource for either Scenario 1 or Scenario 2. **[No Impact]**

## 3.12 NOISE AND VIBRATION

The discussion in this section is based in part on the *Noise and Vibration Assessment* prepared by Illingworth & Rodkin, Inc. on November 6, 2017. This report is included in this Initial Study / Environmental Assessment as Appendix F.

### 3.12.1 Setting

#### 3.12.1.1 *Overview*

**Fundamentals of Noise**

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: $L_{eq}$, $L_{max}$, DNL, and CNEL. $L_{eq}$ stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly, but $L_{eq}$ can describe any series of noise events in arbitrary duration. $L_{max}$ is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The DNL (day/night average sound level) descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

**Fundamentals of Vibration**

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses peak particle velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second or inches per second is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life. These two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches per second PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic (e.g., minor cracking of building elements), or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher, and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

### 3.12.1.2 *Regulatory Framework*

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

**Envision San José 2040 Relevant Noise Policies**

| Policies | Description |
|---|---|
| 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:<br><br><u>Interior Noise Levels</u><br>• 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.<br><br><u>Exterior Noise Levels</u><br>• The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design. |
| Policy EC-1.2 | Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) 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:<br><br>• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or |

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

Policy EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.

Policy EC-1.6 Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

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

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

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

**Table 3.12-1: General Plan Land Use Compatibility Guidelines**

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

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

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

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

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

### City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[18]

The Zoning Ordinance limits noise levels to 55 dBA $L_{eq}$ at any residential property line and 60 dBA $L_{eq}$ at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

#### 3.12.1.3 *Existing Conditions*

The project site is located north of West San Carlos Street, between Race Street and Grand Avenue in San José. The project site is bordered to the south by a single-family residence and a commercial building and to the north by single- and multi-family residences. Opposite Race Street to the east are local commercial uses and a multi-family residential building. To the west, opposite Grand Avenue, are single-family residences, a commercial building, and a scrap yard. The existing noise environment at the project site results primarily from vehicular traffic on the surrounding roadways and aircraft associated with Norman Y. Mineta San José International Airport operations.

Two long-term and two short-term noise measurements were taken in April 2017 to determine the existing ambient noise level on and around the project site. Based on the noise measurements taken at the site, the day-night average noise level at the project site ranges from 59 dBA DNL on Grand Avenue to 70 dBA DNL on Race Street. Details about the existing noise measurements and locations are included in Appendix F of this Initial Study / Environmental Assessment.

Based on the noise measurements taken at the site, noise levels on the project site currently exceed 60 dBA DNL. For sites with exterior noise levels of 60 dBA DNL or more that are to be developed with residential uses, General Plan Policy EC-1.1 requires the preparation of a design-level acoustical analysis prior to the issuance of building permits. The purpose of the analysis is to determine appropriate noise attenuation measures to ensure interior noise levels of 45 dBA DNL or lower.

### 3.12.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project result in: | | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ | 1, 2, 28 |

[18] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project result in: | | | | | |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | ☐ | ☒ | ☐ | ☐ | 1, 2, 28 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☒ | ☐ | ☐ | 1, 2, 28 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☒ | ☐ | ☐ | 1, 2, 28 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | 1, 2, 28 |
| f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | 1 |

As discussed in *Section 3.0, Environmental Setting, Checklist, and Impact Discussion* of this Initial Study / Environmental Assessment, the California Supreme Court issued an opinion "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that addresses existing conditions affecting a proposed project, which are discussed below.

### 3.12.3 Impact Discussion

The proposed project includes the following options:

**Scenario 1:** The project proposes to demolish all existing buildings and structures on the site and construct approximately 206 multi-family residential units. Scenario 1 would also include vehicular access and retail/commercial space of:

- Option 1A: Vehicular access would be provided via a driveway on Grand Avenue. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.
- Option 1B: Vehicular access would be provided via a driveway on Race Street. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage.

- Option 1C: Vehicular access would be provided via a driveway on Grand Avenue. No retail/commercial uses would be developed.

**Scenario 2:** The project proposes to demolish all existing buildings and structures on the site and construct 116 family apartments and 90 senior apartments. Scenario 2 would also include the same vehicular access and retail/commercial space options as Options 1A to 1C above.

The *Noise and Vibration Assessment* determined that the noise impacts under Scenario 2 would be less than those under Scenario 1 as the 90 senior units would generate fewer vehicle trips than an equivalent number of multi-family apartment units; therefore, Scenario 1 options represent the worst-case scenario and are the focus of the discussion below. Details about traffic and trips generated by the project are available in *Section 3.16, Transportation/Traffic* of this Initial Study / Environmental Assessment.

**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?**

The noise environment at the site and at nearby land uses in the vicinity is primarily from vehicular traffic on the surrounding roadways and aircraft associated with Mineta San José International Airport operations. Based on noise measurements taken at the site, the day-night average noise level at the project site ranges from 59 dBA DNL on Grand Avenue to 70 dBA DNL on Race Street.

**Exterior Noise Levels**

Residential Land Uses

The City of San José General Plan sets forth noise-related policies that support the City's goal of minimizing the impact of noise on people through noise reduction and suppression techniques. The "normally acceptable" noise level threshold for common outdoor use areas at new multi-family residential uses, as established in the City of San José General Plan, is 60 dBA DNL.

The future noise environment at the project site would continue to result primarily from traffic along the surrounding roadways. The future noise level increase attributable to project trips is calculated to be one dBA DNL along Grand Avenue for Options 1A and 1C, and one dBA DNL along Race Street for Option 1B. Additionally, the San José General Plan EIR determined that future 2040 traffic volumes would not result in a measurable increase in noise levels at the project site, due to the area being mostly built out. Future exterior noise environment at the project site would range from 60 to 71 dBA DNL and would not conflict with standards established for exterior noise exposure. Additional discussion about project-generated noise (trips and construction) and potential impact to the ambient noise level is provided under checklist question *c* below.

The project proposes a second-floor courtyard at the Parcel A building, a third-floor courtyard at the Parcel B apartment building, and a ground-level common open space area between the buildings. Given the estimated future exterior noise levels at the site, the shielding that would

be provided by the proposed residential building, and the locations of the common outdoor areas, the exterior noise levels at the common outdoor areas would be below the City's exterior noise standard of 60 dBA DNL. Additional detail about the noise levels at the common outdoor areas is included in Appendix F.

Commercial Land Uses

For the design options that include a commercial component, outdoor use areas are not proposed as part of the project.

**Interior Noise Levels**

Residential Land Uses

The City's interior noise standard for residential uses is 45 dBA DNL. The eastern façades of each building would be set back from the centerline of Race Street by approximately 40 to 45 feet. At this distance, the exterior-facing units along these façades would be exposed to future exterior noise levels ranging from 68 to 69 dBA DNL. The western façades of each building would be set back form the centerline of Grand Avenue by approximately 40 to 50 feet. At these distances, the units along the western façades would be exposed to future exterior noise levels ranging from 57 to 58 dBA DNL.

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

Assuming windows to be partially open for ventilation, the interior noise levels for the proposed project would be up to 54 dBA DNL at the units along the eastern façades of the proposed buildings. This would exceed the 45 dBA DNL threshold for interior noise. Future interior noise levels at the units along the western façades of the buildings would be below 45 dBA DNL. The project shall implement the following permit conditions as conditions of approval for the future Planned Development permit.

**Permit Conditions:** The following noise insulation features shall be a condition of approval to reduce interior noise levels to 45 dBA DNL or less. Changes to the conditions below shall only be approved with evidence from a qualified professional and confirmation by the Department of Planning, Building, and Code Enforcement that changes to these standards would continue to meet interior noise level of 45 dBA DNL or less.

- Preliminary calculations indicate that the residential units along the eastern façades of the proposed buildings would require windows and doors with a minimum rating of 28 Sound Transmission Class (STC) to meet the interior noise threshold of 45 dBA DNL. Additionally, the exterior-facing units along the northern and southern building façades that are located within 100 feet of the centerline of Race Street would also require windows and doors with a minimum STC rating of 28. Exterior-facing units along the northern and southern façades that are located between 100 and 200 feet of the centerline of Race Street would meet the interior noise threshold of 45 dBA DNL with standard construction materials and the incorporation of forced-air mechanical ventilation.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the California Building Code. The above-mentioned analysis will also establish appropriate criteria for noise levels inside the commercial spaces affected by environmental noise. The analysis would review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower. Treatments could include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of which noise insulation treatments are necessary shall be completed on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

The implementation of these noise insulation features would reduce interior noise levels to 45 dBA DNL or less, meeting the City and State multi-family interior noise standard.

Commercial Land Uses

The performance method established by the CalGreen Code requires that interior noise levels be maintained at 50 dBA $L_{eq}$ or less during hours of operation at the proposed commercial retail.

In both scenarios, the proposed commercial uses would be located on the first floor adjacent to Race Street. The setback would be 40 to 45 feet from the centerline of Race Street. At these distances, the commercial uses would be exposed to future exterior noise levels ranging from 61 to 67 dBA $L_{eq}$ during daytime hours and a day-night average noise level ranging from 68 to 69 dBA DNL.

Standard construction materials for commercial uses would provide at least 20 to 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows can be kept closed at the occupant's discretion. The standard construction materials would satisfy the daytime threshold of 50 dBA $L_{eq}$.

Adherence to the permit conditions above would reduce noise levels in compliance with local noise ordinances. **[Less Than Significant Impact]**

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

**Operations**

The residential uses would not create substantial groundborne vibration. While retail uses may include truck loading activities during operation, the retail space is not anticipated to allow uses that would substantially create groundborne vibration or noise.

**Construction Vibration and Noise**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. According to the list of construction equipment expected to be used for the proposed project, pile driving equipment, which can cause excessive vibration, is not proposed.

For structural damage, the California Department of Transportation and City of San José recommends a vibration limit of 0.5 inch per second peak particle velocity for buildings structurally sound and designed to modern engineering standards, 0.2 inch per second PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 inch per second PPV for ancient buildings or buildings that are documented to be structurally weakened. No ancient buildings or buildings that are documented to be structurally weakened adjoin the project site. Conservatively, groundborne vibration levels exceeding 0.2 inch per second PPV would have the potential to result in a significant vibration impact.

For all scenarios and options, project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Vibration sources and PPV estimates are described in detail in Appendix F, *Noise and Vibration Assessment*. Vibration levels due to the use of specific equipment along the northern and southern boundaries of the project site may exceed 0.2 inch per second PPV, resulting in a significant impact.

Modification, placement, and operation of construction equipment are possible means for minimizing the vibration impact on the existing nearby structures, particularly the residences and commercial buildings adjoining the northern and southern boundaries.

**Impact NOI-1:** Construction noise and vibration generated by the proposed project could impact nearby sensitive receptors. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following measures to minimize the impacts of construction-generated groundborne vibration.

**MM NOI-1.1:** Construction Noise and Vibration Plan: The project applicant shall develop and implement a Construction Noise and Vibration Logistics Plan during all phases of construction on the project site. The Plan shall be included as part of the contracts for construction workers and applicable supervisors. All measures shall be printed on all approved construction documents, contracts, and/or project plans. The project applicant shall submit a copy of all approved plans, construction documents, contracts, and/or project plans to the Supervising Environmental Planner prior to the issuance of any grading permit. The Plan shall include, but is not limited to, the following:

- A list of all potential equipment (including specs) that will be used during all earthmoving activities.
- A schedule of all earthmoving activities.
- Responsibilities of personnel on the site.
- Outreach strategies to inform nearby residences of construction hours and phase.
- Best management practices to reduce construction noise such as, but is not limited to, the following:
  - Construct solid plywood fences around construction sites adjacent to operational businesses, residences, or noise-sensitive land uses.
  - 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 adjoining noise-sensitive land uses.
  - Prohibit all unnecessary idling of internal combustion engines.
  - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- The name and contact information (i.e., telephone number and email address) of the disturbance coordinator, who would be responsible for responding to complaints about construction noise, shall be posted at the construction site and included in the notice sent to neighboring noise-sensitive land uses regarding the construction schedule.

**MM NOI-1.2:** Construction equipment: In addition to MM NOI-1.1, the project applicant shall include the following requirements in all construction documents, contracts, and project plans to reduce vibration impacts to nearby residences and structures during construction activities:

- The contractor shall alert heavy equipment operators to the proximity of the adjacent structures so they can exercise care.
- The contractor shall retain a qualified firm to complete a pre- and post-construction cosmetic crack survey of the buildings adjacent to the

southern boundary and shall repair any cosmetic cracking that is reasonably determined to have occurred due to the construction, based on the recommendation of the qualified firm.
- Limit the use of heavy vibration-generating construction equipment within 30 feet of the northern and southern site boundaries.

