Initial Study

Senter Road Office Project

File Nos. C16-034 and CP16-039

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

June 2017

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for the Senter Road Office Project located on the west side of Senter Road, approximately 1,200 feet northerly of Burke Street, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to develop a two-story, approximately 50,760 square foot office building and surface parking lot adjacent to an existing 50,360 square foot office building (1919 Senter Road) and parking lot. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Thai-Chau Le
Thai-Chau.Le@sanjoseca.gov
(408) 535-5658
200 East Santa Clara Street, Third Floor
San José, CA 95113

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Senter Road Office Project

2.2 LEAD AGENCY CONTACT

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

2.3 PROJECT APPLICANT

J.P. DiNapoli Companies, Inc.

2.4 PROJECT LOCATION

The 2.69-acre project site is comprised of one parcel located along the west side of Senter Road in the City of San José.[1] The location of the project site is shown on the following figures:

Figure 2.4-1 Regional Map
Figure 2.4-2 Vicinity Map
Figure 2.4-3 Aerial Map

2.5 ASSESSOR'S PARCEL NUMBER

477-50-024

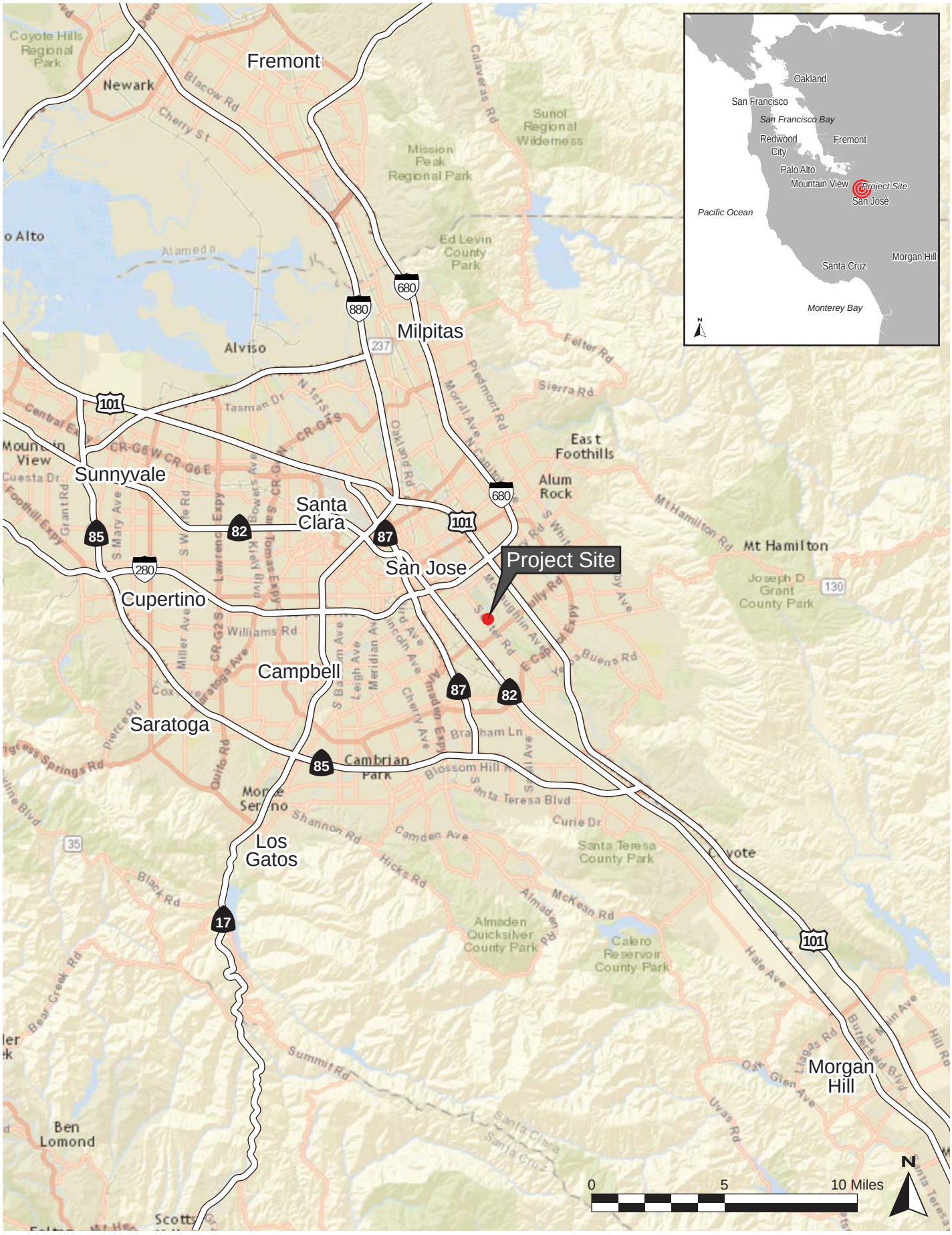
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated *Heavy Industrial* under the City of San José's General Plan and zoned *A(PD) – Planned Development*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

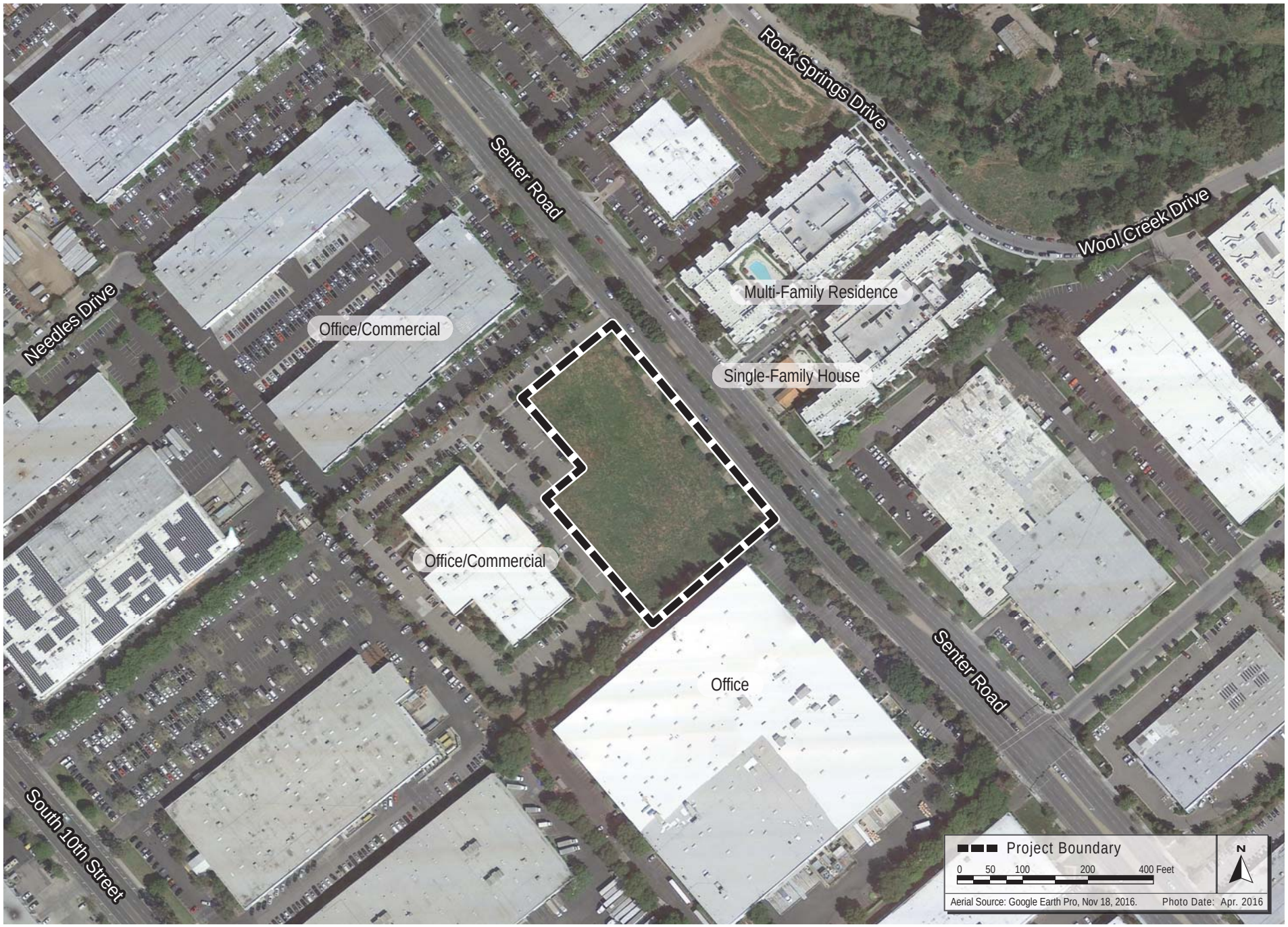
- Rezoning and Conditional Use Permit
- Architectural Review
- Grading Permit(s)
- Building Permit(s)

[1] For the purposes of this analysis, Senter Road is defined as being east of the project site.



REGIONAL MAP FIGURE 2.4-1

VICINITY MAP FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

The 2.69-acre project site is comprised of one parcel (APN 477-50-024) located along the west side of Senter Road in the City of San José. The project site is currently undeveloped and surrounded by a chain-link fence with barbed-wire. The site has one street frontage, Senter Road to the east. There is no driveway directly to the project site, but there is a driveway adjacent to the northern site boundary which provides access to the parcel to the west. (see Figure 3.0-1) The project site is designated as *Heavy Industrial* under the City's General Plan and is zoned *A(PD) – Planned Development*.

Proposed Development

The project proposes to develop an office building on the currently undeveloped site adjacent to an existing 50,360 square foot office building located at 1919 Senter Road, which is currently occupied by the Santa Clara County Social Services Agency. The Santa Clara County Social Services Agency plans to use the new office building for the Continuing Benefit Services Unit that would replace the two existing facilities at 1870 and 1877 Senter Road.

The proposed building would be approximately 39 feet tall (two stories). The first floor of the office building would be approximately 25,235 square feet and the second floor of the office building would be approximately 25,525 square feet, with a combined total of 50,760 square feet.

Site Access and Parking

Pedestrian access to the project site would be provided via a sidewalk along the street frontage on Senter Road. Entrance to the building would be located along Senter Road.