With implementation of MM NOI-1.1 and MM NOI-1.2, construction-generated groundborne vibration and noise would be reduced to a less than significant level. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

**Operations – Traffic Noise**

According to the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by three dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of five dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for the residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL along Race Street and are less than 60 dBA DNL along Grand Avenue. Therefore, per General Plan Policy EC-1.2, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by three dBA DNL along Race Street and by five dBA DNL or more along Grand Avenue.

Based upon the analysis in the *Noise and Vibration Assessment*, the traffic noise increase resulting from project traffic volumes (including retail uses) with site access from Race Street or Grand Avenue would be one dBA DNL along each roadway segment included in the traffic study. The proposed project would not result in a permanent noise increase of three dBA DNL or more. **[Less Than Significant Impact]**

**Truck Loading and Unloading**

Truck deliveries for the ground-level retail uses on the project site would have the potential to generate noise. While the site plan does not indicate loading zones, the probable locations would be within the ground-floor parking structure or along Race Street in front of the commercial land uses. Trash areas for both buildings would be located within the parking structure, which would provide shielding for the nearby existing residences. While delivery and trash pickup times and frequency of these events were not provided at the time of this study, it is assumed that these activities, including maintenance activities would occur during daytime hours.

Typical noise levels generated by loading and unloading of truck deliveries and trash pickup would be similar to noise levels generated by truck movements at the existing commercial land uses located along Race Street. Small delivery and vendor trucks are expected to be used at the

project site, and these types of trucks typically generate noise levels ranging from 65 to 70 dBA $L_{max}$ at a distance of 50 feet. While loading/unloading activities within the parking structure would be shielded from the surrounding noise-sensitive receptors by the proposed building, the worst-case scenario would result from loading/unloading along the street. No residences are located opposite the Grand Avenue driveway in Options 1A and 1C. Assuming the worst-case scenario, Option 1B, the residences located opposite Race Street from the project site would have direct line-of-sight to the delivery activities, with distances as close as 60 feet. At this distance, noise due to truck deliveries would range from 63 to 68 dBA $L_{max}$ at the nearest residential land uses. Assuming one or two truck deliveries, lasting up to 20 minutes each, occurred during the daytime hours in one day, the proposed project would result in a day-night average noise level of 53 dBA DNL at the nearest residences opposite Race Street, below the City's "normally acceptable" outdoor noise standard. **[Less Than Significant Impact]**

### Mechanical Equipment Noise

Mixed-use, multi-family residential buildings typically require various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings. The site plan does not indicate any mechanical equipment rooms or include the layout for the roof, which is a common place for mechanical equipment to be located. Due to the number of variables inherent in the mechanical equipment needs of the project (number and types of units, size, housing, specs, etc.), the impacts of mechanical equipment noise on nearby noise-sensitive uses would be assessed during the final project design stage. Design planning would take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas, such as the rooftop away from the edge of the building nearest to residential land uses, which in this case would be the southern edge of the family apartment building and the northern edge of the senior apartment building. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.

Under the City's Noise Element, noise levels from building equipment shall not exceed a noise level of 55 dBA DNL at receiving noise-sensitive land uses. Existing residences are adjacent to the site to the south, along Grand Avenue, and to the north, along Grand Avenue and Race Street. Given the close proximity of noise-sensitive receptors, mechanical equipment noise could exceed 55 dBA DNL at the nearby sensitive uses. This is conservatively considered a potentially significant impact.

**Impact NOI-2:** Mechanical equipment noise generated by the proposed project could impact nearby sensitive receptors. **[Significant Impact]**

**Mitigation Measures:** The project would implement the following measure to minimize the impacts of mechanical equipment noise.

**MM NOI-2.1:** Mechanical equipment selection: The project applicant shall select and design mechanical equipment that will reduce impacts on surrounding uses to comply with the City's 55 dBA DNL noise level requirement at the property boundary of the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical equipment noise levels

prior to their installation to determine specific noise reduction measures necessary to comply with the City's noise level requirements. The results of the review shall be submitted to the Department of Planning, Building, and Code Enforcement along with the building plans and approved design, prior to issuance of any building permits. Noise reduction measures may include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Alternate measures may include locating equipment in less noise-sensitive areas, such as the rooftop of the buildings away from the building's edge nearest the noise-sensitive receptors, where feasible. Alternate measures shall be reviewed by the Department of Planning, Building, and Code Enforcement prior to issuance of any building permits.

With implementation of MM NOI-2.1, mechanical equipment installed under the proposed project would not generate noise in excess of the standards defined in the City's Noise Element. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

The City's General Plan requires all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code. Temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA $L_{eq}$ for an extended period of time. The temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA $L_{eq}$ at nearby residences or exceeded 70 dBA $L_{eq}$ at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA $L_{eq}$ or more for a period longer than one year.

An estimated 23 months would be required for project construction. Once construction moves indoors, minimal noise would be generated at off-site locations.

Construction noise levels would at times exceed 60 dBA $L_{eq}$ at residential land uses and would at times exceed 70 dBA $L_{eq}$ at commercial land uses, especially when construction would occur within 50 feet of the receiving land uses' property line. Further, ambient levels at the surrounding uses would potentially be exceeded by 5 dBA $L_{eq}$ or more at various times throughout construction. Since project construction would last for a period of more than one year, the City's General Plan would consider this temporary construction impact to be significant.

With adherence to MM NOI-1.1 and MM NOI-1.2 above, construction noise levels would be reduced to a less than significant level. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

Norman Y. Mineta San José International Airport is a public-use airport located approximately 1.7 miles north of the project site. The project site lies outside the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project report. Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. Interior noise levels resulting from aircraft would be compatible with the proposed project. **[No Impact]**

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

The project site is not located in the vicinity of a private airstrip; therefore, the project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels. **[No Impact]**

### 3.12.4 Conclusion

With implementation of General Plan and Municipal Code policies, as well as adherence to MM NOI-1.1 through MM NOI-2.1, the proposed project would not result in a significant noise impact or violation for either Scenario 1 or Scenario 2. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

## 3.13 POPULATION AND HOUSING

### 3.13.1 Setting

The project site is located in an urbanized area in the City of San José. The City of San José population was estimated to be 1,046,079 in January 2016.[19] The City had approximately 332,574 housing units in 2017, resulting in an average of 3.21 persons per household. ABAG projects that there will be an approximate City population of 1,334,100 and 432,030 households by the year 2040.[20]

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.[21] To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the Envision San José 2040 General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

### 3.13.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ | 1, 2, 29, 30 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ | 1 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ | 1 |

[19] California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2017." Accessed July 13, 2017. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/
[20] Association of Bay Area Governments. *Projections 2013.* August 2013.
[21] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

### 3.13.3 Impact Discussion

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

Under Scenario 1, the project proposes 206 multi-family residential units on-site, replacing existing commercial and single-family residential uses and generating approximately 660 new residents. Scenario 2 would result in fewer new residents on site and lower population impacts and, therefore, is not discussed further in this section.

The project is consistent with the existing General Plan land use designation. The project's incremental increase in residential density is not considered a substantial increase in the City's current or projected population. The project would not extend a road or other infrastructure that would indirectly induce growth. **[Less Than Significant Impact]**

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

Six single-family residences are currently located on the project site. Based on the City's average of 3.21 persons per household, an estimated 19 people reside on the site. The project proposes to replace these residences with multi-family uses, resulting in an incremental increase in housing and residents on the site. **[Less Than Significant Impact]**

### 3.13.4 Conclusion

The development of 206 residential units would incrementally increase the housing available in the project area, but would not induce substantial population growth under either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

## 3.14 PUBLIC SERVICES

### 3.14.1 Setting

#### 3.14.1.1 *Regulatory Framework*

**California Government Code Section 65996**

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

**Quimby Act – California Code Sections 66475-66478**

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

**Parkland Dedication Ordinance and Park Impact Ordinance**

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed project:

## Envision San José 2040 Relevant Public Service Policies

| Policies | Description |
|---|---|
| Policy FS-5.7 | Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition. |
| ES-2.2 | Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities. |
| ES-3.1 | Provide rapid and timely Level of Service (LOS) response time to all emergencies:<br>1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.<br>2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. |
| ES-3.9 | Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces. |
| ES-3.11 | Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. |
| PR-1.1 | Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents. |
| PR-1.2 | Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies. |
| PR-1.12 | Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities. |
| PR-2.4 | To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds. |
| PR-2.5 | Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds. |

### 3.14.1.2 *Existing Conditions*

#### Fire and Police Protection

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station 30, located at 454 Auzerais Avenue, approximately 0.9 mile east of the project site.

Police protection services for the project site are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 1.7 miles northeast of the site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters, and the patrol districts consist of 83 patrol beats.

#### Schools

The project site is located within the San José Unified School District. The school district operates 41 schools and serves more than 30,000 students. Students in the project area attend Gardner Academy Elementary School at 502 Illinois Avenue (approximately 0.9 mile southeast of the project site), Herbert Hoover Middle School at 1635 Park Avenue (approximately 0.7 mile northwest of the project site), and Abraham Lincoln High School at 555 Dana Avenue (approximately 0.6 mile west of the project site).

#### Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. O'Connor Park is the closest park to the project site, located approximately 0.2 mile south of the site.

#### Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the project area are served by the Rose Garden Branch Library, located 0.9 mile northwest of the site at 1580 Naglee Avenue.

### 3.14.2 Environmental Checklist

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

### 3.14.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as public services impacts do not substantially differ between the two scenarios.

**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?**

**Fire and Police Protection**

The proposed project would intensify development on the site and would incrementally increase the demand for fire and police protection services compared to existing conditions. The project would not, by itself, preclude the SJFD and SJPD from meeting their service goals and would not require the construction of new or expanded fire or police facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. For these reasons, the proposed project would not result in a significant impact on fire and police protection services. **[Less Than Significant Impact]**

**Schools**

The project proposes to construct up to 206 multi-family residential units. Residents of the family apartments could include elementary, middle, and high school students. The incremental

increase of students attending local schools is not expected to require construction of a new school. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project.

Although residential development under the proposed project could generate new students in the area, the project would conform to Government Code Section 65996, which requires the project to pay school impact fees and is considered adequate mitigation for increased demands upon school facilities. **[Less Than Significant Impact]**

### Parks

New residents of the site would use existing recreational facilities in the area, including O'Connor Park. The new residents would incrementally increase the use of existing recreational facilities in the project area. The project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance, and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities. The project shall implement the following standard permit condition as a condition of approval for the future Planned Development permit.

**Standard Permit Condition:** The project shall conform to the City's Park Impact Ordinance and Parkland Dedication Ordinance.

The PDO/PIO fees generated by the residential development would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the project site and/or community-serving facilities within a three-mile radius (General Plan Policies PR-2.4 and PR-2.5). Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to parks. **[Less Than Significant Impact]**

### Other Public Facilities

There are 22 libraries serving neighborhoods located throughout San José. Development approved under the Envision San José 2040 General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the Envision San José 2040 General Plan by the year 2035, which is above the City's service goal. Although the proposed project would incrementally increase residential development and population growth above those anticipated in the General Plan, the proposed project would not substantially increase use of San José library facilities or otherwise require the construction of new library facilities. **[Less Than Significant Impact]**

### 3.14.4 Conclusion

Implementation of General Plan policies, City ordinances, and the Government Code would ensure that development under the proposed project would not result in significant impacts to public services for either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

## 3.15 RECREATION

### 3.15.1 Setting

#### 3.15.1.1 *Regulatory Framework*

**Quimby Act – California Code Sections 66475-66478**

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or provide a combination of the two. As described in *Section 3.14, Public Services* of this Initial Study / Environmental Assessment, the City of San José has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

**Envision San José 2040 General Plan Policies**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to recreational resources and are applicable to the proposed project:

**Envision San José 2040 Relevant Recreation Policies**

| Policy | Description |
|---|---|
| Policy PR-1.1 | Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents. |
| Policy PR-1.2 | Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies. |
| Policy PR-1.3 | Provide 500 SF per 1,000 population of community center space. |
| Policy PR-2.4 | To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds. |
| Policy PR-2.5 | Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds. |

#### 3.15.1.2 *Existing Conditions*

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate

parks, and over 55 miles of trails.[22] The Central/Downtown Planning Area of San José, located near the project site, is currently underserved with respect to parklands for the population. The area needs an additional 323.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.[23] The project area is not considered underserved with respect to parklands for the population.

As discussed in *Section 3.14, Public Services* of this Initial Study / Environmental Assessment, O'Connor Park is located approximately 0.2 mile south of the project site. The closest community center is the Rose Garden Branch Library, located at 1580 Naglee Avenue, 0.9 mile northwest of the site.

### 3.15.2 Environmental Checklist

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|---|
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | ☐ | ☐ | ☒ | ☐ | 1, 2, 29, 31 |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |

### 3.15.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as recreation impacts do not substantially differ between the two scenarios.