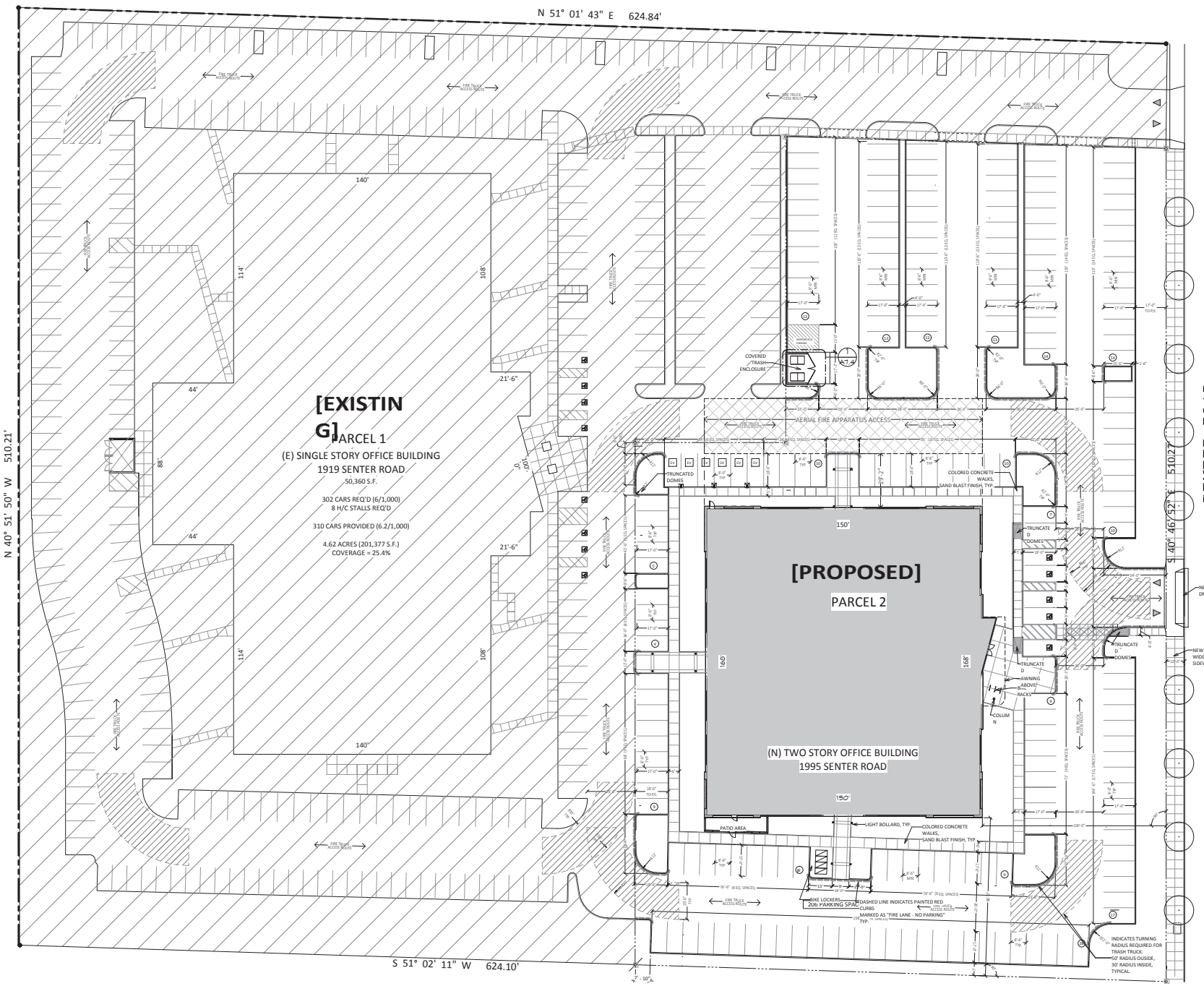
Vehicular access to the project site would be provided via an existing driveway on Senter Road (throughout the adjacent site) and a new proposed driveway, approximately 240 feet south of the existing driveway, on Senter Road. The new driveway would serve the proposed office building and would be restricted to right-in and right-out turns only (refer to Figure 3.0-1).

The proposed office building would be bordered by a surface parking lot. The project would provide a total of 217 parking stalls (five accessible parking stalls, six electric vehicle parking stalls, and 206 standard parking stalls).

Existing Land Use Designation and Zoning

As mentioned above, the project site is designated as *Heavy Industrial* under the City's General Plan and is zoned *A(PD) – Planned Development*.

The *Heavy Industrial* designation is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Because of the limited supply of land available for heavy industrial uses, the Land Use Policies in the General Plan restrict land use changes in areas reserved exclusively for industrial uses. The *Heavy Industrial* designation allows for a floor area ratio (FAR) up to 1.5 and building heights up to three stories.



CONCEPTUAL SITE PLAN

FIGURE 3.0-1

The *A(PD) – Planned Development* zoning designation is intended to meet the needs of the site zoned. The uses and requirements of the district shall be reflected in the general development plan. While proposed as a commercial office building, the building would be initially occupied by the Santa Clara County Administrative and Support Services. The proposed project would require a rezoning to *HI – Heavy Industrial* and Conditional Use Permit (CUP). Please refer to *Section 4.10 Land Use and Planning* for a complete discussion of the project's consistency with the General Plan designation and zoning designation.

3.1.1 Green Building Measures

The proposed project would be required to build to the California Green Building Code (CALGreen) which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32.

As proposed, the project would include the following green building design features:

- Indoor Water Use
    - Plumbing fixtures shall not exceed the maximum flow rate values shown in Table 5.303.2.2.
    - The building shall reduce wastewater by up to 20 percent.
    - Plumbing Fixtures shall be installed in accordance with the California Plumbing Code.
- Construction Waste Reduction, Disposal and Recycling
    - A minimum of 75 percent of the construction waste generated at the site is diverted to recycle or salvage.
- Building Maintenance and Operation
    - Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling.
- Pollutant Control
    - Finish materials shall comply with Sections 5.504.4.1 through 5.504.4.4. Adhesives and sealants used on the project shall meet the requirements of the following standards identified in Section 5.504.4.1 and tables 5.504.4.1 and 5.504.4.2.
    - Architectural paints and coatings shall comply with Table 5.504.4.3 unless more stringent local limits apply.
    - 80 percent of the resilient flooring shall meet at least one of the requirements of Section 5.504.4.6.

3.1.2 Construction

It is anticipated that the project would be constructed over an approximate nine month period beginning in April 2017.

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist –** The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.

- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section15370). 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.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion [*California Building Industry Association (BIA) 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. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective

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

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

4.1 AESTHETICS

4.1.1 Setting

The 2.69-acre project site is currently undeveloped and bordered by a chain-link fence with barbed-wire. (see Photo 1 and Photo 2) There are street trees and small shrubs located along the perimeter of the project site.

4.1.1.1 *Surrounding Land Uses*

The project site is located within an office/industrial and residential neighborhood. The buildings vary in height from one- to four-stories and utilize a variety of building materials, including stucco and concrete. The buildings are set back from the surrounding roadways by surface parking lots and landscaping.

Located north of the project site is a two-story office building with a surface parking lot. The two-story building is primarily stucco with blue tinted windows. A large landscape area with mature trees and shrubs separates the project site from the office building to the north. (see Photo 3) East of the project site is Senter Road, a six-lane, multi-directional roadway with a raised center median with both mature evergreen trees and smaller deciduous trees. A one-story single family-house and a multi-family apartment complex is located east of Senter Road. (see Photo 4) A white metal gate is located in front of the single-family house. The house is L-shaped and primarily stucco. The roofing structure is gabled with red tiles. Red and white striped window awnings are located along the front façade of the house. (see Photo 5) A four-story apartment complex is located immediately north of the single-family house. The apartment building is primarily stucco with a private balcony for each unit located on floors two to four. (see Photo 6) Located immediately south of the house is a four-story apartment complex. The colorful four-story apartment complex has four types of windows located on the building street frontage. (see Photo 7) Located south of the project site is a one-story, stucco commercial building and a parking lot. There are trees located immediately south of the project site separating the project site from the commercial building. Located immediately west of the project site is a large surface parking lot and a one-story office building. The one-story office building has two main entrances and reflective glass windows. (see Photo 8)

4.1.1.2 *Applicable Aesthetics Regulations and Policies*

The General Plan includes policies applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural 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-1.12: 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

PHOTO 1: View of project site, looking southwest on Senter Road.

PHOTO 2: View of project site, looking east from the adjacent office building.

PHOTOS 1 AND 2

PHOTO 3: View of surrounding development, looking north from the project site.

PHOTO 4: View of surrounding development, looking east from Senter Road.

PHOTOS 3 AND 4

PHOTO 5: View of surrounding development, looking east from Senter Road.

PHOTO 6: View of surrounding development, looking east from Senter Road.

PHOTOS 5 AND 6

PHOTO 7: View of surrounding development, looking east from Senter Road.

PHOTO 8: View of the immediately adjacent office building, looking west from the project site.

PHOTOS 7 AND 8

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.

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.

4.1.2 Environmental Checklist

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

4.1.2.1 *Aesthetics Impacts*

Scenic Vistas and Resources *(Checklist Questions a and b)*

Most of the City is relatively flat and prominent views, other than of buildings, are limited. The project area, in particular, has minimal to no scenic views due to the existing built environment and lack of designated scenic resources. The construction of a two-story office building on the project site would not significantly diminish scenic views in the project area or damage any designated scenic resources. **(Less Than Significant Impact)**

Visual Character *(Checklist Questions c)*

The proposed project is located in a highly visible area on Senter Road. The project site is currently undeveloped, therefore, any new construction on this site would be visible from the roadways and surrounding properties. The project site is within an office/industrial and residential neighborhood, with an eclectic mix of architectural styles from multiple time periods. Development of a two-story office building would not change the visual character of the immediate project area.

The General Plan EIR concluded that while new development and redevelopment under the General Plan would alter the appearance of the City, implementation of adopted policies and existing regulations would avoid substantial degradation of the visual character or quality of the City. As a result, the proposed project would have a less than significant impact on the visual character of the City. **(Less Than Significant Impact)**

Light and Glare *(Checklist Question d)*

As stated above, development on the project site would be highly visible from the surrounding roadways and properties. Sources of light and glare include external office lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The General Plan EIR concluded that while new development and redevelopment under the General Plan would create new sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts.

The proposed project would be required to comply with the aforementioned General Plan policies and City Council Lighting Policy 4-3.[2] The project would go through a design review process, prior to the issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. Reflective materials would be minimally used or coated as needed to reduce glare. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

4.1.3 Conclusion

The project would have a less than significant impact on the visual character of the project area, and it would not impact any designated scenic resources. Implementation of the project would have a less than significant visual impact. **(Less Than Significant Impact)**

[2] Policy 4-3 requires exterior lighting on private property to use be low-pressure sodium lighting. The lighting must be directed downward and fully or partially shielded depending on lumen levels.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Setting

The project site is located in a developed, urban area of San José and is surrounded by office/industrial and residential land uses. The *Santa Clara County Important Farmlands 2012 Map* designates the project site as "Urban and Built-Up Land." Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.[3] There are no forest lands on or adjacent to the project site and the site is not subject to a Williamson Act contract.

4.2.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,2,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2,3,4
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	1,2,3,4
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2,3,4
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?	☐	☐	☐	☒	1,2,3,4

4.2.2.1 *Impacts to Agricultural and Forest Resources (Checklist Questions a – e)*

The proposed project would result in the construction of a two-story office building. The project would not convert *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* to non-agricultural uses. In addition, the project would not conflict with existing zoning for agricultural

[3] California Natural Resources Agency. *Santa Clara County Important Farmlands 2014.* Accessed August 4, 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>

operations or facilitate in the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, as a result, the proposed project would not result in the loss of forest lands in San José. For these reasons, the project would not result in impacts to agricultural or forest resources. **(No Impact)**

4.2.3 Conclusion

Implementation of the project would have no impact on agricultural or forest lands. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based on a Health Risk Assessment completed by *Illingworth & Rodkin, Inc.* in November, 2016. A copy of the report is attached in Appendix A of this document.[4]

4.3.1 Setting

4.3.1.1 *Background Information*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The BAAQMD is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). As shown in Table 4.3-1, violations of State and Federal standards at the monitoring station in Downtown San José (the nearest monitoring station to the project site) during the 2013-2015 period (the most recent years for which data is available) include high levels of ozone, $PM_{2.5}$, and PM_{10}.[5,6]

Table 4.3-1: Ambient Air Quality Standards Violations and Highest Concentrations

Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
SAN JOSÉ STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level O_3, State standards for PM_{10}, and Federal standards for $PM_{2.5}$. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a "nonattainment area" for O_3 and PM_{10} under the California Clean Air Act (CAA). The County is either in attainment or unclassified for other pollutants.

[4] Please note the square footage has increased by approximately 907 square feet since the air quality analysis was completed. The increase in square footage would not result in substantial changes to the analysis.
[5] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[6] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed August 4, 2016.

4.3.1.2 *Toxic Air Contaminants*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs) under the California CAA. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs tend to be localized and are found in relatively low concentrations; however, exposure to low concentrations over long periods can result in adverse chronic health effects.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM).

4.3.1.3 *Sensitive Receptors*

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks, and places of assembly.

The nearest sensitive receptors are residences located approximately 165 feet east of the project site.

4.3.1.4 *Applicable Plans, Policies and Regulations*

The General Plan includes policies applicable to the proposed project.

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-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 a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,2,3,5,6, 7
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,2,3,5,6, 7
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,2,3,5,6, 7
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,2,3,5,6, 7
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,2,3

4.3.2.1 *Significance Thresholds*

In June 2009, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects. BAAQMD's adoption of the 2011 thresholds was called into question by an a trial court order issued March 5, 2012, in California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693) that determined the adoption of the thresholds was a project under CEQA, but did not address the substantive validity, merits or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal's decision was appealed to the California Supreme Court. In a December 2015 opinion [CBIA v. BAAQMD, 62 Cal. 4th 369 (No. S 213478)] the California Supreme Court 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. The opinion did not negate the BAAQMD thresholds.

The issues in the CBIA v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Therefore, the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. These CEQA Air Quality thresholds were used to evaluate air quality impacts from the project.

These significance thresholds were designed to establish the level at which air pollution emissions would cause significant environmental impacts under CEQA. The significance thresholds are listed in Table 4.3-2, below.

Table 4.3-2: Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	BMPs	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	

Sources: *BAAQMD* CEQA *Thresholds Options and Justification Report (2009)* and *BAAQMD CEQA Air Quality Guidelines* (dated May 2011).

4.3.2.2 *Bay Area 2017 Clean Air Plan Consistency (Checklist Question a)*

The most recent Clean Air Plan, the 2017 CAP, was adopted by BAAQMD in April 2017. The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2017 CAP, which were based on ABAG Projections. The proposed project is consistent with the General Plan and, as a result, is consistent with the current growth projections in the 2017 CAP.

In addition, determining the consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented. The 2017 CAP includes about 85 control measures, consistent with the state's climate protection goals aimed at reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. These control measures are divided into nine control measure categories that include:

- Stationary (Industrial) Sources;
- Transportation;

- Energy;
- Agriculture;
- Water;
- Waste;
- Buildings;
- Natural and Working Lands; and
- Super-GHG Pollutants

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-3 below.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
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.	There are existing Class II bike lanes present on Monterey Road, Curtner Avenue/Tully Road, Keyes Street/Story Road, Senter Road, Seventh Street, Tenth Street, Eleventh Street, Third Street, and Second Street. A continuous network of sidewalks is present along all the surrounding roadways. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections in the vicinity of the project site. Senter Road (between Story Road and Monterey Road) is designated as a "Safety Priority Street" as part of the San José's Vision Zero policy.[7] In addition, LED streetlight conversion was recently completed on Senter Road to improve night-time safety. The proposed project would comply with the City's Bicycle Parking Standards set forth in Chapter 20.90 (Table 20-190) of the City's Municipal Code.Therefore, the project is consistent with this control measure.

[7] San José's Vision Zero create policies that focus on roadway safety for all modes of transportation, particularly non-automobile modes.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Energy Control Measures		
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, as well existing surface lots undergoing resurfacing. 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 be required to comply with the City's Green Building Ordinance which would increase building efficiency over standard construction. While the project would comply with the City's Green Building Ordinance, there is currently no specific proposal for cool roofs or cool paving. Therefore, the project is inconsistent with this control measure.
Natural and Working Lands Measures		
Urban Tree-Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The proposed project would remove four trees and would be required to adhere to the Department of Transportation tree replacement standards. Conformance with the tree replacement requirements would reduce the urban heat island effect. Therefore, the project is consistent with this control measure.

The project is consistent with the applicable transportation and energy control measures in the 2017 CAP. The proposed project would not conflict with or obstruct implementation of the 2017 CAP, and would not result in a significant impact related to consistency with the 2017 CAP. **(Less Than Significant Impact)**

4.3.2.3 *Operational Impacts to Regional and Local Air Quality*

(Checklist Questions b)

Operational Emissions

The proposed project would construct a 50,760 square foot office building on a currently undeveloped site. BAAQMD developed screening criteria to provide a conservative indication of whether a project would result in potentially significant air quality impacts. For operational impacts from criteria pollutants, the screening size for an office building is 323,000 square feet. The proposed office building is below the screening size and, as a result, would have a less than significant operational air quality impact. **(Less Than Significant Impact)**

Carbon Monoxide Emissions

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 high localized concentrations of CO. The BAAQMD screening criteria indicates that a project would result in a less than significant impact to localized CO concentrations if the project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. The project would result in approximately 559 new daily traffic trips and would not cause any intersections to exceed 44,000 vehicles per hour (refer to *Section 4.16 Transportation*). Therefore, the project would not result in significant CO impacts. **(Less Than Significant Impact)**

4.3.2.4 *Construction Air Quality Impacts (Checklist Questions a, b, and d)*

Dust Generation

Construction activities, including site preparation, and grading of the site, would temporarily generate fugitive dust and other particulate matter. The nearest sensitive receptors are located approximately 165 feet east of the project site. Consistent with City policies and as a condition of approval, the project shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter:

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily.
- All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operations.
- 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 implementation of the Standard Permit Conditions, dust and other particulate matter generated during construction would be reduced to a less than significant level. **(Less Than Significant Impact)**

Community Risk Impacts – Toxic Air Contaminants

A health risk assessment of construction activities was completed to evaluate emissions of DPM and associated health risks to nearby residential areas. To quantify the effects of DPM on the nearby sensitive receptors, construction period exhaust emissions were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict construction-related concentrations of DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The risk calculations were based on applying the BAAQMD recommended age sensitivity factors to the DPM exposure. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. The number and types of construction equipment and diesel vehicles, along with the anticipated length of their use for different phases of construction were based on site-specific construction activities schedules provided by the project applicant.

Neither BAAQMD nor the City of San José have significance criteria for construction TAC impacts. As a result, the BAAQMD criteria for operational TAC impacts are used by the City. Based on the BAAQMD Guidelines (2011), a project would result in a significant construction TAC or $PM_{2.5}$ impact if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter (µg/m3) annual average PM2.5.

Figure 4.3-1 below shows the construction area modeled and the locations of nearby sensitive receptors. Residential receptors are designated in green and the maximum off-site exposure locations for residents are circled in red.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations occurred at the first floor of the apartment east of the project site (see Figure 4.3-1). At this location, the maximum residential cancer risk would be 1.6 per one million cases for infant exposure and 0.03 per one million cases for adult exposure.

Figure 4.3-1 Project Site and Sensitive Receptors Location

The maximum residential excess cancer risk would not exceed the BAAQMD significance threshold of 10 per one million cases and would not result in a significant impact.

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.01 micrograms per cubic meter ($\mu g/m^3$), occurring at the same location where maximum cancer risk would occur. This annual $PM_{2.5}$ concentration would be below the BAAQMD significance threshold of 0.3 $\mu g/m^3$ and would be considered less than significant.

The maximum-modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.0098 $\mu g/m^3$. The maximum computed Hazard Index (HI) based on this DPM concentration is <0.01, which is lower than the BAAQMD significance criterion of a HI greater than 1.0.

Construction of the proposed project would result in a less than significant community risk impact. **(Less Than Significant Impact)**

4.3.2.5 *Odor Impacts (Checklist Question e)*

Construction of the project would generate localized emissions of diesel exhaust during equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affects people off-site. Once operational, the proposed development would not generate substantive odors. **(Less Than Significant Impact)**

4.3.2.6 *Cumulative Air Quality Impacts (Checklist Question c)*

Please refer to *Section 4.18 Mandatory Findings of Significance* for a discussion of cumulative air quality impacts.

4.3.3 Conclusion

Implementation of the project would not result in significant operational or construction-related regional or local air quality impacts, conflict with applicable air quality plans and standards, or expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a tree survey prepared by *David J. Powers & Associates, Inc.* in August, 2016.

4.4.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened, or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA are consistent with and complimentary to various Federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 *City of San José Tree Ordinance*

Ordinance-sized and heritage trees and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade. A tree removal permit is required from the City prior to removal of any trees.

4.4.2 Existing Setting

The project site is located in a developed, urban area of San José, but is currently undeveloped. Vegetation on-site include trees and shrubs.

4.4.2.1 *Special Status Species*

Special status species are plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species in the Bay Area use habitats that are not present on the project site, such as salt marsh, freshwater marsh, and serpentine grassland habitats. The site has been cleared of all native vegetation. Since the native vegetation of the area is no long present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

4.4.2.2 *Conservation Plan*

The Santa Clara Valley Habitat Conservation Plan (Habitat Plan) and Natural Community Conservation Plan (NCCP) was developed through a regional partnership between the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa

Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). It is intended to protect and enhance ecological diversity and function within approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Habitat Plan 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 having one or more structures per 2.5 acres.

4.4.2.3 *Trees*

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

A total of 18 non-native trees were surveyed on and adjacent to the project site. Of the 18 trees, there are nine on-site trees (Crape myrtles) and nine street trees (London planes). All trees on-site would be retained. Of the nine street trees, four street trees (tree numbers 3, 6, 7, and 8) are proposed to be removed. Table 4.4-1 lists all trees identified on and adjacent to the project site. The location of the trees proposed to be removed is shown on Figure 4.4-1.

Table 4.4-1: Trees Surveyed

Tree #	Scientific Name	Common Name	Circumference in Inches	Diameter in Inches
1	*Lagerstroemia indica Tuscarora*	Crape myrtle	19	6
2	*Lagerstroemia indica Tuscarora*	Crape myrtle	19	6
3	*Platanus x acerifolia***	London plane	38	12
4	*Lagestroemia indica Tuscarora*	Crape myrtle	19	6
5	*Lagerstroemia indica Tuscarora*	Crape myrtle	19	6
6	*Platanus x acerifolia***	London plane	44	14
7	*Platanus x acerifolia***	London plane	31	10
8	*Platanus x acerifolia***	London plane	38	12
9	*Platanus x acerifolia***	London plane	38	12
10	*Platanus x acerifolia***	London plane	25	8
11	*Lagerstroemia indica Tuscarora***	Crape myrtle	44	14
12	*Lagerstroemia indica Tuscarora*	Crape myrtle	19	6
13	*Lagerstroemia indica Tuscarora*	Crape myrtle	19	6
14	*Platanus x acerifolia***	London plane	38	12
15	*Lagerstroemia indica Tuscarora*	Crape myrtle	12	4
16	*Platanus x acerifolia***	London plane	38	12
17	*Lagerstroemia indica Tuscarora*	Crape myrtle	12	4
18	*Lagerstroemia indica Tuscarora*	Crape myrtle	12	4

Notes: Ordinance sized trees are 56+ inches in circumference.
** denotes off-site trees.

TREE MAP

FIGURE 4.4-1

4.4.2.4 *Applicable Biological Regulations and Policies*

The General Plan includes the following biological resource policies applicable to the proposed project.

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.

4.4.3 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)?	☐	☐	☒	☐	1,2,3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐	1,2,3

	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?	☐	☐	☒	☐	1,2,3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1,2,3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,3,8
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?	☐	☐	☒	☐	1,2,3

4.4.3.1 *Biological Resources Impacts (Checklist Questions a – d and f)*

Vegetation, Habitats, and Wildlife

There are trees located on and adjacent to the project site. Because the project area is developed and has no natural habitat, no habitats exist that would support endangered, threatened, or special status wildlife species. There are no wetlands on-site and, as a result, the project would not affect any federally protected wetlands defined by Section 404 of the Clean Water Act. The proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Habitat Conservation Plan

The project site is within the Habitat Plan area. Private development in the area is subject to the Habitat Plan if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development;*[8]

- In Figure 2-5 (of the Habitat Plan), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than 2 acres AND

  The project is located in an area identified as "Rural Development Equal to or Greater than 2 acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR

  The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The 2.69-acre project is designated as "Golf Courses/Urban Parks" land with no protected habitats and is within an area designated as "Urban Development Equal to or Greater than 2 Acres is Covered."[9] The project is also within the Fee Zone C (Small Vacant Sites Under 10 Acres) land cover fee zones. The project would require discretionary approval by the City and is consistent with activity described in Section 2.3.2 of the Habitat Plan. The project would implement the following standard permit condition as part of the project and therefore, would have no impact on implementation of the Habitat Plan.