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

The proposed residential development would result in a maximum of 206 dwelling units and an estimated 660 residents on the site, using the City's average of 3.21 persons per household. This development and population growth is anticipated under the General Plan. As described in *Section 3.14, Public Services* of this Initial Study/Environmental Assessment, the project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance to ensure that the development would not significantly impact neighborhood and regional park facilities. **[Less Than Significant Impact]**

[22] City of San José. *Envision 2040 General Plan Final Program Environmental Impact Report.* September 2011. Pages 615-618.
[23] City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

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

The proposed project would pay in-lieu fees to meet City open space requirements. No new off-site recreational facilities would be required to serve the population increase that would result from the project. The proposed development would include private common recreational areas on the site, including common courtyard areas and a children's play area. Each apartment would have approximately 35 to 67 square feet of private open space. According to the *Greenprint 2009 Update*, the project area is not underserved by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including O'Connor Park 0.2 mile south of the project site. The proposed project would not result in the construction of new recreational facilities with the potential to adversely affect the environment. **[Less Than Significant Impact]**

### 3.15.4 Conclusion

The proposed project, with implementation of General Plan policies and the City's PDO/PIO measures, would not result in significant impacts to recreational facilities in the City of San José. **[Less Than Significant Impact]**

## 3.16 TRANSPORTATION/TRAFFIC

The discussion in this section is based in part on the *Transportation Impact Analysis* prepared by Hexagon Transportation Consultants on December 7, 2017. This report is included in this Initial Study / Environmental Assessment as Appendix G.

### 3.16.1 Setting

#### 3.16.1.1 *Regulatory Framework*

**Metropolitan Transportation Commission**

The Metropolitan Transportation Commission is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

**Congestion Management Program**

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara Congestion Management Program (CMP)*. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

**Bike Plan 2020**

The City of San José *Bike Plan 2020*, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a five percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

**Level of Service Standards and City Council Policy 5-3**

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D

rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[24] The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, a traffic impact analysis is only required when a project would result in 100 or more peak hour trips.

### Envision San José 2040 General Plan

The Circulation Element of the General Plan contains several long-term goals and policies that are intended to:

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city in which people are less reliant on driving to meet their daily needs; and
- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the transportation policies in the General Plan, including the following:

**Envision San José 2040 Relevant Transportation Policies**

| Policy | Description |
|---|---|
| Policy TR-1.1 | Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT). |
| Policy TR-1.2 | Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects. |
| Policy TR-1.4 | Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. |
| Policy TR-1.5 | Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences. |
| Policy TR-1.6 | Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards. |

[24] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

| | |
|---|---|
| Policy TR-2.8 | Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements. |
| Policy TR-3.3 | As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities. |
| Policy TR-5.3 | The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts. |
| Policy TR-8.4 | Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use. |
| Policy TR-8.6 | Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and Corridors and other growth areas. |
| Policy TR-8.7 | Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments. |
| Policy TR-8.8: | Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage. |
| Policy TR-8.9 | Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development. |
| Policy TR-9.1 | Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips. |
| Action TR-10.4 | In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements. |
| Policy CD-2.3 | Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate. |
| Policy CD-2.10 | Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas. |
| Policy CD-3.3 | Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and |

| | |
|---|---|
| | by requiring pedestrian connections between building entrances, other site features, and adjacent public streets. |
| Policy CD-3.6 | Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections. |

In addition to the policies in the General Plan, the proposed project would be required to comply with the San José Residential Design Guidelines with regards to pedestrian access.

### 3.16.1.2 *Existing Conditions*

#### Roadway Network

Regional access to the project site is provided via State Route 87 and Interstate 280. State Route 87 is primarily a six-lane freeway that is aligned in a north-south orientation within the project vicinity. Site access to and from State Route 87 is provided via Park Avenue and Auzerais Avenue. Interstate 280 extends from US-101 in San José to Interstate 80 in San Francisco and is generally an east-west oriented eight-lane freeway in the vicinity of downtown San José. Site access to and from Interstate 280 is provided via freeway ramps at Parkmoor Avenue, Race Street, Meridian Avenue, and Bird Avenue.

#### Pedestrian and Bicycle Facilities

Pedestrian facilities consist mostly of sidewalks along the streets in the project area. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections near the project site. Overall, the existing network of sidewalks and crosswalks in the immediate vicinity of the project site has good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the study area.

Bicycle facilities in the project area include Class II bike lanes on Race Street between Auzerais Avenue and Parkmoor Avenue, Park Avenue west of Race Street, and Auzerais Avenue between Bird Avenue and Drake Street, that connect with other bike lanes and routes in the City. Shared bike routes are present on Auzerais Avenue between Race Street and Delmas Avenue. According to the City of San José Bike Master Plan, bike lanes are planned on Auzerais Avenue between Woz Way and Meridian Avenue. A connection to the northern segment of the Los Gatos Creek Trail system is located approximately 0.5 mile east of the project site.

#### Transit Service

Existing transit services in the project area are provided by VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. Local VTA bus route 63 stops on Race Street, just south of the project site. Local routes 23 and 81, as well as limited stop route 323, stop on San Carlos Street south of the project site. The Mountain View-Winchester light rail transit (LRT) line (route 902) and Santa Teresa-Alum Rock LRT line (route 901) stop at the San Jose Diridon Station, located approximately 0.5 mile from the project site.

## Traffic Analysis – Methodology

The following seven intersections were studied:

1. Meridian Avenue and Park Avenue
2. Race Street and Park Avenue
3. Sunol Street and Park Avenue
4. Meridian Avenue and W. San Carlos Street (Protected Intersection)
5. Race Street and W. San Carlos Street
6. Lincoln Avenue and W. San Carlos Street (Protected Intersection)
7. Sunol Street and W. San Carlos Street

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of adjacent street traffic. The AM peak hour typically occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday. These are the peak commute hours, during which most weekday traffic congestion occurs on the roadways in the study area.

Traffic conditions were evaluated for the worst-case project scenarios, scenarios with retail options on both access options for the following:

- Existing Conditions – includes recent traffic counts
- Existing Plus Project Conditions – Existing traffic volumes with the project were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing plus project conditions were evaluated relative to existing conditions in order to determine the effects the project would have on the existing roadway network
- Background Conditions – Background traffic volumes reflect traffic added by nearby approved projects that are not yet completed or occupied.
- Background Plus Project Conditions – Projected near-term peak hour traffic volumes with the project were estimated by adding to background traffic volumes the additional traffic generated by the project. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts based on the City of San Jose's Level of Service Policy.

However, the LOS results of the intersection level of service analysis for Option 1A (retail on Race Street with Grand Avenue access) did not differ significantly from Option 1B (retail on Race Street with Race Street access) and 1C (access on Grand Avenue with no retail uses) results, and are included in Appendix G. Refer to Table 3.16-2 below for a summary of the LOS analysis.

Under the City of San José's Level of Service Policy, the project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

- The level of service at the intersection degrades form an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions,
- The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the

intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent or more, or

- The level of service at a designated Protected Intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by 0.5 percent or more.

An exception to the second rule above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

While this Initial Study / Environmental Assessment analyzes existing, project, and background conditions, the background conditions represent the baseline from which project impacts are identified, consistent with the City's Level of Service Policy.

**Level of Service Analysis Results**

Traffic conditions were evaluated using an LOS analysis. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. As shown in Table 3.16-2, all of the seven study intersections currently operate at an acceptable LOS D or better during both the AM and PM peak hours. The full results of the LOS analysis under all conditions are summarized below.

## 3.16.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) 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? | ☐ | ☐ | ☒ | ☐ | 1, 32 |
| 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? | ☐ | ☐ | ☒ | ☐ | 1, 32 |

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 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? | ☐ | ☐ | ☐ | ☒ | 1, 32 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ | 1, 32 |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ | 1, 32 |
| 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? | ☐ | ☐ | ☒ | ☐ | 1, 32 |

### 3.16.3 Impact Discussion

The proposed project includes the following options:

**Scenario 1:** The project proposes to demolish all existing buildings and structures on the site and construct approximately 206 multi-family residential units. Scenario 1 would also include vehicular access and retail/commercial space of:

- Option 1A: Vehicular access would be provided via a driveway on Grand Avenue. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage. This option is the focus of the project description in the *Traffic Impact Analysis* (TIA).
- Option 1B: Vehicular access would be provided via a driveway on Race Street. Up to 8,500 square feet of retail/commercial space would be developed on the first floor of Parcel B, along the Race Street frontage. This option is "Alternative 2" in the TIA.
- Option 1C: Vehicular access would be provided via a driveway on Grand Avenue. No retail/commercial uses would be developed. This option is "Alternative 1" in the TIA.

**Scenario 2:** The project proposes to demolish all existing buildings and structures on the site and construct 116 family apartments and 90 senior apartments. Scenario 2 would also include the same vehicular access and retail/commercial space options as Options 1A to 1C above.

The *Traffic Impact Analysis* determined that the traffic impacts under Scenario 2 would be less than those under Scenario 1 as the occupants of the 90 senior units would generate fewer vehicle trips than the occupants of multi-family apartment units; therefore, Scenario 1 options with retail uses represent the worst-case scenario and are the focus of the discussion below.

**a, b, d) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes**

**of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?; Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?; Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?**

The project proposes removing the existing uses on the site and constructing 206 multi-family apartments, and up to 8,500 square feet of commercial/retail space. The existing uses to be removed include 9,000 square feet of office space, six single-family homes, an 8,000 square-foot restaurant and market (vacant), a 12,000 square-foot warehouse, and a 250 square-foot barber shop.

The project would remove five existing driveways on Race Street and five existing driveways on Grand Avenue.

### Trip Generation Estimates

Trip generation resulting from new development proposed within the City of San José typically is estimated using either the trip rates detailed in the *San José Traffic Impact Analysis Handbook* (November 2009), or the trip rates published in the *Institute of Transportation Engineers' (ITE) Trip Generation Manual, 9th Edition* (2012). Both sources for trip generation rates were utilized in this traffic study.

A mixed-use development with complementary land uses such as residential and retail generate trips internally between the uses. Thus, the number of vehicle trips generated for each use may be reduced, since a portion of the trips would not require entering or exiting the site. The Santa Clara Valley Transportation Authority's *Congestion Management Program Transportation Impact Analysis Guidelines* (October 2014) indicates a trip reduction of up to 15 percent is allowed for residential and retail mixed-use developments. The reduction is first applied to the smaller of the two complimentary trip generators (retail use), and the same number of trips is then subtracted from the larger trip generator (residential use) to account for both trip ends.

A retail pass-by trip reduction of 25 percent (typical for Santa Clara County) also can be applied to the net peak hour trip generation estimates for the retail space. Pass-by-trips are trips that would already be on the adjacent roadways (and so are already counted in the existing traffic) but would turn into the site while passing by. Justification for applying the pass-by-trip reduction is founded on the observation that such retail traffic is not actually generated by the retail uses, but is already part of the ambient traffic levels.

Trips that are generated by existing uses can be subtracted from the gross project trip generation estimates. Accordingly, trip credits were applied to account for the mix of land uses that would be removed as part of the project. The trip credits are based on trip generation counts of the existing occupied uses completed on May 31, 2017 and standard ITE rates for the currently vacant on-site building. This assumes that if the proposed project does not proceed, the closed

restaurant and market would reopen at some point and trips from that use would return to the roadways.

Options 1A and 1B

After applying the ITE and City of San José trip rates to the proposed residential and retail uses, and applying the trip credits associated with the existing occupied uses to be removed and the existing vacant building to be removed, Options 1A and 1B would generate 321 net new daily vehicle trips, with 53 new trips occurring during the AM peak hour and 25 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual* and the *San José Traffic Impact Analysis Handbook*, the project (under background plus project conditions) would produce five new inbound and 48 new outbound trips during the AM peak hour, and 15 new inbound and 10 new outbound trips during the PM peak hour (see Table 3.16-1 below).

Option 1C (no retail)

After applying the appropriate trip generation rates and existing trip credits, Option 1C would generate 155 net new daily vehicle trips, with 48 new trips occurring during the AM peak hour and nine new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual* and the *San José Traffic Impact Analysis Handbook*, the project (under background plus project conditions) would produce no new inbound and 48 new outbound trips during the AM peak hour, and seven new inbound and two new outbound trips during the PM peak hour. The table below focuses on the higher trip-generating Options 1A and 1B, which include retail uses.