Standard Permit Condition

The project applicant would be required to submit the Santa Clara Valley Habitat Plan Application for Private Projects to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement (PBCE) for approval and compliance with applicable fees and conditions prior to the issuance of a grading permit. **(Less Than Significant Impact)**

Raptor Impacts

While there is a higher quality habitat in nearby parks and within the Coyote Creek riparian corridor, the trees on and adjacent to the project site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the CDFW Code Sections 3505, 3503.5, and 2800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

[8] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

[9] Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser. Accessed on February 14, 2017. Available at: http://www.hcpmaps.com/habitat/

Mitigation and Avoidance Measures

Project Specific Mitigation Measures

The following mitigation measures would be implemented during all construction activities to avoid abandonment of raptors and other protected migratory birds' nests.

MM BIO-1.1: The project applicant shall schedule construction to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August. If it is not possible to schedule construction between September 1st and January 31st, 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) 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), 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. The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading permit.

Implementation of the identified mitigation measures would reduce construction impacts to migratory birds to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.4.3.2 *Trees (Checklist Question e)*

The urban forest consists of landscape trees along residential and commercial streets and in landscaped areas in residences, local parks, in parking lots, and the perimeter of commercial and industrial developments. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals.

Development of the project would result in the loss of four street trees. As part of the project's Standard Permit Conditions, any trees that would be damaged or removed as a result of the proposed project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance

- San José Municipal Code Section 13.28

- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Because the four street trees would be removed, the applicant would be required to replace these trees in accordance to the Department of Transportation standards. The species of replacement trees to be planted would be determined in consultation with the City Arborist.

The General Plan EIR concluded that compliance with local laws, policies or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **(Less Than Significant Impact)**

4.4.4 Conclusion

The project would be subject to all applicable Habitat Plan fees and would have no impact on implementation of the Habitat Plan. **(No Impact)**

Implementation of the identified mitigation measures would reduce the loss of nesting and/or foraging habitats and, as a result, would not result in substantial impacts to the movement of native migratory wildlife. **(Less Than Significant Impact With Mitigation)**

Implementation of the proposed project would be required to meet the minimum tree replacement standards. Conformance with City policies would result in a less than significant impact on trees and the City's urban forest. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a literature review completed by *Holman & Associates* in September 2016. A copy of the Archaeological Literature Review is on file with the Department of Planning, Building and Code Enforcement.

4.5.1 Setting

4.5.1.1 *Prehistoric Period*

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people practiced hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area in 1777.

Most prehistoric sites have been found along or very near fresh water sources such as creeks and springs. The nearest waterway to the project site is Coyote Creek, located approximately 665 feet east of the project site.

4.5.1.2 *Historic Subsurface Resources*

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during the time which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is approximately 2.5 miles.

Post-Mission Period to Mid-20th Century

In the mid-1800's, San José began to develop as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business

opportunities in the west. Much of San José, outside of the downtown area, was undeveloped or used as farm lands until after World War II.

No structures were on-site in 1899. By 1939, the project site was occupied by an orchard, but there were no structures on-site. A railroad track spur was located on the southeastern portion of the site from 1968 to 1973. By 1998, the orchard and railroad track were no longer present and the site appeared to be undeveloped.

4.5.1.3 *Subsurface Resources*

The project site is currently undeveloped. Based on the Literature Review completed by *Holman & Associates*, the property has been inspected in the past and four additional studies have been completed (on-site and within 1,000 feet of the project area) with no evidence of prehistoric subsurface resources.

4.5.1.4 *Applicable Cultural Resources Regulations and Policies in the General Plan*

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

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

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

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

4.5.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,2,3,9

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section15064.5?	☐	☐	☒	☐	1,2,3,9
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2,3,9
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,2,3,9

4.5.2.1 *Impacts to Historic Structures (Checklist Question a)*

The project site is currently undeveloped and there are no historic resources on or adjacent to the project site. Therefore, implementation of the proposed project would have no impact on historic structures. **(No Impact)**

4.5.2.2 *Impacts to Subsurface Cultural Resources (Checklist Questions b – d)*

Prehistoric and Historic Resources

Based on the literature review completed for the project area, there are no recorded prehistoric or historic archaeological deposits on-site or in the immediate project area. The project site is located approximately 665 feet west of Coyote Creek and has been determined to be in an area of moderate potential for prehistoric and historic resources. Earthmoving activities on-site may result in the loss of unknown subsurface prehistoric resources on the project site. The project would be required, as a condition of project approval, to implement the following Standard Permit Conditions.

Standard Permit Conditions

Consistent with General Plan policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the project to reduce or avoid impacts to subsurface cultural resources.

- 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 Department of Planning, Building and Code Enforcement shall be notified, and the archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

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

With implementation of the Standard Permit Conditions, the proposed project would have a less than significant impact on subsurface cultural resources. **(Less Than Significant Impact)**

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The General Plan EIR found the project site to have a high sensitivity (at depth) for paleontological resources. Although the City's General Plan found the site to have high potential at depth for paleontological resources, the proposed project would not include any substantial excavations except trenching for utilities. Therefore, it is improbable that paleontological resources would be discovered on-site due to the limited subsurface disturbance.

Implementation of the proposed project would have a less than significant paleontological resources impact. **(Less Than Significant Impact)**

4.5.3 Conclusion

The proposed project would be consistent with applicable City policies and regulatory programs and, as a result, would have a less than significant impact on archaeological, historic, and paleontological resources impact. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based in part on a Soil Resource Report generated from the Natural Resources Conservation Service's website in August 2016. A copy of this report is attached in Appendix B.

4.6.1 Setting

4.6.1.1 *Geology and Soils*

San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below ground surface. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west.

Soils on-site are comprised primarily of the Still complex. Soils located on the southwest corner of the project site are comprised of the Elpaloalto complex. Soils on-site have a moderate expansion potential. There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

4.6.1.2 *Seismicity and Seismic Hazards*

The project site is located within the San Francisco Bay Area, the most seismically active region in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Based on a 2014 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes will occur in the San Francisco Bay Area by 2044.[10]

Table 4.6-1: Active Faults Near the Project Site

Fault	Physical Distance from Site
Hayward	12 miles north
Calaveras	10 miles east
San Andreas	12 miles west

Active faults near the project site are shown in Table 4.6-1. Although the project site is located within a seismically active region, it is not located within a designated Alquist-Priolo Earthquake Zone[11], Santa Clara County Fault Hazard Zone, or City of San José Potential Hazard Zone.[12] No active faults have been mapped on the project site, therefore, the risk of fault rupture at the site is low.

[10] U.S. Geological Survey. *UCERF3: A New Earthquake Forecast for California's Complex Fault System.* Fact Sheet 2015-3009. March 2015. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf. Accessed August 5, 2016.

[11] California Department of Conservation Website. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> Accessed August 5, 2016.

[12] Santa Clara County. *Santa Clara County Geologic Hazard Zones, Map 20.* <https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf> Accessed August 5, 2016.

4.6.1.3 *Liquefaction, Lateral Spreading, and Landslides*

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the California Department of Conservation website, the project area is located within a potential liquefaction zone.[13]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Areas of San José most prone to lateral spreading include lands adjacent to Guadalupe River and Coyote Creek. The physical distance between the project site and Guadalupe River is approximately 1.6 miles. The distance between the project site and Coyote Creek is approximately 665 feet. At this distance, the potential for lateral spreading on-site is low.

Landslides

The site is not located within a Santa Clara County Landslide Hazard Zone.[14] The project area is relatively flat and, therefore, the probability of landslides occurring at the site during a seismic event is low.

4.6.1.4 Applicable Geological Regulations and Policies

The General Plan includes policies applicable to the proposed project.

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.

[13] California Department of Conservation Website. <http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSE_EAST/maps/ozn_sjose.pdf>. Accessed August 5, 2016.
[14] Ibid.

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 15 and April 15.

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.

4.6.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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)?	☐	☐	☒	☐	1,2,3
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,2,3
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,3
4. Landslides?	☐	☐	☒	☐	1,2,3
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3,10

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1,2,3,10
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?	☐	☐	☐	☒	1,2,3

4.6.2.2 *Geological and Soil Impacts (Checklist Question a and c – e)*

Faults in the area are considered active and have a long history of seismic activity. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. While the project site is located within a potential liquefaction zone, the project would be required, as a condition of project approval, to be built consistent with the recommendations from a site-specific geotechnical report and to comply with the California Building Code and all City policies and ordinances.

The project site is located within an area of moderate expansion potential and a low potential for lateral spreading during large seismic events. Development of the project site would not change or exacerbate the geologic conditions of the project area and would not result in a significant geology hazards impact to the project area. **(Less Than Significant Impact)**

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.2.3 *Erosion Impacts (Checklist Question b)*

Implementation of the project would require ground disturbance due to grading and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan EIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.

- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.

- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Because the proposed project would comply with the applicable City regulatory programs related to erosion, implementation of the proposed project would have a less than significant erosion impact. **(Less Than Significant Impact)**

4.6.2.4 *Existing Geology Issues Affecting the Project – Compliance with General Plan Policies*

Based upon the December 2015 *BIA v. BAAQMD* decision, the issues of environmental conditions affecting a project are no longer required under CEQA, but are included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

The policies of the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires 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.

The soils in the project area contain weak soils with moderate expansion potential. The project site has a moderate susceptibility to liquefaction and very strong ground shaking during an earthquake.

The project applicant would be required, as a condition of project approval, to submit a design-specific geotechnical report. The proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code, which contains the regulations that govern the construction of structures in California. The General Plan EIR concluded that adherence to the California Building Code would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan EIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

Development on the project site would have a less than significant geologic impact. **(Less Than Significant Impact)**

Sewers are available to dispose wastewater from the project site and, as a result, the project site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Regulatory Background

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. 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.

4.7.1.1 *State of California*

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

AB 32, the California Global Warming Solutions Act, was signed into law in September 2006. AB 32 requires California to reduce its total GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease from current levels. In September 2007, the Air Resources Board approved a list of Discrete Early Actions to reduce GHG emissions which includes maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities).

State of California Executive Order S-3-05

Prior to adoption of AB 32, Governor Arnold Schwarzenegger signed Executive Order S-3-05, which established GHG emission reduction targets, created the Climate Action Team and directed the Secretary of CalEPA to coordinate with other state agencies to meet the emission reduction targets. The Executive Order S-03-05 requires statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

In December 2008, California Air Resources Board (CARB) approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and recommendations. The first update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. Metropolitan planning organizations (for the Bay Area, the Metropolitan Transportation Commission in partnership with the Association

of Bay Area Governments) would be required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan for that region. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

4.7.1.2 *Regional and Local Plans*

Bay Area 2017 Clean Air Plan

BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan. Consistent with the GHG reduction targets adopted by the state of California, 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 defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, ozone precursors, and GHGs. The proposed control strategy is designed to complement efforts to improve air quality and protect the climate that are being implemented by partner agencies at the State, regional, and local scale. The control strategy encompasses 85 individual control measures that describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

Key elements in the control strategy are described below.

Stationary Sources:

- Decrease emissions of GHGs and criteria air pollutants through a region-wide strategy to reduce combustion and improve combustion efficiency at industrial facilities, beginning with the three largest sources of emissions: oil refineries, power plants, and cement plants.
- Reduce methane emissions from landfills, and from oil and natural gas production and distribution.
- Reduce emissions of toxic air contaminants by adopting more stringent thresholds and methods for evaluating toxic risks at existing and new facilities.

Transportation:

- Reduce motor vehicle travel by promoting transit, bicycling, walking, and ridesharing.
- Implement pricing measures to reduce travel demand.
- Direct new development to areas that are well-served by transit, and conducive to bicycling and walking.
- Accelerate the widespread adoption of electric vehicles.

- Promote the use of clean fuels and low- or zero- carbon technologies in trucks and heavy-duty equipment.

Buildings and Energy:

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind, and ground-source heat pumps.
- Support the expansion of community choice energy programs throughout the Bay Area.
- Promote energy and water efficiency in both new and existing buildings.
- Promote the switch from natural gas to electricity for space and water heating Bay Area buildings.

Consistency of a project with current control measures is determined by its consistency with the CAP.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[15] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

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

[15] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

The City of San José has adopted localized policies to regulate GHG emissions. The Envision 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies GHG 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.

4.7.1.3 *Applicable Greenhouse Gas Regulations and Policies*

The General Plan includes policies applicable to the proposed project. These policies are also described within the City's GHG Reduction Strategy.

Policy MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy 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-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly 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-3.2: 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.

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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.7.2 Setting

4.7.2.1 *Existing On-Site GHG Emissions*

The project site is currently undeveloped and does not generate GHG emissions.

4.7.3 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

4.7.3.1 ***Greenhouse Gas Emissions Impact*** *(Checklist Questions a and b)*

Construction Emissions

The proposed office development would result in a temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because construction would be temporary (approximately nine months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32. **(Less Than Significant Impact)**

Operation

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The proposed project is evaluated for consistency with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some

measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. 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 further described below.

Consistency with the San José Greenhouse Gas Reduction Strategy

The proposed project was evaluated for consistency with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects at the discretion of the City.

The primary test for consistency with the GHG Reduction Strategy is conformance to the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for all 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 State of California Climate Change Scoping Plan through 2020. If approved, the proposed project would be constructed and operational prior to the year 2020.

The proposed project's consistency with these measures is detailed 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 (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinances and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (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 (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; 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), if applicable.

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

Given the project is consistent with the General Plan land use designation, proximity to transit, and the inclusion of green building measures, the project would be consistent with the mandatory criteria 1 to 3 as described above.

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

The General Plan EIR concluded that the City's projected GHG emissions would be below the average carbon efficiency standard necessary to meet statewide 2020 goals as established by AB 32. The proposed project is consistent with the GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **(Less Than Significant Impact)**

4.7.4 Conclusion

Development of the proposed project would incorporate applicable policies of the City's General Plan and adopted GHG Reduction Strategy. The project would have a less than significant GHG emissions impact, consistent with the findings of the General Plan EIR. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared for the project by *Cornerstone Earth Group* in December 2014. A copy of the report is attached in Appendix C of this document.

4.8.1 Overview

Hazardous materials encompass a wide range of substances including petroleum products, pesticides, herbicides, metals, asbestos, and chemical compounds used in manufacturing and other uses. Hazardous materials in various forms can cause death, serious injury, long-lasting health effects and damage to the environment. As a result, numerous laws and regulations were developed to regulate the management of hazardous materials and mitigate potential impacts.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several Federal, State, and County agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and Federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2 Setting

The project site is currently undeveloped. Historic groundwater levels on-site were mapped at approximately 12 feet below the ground surface (bgs). On-site testing found groundwater at a depth of approximately 39 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the project area flows to the north.

4.8.2.1 *Site History*

Topographic maps from 1899 and 1953 show no structures on-site. From 1939 to 1982, the project site was occupied by an orchard. A railroad track spur is shown on the southeastern portion of the site from 1968 to 1980. From 1998 to 2012, the orchard and railroad track were no longer present and the site was undeveloped.

4.8.2.2 *Sources of Contamination*

On-Site

Based on a database records search, the project site was not identified in any regulatory agency database. Because the project site was previously used for agricultural purposes, there is a potential for impacts to the soil due to residual agricultural chemicals.

Figure 4.8-1: Soil Sample Locations

In December 2014, 11 soil samples (SS-1 through SS-11) were collected on-site (refer to Figure 4.8-1) to evaluate potential impacts to the soil from past agricultural operations.

The analysis found one soil sample (SS-11) with slightly elevated concentrations of lead and benzo[a]pyrene. Approximately 0.062 milligrams per kilogram (mg/kg) of benzo[a]pyrene was found, exceeding the U.S. Environmental Protection Agency (EPA) Regional Screening level (RSLs) of 0.15 mg/kg for residential land use. The amount of benzo[a]pyrene found on-site does not exceed the commercial RSL of 0.29 mg/kg. The analysis also found 95 mg/kg of lead in SS-11, which exceeds the residential California Human Health Screening Levels (CHHSL) of 80 mg/kg, but does not exceed the commercial CHHSL of 320 mg/kg.

Arsenic was detected in all 11 soil samples locations that ranged from 7.1 to 17 mg/kg, which is within the range of background concentrations reported on other Bay Area properties (refer to *Section 10.3* of Appendix C).

Off-Site

Based on a database records search, no off-site sources of contamination were reported.

4.8.2.3 *Other Hazards*

Airports

The Norman Y. Mineta San José International Airport is located approximately 4.3 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is not located within the Airport Influence Area (AIA). The proposed project is not located within a CLUP-defined safety zone. The project is not located in the vicinity of a private airstrip. The proposed building would be approximately 39 tall and would not trigger the need for Federal Aviation Administration (FAA) airspace review.

Wildfire Hazards

The proposed project is located in a highly urbanized area that is not subject to wildland fires.

4.8.2.4 *Applicable Hazards and Hazardous Materials Regulations and Policies*

The Envision San José 2040 General Plan includes policies applicable to the proposed project.

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-based 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.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action 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.

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 navigation.

Policy TR-14.3: For development in the vicinity of airports, take into consideration the safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports.

Policy TR-14.4: 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 CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.8.3 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?	☐	☐	☒	☐	1,2,3,11
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?	☐	☐	☒	☐	1,2,3,11
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1,2,3,11
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?	☐	☐	☒	☐	1,2,3,11
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?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	1,2,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2,3
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?	☐	☐	☐	☒	1,2,3

4.8.3.1 *Potential Contamination Sources (Checklist Questions a, b, and d)*

Groundwater contamination has not been reported on-site or within the site vicinity. Although slightly elevated concentrations of lead, benzo[a]pyrene, and arsenic was found on-site, in a commercial setting, the contaminants mentioned above would not pose a risk to human health or the environment. If the project requires excess soils to be hauled off-site, sampling and laboratory analyses shall be required to determine the appropriate disposal method. Therefore, implementation of the project would not create a significant hazard to human health or the environment. **(Less Than Significant Impact)**

The proposed project would likely include the use and storage of on-site cleaning supplies and maintenance chemicals in small quantities consistent with commercial land uses. No hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that would be used on-site would not pose a risk to adjacent land uses. **(Less Than Significant Impact)**

4.8.3.2 *Other Hazard Impacts (Checklist Question c and e – h)*

Schools

The proposed project is not located within one-quarter mile of any existing schools and would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **(Less Than Significant Impact)**

Airport Operations

The proposed project is not located within an AIA or within two miles of a public or private airstrip, and would not result in a substantial safety hazard for people residing or working in the project area or interfere with airport operations. **(No Impact)**

Wildland Fires

The project site is in a developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. Therefore, implementation of the proposed project would not expose future site users or the proposed building to wildland fires. **(No Impact)**

Emergency Response Plans

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

4.8.3.3 *Existing Hazardous Materials Conditions Affecting the Project*

Based upon the December 2015 CA Supreme Court BIA vs BAAQMD decision, the issues of environmental conditions affecting a project is no longer required under CEQA, but is included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

While the soil sample (SS-11) had elevated level of lead and benzo[a]pyrene for residential use, it does not exceed the commercial RSL and CHHSL for office/commercial. The policies of the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-7.1 requires the evaluation of a project site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. General Plan Policy EC-7.2 requires the identification of 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. The project site was previously used for agricultural purposes; however, the previous soil testing concluded that the soil quality on-site has not been impacted by the past agricultural operations. Therefore, the proposed commercial project would not pose a safety risk to future site users.

4.8.4 Conclusion

The proposed project would result in a less than significant hazards or hazardous materials impact. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Flooding*

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map 06085C0253H), the project site is located in Flood Zone D.[16] Zone D is for areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards have been completed.

4.9.1.2 *Dam Failure*

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is located within the Anderson Dam failure inundation hazard zone but outside the Lexington Dam failure inundation zone.[17, 18]

4.9.1.3 *Seiches, Tsunamis, and Mudflows*

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

4.9.1.4 *Storm Drainage System*

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Coyote Creek. Coyote Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is undeveloped and 100 percent of the site is pervious. There is an existing 42-inch storm drain line along Senter Road.

4.9.1.5 *Water Quality Regulatory Background*

Nonpoint Source Pollution Program

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations, under Section 402 of the Clean Water Act, include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States

[16] Federal Emergency Management Agency. *Flood Insurance Rate Map. Map Number 0608C0253H*. May 18, 2009.
[17] Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009.* http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx Accessed August 5, 2016.
[18] Santa Clara Valley Water District. *Anderson Dam and Reservoir 2009 Flood Inundation Maps. 2009.* http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx Accessed August 5, 2016.

(e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For any projects that disturb one or more acres of land, the project applicant is required to submit a Notice of Intent (NOI) to the State Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP addresses appropriate measures for reducing construction and post-construction impacts.

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). The permit requires all members, including the City of San José, to implement programs that reduce urban runoff pollution and promote public awareness. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet of impervious surface are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) techniques.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Federal Environmental Protection Agency develop NPDES application requirements for storm water runoff.

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 Municipal Regional Stormwater NPDES Permit. The City's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

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 Municipal Regional Stormwater NPDES Permit. 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).

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[19]

4.9.1.6 *Groundwater*

Historic groundwater depth was encountered on-site at approximately 12 feet bgs. Recent testing on-site found groundwater at a depth of approximately 39 feet bgs. Groundwater levels fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors.

4.9.1.7 *Applicable Hydrology and Water Quality Regulations and Policies*

The General Plan includes policies applicable to the proposed project.

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 ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

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.

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

[19] Santa Clara Valley Urban Runoff Pollution Prevention Program. http://www.scvurppp-w2k.com/hmp_maps.htm Accessed August 5, 2016.

contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.9.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,2,3
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)?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3,12
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	1,2,3,12
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?	☐	☐	☒	☐	1,2,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2,3

4.9.2.1 *Water Quality Impacts (Checklist Questions a and f)*

Construction Impacts

Implementation of the proposed project would involve excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the project would disturb more than the one acre of land, the project would be required to comply with the general stormwater permit and prepare a SWPPP for construction activities. In addition, the following Standard Permit Conditions have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Standard Permit Conditions

- 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 would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the proposed project would include the specific measures and actions identified above, the project would have a less than significant construction-related water quality impact. **(Less Than Significant Impact)**

Post-Construction Impacts

Under existing conditions, the project site is 100 percent pervious. Upon completion of the proposed development, pervious surfaces on-site would be reduced by approximately 83 percent. Construction of the project would result in the creation of more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB MRP. In order to meet these requirements, the project proposes bioswales at each corner of the proposed office building.

As part of the project review, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included and reviewed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of development permits.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. Compliance with all applicable regulatory policies pertaining to stormwater runoff would result in a less than significant water quality impact. **(Less Than Significant Impact)**

4.9.2.2 *Groundwater Impacts (Checklist Question b)*

The conversion of existing pervious surfaces to impervious surfaces may decrease groundwater infiltration into an underlying groundwater basin. The project site is not, however, a designated recharge area. With implementation of the project, the quantity of impervious surfaces on the project site would increase by 83 percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **(Less Than Significant Impact)**

The proposed development would not require extensive subsurface excavation or below-grade structures and, as a result, would not interfere with overall groundwater flow or impact the deeper groundwater aquifers. **(Less Than Significant Impact)**

4.9.2.3 *Drainage Pattern Impacts (Checklist Question c)*

Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or siltation or increase the rate or amount of stormwater runoff. (**Less Than Significant Impact)**

4.9.2.4 *Storm Drainage Impacts (Checklist Questions d and e)*

The existing and proposed square footages of pervious and impervious surfaces are shown on Table 4.9-1 below.