**Table 3.16-1: Background Plus Project Conditions – Project Trip Generation Estimates (Options 1A and 1B)**

| Land Use | Daily Trips | AM Peak Hour | | | PM Peak Hour | | |
|---|---|---|---|---|---|---|---|
| | | In | Out | Total | In | Out | Total |
| ***Proposed Uses*** | | | | | | | |
| Apartments [1] (206 units) | 1,121 | 19 | 55 | 74 | 56 | 35 | 91 |
| Residential & Retail internal Capture (15%)[4] | (51) | (1) | (1) | (2) | (2) | (2) | (4) |
| Strip Retail/ Commercial [3] (8,500 SF) | 340 | 8 | 3 | 11 | 15 | 15 | 30 |
| Residential & Retail internal Capture (15%)[4] | (51) | (1) | (1) | (2) | (2) | (2) | (4) |
| Retail Pass-By Reduction (25%) [5] | (72) | (1) | (1) | (2) | (3) | (3) | (6) |
| **Project Subtotal:** | **1,287** | **24** | **55** | **79** | **64** | **43** | **107** |
| ***Existing Occupied Uses*** | | | | | | | |
| SF Homes, Foster Care Facility, Barber Shop, Warehouse [6] | (190) | (12) | (6) | (18) | (6) | (14) | (20) |
| ***Existing Vacant Uses*** | | | | | | | |
| Restaurant and Market [7] | (776) | (7) | (1) | (8) | (43) | (19) | (62) |
| | (966) | (19) | (7) | (26) | (49) | (33) | (82) |
| **Net New Trips** | **321** | **5** | **48** | **56** | **15** | **10** | **25** |

Notes:
1. Trip generation based on Multi-Family Housing Mid-Rise (Land Use 221) rates contained in the ITE Trip Generation Handbook, 10th Edition (2017).
2. Trip generation based on Senior Adult Housing- Attached (Land Use 252) rates contained in the ITE Trip Generation Handbook, 9th Edition (2012).
3. Trip generation based on Specialty Retail/Strip Commercial rates contained in the *San José Traffic Impact Analysis Handbook*, November 2009.
4. A 15% residential/retail mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA Guidelines. A 15% reduction was first applied to the smaller generator (retail). The same number of trips were subtracted from the larger general (residential) to account for both trip ends.
5. A typical 25% pass-by trip reduction was allocated to the retail component of the project.
6. Trips generated by existing occupied uses are based on counts completed on Wednesday, May 31, 2017. Existing occupied uses include 7 single-family houses, a barber shop, a foster care facility currently operating in a 9,000 SF office building, and a 12,000 SF warehouse.
7. Trip Generation based on Quality Restaurant rates contained in the *San José Traffic Impact Analysis Handbook*, November 2009.

The trip distribution of net new project trips was generated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses.

### Level of Service Impacts

The project trips were assigned to intersections in the project area, and the intersection level of service analysis results for project conditions are summarized in Table 3.16-2. Two of the project intersections (Meridian Avenue and San Carlos Street, and Lincoln Avenue and San Carlos Street) are Protected Intersections in the City's Transportation Level of Service Policy, Council Policy 5-3. Protected Intersections are locations that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect on other transportation facilities (such as pedestrian, bicycle, and transit systems). Protected Intersections are, therefore, not required to maintain a Level of Service D, which is the City of San José standard.

All project intersections would operate within applicable jurisdictional standards of City of San José (LOS D) and the VTA Congestion Management Program (LOS E) or better during the AM and PM peak hours under background plus project conditions. Therefore, the project would have a less than significant impact at all seven study intersections.

Table 3.16-2, below, shows the results of the intersection level of service analysis for Option 1A with Grand Avenue access. As stated above, LOS results did not differ significantly for Options 1B (Race Street access) and 1C (no retail uses), and are included in Appendix G.

**Table 3.16-2: Background Plus Project Conditions – LOS Results for Option 1A**

| Intersection | Peak Hour | Existing Conditions | | Background Conditions | | Background Plus Project Conditions | |
|---|---|---|---|---|---|---|---|
| | | Average Delay (sec.) | LOS | Average Delay | LOS | Average Delay | LOS |
| Meridian Av & Park Av | AM | 23.4 | C | 23.8 | C | 23.8 | C |
| | PM | 20.9 | C | 21.0 | C | 21.0 | C |
| Race St & Park Av | AM | 15.2 | B | 15.8 | B | 15.8 | B |
| | PM | 19.4 | B | 20.1 | C | 20.3 | C |
| Sunol St & Park Av | AM | 7.8 | A | 9.3 | A | 9.3 | A |
| | PM | 10.6 | B | 11.6 | B | 11.6 | B |
| Meridian Av & San Carlos St * | AM | 37.2 | D | 39.2 | D | 39.6 | D |
| | PM | 47.1 | D | 53.5 | D | 54,1 | D |
| Race St & San Carlos St | AM | 36.8 | D | 37.1 | D | 36.9 | D |
| | PM | 41.5 | D | 43.1 | D | 42.9 | D |
| Lincoln Av & San Carlos St * | AM | 31.9 | C | 34.3 | C | 34.4 | C |
| | PM | 34.8 | C | 37.6 | D | 37.7 | D |
| Sunol St & San Carlos St | AM | 12.8 | B | 15.0 | B | 15.0 | B |
| | PM | 13.8 | B | 16.4 | B | 16.4 | B |

Notes: * Denotes a City of San José Protected Intersection

The project would not result in significant intersection delays or inadequate circulation for any project option. The project would not result in significant intersection level of service impacts. **[Less Than Significant Impact]**

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

As discussed in *Section 3.8, Hazards and Hazardous Materials*, the project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones. The project would not result in a change in air traffic patterns. **[No Impact]**

**e) Result in inadequate emergency access?**

The proposed project is consistent with City policies regarding project design features and emergency access. Consistent with City standards, the proposed project would provide an 18-foot wide driveway with a 22-foot wide access for emergency vehicles. No hazards or design features would hinder emergency vehicles access to the project site. The project would, therefore, not substantially increase hazards due to a project design features or result in inadequate emergency access. **[Less Than Significant Impact]**

**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?**

The project would construct a new curb, gutter and sidewalk along the site's frontage on Grand Avenue and Race Street and along the project's internal drive. The project includes 20 short-term and 30 long-term bicycle parking spaces, consistent with the City Municipal Code. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities in the immediate vicinity of the project site. **[Less Than Significant Impact]**

### 3.16.3.1 *Other Transportation and Site Access Considerations*

**Queueing Analysis**

A queueing analysis for the following three intersections was completed to evaluate the size of the existing pockets and the number of vehicles the proposed project would generate at the existing pocket (further detail related to the queueing analysis is contained within Appendix G):

- Race Street and Park Avenue
- Meridian Avenue and San Carlos Street
- Race Street and San Carlos Street

For the purposes of CEQA, there are no quantitative impact thresholds specific to queueing. There is, however, a qualitative threshold stating that the project would have a significant impact if it would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses sharing the roadway (e.g., farm equipment). If project traffic would exceed an existing turn-pocket length and spill out of the pocket, typically the resulting traffic would be more congested, resulting in additional delay but not a safety concern. Thus, there would be no safety impact.

**Parking**

Per the City of San José Municipal Code (Chapter 20.90), vehicle parking requirements for multi-family residential uses are as follows:

- 1.25 spaces per one-bedroom unit
- 1.7 spaces per two-bedroom unit
- 2.0 spaces per three-bedroom unit

The City of San José vehicle parking requirement of one space per 400 square feet of retail/commercial uses within Urban Villages was also applied to the project.

A total of 320 off-street parking spaces are required for the proposed 206 residential units and 8,500 square feet of retail uses. Based on the location of the project site and the City's parking requirements and reductions,[25] the project could be eligible for a 20 percent reduction in off-street vehicle parking. With this reduction, the project would be required to provide 256 vehicle parking spaces.

The City's bicycle parking requirements require one bicycle parking space for every four residential units and one bicycle parking space for every 4,000 square feet of retail/commercial space. To meet the City's requirements, the project should provide 32 long-term and 20 short-term bicycle parking spaces for the residential use, and two short-term bicycle parking spaces for the retail use.

At the time the *Transportation Impact Analysis* was completed, the project proposed a total of 242 parking spaces, which would be adequate to serve the residential component of the project but would not include off-street retail parking. In addition, the project site plan did not indicate how many bicycle spaces would be provided. Thus, bicycle parking supply could not be evaluated.

The project is required to comply with vehicle and bicycle parking standards per the City's policies and regulations. A parking reduction may be considered based on City Planning review of a subsequent parking analysis. Parking deficits are not considered significant environmental impacts under the CEQA Guidelines; therefore, the future parking analysis would not affect the project's attainment of CEQA thresholds.

### 3.16.4 Conclusion

Implementation of City General Plan policies and Residential Design Guidelines would ensure that the proposed project would not result in significant impacts on the transportation system serving the site for Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

[25] Since the project is located within 2,000 feet of an existing bus rapid transit (BRT) station, and assuming the project provides adequate bicycle parking per the City's requirement, the project would be eligible for a 20 percent reduction in off-street vehicle parking. With this reduction, the project would be required to provide 256 vehicle parking spaces instead of 320 vehicle parking spaces.

## 3.17 UTILITIES AND SERVICE SYSTEMS

### 3.17.1 Setting

#### 3.17.1.1 *Regulatory Framework*

**Assembly Bill 939**

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (CIWMB; now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 50 percent of the waste stream by the year 2000.

**California Green Building Standards Code**

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the utilities and services policies of the City's General Plan, including the following:

**Envision San José 2040 Relevant Utilities and Service Systems Policies**

| Policy | Description |
|---|---|
| Policy MS-3.1 | Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions. |
| Policy MS-3.2 | Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit. |
| Policy MS-3.3 | Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses. |
| Action EC-5.16 | Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites. |

| | |
|---|---|
| Policy IN-3.3 | Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects. |
| Policy IN-3.5 | Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program. |
| Policy IN-3.7 | Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties. |
| Policy IN-3.9 | Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards. |
| Policy IN-3.10 | Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit. |

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

**San José Zero Waste Strategic Plan/Green Vision**

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

**Private Sector Green Building Policy**

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

### 3.17.1.2 *Existing Conditions*

The project site is currently developed with residential and commercial uses that are served by existing utilities, including water, wastewater, storm drainage, and solid waste.

## Water Service

Water service is provided to the site by the San José Water Company. There are currently no recycled water lines in the project area.[26]

## Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[27] In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day.[28] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[29]

## Storm Drainage

The project site is located in a developed area served by storm drainage systems. Impervious surfaces on the site include buildings and parking lots.

Storm drainage lines in the project area are owned and maintained by the City of San José.

## Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[30] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

[26] City of San José. "Recycled Water Construction." Accessed November 16, 2017. Available at: http://www.sanjoseca.gov/index.aspx?NID=1601.
[27] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed November 15, 2017. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.
[28] City of San José. "Clean Bay Strategy Reports." February 2013. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629
[29] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[30] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

### 3.17.2 Environmental Checklist

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☒ | ☐ | 1, 2, 33, 34 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☒ | ☐ | 1, 2, 35, 36 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☒ | ☐ | 1, 2, 13 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☒ | ☐ | 1 2, 37 |

### 3.17.3 Impact Discussion

The following impact analysis includes a combined discussion for both Scenario 1 and 2 as utilities and service systems impacts do not substantially differ between the two scenarios.

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

Pursuant to the Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the RWQCB regulates wastewater discharges to surface waters, such as San Francisco Bay, through the NPDES program. Wastewater permits contain specific requirements that limit the pollutants in discharges.

Sanitary sewer lines serving the site are owned and maintained by the City of San José. The project proposes to construct one six-inch sewer lateral extending from Parcel A to the existing six-inch sewer main under Race Street. A second six-inch lateral would be constructed from

Parcel B to the existing sewer main under Race Street. Wastewater flows south along the existing sewer main toward West San Carlos Street.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility, formerly known as the San José/Santa Clara WPCP, in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[31] In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day.[32] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[33]

Development of the site under the proposed project is anticipated to result in wastewater generation of approximately 52,000 gallons per day.[34] Because the existing site uses currently generate wastewater, the net increase in wastewater generation would be less than 24,000 gallons per day. The project would not result in exceedances of RWQCB's treatment requirements for the RWF. **[Less Than Significant Impact]**

**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?**

Development under the proposed project is consistent with General Plan growth projections and would not substantially increase water or wastewater volumes such that new or expanded water or wastewater treatment facilities would be required. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for water and sewer services. Therefore, the project would not have a significant impact related to the provision of water and sewer service for the project. **[Less Than Significant Impact]**

**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?**

The site is currently developed with residential and commercial uses, along with associated parking and landscaping. Runoff from the project site currently enters the storm drainage system untreated and unimpeded.

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[31] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed July 18, 2017. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.
[32] City of San José. "Clean Bay Strategy Reports." February 2013. Accessed July 18, 2017. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629
[33] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[34] Based upon the California Emissions Estimator Model (CalEEMod) standard water use rate of 65,154 gallons of indoor water and 41,075 gallons of outdoor water per year for mid-rise apartment units; 74,073 gallons per 1,000 square feet per year for strip malls; and wastewater comprising 85% of water use.

The project proposes to construct two 12-inch storm drain laterals along the northern and southern site boundaries. Stormwater would flow east toward a proposed 15-inch storm drain main under Race Street, then south toward an existing 24-inch main under West San Carlos Street.

As discussed in *Section 3.9, Hydrology and Water Quality* of this Initial Study/Environmental Assessment, the project would decrease the impervious surface area of the site and install bioretention areas, removing pollutants and decreasing the rate and volume of stormwater runoff entering the City storm drainage system. The project would also comply with the San Francisco Bay MRP. For these reasons, redevelopment of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **[Less Than Significant Impact]**

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

Water service is provided to the site by the San José Water Company. The primary water source for the project area is groundwater. The SCVWD currently manages the groundwater basin in Santa Clara County.[35] The groundwater basin is not adjudicated, meaning landowners have equal rights to the underlying aquifer. In 2010, SCVWD's groundwater usage was estimated at 51,107 acre-feet per year.[36]

The project proposes to redevelop the project site with residential and commercial uses. It is estimated that the project would result in a water demand of approximately 62,000 gallons per day. Because the existing site uses currently use water, the net increase in water demand would be less than 28,000 gallons per day. The proposed project would increase water usage at the site, but would not significantly impact SCVWD's water supplies or usage. **[Less Than Significant Impact]**

**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?**

In 2011, the Envision San José 2040 General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity remaining for the City of San José. Redevelopment of the site under the proposed project would not substantially increase wastewater treatment demand. **[Less Than Significant Impact]**

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

[35] San José Water Company. *2010 Urban Water Management Plan*.
[36] San José Water Company. *Water Supply Source Map*. Accessed July 18, 2017. Available at: https://www.sjwater.com/for_your_business/builders_contractors/water_flow_design/water_supply_source

Santa Clara County's Integrated Waste Management Plan was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[37] The project would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity. **[Less Than Significant Impact]**

### 3.17.4 Conclusion

The proposed project would not require construction of new off-site facilities for wastewater treatment, storm drainage, water, or waste disposal. Existing facilities have the capacity to serve the anticipated uses, and the project would not substantially increase demand upon these facilities compared to existing conditions.

Implementation of General Plan and other City policies would ensure redevelopment of the project site would not significantly impact utilities and service systems serving the project site for either Scenario 1 or Scenario 2. **[Less Than Significant Impact]**

[37] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

## 3.18 MANDATORY FINDINGS OF SIGNIFICANCE

| | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact | Checklist Source(s) |
|---|---|---|---|---|---|---|
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ | 1-37 |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☒ | ☐ | ☐ | 1-37 |
| c) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ | 1-37 |

### 3.18.1 Impact Discussion

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

As discussed in the previous sections of this Initial Study / Environmental Assessment, the proposed project would not degrade the quality of the environment with implementation of identified Standard Permit Conditions and mitigation measures. As discussed in *Section 3.4, Biological Resources,* with implementation of the identified Standard Permit Conditions and mitigation measures, the project would not significantly impact sensitive habitats or species. As discussed in *Section 3.5, Cultural Resources,* with implementation of the identified Standard Permit Conditions and mitigation measures, the project would result in a less than significant impact on archaeological, historic, and paleontological resources. The project would not result in new or more significant impacts than identified in the General Plan EIR. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

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

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

Similar approved projects in the vicinity of the proposed project include PD14-012 with development of up to 315 residential units and 22,665 square feet of commercial uses 0.5 mile from the project site; PDC06-024 with development of up to 969 residential units and 5,000 square feet of commercial uses 0.6 mile from the project site; and PDC08-061 with development of up to 800 residential units and 30,000 square feet of commercial uses 0.4 mile from the project site. These projects are required to comply with federal, state, and local regulations and have incorporated mitigation measures to reduce environmental impacts.

The proposed residential and commercial development would result in temporary air quality, biological, cultural, hazardous materials, and noise impacts during construction. With the implementation of the identified Standard Permit Conditions, and measures identified in the General Plan EIR, BMPs, mitigation measures, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, these impacts would not be considered cumulatively considerable.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, transportation, and utility and service systems. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan EIR and accounted for in the City's long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

The project would result in operational impacts to air quality and noise. An *Air Quality Assessment* and a *Noise and Vibration Assessment* were completed for the proposed project, including detailed analysis of cumulative impacts. As described in *Section 3.3, Air Quality* and *Section 3.12, Noise and Vibration* of this Initial Study / Environmental Assessment, mitigation measures included in the project would reduce cumulative air quality and noise impacts to a less than significant level. MM AIR-1.1 would reduce the emissions of toxic air contaminants associated with construction equipment. MM NOI-1.1 and MM NOI-1.2 would reduce construction-related noise, and MM NOI-2.1 would reduce the operational impacts of mechanical equipment noise on sensitive receptors.

Other approved projects in the vicinity of the project site are required to incorporate similar measures in accordance with the San José General Plan. **[Less Than Significant Impact with Mitigation Incorporated in the Project]**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction air quality, hazardous materials and noise. However, adherence to General Plan policies and implementation of mitigation measures would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **[Less Than Significant Impact with Mitigation Measures Incorporated in the Project]**

# SECTION 4.0 OTHER SECTIONS REQUIRED BY NEPA

The National Environmental Policy Act requires consideration of physical and socioeconomic impacts beyond those required by the California Environmental Quality Act. The purpose of this chapter is to address those additional NEPA requirements and to fulfill the additional environmental documentation required by the U.S. Department of Housing and Urban Development prior to its taking a federal action.

This chapter includes an evaluation of proposed project Scenario 2, development of 90 units of below market rate senior apartments and 116 units of below market rate multi-family apartments along with an optional 8,500 square feet of retail uses on Race Street. Scenario 1, development of 206 multi-family apartments, does not require NEPA analysis.

## 4.1 COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES

| **Compliance Factors**: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6 | Are formal compliance steps or mitigation required? | Compliance determinations |
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| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6** | | |
| **Airport Hazards**<br><br>24 CFR Part 51 Subpart D | Yes ☐ No ☒ | The project site is not located within any airport influence area, airport clear zones, or safety zones.<br><br>[Source: (21)] |
| **Coastal Barrier Resources**<br><br>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] | Yes ☐ No ☒ | The project site is an infill parcel within an urbanized area of San José. The site is not located in or near a coastal zone or costal barrier resource area.<br><br>[Source: (38)] |
| **Flood Insurance**<br><br>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] | Yes ☐ No ☒ | The project is located within the Federal Emergency Management Agency's Flood Zone D (Map No. 06085C0233H, May 18, 2009), an area of undetermined but possible flood hazards. The project site is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program. |

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| | | The project is in compliance with flood insurance requirements.<br><br>[Source: (24)] |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5** | | |
| **Clean Air**<br><br>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | Yes ☐ No ☒ | The proposed project will conform to the Federal Clean Air Plan. Based on the location, service area, and objectives of the project, the project will not substantially increase traffic in the project area.<br><br>The project includes mitigation, MM AIR-1.1, to reduce construction-related TACs by selection of low-emissions equipment and preparation of a construction operations plan.<br><br>See the discussion in *Section 3.3, Air Quality* of the Initial Study.<br><br>[Source: Appendix A] |
| **Coastal Zone Management**<br><br>Coastal Zone Management Act, sections 307(c) & (d) | Yes ☐ No ☒ | The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 et seq.). The nearest coastal zone is located to the west in San Mateo County. The project is in compliance with the Coastal Zone Management Act.<br><br>[Source: (38)] |
| **Contamination and Toxic Substances**<br><br>24 CFR Part 50.3(i) & 58.5(i)(2) | Yes ☒ No ☐ | A *Phase I Environmental Site Assessment* was prepared for the project site in June 2017. A *Limited Phase II Subsurface Investigation* was prepared in December 2016, with a supplemental report prepared in August 2017.<br><br>Shallow soils impacts present at the project site include elevated concentrations of hydrocarbons and certain metals, including chromium and lead. As discussed in *Section 3.8, Hazards and Hazardous Materials*, two underground storage tanks located at 253 Race Street have either been removed or closed in place. PCE was detected on the site at concentrations below the residential Environmental Screening Level. Due to the age of the existing site buildings, lead and asbestos could be present in building materials. |

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| | | Mitigation measures MM HAZ-1.1 through MM HAZ-2.2 include preparation of a site management plan and notification procedures in the case of encountering an underground storage tank. Based on the results of additional investigations, additional measures may be required to reduce potential PCE contamination at the site. With implementation of MM HAZ-1.1 through MM HAZ-2.2, and adherence to standard permit conditions, the project will not have adverse hazardous materials impacts.<br><br>[Source: Appendices E1, E2, and E3] |
| **Endangered Species**<br><br>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | Yes ☒ No ☐ | The project site is located in an urban area and is surrounded by existing development. The site is currently developed with commercial and residential uses, and has been extensively disturbed. Urban habitats include street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species.<br><br>No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site, and no sensitive species are anticipated in this area of the City of San José.<br><br>The project site is located within the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (VHP). According to the Santa Clara Valley Habitat Agency Geobrowser, the project site is designated as *Urban-Suburban* and is not located in any Land Cover Fee Zones or Plant or Wildlife Survey Area.<br><br>If construction of the proposed project occurs during the bird nesting season (February 1-August 31), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act. Mitigation measures (MM BIO-1.1 through MM BIO-1.4), which include nesting bird surveys and buffer zones, are included in the |

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| | | project to avoid the potential for construction related impacts. With implementation of MM BIO-1.1 through MM BIO-1.4 and standard permit conditions, the project will comply with the Endangered Species Act.<br><br>[Source: (10)] |
| **Explosive and Flammable Hazards**<br><br>24 CFR Part 51 Subpart C | Yes ☐ No ☒ | An Explosives and Fire Hazards Review was completed on April 11, 2017 for the proposed project.<br><br>The review included a visual survey of the project area and consultation with the San José Fire Department. The review and survey was completed in accordance with 24 CFR Part 51 C. There are no explosive or flammable operations on the project site. The survey identified eight businesses within 2,000 feet of the site reporting storage of materials that warranted calculation of Acceptable Separation Distance (ASD). The ASD for the motor oil tanks located at Precision Tune, south of the project site, is less than the distance to the nearest proposed building on the site. However, based on the proposed site plan, this building will be a mechanical room. The distance to the nearest residentially occupied unit satisfies the required ASD. The mechanical room is the only proposed structure that does not satisfy the ASD, and it will not be used or occupied by a future resident.<br><br>Therefore, all identified above-ground storage containers satisfy or exceed the required ASD for the quantities of the chemicals present. There are no facilities storing quantities of explosive and/or flammable materials that did not meet the ASDs in conformance with HUD 24 CFR Part 51 C.<br><br>[Source: Appendix H] |
| **Farmlands Protection**<br><br>Farmland Protection Policy Act of 1981, particularly sections | Yes ☐ No ☒ | The project is located in an urban area and will not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as |

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| 1504(b) and 1541; 7 CFR Part 658 | | Prime Farmland. The project site is designated as "urban and built-up land" on the 2014 Santa Clara County Important Farmland Map, therefore, the project complies with the Farmland Protection Policy Act.<br><br>[Source: (7), (8)] |
| **Floodplain Management**<br><br>Executive Order 11988, particularly section 2(a); 24 CFR Part 55 | Yes ☐ No ☒ | The project site is not located within a 100-year flood zone. Based on the FEMA flood insurance maps for the City of San José, the project site is designated Zone D, defined as areas of undetermined but possible flooding. Zone D areas are not subject to flood management provisions.<br><br>[Source: (24)] |
| **Historic Preservation**<br><br>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 | Yes ☒ No ☐ | The project site is not listed on the City of San José Register of Historic Resources, California's Historic Resources Inventory, or the National Register of Historic Places.<br><br>A Cultural Resources Literature Search was completed for the project on April 19, 2017, and a Historic Resources Survey was completed on April 25, 2017. No archeological or historic resources were identified on or adjacent to the project site.<br><br>The Native American Heritage Commission was contacted on March 20, 2017 for any evidence of cultural resources or tribal properties of potential concern. Consultation did not identify any Native American concerns regarding the proposed project.<br><br>A request for review and historic resources determination was submitted to the State Historic Preservation Officer (SHPO) by the City of San José on May 26, 2017 for concurrence of finding of no adverse effect. SHPO determined concurrence of the finding of no adverse effect on July 21, 2017. Therefore, the project is in compliance with Section 106. |