Table 4.9-1: Pervious and Impervious Surfaces On-Site						
Site Surface	**Existing/Pre-Construction (sf)**	**%**	**Project/Post Construction (sf)**	**%**	**Difference (sf)**	**%**
Impervious						
Roof Area(s)	--	--	25,149	21	+25,149	+21
Parking	--	--	65,574	56	+65,574	+56
Patios, Paths, etc.	--	--	6,960	6	+6,960	+6
Subtotal	--	--	97,683	83	+97,683	+83
Pervious						
Dirt, Pavement, and Landscaping	117,219	100	19,536	17	-97,683	-83
Total	117,219	100	117,219	100		

Under existing conditions, the site is 100 percent covered with pervious surfaces (117,219 square feet). Under project conditions, the impervious surfaces on-site would increase by approximately 97,683 square feet (83 percent), which would increase stormwater runoff from the site. The General Plan EIR concluded that although new development and redevelopment allowed under the General Plan may result in an increase in impervious surfaces, implementation of applicable City policies and existing regulations would substantially reduce drainage hazards. Therefore, the proposed project would have a less than significant impact on the existing storm drainage system. **(Less Than Significant Impact)**

4.9.2.5 *Seiches, Tsunamis, and Mudflows* *(Checklist Question j)*

As discussed in *Section 4.9.1.3* above, there are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. The project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **(Less Than Significant Impact)**

4.9.2.6 *Existing Flooding Conditions Affecting the Project* *(Checklist Question g – i)*

Based upon the December 2015 *BIA v. BAAQMD* decision, the issues of environmental conditions affecting a project are no longer required under CEQA, but are included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

Based on the FEMA flood insurance rate maps, the project site is outside the 100-year floodplain. As a result, the proposed project would not redirect flows or expose people or structures to significant flood impacts.

The project site is located within the Anderson Reservoir dam failure inundation area. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Anderson. The General Plan EIR concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. As a result, future occupants of the site would not be exposed to flooding hazards.

4.9.3 Conclusion

Implementation of the project would have a less than significant hydrology impact. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Setting

4.10.1.1 *Existing Land Uses*

The 2.69-acre project site is comprised of one parcel located along the west side of Senter Road. The site is currently undeveloped and surrounded by a chain-link fence with barbed-wire. The project site has no roadway access, but there is a driveway adjacent to the northern site boundary which provides access to the parcel to the west. Figure 2.2-3 shows an aerial photograph of the project site.

4.10.1.2 *Surrounding Land Uses*

The project area is primarily developed with office/industrial buildings and a residential neighborhood. The structures in the area range from one- to four-stories. Located north of the project site is a two-story office building and a surface parking lot. The project site is bounded by Senter Road to the east, a six-lane multi-directional roadway with a raised median strip. Located east of Senter Road are one-story commercial businesses, two four-story apartments, and a one-story single-family house. Located immediately south of the project site is a one-story office building and a surface parking lot. Immediately west of the project site is a large surface parking lot and a one-story office building.

4.10.1.3 *Existing Land Use Designation and Zoning*

The project site is designated *Heavy Industrial* under the City's General Plan and is zoned *A(PD) – Planned Development*. The *Heavy Industrial* General Plan designation is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Because of the limited supply of land available for heavy industrial uses, the Land Use Policies in the Envision General Plan restrict land use changes in areas reserved exclusively for industrial uses. The *Heavy Industrial* designation allows for an FAR up to 1.5 and building heights up to three stories.

The *A(PD) – Planned Development* zoning designation is intended to meet the needs of the territory zoned. The uses and requirements of the district shall be reflected in the general development plan.

4.10.1.4 *Applicable Land Use Regulation and Policies*

The General Plan includes policies applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural 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 landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through 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-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

4.10.2 Environmental Checklist

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

4.10.2.1 *Consistency with the General Plan Land Use Designation and Zoning (Checklist Question b)*

As mentioned above, the project site is designated *Heavy Industrial* under the City's General Plan and is zoned *A(PD) – Planned Development*. As proposed, the project would result in construction of a two-story office building and a surface parking lot with an FAR of 0.43.[20]

The Santa Clara County Social Services Agency plans to use the new building for the Continuing Benefit Services Unit, which would replace two existing facilities located at 1870 and 1877 Senter Road. Social service agencies are not a permitted use within this land use designation. The current zoning designation is not applicable to the specific development proposed for the project site. As a result, the project proposes a rezoning to *HI – Heavy Industrial.* General services, such as social service agencies, are allowed under the *HI – Heavy Industrial* zoning district with a CUP. With approval of the proposed rezoning and CUP, the project would be consistent with all applicable land use regulations, and would have a less than significant land use impact. Any future uses of the site not consistent with the permitted uses under the *HI – Heavy Industrial* designation would be required to obtain a new CUP. **(Less Than Significant Impact)**

Established Communities *(Checklist Question a)*

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The project proposes a two-story office building and a surface parking lot. There are office/industrial buildings and residences located along Senter Road; therefore, the proposed project would be compatible with the surrounding land uses and would not physically divide an established community. **(Less Than Significant Impact)**

Other Land Uses *(Checklist Question c)*

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. Please see *Section 4.4, Biological Resources* for a complete discussion. **(Less Than Significant Impact)**

4.10.3 Conclusion

Implementation of the proposed project would result in a less than significant land use impact. **(Less Than Significant Impact)**

[20] 50,760 square feet (building area)/117,219 square feet (site area) = 0.43 FAR

4.11 MINERAL RESOURCES

4.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

4.11.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,3
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

4.11.2.1 *Impacts to Mineral Resources (Checklist Question a and b)*

The proposed project is not located in an area containing known mineral resources. The physical distance between the project site and the Communications Hill area is approximately two miles. Therefore, implementation of the project would not result in the loss of availability of a known mineral resource. **(No Impact)**

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact)**

4.12 NOISE AND VIBRATION

The following discussion is based on a Noise and Vibration Assessment completed by *Illingworth & Rodkin, Inc*. in December, 2016. A copy of the report is attached in Appendix D of this document. [21]

4.12.1 Setting

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

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. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Construction Noise

Construction is a temporary source of noise for residences and other uses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

[21] Please note the square footage has increased by approximately 907 square feet since the noise assessment was completed. The increase in square footage would not result in substantial changes to the analysis.

Background Information – Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.12-1 shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration

PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.

Source: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. June 2004.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows. Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life 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 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical

setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

Structural damage can be classified as cosmetic, such as 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 structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.12.1.1 *Existing Noise Conditions*

Figure 4.12-1: Noise Measurement Locations

A noise monitoring survey was performed in the vicinity of the project site between November 3, 2016 and November 7, 2016. Noise on-site and in the surrounding area results primarily from vehicular traffic on Senter Road. The monitoring survey included one long-term (LT-1) noise measurement and four short-term (ST-1 to ST-4) measurements as shown in Figure 4.12-1.

LT-1 was located approximately 82 feet east from the center line of Senter Road. Hourly average noise levels range from 61 to 76 dBA L_{eq} at this location during daytime hours, and from 53 to 69 dBA L_{eq} at night. The day-night average noise level ranged from 68 to 72 dBA DNL.

Table 4.12-2: Noise Level Measurements

Measurement	DNL (dBA)	Location
ST-1	55	356 feet west of center of Senter Road
ST-2	72	75 feet west of center of Senter Road
ST-3	61	152 feet west of center of Senter Road
ST-4	66	88 feet east of center of Senter Road
LT-1	68-72	82 feet east of center of Senter Road

The results of the short-term and long-term noise levels are shown in Table 4.12-2 above.

The Norman Y. Mineta San José International Airport is located approximately 4.3 miles northwest of the project site. The project site lies outside the City's 2017 and 2027 aircraft noise contours shown in the City's General Plan.

4.12.1.2 *Sensitive Receptors*

The nearest sensitive receptors are residences located approximately 165 feet east of the project site.

4.12.1.3 *Applicable Noise Standards and Policies*

General Plan

The General Plan includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-3, below.

Table 4.12-3: Land Use Compatibility Guidelines for Community Noise in San José

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

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

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

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

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

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

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

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

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: Construction operations within San José will be required 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 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.

Municipal Code – Construction Standards

According to San José Municipal Code Chapter 20.30.700, sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. Chapter 20.50.300 states the sound pressure level generated by any use or combination of uses shall not exceed 70 dBA at any property line shared with land zoned for industrial use, except upon issuance and in compliance with a Conditional Use Permit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.2 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?	☐	☐	☒	☐	1,2,3,13

	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?	☐	☐	☒	☐	1,2,3,13
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,13
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,13
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?	☐	☐	☒	☐	1,2,3
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

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

4.12.2.1 *Noise Impacts from the Project (Checklist Question a – d)*

Project Generated Traffic Noise Impacts

An increase of three dBA is considered substantial in noise sensitive areas along roadways. Vehicular traffic on roadways in the City are anticipated to increase as development occurs and the population increases; however, the proposed project would have to double the existing traffic volume in the area to substantially increase noise levels (by three dBA or more). The proposed project would result in 559 daily traffic trips (refer to *Section 4.16 Transportation*). Although the increase in traffic would result in an overall increase in traffic noise, these volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. **(Less Than Significant Impact)**

Construction Noise Impacts

Project construction is anticipated to occur over a period of nine months. Construction noise impacts depend on 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 receptors. The construction of the proposed project would involve site preparation, grading, excavation, trenching, exterior building construction, interior building construction, and paving.

As mentioned previously, there are existing residences located approximately 165 feet east of the project site. At this distance, existing ambient noise levels range from 53 to 76 dBA L_{eq}. At 50 feet, the maximum noise levels generated by project construction equipment would typically range from 80 to 85 dBA L_{max}. Hourly average noise levels during the construction of office buildings would be approximately 75 to 89 dBA L_{eq}.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site. Consistent with the Municipal Code and in accordance with the General Plan EIR, particularly Policy EC-1.7, the proposed project would be required to implement the following measures as Standard Permit Conditions during all phases of construction on the project site:

Standard Permit Conditions

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used such that noise is deadened at a distance of 75 feet, per Municipal Code regulations. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the identified Standard Permit Conditions, construction noise levels would be reduced by approximately five to 10 dBA. In addition, compliance with General Plan policies and the City's Municipal Code would result in a less than significant impact on the temporary increase in ambient noise levels in the project area. **(Less Than Significant Impact)**

Construction Vibration Impacts

Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity. Pile driving would not be required for project construction.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. Sensitive receptors are located approximately 165 feet east of the project site. At this distance, vibration levels would be 0.09 in/sec PPV or less. The commercial land uses located approximately 40 feet north and 140 feet southeast of the project site would have vibration levels of 0.13 and 0.03 in/sec PPV, respectively, which would not exceed the City's significance threshold for construction vibration. The Santa Clara County Social Services building, located approximately 60 feet west of the site, would be exposed to vibration levels up to 0.08 in/sec PPV, which is below the City's significant threshold. Therefore, the project would have a less than significant construction vibration impact. **(Less Than Significant Impact)**

4.12.2.2 *Airport Noise (Checklist Questions e and f)*

The physical distance between the project site and the Norman Y. Mineta San José International Airport is approximately 4.3 miles. The project site is not within the AIA or Airport Noise Contours. **(No Impact)**

4.12.2.3 *Existing Noise Conditions Affecting the Project*

Based upon the December 2015 *BIA v. BAAQMD* decision, the issues of environmental conditions affecting a project are no longer required under CEQA; nevertheless the City has policies that address existing conditions (e.g. noise) affecting a proposed project and to inform the planning

process as to how the project complies with applicable local policies/regulations that protect sensitive land uses from existing hazards, which are addressed below.

The policies of the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Based on the General Plan noise and land use compatibility guidelines, commercial/office development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL.

As mentioned above, noise levels in the project area are primarily influenced by vehicular noise on Senter Road. Existing ambient noise levels at the project site are 68 to 72 dBA DNL. Future exterior noise levels would range from 61 to 76 dBA L_{eq} during daytime hours.

The California Green Building Code requires that commercial building be constructed to provide an interior noise environment of 50 dBA in occupied areas during any hour of operation. A typical commercial building envelope provides at least a 30 dBA reduction in traffic noise. With exterior noise levels up to 76 dBA DNL, the interior noise levels would be 46 dBA with standard construction techniques. As a result, interior noise levels would comply with Green Building Code standards.