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| | | While studies indicate that there are no potential cultural significance, historic or pre-historic, features on the project site, there is still potential for accidental finds during construction activities. Therefore, after demolition of the site buildings, a qualified archaeologist shall complete a preliminary investigation (presence/absence) to determine if there are any indications of archaeological features (MM CUL-1.1). A Treatment Plan will be required if there are features found during the preliminary investigation (MM CUL-1.2). In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, and the archaeologist will examine the find and make appropriate recommendations (MM CUL-1.3).<br><br>[Source: Appendix C1 and C2] |
| **Noise Abatement and Control**<br><br>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B | Yes ☒ No ☐ | HUD environmental noise regulations are set forth in 24 CFR Part 51B. The following noise standards for new housing construction would be applicable to this project:<br><br>Interior:<br>• Acceptable – 45 DNL or less<br><br>Exterior:<br>• Acceptable – 60 DNL or less.<br>• Conditionally unacceptable – exceeding 60 DNL but not exceeding 75 DNL.<br>• Unacceptable– Exceeding 75 DNL.<br><br>The primary source of traffic in the area is traffic along nearby roads.<br><br>An acoustical analysis was completed for the project site by Illingworth & Rodkin, Inc., on November 6, 2017, and is available as Appendix F.<br><br>Construction noise and vibration would be reduced through implementation of a Construction Noise Plan (MM NOI-1.1) and |

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| | | limitations on construction equipment (MM NOI-1.2).<br><br>*Exterior Noise Environment*<br><br>Future cumulative exterior noise levels at the project site would continue to result primarily from roadway traffic. According to the General Plan EIR, 2040 traffic volumes along Race Street and Grand Avenue would not result in a measurable increase in noise levels at the project site, which is likely due to the area being mostly built out. The total noise level increase caused by the project was estimated to be one dBA DNL under worst-case conditions.<br><br>The project includes two courtyards, which will be partially shielding from traffic noise, and a common open space area. The future exterior noise levels at these locations would be at or below 60 dBA DNL and would meet HUD compatibility criteria (at or below 65 dBA DNL) and City of San José General Plan noise criteria (at or below 60 dBA DNL).<br><br>Mechanical equipment noise generated by the project could impact nearby sensitive receptors. Mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses (MM NOI-2.1).<br><br>*Interior Noise Environment*<br><br>Future cumulative exterior noise levels at the project site due to roadway traffic, rail operation, and aircraft operations are estimated to be approximately 68 to 69 dBA DNL. Typical construction would result in a 20 to 25 dBA exterior to interior noise level reduction, which would still exceed the 45 dBA DNL HUD compatibility threshold.<br><br>The project is required to include noise insulation features, including windows and |

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| | | doors with a minimum STC rating of 30 STC and 28 STC, respectively. These windows and doors, in combination with the stucco exterior wall construction, will maintain interior noise levels below 45 dBA DNL. With adherence to MM NOI-1.1 through MM NOI-2.1 and the permit conditions as stated in *Section 3.12, Noise and Vibration*, the project will be in compliance with City of San José regulations and with HUD Noise Abatement and Control regulations of 24 CRF 51 B.<br><br>[Source: Appendix F] |
| **Sole Source Aquifers**<br><br>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 | Yes ☐ No ☒ | The project is not in an area designated by the U.S. EPA as being supported by a sole source aquifer.<br><br>[Source: (39)] |
| **Wetlands Protection**<br><br>Executive Order 11990, particularly sections 2 and 5 | Yes ☐ No ☒ | The project site is an in-fill parcel located in an urban area and is surrounded by existing development. The site does not contain any wetlands or riparian habitat; therefore, no wetlands will be impacted and the project complies with Executive Order 11990.<br><br>[Source: (40)] |
| **Wild and Scenic Rivers**<br><br>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | Yes ☐ No ☒ | The project site is not located within a mile of a designated wild and scenic river system. There are no such rivers in San José.<br><br>[Source: (41)] |
| **ENVIRONMENTAL JUSTICE** | | |
| **Environmental Justice**<br><br>Executive Order 12898 | Yes ☐ No ☒ | The project includes afforable senior and family housing and would not have any disproportionately high health or other negative effects on minority or low-income populations. The project will faciliate the General Plan goals of the City of San José and provide much-neeeded rental assistance to benefit low-income and senior populations. Therefore, the project complies with Executive Order 12898.<br><br>[Source: (42)] |

## 4.2 ENVIRONMENTAL ASSESSMENT FACTORS [24 CFR 58.40; REF. 40 CFR 1508.8 &1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features, and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes**: The following codes are used to make the determination of impact for each factor.
**(1)** Minor beneficial impact
**(2)** No impact anticipated
**(3)** Minor Adverse Impact – May require mitigation
**(4)** Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
|---|---|---|
| **LAND DEVELOPMENT** | | |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 2 | The project is consistent with the General Plan designation and applicable general plan policies as well as with the current zoning district regulations.<br><br>The project site has a General Plan land use designation of *Urban Residential* and proposes *Planned Development (PD)* zoning.<br><br>The proposed project is consistent with the permitted land uses under the General Plan land use designation and will be consistent with building height, landscaping, setbacks, and parking requirements of the City's Residential Design Guidelines.<br><br>Surrounding lands uses included residential and commercial uses and will not conflict with the proposed residential development. The project includes landscaping around the perimeter of the site and setbacks of a minimum of 14 feet at property boundaries in order to minimize any land use conflicts.<br><br>[Source: (2)] |

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| Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff | 3 | *Soil Suitability/Slope/Erosion*<br><br>The project site is located in a relatively flat area of San José. The site is primarily underlain by alluvial fan deposits, described as medium dense to dense gravelly sand or sandy graven grading upward to sandy or silty clay.<br><br>The project site is not located in a California Geological Survey Fault Rapture or Landslide Hazard Zone. The site is located in a Liquefaction Hazard Zone. There is no known history of liquefaction-induced damage at the site. As discussed in *Section 3.6, Geology and Soils*, liquefaction control measures will be incorporated into the building foundation design.<br><br>Expansive soils were encountered on the site during the subsurface investigation. As discussed in *Section 3.6, Geology and Soils* of this Initial Study / Environmental Assessment, the San José Department of Public Works will review development plans for conformance with City and State standard engineering practices. A Geotechnical Engineer will oversee all aspects of site grading, and measures will be incorporated to stabilize the subgrade during grading work.<br><br>[Source: Appendix D]<br><br>*Drainage/Stormwater Runoff*<br><br>The project site is not located in an area of high erosion potential; however, development of the proposed project will include grading activities that may result in a temporary increase in erosion. The City of San José Policy 6-29 requires that the project prepare and implement a Stormwater Pollution Prevention Plan consistent with the requirements of the National Pollution Discharge Elimination System General Permit for Construction Activities. The project will adhere to standard permit conditions to reduce stormwater pollution and sedimentation during construction. Full and complete compliance with these conditions of approval will ensure that there is no new impact to stormwater runoff in terms of quality or volume as a result of project-related construction activities.<br><br>Post-construction, the proposed project will not alter the existing drainage pattern of the site or area, or increase the amount of runoff in a manner that could potentially exceed |

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| | | the capacity of existing stormwater system or result in erosion or siltation on- or off-site. Because the project will create more than 10,000 square feet of impervious surfaces, the City of San José requires that post-construction measures are undertaken that comply with the requirements of the NPDES Municipal Regional Stormwater permit as well as the City's Policy 6-29, and the project includes a post-construction stormwater control plan to manage and treat stormwater.<br><br>[Source: (2)] |
| Hazards and Nuisances including Site Safety and Noise | 3 | The project will not create a risk of explosion, release of hazardous substances or other dangers to public health. The project provides a safe place for residents.<br><br>Mitigation measures and design measures have been incorporated into the project to reduce potential impacts related to hazardous materials and noise impacts, as noted in *Section 3.8, Hazards and Hazardous Materials* and *Section 3.12, Noise and Vibration*.<br><br>*Seismicity*<br><br>The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. The project site is located in a Liquefaction Hazard Zone. See discussion in *Section 3.6, Geology and Soils*.<br><br>The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. Required project compliance with the latest California Building Code requirements for new construction will reduce the associated risk of property loss and hazards to occupants to a less-than significant level. The project will also be constructed in conformance with the California Building Code for Seismic Zone 4 to avoid and minimize potential damage from seismic ground shaking.<br><br>*Noise*<br><br>The primary permanent, ongoing noise anticipated at the project site is traffic on nearby roadways. Truck loading and traffic noise associated with the proposed project would not have a long-term significant effect. Mechanical equipment installed by the project could exceed General Plan noise |

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| | | level requirements. The project includes a mitigation measure (MM NOI-2.1) requiring selection and design of mechanical equipment that meets City requirements.<br><br>The project may result in temporary noise and groundborne vibration from construction. The project includes construction mitigation measures (MM NOI-1.1 and MM NOI-1.2) to minimize construction noise impacts on surrounding sensitive noise receptors. Therefore, the project complies with the HUD noise abatement and control regulations of 24 CFR 51B.<br><br>[Source: Appendix F] |
| Energy Consumption | 2 | The new development will not represent a wasteful use of energy. The project will be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project will comply with the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The building will feature GreenPoint green building design, will be "solar-ready," and will include drought-tolerant plants and water-efficient features.<br><br>[Source: (13)] |

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
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| **SOCIOECONOMIC** | | |
| Employment and Income Patterns | 2 | According to the 2015 Census, the median household income in the project site's census tract is $82,673. Approximately 0.5% of households earned less than $10,000, 4.5 percent between $10,000 and $14,999, 7.3% between $15,000 and $24,999, 4.5% between $25,000 and $34,999, 6.9% between $34,999 and $49,999, and 22.9% between $50,000 and $74,999. Approximately 12.1 percent of the population of San José is 62 years of age or older. The project will increase the availability of low-income family and senior affordable housing for the residents of San José and Santa Clara County, where such housing is in high demand. No significant change to the demographic |

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| | | character of the neighborhood is expected because of the project, as it is intended to serve the existing population.<br><br>[Source: (43), (44)] |
| Demographic Character Changes, Displacement | 1 | The project will provide affordable housing designed to accommodate the unmet needs of the low-income and senior populations of San José and Santa Clara County. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing population.<br><br>[Source: (1)] |

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
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| **COMMUNITY FACILITIES AND SERVICES** | | |
| Educational and Cultural Facilities | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts on education or cultural facilities since the project is designed for low-income seniors and families in the County of Santa Clara.<br><br>In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District to offset potential increased demands on school facilities.<br><br>The project will not displace existing cultural facilities nor will it affect cultural facilities by its operation.<br><br>[Source: (1)] |
| Commercial Facilities | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts to commercial facilities. The project is located in an urban area within proximity to shopping and commercial opportunities.<br><br>[Source: (2)] |
| Health Care and Social Services | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses would provide housing opportunities for low-income seniors and families in San José and Santa Clara County. The project is located within several miles of |

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| | | four major hospitals: O'Connor Hospital, the Santa Clara Valley Medical Center, the Kaiser Medical Center, and Good Samaritan Hospital. There are numerous smaller clinics, medical facilities, and convalescent hospitals located nearby.<br><br>Within the project site's census tract, there are 2,601 total households, of which 192 are living in poverty. The project will provide affordable housing designed to accommodate the unmet needs of the census tract population. The project does not represent a significant change to the demographics of the area or on area social services, as it is intended to serve the existing population.<br><br>[Source: (45)] |
| Solid Waste Disposal / Recycling | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts to solid waste disposal/recycling facilities. The project will have an incremental increase in solid waste disposal; however, the project is subject to City of San José development fees to accommodate the incremental demand on services.<br><br>[Source: (2)] |
| Waste Water / Sanitary Sewers | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts to waste water/sanitary sewer services. The project will have an incremental increase in waste water and sanitary sewer services. As discussed in *Section 3.17, Utilities and Service Systems*, the proposed development is estimated to generate 24,000 gallons of wastewater per day. The project is subject to City of San José development fees to accommodate the incremental demand on wastewater and sanitary sewer services. There is available wastewater treatment capacity to serve the proposed project, as documented in Section 3.17.<br><br>[Source: (33)] |
| Water Supply | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts to the water supply. The project will cause an incremental increase in water consumption. As discussed in *Section 3.17, Utilities and Service Systems*, the proposed development is estimated to use 28,000 gallons of water per day for potable water and irrigation requirements. |

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| | | The project site is served by the San José Water Company.<br><br>The Envision San José 2040 General Plan EIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there will be adequate water supply to serve the project.<br><br>[Source: (2), (35)] |
| Public Safety - Police, Fire and Emergency Medical | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts on police, fire, or medical services. See discussion in *Section 3.14, Public Services*.<br><br>Public services are generally provided to the community as a whole and financed on a community-wide basis. The proposed affordable housing project is located on a previously developed site in an urban area that is currently served by municipal providers. The project will result in an incremental increase in the demand for public services. The project is subject to City of San José development fees to accommodate the incremental demand for services. The project will not require a significant change in emergency police, fire, and medical services already provided in the area.<br><br>[Source: (1)] |
| Parks, Open Space and Recreation | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses are not anticipated to have impacts on parks, open space, or recreation. The project is located in an area adequately served by parks and recreational facilities and will result in an incremental increase in demand. The project is subject to City of San José development fees to accommodate the incremental demand.<br><br>The project will be required to pay fees consistent with the Parkland Dedication Ordinance. These fees are used to improve existing parkland and recreational facilities.<br><br>[Source: (2), (31)] |
| Transportation and Accessibility | 2 | The project site is located in an urbanized area of San José that is well-served by pedestrian and bicycle facilities. Regional access to the project site is provided by State Route 87 and Interstate 280. All of the signalized intersections in the project area currently operate at an |