4.12.3 Conclusion

With implementation of the Standard Permit Conditions, the proposed project would have a less than significant construction noise and vibration impact. Operation of the proposed project would have a less than significant noise impact. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

Based on information from the Department of Finance E-5 report, the population of San José was estimated to be approximately 1,042,094 in January 2016 with an average of 3.22 persons per household.[22,23] The City currently has approximately 329,824 housing units and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.[24]

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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)?	☐	☐	☒	☐	1,2,3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2,3
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2,3

4.13.1.1 *Impacts to Population and Housing (Checklist Question a – c)*

The project would result in construction of a two-story office building and a surface parking lot on a currently undeveloped site. Development of the proposed project would result in an increase in jobs citywide. San José currently has a higher number of employed residents than jobs. The proposed project would generate approximately 225 employees.[25] The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project is consistent with the development assumptions in the General Plan and would not induce substantial population growth beyond anticipated. **(Less Than Significant Impact)**

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[22] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2015 and 2016. May 2016. Available at: < http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/> Accessed August 5, 2016.

[23] State of California, Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2016. Available at: http://www.sanjoseca.gov/DocumentCenter/View/15743 Accessed August 5, 2016.

[24] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. http://www.sanjoseca.gov/DocumentCenter/View/3326. Accessed August 5, 2016.

[25] Number of employees provided by Eire Stewart, Director of Property Management, JP Dinapoli Companies, Inc. Personal Communication. November 23, 2016.

The project site is currently undeveloped. The proposed project would not result in the displacement of people or existing housing, or necessitate the construction of housing elsewhere. **(Less Than Significant Impact)**

4.13.2 Conclusion

The proposed project would have a less than significant impact on population and housing. **(Less Than Significant Impact)**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Protection Services*

Fire protection services for the project are provided by the San José Fire Department. Fire stations are located throughout the City to provide adequate response times to calls for service. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 26, located at 528 Tully Road, approximately 0.6 miles southeast of the project site. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 3.6 miles north of the project site.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

4.14.1.3 *Schools*

The project site is located within the Franklin-McKinley School District and the East Side Union High School District.[26] The proposed project is an office development and does not include any residential land uses that would generate school age children.

4.14.1.4 *Parks*

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José owns approximately 187 neighborhood-serving parks and nine regional parks.

The General Plan objective for neighborhood/community serving parkland is 3.5 acres of land per 1,000 population. A minimum of 1.5 acres of City-owned parkland and up to two acres of recreational school grounds would be located within a reasonable walking distance. The General Plan estimated a population of 1,313,811 by 2035 which would increase the demand for park and recreational facilities and create a parkland deficit of 2,187.40 acres (including regional and local park lands).

[26] Franklin-McKinley School District and the East Side Union High School District. School and District Boundaries Map. Accessed August 5, 2016. Available at: <http://www.greatschools.org/school-district-boundaries-map/>

The closest parks to the project site are Kelley Park and Bellevue Park located approximately 0.4 miles and 0.9 miles from the project site, respectively.

4.14.1.5 *Libraries*

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr. Library) and 22 branch libraries. Libraries near the project site include the Tully Community Branch Library, located approximately 0.5 miles east of the project site, and the Biblioteca Latinoamericana Branch Library, located approximately 1.5 miles northwest of the project site.

4.14.1.6 *Applicable Public Services Regulations and Policies*

The General Plan includes the following policies applicable to the proposed project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, achieve 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.
b. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

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

4.14.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	☐	☐	☒	☐	1,2,3
- Police Protection?	☐	☐	☒	☐	1,2,3
- Schools?	☐	☐	☐	☒	1,2,3
- Parks?	☐	☐	☒	☐	1,2,3
- Other Public Facilities?	☐	☐	☒	☐	1,2,3

4.14.2.1 *Impacts to Public Services (Checklist Question a)*

Fire and Police Protection Services

The site is currently undeveloped and the proposed office development would place people on-site during regular business hours, increasing demand for fire and police response and related emergency services. The project is consistent with planned growth in the General Plan and construction of new fire and police stations, other than those already planned, would not be required to provide service to the site. The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan EIR to avoid unsafe building conditions and promote public safety. **(Less Than Significant Impact)**

Schools

The project proposes to construct an office building and a surface parking lot and does not include residential development. No new students would be generated by implementation of the proposed project. Therefore, the proposed project would have no impact on school facilities or capacities in the City. **(No Impact)**

Parks

The site is currently undeveloped and the proposed office development would place more people on-site during regular business hours than exist currently; however, an increase in the daily employee population in the City would not result in a substantial increase in usage of local recreational facilities. Although future employees may use City parks or trails, weekday employees are unlikely

to place a major physical burden on these facilities. Therefore, the proposed project would not have a significant impact on park facilities in the City. **(Less Than Significant Impact)**

Libraries

The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. The proposed project would construct a new office building and would not include any residential uses. Therefore, the proposed project would have minimal impact on library facilities in the City of San José. **(Less Than Significant Impact)**

4.14.3 Conclusion

Implementation of the proposed project would not result in significant impacts to public services in the City of San José or require the construction of new facilities. The project would not impact existing schools, or libraries. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 neighborhood community centers, nine regional parks, and over 57 miles of trails. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts.

Kelley Park is a 172-acre park situated near the northern end of San José's Coyote River Park Chain. Kelly Park encompasses diverse facilities such as Happy Hollow Park & Zoo, the Japanese Friendship Garden, History Park, Portuguese Historical Museum, and Vietnamese Museum within the history park. The physical distance between the project site and Kelley Park is approximately 0.4 miles. Bellevue Park is a 1.66-acre park with basketball courts and a playground. The physical distance between the project site and Bellevue Park is approximately 0.9 miles.

4.15.2 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?	☐	☐	☐	☒	1,2,3
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

4.15.2.1 *Impacts to Recreational Facilities (Checklist Question a and b)*

The proposed project would result in construction of an office building on a currently undeveloped site. An increase in workers in the City would not result in a substantial increase in usage of recreational facilities. Although future employees may use City parks, trails or other recreational facilities, future weekday employees would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. The proposed project would not increase the usage of existing parks and recreation facilities such that the construction of new or expanded recreational facilities would be required. **(No Impact)**

4.15.3 Conclusion

Implementation of the proposed project would not result in significant impacts to recreational facilities in San José. **(No Impact)**

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based in part upon a Transportation Impact Analysis prepared by *Hexagon Transportation Consultants, Inc.* in November 2016. A copy of this report is attached in Appendix E. [27]

4.16.1 Setting

4.16.1.1 *Roadway Network*

Regional Access

Regional access to the project site is provided via State Route 87 (SR 87), U.S. Highway 101 (US 101), and Interstate 280 (I-280).

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. Access to the project site to and from SR 87 is provided via partial interchanges at Lelong Street and Almaden Expressway, and a full interchange at Curtner Avenue.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane) that is aligned in a north-south orientation that extends through the Bay Area, connecting San Francisco to San José. US 101 provides site access via full interchanges at Tully Road and Story Road.

I-280 is a north-south freeway that extends from US 101 in San José to I-80 in San Francisco. I-280 provides access to the site via partial interchanges at Vine Street, First Street, Seventh Street, Tenth Street, and Eleventh Street. I-280 connects to US 101, Interstate 680 (I-680), and SR 87 in the project area.

Local Access

Local access to the project site is provided by Monterey Road, Alma Avenue, Keyes Street, Senter Road, Tenth Street, Eleventh Street, and Tully Road.

Monterey Road is a north-south six-lane arterial roadway that extends from Gilroy to central San José, where it becomes El Camino Real. Monterey Road intersects Tully Road, Phelan Avenue, and Alma Avenue.

Alma Avenue is an east-west four-lane arterial roadway that extends from Senter Road to Minnesota Avenue, west of SR 87. Alma Avenue provides access to northbound SR 87 and southbound SR 87.

Keyes Street is an east-west roadway that extends from Monterey Road to the east and continues to Senter Road, where it becomes Story Road.

[27] Please note the square footage has increased by approximately 123 square feet since the transportation impact analysis was completed. The increase in square footage would not result in substantial changes to the analysis.

Senter Road is a north-south four- to six-lane arterial roadway that extends from Story Road/Keyes Street to south of Capitol Expressway.

Tenth Street is a north-south roadway that extends from Old Bayshore Highway to Tully Road. Tenth street is a four-lane multi-directional roadway between Old Bayshore Highway and East Hedding Street, and becomes a two- to three-lane one-way southbound street between East Hedding Street and East Humboldt Street. In the project area, South Tenth Street becomes a four-lane multi-directional roadway.

Eleventh Street is a north-south, three-lane roadway that runs from Keyes Street to Hedding Street. North Eleventh Street is a one-way roadway in the northbound direction.

Tully Road is an east-west arterial roadway that extends from Monterey Road to Ruby Avenue in east San José. Tully Road is a six-lane roadway that becomes Curtner Avenue and provies access to SR 87. Tully Road provides access to US 101 to the east.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian Facilities

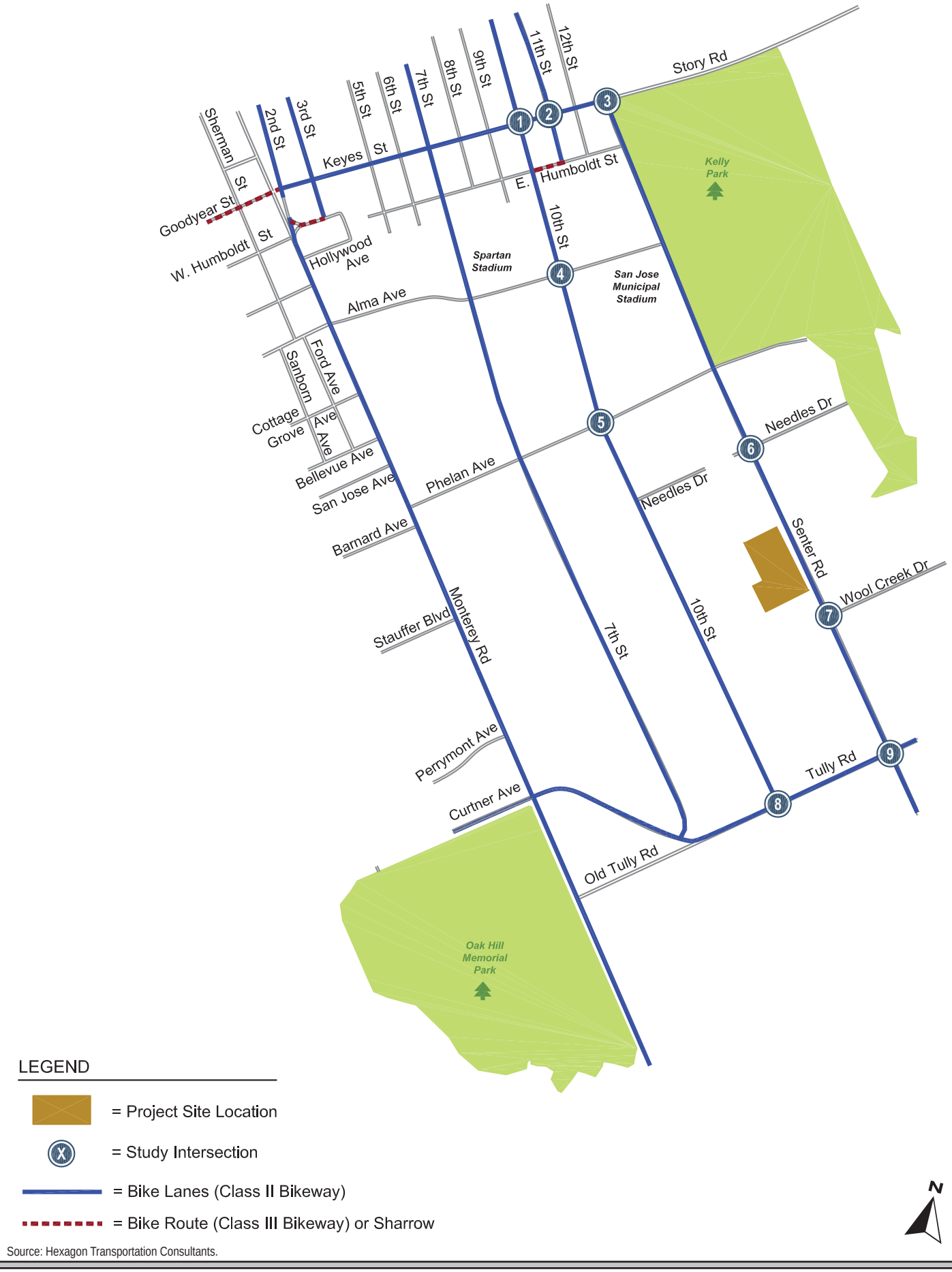
A continuous network of sidewalks is present along all the surrounding roadways. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections in the vicinity of the project site.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Class II bike lanes are present along the following project vicinity street segments:

- Monterey Road, between Keyes Street and Metcalf Road
- Curtner Avenue/Tully Road, between Leigh Avenue and Ruby Avenue
- Keyes Street/Story Road, between Monterey Road and McLaughlin Avenue
- Senter Road, between Keyes Street and Monterey Road
- Seventh Street, between San José State University and Tully Road
- Tenth Street, between Old Bayshore Highway and Tully Road
- Eleventh Street, between Hedding Street and East Humboldt Street
- Third Street, between Jackson Street and East Humboldt Street
- Second Street, between East San Salvador Street and Keyes Street

Existing bicycle facilities are shown on Figure 4.16-1.



Source: Hexagon Transportation Consultants.

EXISTING BICYCLE FACILITIES FIGURE 4.16-1

4.16.1.3 *Existing Transit Service*

Transit services in the project area is provided by the VTA and Caltrain. The Tamien light rail transit (LRT) station is located near SR 87 at Lelong Street/Alma Avenue, approximately 2.8 miles northwest of the project site. Due to the distance between the Tamien station and project site, it can be assumed that the use of LRT service by future employees of the proposed project would be limited. All transit services are shown in Figure 4.16-2.

VTA Bus Service

The VTA bus routes with bus stops near the project site are described in Table 4.16-1, below.

Table 4.16-1: VTA Bus Service in the Project Area

Route	Route Description	Headway (min)
Local Bus 25	Alum Rock Transit Center to De Anza College	10 (weekday) 15 (weekend)
Local Bus 26	Eastridge Transit Center to Sunnyvale/Lockheed Martin Transit Center	15-30 (weekday) 30 (weekend)
Local Route 66	Kaiser Hospital to Dixon Landing Road in Milpitas	15 (weekday) 30 (weekend)
Local Route 68	San José Diridon Station to Gavilan College in Gilroy	15-30 (weekday) 30 (weekend)
Local Route 73	Snell/Capitol intersection to downtown San José	15 (weekday) 30 (weekend)
Local Route 82	Westgate Mall and downtown San José	30 (weekday) 45 (weekend)
Limited Stop Route 304	Santa Teresa LRT station to Sunnyvale Transit Center	30 (weekday)

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which provides seven-day service to the Tamien Caltrain station. The Tamien Caltrain station provides a direct connection to Local Routes 25 and 82 and LRT services.

4.16.1.4 *Existing Intersection Operations*

Methodology

The impacts of the proposed development were evaluated following the methodologies established by the City of San José and the VTA. The VTA oversees the Santa Clara County Congestion Management Program (CMP).

Traffic conditions were evaluated for the weekday AM and PM Peak Hours of adjacent street traffic. The AM Peak Hour is generally between 7:00 AM and 9:00 AM, and the PM Peak Hour is generally between 4:00 PM and 6:00 PM. Traffic conditions were evaluated for the following scenarios to

Source: Hexagon Transportation Consultants.

EXISTING TRANSIT SERVICES FIGURE 4.16-2

determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic:

Scenario 1: Existing – Existing traffic conditions.

Scenario 2: Existing Plus Project – Scenario 1 plus traffic generated by the project.

Scenario 3: Background – Scenario 1 plus traffic from approved but not yet constructed development.

Scenario 4: Background Plus Project - Scenario 3 plus traffic generated by the project.

Traffic conditions at the study intersections were evaluated using LOS. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Intersection LOS was evaluated using TRAFFIX software, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. The correlation between average delay and LOS is shown in Table 4.16-2.

Table 4.16-2: Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[28]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) p10-16

Based on the City of San José's policies, an acceptable LOS standard is LOS D or better at all signalized intersections, including city, expressway, and CMP intersections. The CMP LOS standard for signalized intersections is LOS E or better; however, the City of San José LOS D standard and impact criteria is applied to CMP intersections located within the City of San José limits.

[28] Measured in seconds.

Based on City of San José criteria, a project would cause a significant impact at a signalized intersection if the additional project traffic caused one of the following:

- Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under existing or background conditions to an unacceptable LOS E or F under existing plus project or background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

Existing LOS of Study Intersection

The traffic study analyzed AM and PM Peak Hour traffic conditions for nine signalized intersections in the vicinity of project site. The locations of the study intersections are shown on Figure 4.16-3. The nine signalized study intersections are listed in Table 4.16-3.

Table 4.16-3: Study Intersections Level of Service – Existing Conditions

No.	Intersection	Peak Hour	Delay	LOS
1	Tenth Street and Keyes Street (SJ)	AM	25.3	C
		PM	24.8	C
2	Eleventh Street and Keyes Street (SJ)	AM	27.1	C
		PM	25.2	C
3	Senter Road and Keyes Street (SJ)	AM	25.5	C
		PM	26.2	C
4	Tenth Street and Alma Avenue (SJ)	AM	24.9	C
		PM	22.5	C
5	Tenth Street and Phelan Avenue (SJ)	AM	17.9	B
		PM	19.3	B
6	Senter Road and Needles Drive (SJ)	AM	13.7	B
		PM	19.2	B
7	Senter Road and Wool Creek Drive (SJ)	AM	22.6	C
		PM	19.1	B
8	Tenth Street and Tully Road (SJ)	AM	28.9	C
		PM	32.1	C
9	Senter Road and Tully Road (SJ, CMP)	AM	40.5	D
		PM	47.6	D

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José

Under existing conditions, all the study intersections currently operate at an acceptable LOS D or better during both the AM and PM Peak Hours of traffic.

4.16.1.5 *Background Intersection Operations*

Background conditions are based on existing traffic volumes plus the estimated traffic from approved, but not yet constructed, developments. Analysis of the background intersection operations found that all study intersections would operate at an acceptable LOS D or better during both AM and PM Peak Hours.

Source: Hexagon Transportation Consultants.

STUDY INTERSECTIONS FIGURE 4.16-3

The results of the analysis under background conditions are summarized in Table 4.16-4.

Table 4.16-4: Study Intersections Level of Service – Background Conditions

No.	Intersection	Peak Hour	Existing		Background	
			Delay	LOS	Delay	LOS
1	Tenth Street and Keyes Street (SJ)	AM	25.3	C	26.0	C
		PM	24.8	C	29.0	C
2	Eleventh Street and Keyes Street (SJ)	AM	27.1	C	28.1	C
		PM	25.2	C	26.0	C
3	Senter Road and Keyes Street (SJ)	AM	25.5	C	26.6	C
		PM	26.2	C	27.7	C
4	Tenth Street and Alma Avenue (SJ)	AM	24.9	C	25.4	C
		PM	22.5	C	24.4	C
5	Tenth Street and Phelan Avenue (SJ)	AM	17.9	B	18.1	B
		PM	19.3	B	19.3	B
6	Senter Road and Needles Drive (SJ)	AM	13.7	B	13.5	B
		PM	19.2	B	19.0	B
7	Senter Road and Wool Creek Drive (SJ)	AM	22.6	C	22.4	C
		PM	19.1	B	18.8	B
8	Tenth Street and Tully Road (SJ)	AM	28.9	C	29.4	C
		PM	32.1	C	32.8	C
9	Senter Road and Tully Road (SJ, CMP)	AM	40.5	D	41.1	D
		PM	47.6	D	48.3	D

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José

Freeway Segment Capacity

According to VTA's CMP guidelines, a freeway segment LOS analysis is required when a project would add trips equal to or greater than one percent of a segment's capacity. The TIA concluded that the proposed project trips represent less than one percent of capacity of all freeway segments in the area and, as a result, a freeway segment LOS analysis is not required.

4.16.1.6 *Applicable Transportation Regulations and Policies*

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency or 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 Association of Bay Area Governments (ABAG) adopted the final *Plan Bay Area* in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Congestion Management Program

The VTA oversees the 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 gas tax revenues. The CMP 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 data base element, an annual monitoring and conformance element, and a deficiency plan element.

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 LOS method as the CAMP, 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). 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.

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José. The following policies are specific to transportation and are applicable to the proposed project.

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-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas.

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 TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

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.

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.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

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.

4.16.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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?	☐	☐	☒	☐	1,2,3,14
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?	☐	☐	☒	☐	1,2,3,14
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	1
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2,3,14
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,2,3,14
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?	☐	☐	☒	☐	1,2,3,14

4.16.2.1 ***Intersection Operations****(Checklist Questions a and b)*

Trip Generation Estimates

Traffic trips generated by the proposed project were estimated using the rates for General Office Building (Land Use Code 710) published in the Institute of Transportation Engineers' (ITE's) *Trip Generation Manual*, Ninth Edition. It is estimated that the proposed office building would generate 559 daily vehicle trips, with 79 trips in the AM Peak Hour and 75 trips in the PM Peak Hour.

A summary of project trip generation estimates is shown in Table 4.16-5 below.

Table 4.16-5: Project Trip Generation Estimates							
Land Use	**Daily Trips**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Project							
Office Building[1]	559	70	9	79	13	62	75
Note: [1]There are no trip generation rates for social services building; however, it the proposed project would operate similar to a general office building.							

The trip distribution was generated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The project trip distribution is shown on Figure 7 of Appendix E.

The peak hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution and proposed project access points. Vehicular access to the project site would be provided via the proposed southern project driveway and the existing northern driveway on the adjacent parcel.

4.16.2.2 *Existing Plus Project Intersection Operations (Checklist Questions a and b)*

The LOS of the study intersections was calculated under project conditions by adding the project trips from the proposed development to existing conditions. The results of the existing plus project conditions analysis are summarized in Table 4.16-6 below.

Table 4.16-6: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
1	Tenth Street and Keyes Street (SJ)	AM	25.3	C	25.3	C
		PM	24.8	C	24.8	C
2	Eleventh Street and Keyes Street (SJ)	AM	27.1	C	27.0	C
		PM	25.2	C	25.1	C
3	Senter Road and Keyes Street (SJ)	AM	25.5	C	25.6	C
		PM	26.2	C	26.3	C
4	Tenth Street and Alma Avenue (SJ)	AM	24.9	C	24.9	C
		PM	22.5	C	22.6	C
5	Tenth Street and Phelan Avenue (SJ)	AM	17.9	B	18.0	B
		PM	19.3	B	19.4	B
6	Senter Road and Needles Drive (SJ)	AM	13.7	B	13.8	B
		PM	19.2	B	19.0	B
7	Senter Road and Wool Creek Drive (SJ)	AM	22.6	C	22.7	C
		PM	19.1	B	19.6	B
8	Tenth Street and Tully Road (SJ)	AM	28.9	C	28.7	C
		PM	32.1	C	32.1	C
9	Senter Road and Tully Road (SJ, CMP)	AM	40.5	D	40.9	D
		PM	47.6	D	47.6	D
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José						

Analysis of the existing plus project conditions intersection operations concluded that all study intersections would operate at an acceptable LOS D or better during both the AM and PM Peak Hour. **(Less Than Significant Impact)**

4.16.2.3 *Background Plus Project Intersection Operations* *(Checklist Questions a and b)*

The LOS of the study intersection was calculated under background plus project conditions by adding the new project trips from the proposed developed to the background conditions traffic volumes. The results of the analysis of background plus project signalized study intersections are summarized in Table 4.16-7, below.

Table 4.16-7: Study Intersections Level of Service – Background Plus Project Conditions

No.	Intersection	Peak Hour	Background		Background Plus Project			
			Delay	LOS	Delay	LOS	Increase Critical Delay	Increase V/C
1	Tenth Street and Keyes Street (SJ)	AM PM	26.0 29.0	C C	26.0 29.0	C C	0.0 0.0	0.003 0.001
2	Eleventh Street