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| | | acceptable LOS D or better during both the AM and PM peak hours of traffic.<br><br>Based on a traffic analysis completed for the project by Hexagon Transportation Consultants in November 2017, the project is estimated to generate 321 net new daily trips, including 53 AM and 25 PM peak hour trips under the background plus project condition.<br><br>As described in *Section 3.16, Transportation/Traffic*, all of the project intersections would operate within applicable jurisdictional LOS standards, and therefore would not conflict with the City's Level of Service threshold.<br><br>The project would not result in significant intersection delays or inadequate circulation. The project would not result in significant intersection level of service impacts, and would not impede alternative transportation modes.<br><br>[Source: Appendix G] |

| Environmental Assessment Factor | Impact Code | Impact Evaluation |
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| **NATURAL FEATURES** | | |
| Unique Natural Features,<br>Water Resources | 2 | The proposed 206 units of affordable senior and family apartments and approximately 8,500 square feet of commercial uses will be located on an in-fill lot currently developed with residential and commercial uses. The project will not impact unique natural features or water resources. There are no surface waters on or near the project site. Los Gatos Creek is approximately 0.5 mile to the east, separated by several city blocks, and would be unaffected by the project.<br><br>The project would be served by the San José Water Company. The project would have an incremental increase in water consumption, estimated to be approximately 28,000 gallons per day of water, not accounting for existing water demand. The Envision San José 2040 General Plan FEIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there will be adequate water supply to serve the project. There will be no significant change to water resources used.<br><br>[Source: (13)] |

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| Vegetation, Wildlife | 3 | The project site is located on an in-fill lot located in an urban area that is currently developed with residential and commercial uses. The project will not impact natural habitat containing endangered species or any designated or proposed critical habitat. The project will remove existing landscaping trees that will be replaced in accordance with the City of San José tree replacement ratios in Table 3.4-1 (see *Section 3.4, Biological Resources*).<br><br>In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement mitigation measures (MM BIO-1.1 through MM BIO-1.4), including nesting season avoidance, completing pre-construction nesting bird surveys, designating buffer zones around identified nests, and reporting findings. These measures will reduce or avoid construction-related impacts to nesting raptors and their nests.<br><br>[Source: Appendix B] |
| Other Factors | 1 | New construction of the apartment building will provide safe living conditions for low-income families and senior residents by meeting fire, life safety, and Americans with Disabilities Act (ADA) codes.<br><br>[Source: (2), (3)] |

## 4.3 ADDITIONAL STUDIES PERFORMED

Appendix A: Air Quality Assessment
Appendix B: Tree Report
Appendix C1: Historic Resources Survey and Report
Appendix C2: Section 106 Review Confirmation
Appendix D: Geotechnical Engineering Investigation
Appendix E1: Phase II Limited Subsurface Investigation
Appendix E2: Phase I Environmental Site Assessment
Appendix E3: Additional Subsurface Investigation
Appendix F: Noise and Vibration Assessment
Appendix G: Transportation Impact Analysis
Appendix H: Explosive and Fire Hazards Review

## 4.4 FIELD INSPECTION (DATE AND COMPLETED BY)

May 1, 2017
David J. Powers & Associates, Inc.
Julie Wright, Senior Project Manager
Hannah Darst, Assistant Project Manager

## 4.5 LIST OF PERMITS OBTAINED

The project proposes rezoning and Development and Environmental Review Approvals as listed below:

- PDC17-019: Planned Development Rezoning

In addition, the proposed action would require the following approvals:

- Planned Development Permit
- Grading Permits
- Building Permits
- Other Public Works Clearances

## 4.6 PUBLIC OUTREACH [24 CFR 50.23 & 58.43]

The rezoning of the site for the project will be the subject of community meetings and notified public hearings before the Planning Director, Planning Commission and City Council of the City of San José. In addition, a community meeting was held for this proposed action on Thursday, June 29, 2017 at Westminster Presbyterian Church, 1100 Shasta Avenue, San José.

## 4.7 CUMULATIVE IMPACT ANALYSIS [24 CFR 58.23]

The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the affordable apartment buildings. It is possible that other proposed construction schedules in the project area may overlap with the project, but the overlap is likely to be minimal, and the proposed project includes mitigation measures to limit disturbance to adjacent land uses and would not result in cumulatively considerable impacts.

## 4.8 ALTERNATIVES [24 CFR 58.40(E), REF. 40 CFR 1508.9]

This alternatives analysis is included to fulfill the requirements for an Environmental Assessment under NEPA. Under NEPA, an Environmental Assessment shall include brief discussions of alternatives. No development alternatives to the proposed project have been identified or considered, because the proposed action would not result in any significant unavoidable impacts. For the proposed project, the No Action Alternative was included.

Alternatively, the project site could be developed with 206 market rate apartments. This scenario would not meet the project's goals and would not be environmentally superior. Compared to the proposed project, construction of 206 market rate units would result in greater air quality, noise, and traffic impacts because the 90 senior units would generate less traffic than an equivalent number of market rate units.

## 4.9 NO ACTION ALTERNATIVE [24 CFR 58.40(E)]

The No Action Alternative would not construct a 206-unit affordable senior and family apartment project in the City of San José. The property is zoned Planned Development (PD) and was previously entitled for an 80-unit project with 12,000 square feet of commercial space. The No Action Alternative consists of leaving the site in its current condition (developed with residential and commercial uses). Under this alternative, both the potentially beneficial and adverse impacts of the proposed action would be avoided. Adverse impacts which would be avoided could include exposure of persons to elevated ambient noise levels, construction noise, air quality, and water quality impacts, potential disturbance of nesting raptors through removal of trees, and exposure of persons to hazardous materials. It should be noted, however, that the magnitude of these adverse impacts associated with the proposed action would be less than significant with mitigation measures included in the project. Thus, the No Action Alternative would not avoid any significant environmental impacts, because none are expected if the proposed 206-unit affordable senior and family apartment project is constructed.

The No Action Alternative would not meet the goals and objectives of the proposed action which are to provide affordable senior and family rental housing on the project site in a manner that is consistent with the goals and plans of the City of San José and is compatible with the surrounding land uses.

## 4.10 SUMMARY OF FINDINGS AND CONCLUSIONS

- The proposed project will be compatible with existing and future land uses in the vicinity of the project site.
- The proposed project will provide affordable housing in the City of San José where affordable housing options are in high demand.
- The proposed project will comply with all statutory regulations pertaining to environmental issues.
- The proposed project could result in adverse long-term environmental impacts with regard to noise. Mitigation measures and permit conditions have been incorporated into the project that will minimize or avoid these long-term impacts.
- The proposed project could result in short-term (i.e., construction-related) environmental impacts with regard to air quality, biological resources, cultural resources, hazardous materials, and noise. Mitigation measures and conditions have been incorporated into the project that will minimize or avoid these short-term impacts.

## SECTION 5.0 MITIGATION MEASURES AND CONDITIONS [40 CFR 1505.2(C)]

Pursuant to 40 CFR 1505.2(c), the following summary includes all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. The staff responsible for implementing and monitoring mitigation measures are identified in the mitigation plan. These mitigation measures must be incorporated into project contracts, development agreements, and other relevant documents.

| Law, Authority, or Factor | Mitigation Measure |
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| **Clean Air Measures** | **MM AIR-1.1:** The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 37 percent reduction in $PM_{10}$ exhaust emissions (assumed to be diesel particulate matter) or more. Feasible methods to achieve this reduction would include, but are not limited to, the following:<br><br>• All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and include the use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters.<br>• Use of alternatively-fueled equipment (i.e., non-diesel)<br>• Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.<br>• The project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction to demonstrate how a fleet-wide average 37 percent reduction in DPM emissions would be achieved. The plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first). The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure.<br><br>In addition, the proposed action shall implement the following permit conditions: |

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| | **<u>Standard Permit Conditions</u>*:*** The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:<br>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.<br>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.<br>• All visible mud or dirt track-out onto adjacent public roads shall be removed using we power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.<br>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.<br>• 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.<br>• Replant of vegetation in disturbed areas as soon as possible after completion of construction.<br>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.<br>• 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.<br>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. |
| **Historic Preservation** | **MM CUL-1.1:** <u>Preliminary Investigation</u>: Once the buildings and structures have been demolished and the pavement and landscaping removed, a qualified archaeologist shall complete mechanical presence/absence exploration to determine if there are any indications of discrete historic-era subsurface archaeological features. Shallow mechanical excavations shall be focused along the |

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| | back part of the lot boundaries dividing the eastern and western parcels between Grand Avenue and Race Street where historical outbuildings were once situated. At least one trench shall be excavated to 15 feet deep to address the potential for subsurface Native American archaeological resources within the project area. The results of the presence/absence exploration shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in MM CUL-1.2) shall be prepared by a qualified archaeologist if necessary.<br><br>**MM CUL-1.2:** Treatment Plan: If required by MM CUL-1.1, the project applicant shall retain a qualified archeologist to prepare a treatment plan that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:<br><br>• Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.<br>• Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).<br>• Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).<br>• Detailed field strategy to record, recover, or avoid the finds and address research goals.<br>• Analytical methods.<br>• Report structure and outline of document contents.<br>• Disposition of the artifacts.<br>• Appendices: all site records, correspondence, and consultation with Native Americans, etc.<br><br>Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. |

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| | **MM CUL-1.2:** Accidental Discovery: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.<br><br>The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any occupancy permits. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.<br><br>If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan per MM CUL-1.2, or otherwise equivalent as determined by the qualified archaeologist.<br><br>Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building, and Code Enforcement and the Northwest Information Center prior to issuance of occupancy permits.<br><br>In addition, the proposed action shall implement the following permit conditions: |

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| | **Standard Permit Condition:** The following measure shall be applied to redevelopment of the project site to reduce and/or avoid impacts to paleontological resources:<br><br>• 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.<br><br>**Standard Permit Condition:** The following measures shall be applied to the project to reduce and/or avoid impacts to human remains:<br><br>• If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.<br>• If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission within 24 hours. The NAHC will then designate a Most Likely Descendant. The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.<br>• If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance: |

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| | ○ The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;<br>○ The MLD identified fails to make a recommendation; or<br>○ The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner. |
| Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff | No formal mitigation measures are required for soil suitability, slope, erosion, drainage, or stormwater runoff impacts. However, the proposed action shall implement the following permit conditions:<br><br>**Standard Permit Condition:** To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José Department of Planning, Building, and Code Enforcement as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code. In accordance with the Municipal Code, the Director of Public Works must approve a seismic hazard evaluation report prior to issuance of a grading or building permit for areas within the defined State Seismic Hazard Zone for Liquefaction.<br><br>**Standard Permit Conditions:** The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works clearance. These standard practices, including the measure outlined below, will ensure that future buildings on the site are designed properly to account for soils-related hazards on the site and to prevent soil erosion. |

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| | • The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.<br><br>**Standard Permit Conditions:** Measures to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:<br><br>• Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.<br>• Earthmoving or other dust-producing activities shall be suspended during periods of high winds.<br>• All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.<br>• Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.<br><br>• All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.<br>• All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).<br>• Vegetation is disturbed areas shall be replanted as quickly as possible.<br>• All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.<br>• The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.<br>• A Storm Water Permit will be administered by the State Water Resources Control Board. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.<br>• The SWPPP shall be posted at the project site and will be updated to reflect current site conditions. |

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| | • When construction is complete, a Notice of Termination for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site. |
| Contamination and Toxic Substances Measures | **MM HAZ-1.1:** Preliminary investigation: Soil gas investigation and testing shall be completed to determine the extent of PCE contamination on the project site. Based on the results of the investigation, additional mitigation measures may be required, including soil removal and vapor barriers. The results of the preliminary investigation shall be submitted to the Santa Clara County Department of Environmental Health or equivalent agency. This can also be included in the submittal described in MM HAZ-2.1 below. A copy of the preliminary investigation results shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.<br><br>**MM HAZ-2.1:** Site Management Plan: Under regulatory oversight from the SCCDEH using their Voluntary Cleanup Program, or equivalent regulatory agency, the project applicant shall prepare the following documents:<br><br>• As mentioned in MM HAZ-1.1, soil gas investigation and testing shall be completed to determine the extent of tetrachloroethylene contamination on the project site. Based on the results of the investigation, the regulatory agency may require a Site Management Plan or similar document to manage the cleanup of potential contamination.<br>• If applicable, an SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of lead-contaminated soils.<br>o A detailed discussion of the site background;<br>o Proper mitigation as needed for demolition of existing structures;<br>o Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program; |

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| | o Management of underground structures encountered,<br>including utilities and/or underground storage tanks (also specified in MM HAZ-2.2);<br>o Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls, asbestos-containing materials, lead-based paint, etc.) is discovered during excavation or demolition;<br>o A health and safety plan for each contractor working at the site, in an area below grade, that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction;<br>o A section about regulatory agencies and protocol if USTs are encountered during construction activities; and<br>o A section about regulatory agencies and protocol if complete removal of USTs is needed.<br><br>The SMP shall be submitted to the SCCDEH (or equivalent agency) for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.<br><br>**MM HAZ-2.2**: Discovery of USTs: If USTs are encountered during demolition, construction, or grading activities, the project applicant shall notify the SCCDEH and the City of San José Fire Department. Earthmoving activities shall be ceased until appropriate measures, approved by the SCCDEH and/or the City of San José Fire Department, are taken to address the UST.<br><br>In addition, the proposed action shall implement the following permit conditions:<br><br>**Standard Permit Conditions:** In accordance with Envision San José 2040 General Plan policies, the following measures would apply to redevelopment of the site in order to reduce or avoid hazardous building materials impacts: |

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| | • In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.<br>• During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.<br>• All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.<br>• A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.<br>• Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications. |
| Noise Abatement and Control Measures | **MM NOI-1.1:** Construction Noise and Vibration Plan: The project applicant shall develop and implement a Construction Noise and Vibration Logistics Plan during all phases of construction on the project site. The Plan shall be included as part of the contracts for construction workers and applicable supervisors. All measures shall be printed on all approved construction documents, contracts, and/or project plans. The project applicant shall submit a copy of all approved plans, construction documents, contracts, and/or project plans to the Supervising Environmental Planner prior to the issuance of any grading permit. The Plan shall include, but is not limited to, the following:<br><br>• A list of all potential equipment (including specs) that will be used during all earthmoving activities.<br>• A schedule of all earthmoving activities.<br>• Responsibilities of personnel on the site. |

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| | • Outreach strategies to inform nearby residences of construction hours and phase.<br>• Best management practices to reduce construction noise such as, but is not limited to, the following:<br>  o Construct solid plywood fences around construction sites adjacent to operational businesses, residences, or noise-sensitive land uses.<br>  o Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.<br>  o Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.<br>  o Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjoining noise-sensitive land uses.<br>  o Prohibit all unnecessary idling of internal combustion engines.<br>  o Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.<br>• The name and contact information (i.e., telephone number and email address) of the disturbance coordinator, who would be responsible for responding to complaints about construction noise, shall be posted at the construction site and included in the notice sent to neighboring noise-sensitive land uses regarding the construction schedule.<br><br>**MM NOI-1.2:** Construction equipment: In addition to MM NOI-1.1, the project applicant shall include the following requirements in all construction documents, contracts, and project plans to reduce vibration impacts to nearby residences and structures during construction activities:<br><br>• The contractor shall alert heavy equipment operators to the proximity of the adjacent structures so they can exercise care.<br>• The contractor shall retain a qualified firm to complete a pre- and post-construction cosmetic crack survey of the buildings adjacent to the southern boundary and shall repair any cosmetic cracking that is reasonably determined to have occurred due to the construction, based on the recommendation of the qualified firm. |

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| | • Limit the use of heavy vibration-generating construction equipment within 30 feet of the northern and southern site boundaries.<br><br>**MM NOI-2.1:** Mechanical equipment selection: The project applicant shall select and design mechanical equipment that will reduce impacts on surrounding uses to comply with the City's 55 dBA DNL noise level requirement at the property boundary of the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical equipment noise levels prior to their installation to determine specific noise reduction measures necessary to comply with the City's noise level requirements. The results of the review shall be submitted to the Department of Planning, Building, and Code Enforcement along with the building plans and approved design, prior to issuance of any building permits. Noise reduction measures may include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Alternate measures may include locating equipment in less noise-sensitive areas, such as the rooftop of the buildings away from the building's edge nearest the noise-sensitive receptors, where feasible. Alternate measures shall be reviewed by the Department of Planning, Building, and Code Enforcement prior to issuance of any building permits.<br><br>In addition, the proposed action shall implement the following permit conditions:<br><br>**Permit Conditions:** The following noise insulation features shall be a condition of approval to reduce interior noise levels to 45 dBA DNL or less. Changes to the conditions below shall only be approved with evidence from a qualified professional and confirmation by the Department of Planning, Building, and Code Enforcement that changes to these standards would continue to meet interior noise level of 45 dBA DNL or less.<br><br>• Preliminary calculations indicate that the residential units along the eastern façades of the proposed buildings would require windows and doors with a minimum rating of 28 STC to meet the interior noise threshold of 45 dBA DNL. Additionally, the exterior-facing units along the northern and southern building façades that are located within 100 feet of the centerline of Race Street would also require windows |

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| | and doors with a minimum STC rating of 28. Exterior-facing units along the northern and southern façades that are located between 100 and 200 feet of the centerline of Race Street would meet the interior noise threshold of 45 dBA DNL with standard construction materials and the incorporation of forced-air mechanical ventilation.<br>• Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.<br>• A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the California Building Code. The above-mentioned analysis will also establish appropriate criteria for noise levels inside the commercial spaces affected by environmental noise. The analysis would review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower. Treatments could include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of which noise insulation treatments are necessary shall be completed on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit. |
| Vegetation, Wildlife Measures | **MM BIO-1.1:** Avoidance: 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), as amended.<br><br>**MM BIO-1.2:** Nesting Bird Surveys: 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.

**MM BIO-1.3:** Buffer Zones: 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.

**MM BIO-1.4:** Reporting: 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.

In addition, the proposed action shall implement the following permit conditions:

**Standard Permit Condition:** The trees removed by the proposed project would be replaced according to the City's required replacement ratios, as provided in Table 3.4-1 below.

**Table 3.4-1: Tree Replacement Requirements**

| Diameter of Tree to be Removed | Type of Tree to be Removed | | | Minimum Size of Each Replacement Tree |
|---|---|---|---|---|
| | Native | Non-Native | Orchard | |
| 18 inches or greater | 5:1 | 4:1 | 3:1 | 24-inch box |
| 12 – 18 inches | 3:1 | 2:1 | None | 24-inch box |
| Less than 12 inches | 1:1 | 1:1 | None | 15-gallon container |
| x:x = tree replacement to tree loss ratio | | | | |

In the event the project site does not have sufficient area to accommodate the require tree mitigation, one or more of the following measures would be implemented, to the

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| | satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:<br><br>• The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.<br>• Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building, and Code Enforcement.<br>• A donation may be made to Our City Forest or similar organization for in-lieu off-site tree planting in the community. Such donations would be equal to the cost of the required replacement trees, including associated installation costs for off-site tree planting in the local community. A receipt for any such donation shall be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.<br><br>Removal and replacement of street trees will be coordinated with the Department of Transportation.<br><br>**Standard Permit Condition:** The project shall implement the following condition to reduce the impacts to endangered and threatened species:<br><br>• The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a SCVHP 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. |
| Educational and Cultural Facilities | No formal mitigation measures are required for educational and cultural facilities impacts. However, the proposed action shall implement the following permit condition:<br><br>**Standard Permit Condition:** In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project. |

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| Parks, Open Space, and Recreation | No formal mitigation measures are required for parks, open space, or recreation. However, the proposed action shall implement the following permit condition:<br><br>**Standard Permit Condition:** The project shall conform to the City's Park Impact Ordinance and Parkland Dedication Ordinance. |

**Race and Grand Residential Project**
**City of San José**

**Determination:**

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Julie Wright Date: 1-10-18

Name/Title/Organization: Julie Wright, Senior Project Manager

David J. Powers + Associates, Inc.

Certifying Officer Signature: Meenaki R.P. MRP. Date: 1/8/18

Name/Title: Sup. Environmental Planner 1/8/18

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with record keeping requirements for the HUD program(s).

# SECTION 6.0 LIST OF SOURCES

**List of Sources, Agencies, and Persons Consulted** [40 CFR 1508.9(b)]


1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan.*

3. City of San José. *Municipal Code*. January 2017.

4. California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed June 10, 2017. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

5. City of San José. *Historic Resources Inventory.* Accessed June 10, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/35475.

6. Santa Clara County. *Heritage Resource Inventory*. Accessed March 9, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx.

7. California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2014 Map*. October 2016. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf

8. Santa Clara County Department of Planning and Development. *Williamson Act and Open Space Easement*. Map. Accessed May 1, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx

9. Illingworth & Rodkin, Inc. *Race Street Project Air Quality Assessment*. November 3, 2017.

10. Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.

11. HortScience, Inc. *Race Street Tree Report*. April 21, 2017.

12. City of San José. *Resolution No. 72274: A Resolution of the Council of the City of San José Designating Certain Trees as Heritage Trees, Placing Said Trees on the Heritage Tree List, and Deleting Certain Trees Therefrom, and Repealing Resolution No. 69745.* August 10, 2004.

13. City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report*. 2010.

14. Holman & Associates. *Archaeological Literature Search and Native American Consultation Results*. April 19, 2017.

15. Archives & Architecture. *Historic Resources Survey and Report*. April 25, 2017.

16. BAGG Engineers. *Preliminary Geotechnical Engineering Investigation – 253 Race Street*. June 22, 2017.

17. Santa Clara County Department of Planning and Development Geobrowser. "Geologic Hazard Zones." Accessed May 8, 2017. Available at: https://sccplanning.maps.arcgis.com/home/index.html.

18. AEI Consultants. *Limited Phase II Subsurface Investigation*. December 9, 2016.

19. AEI Consultants. *Phase I Environmental Site Assessment*. June 6, 2017.

20. AEI Consultants. *Additional Subsurface Investigation*. August 7, 2017.

21. Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. Amended November 16, 2016. Accessed June 1, 2017. Available at: https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

22. California Department of Forestry and Fire Protection. *Santa Clara County: Fire Hazard Severity Zones in State Responsibility Areas.* November 2007.

23. California Department of Forestry and Fire Protection. *Santa Clara County: Very High Fire Hazard Severity Zones in Local Responsibility Areas*. October 2008.

24. Federal Emergency Management Agency. "FEMA Flood Map Service Center." 06085C0233H. Accessed June 13, 2017. Available at: https://msc.fema.gov/portal.

25. California Department of Conservation. "Santa Clara County Tsunami Inundation USGS 24 Quads." Accessed June 13, 2017. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara

26. Santa Clara Valley Water District. *Lenihan (Lexington) Dam Flood Inundation Maps*. 2016. Accessed June 13, 2017. Available at: http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx.

27. Santa Clara Valley Water District. *Anderson Dam Flood Inundation Maps*. 2016. Accessed June 13, 2017. Available at: http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx.

28. Illingworth & Rodkin, Inc. *Race Street Project: Noise and Vibration Assessment*. November 6, 2017.

29. California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2017."

30. Association of Bay Area Governments. *Projections 2013.* August 2013.

31. City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104-105.

32. Hexagon Transportation Consultants. *Transportation Impact Analysis.* December 7, 2017.

33. City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed July 18, 2017. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.

34. City of San José. "Clean Bay Strategy Reports." February 2013. Accessed July 18, 2017. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629.

35. San José Water Company. *2010 Urban Water Management Plan*.

36. San José Water Company. *Water Supply Source Map*. Accessed July 18, 2017. Available at: https://www.sjwater.com/for_your_business/builders_contractors/water_flow_design/water_supply_source.

37. Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

38. California Coastal Commission. "Coastal Zone Boundary Map." Accessed July 24, 2017. Available at: https://www.coastal.ca.gov/maps/czb/.

39. U.S. Environmental Protection Agency. *Sole Source Aquifers for Drinking Water*. Accessed July 25, 2017. Available at: https://www.epa.gov/dwssa.

40. U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Accessed July 25, 2017. Available at: https://www.fws.gov/wetlands/Data/Mapper.html.

41. U.S. Forest Service. *National Wild and Scenic River System - California*. Accessed July 25, 2017. Available at: https://www.rivers.gov/california.php.

42. U.S. Environmental Protection Agency. *Environmental Justice Screening and Mapping Tool*. Accessed June 25, 2017. Available at: https://www.epa.gov/ejscreen.

43. U.S. Census Bureau. *Income in the Past 12 Months (In 2015 Inflation-Adjusted Dollars): 2011-2015 American Community Survey 5-Year Estimates, Census Tract 5019*. Available at: https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml.

44. U.S. Census Bureau. *Age and Sex: 2011-2015 American Community Survey 5-Year Estimates, Census Tract 5019*. Available at: https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml.

45. U. S. Census Bureau. *Selected Economic Characteristics: 2011-2015 American Community Survey 5-Year Estimates, Census Tract 5019.* Available at: https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml.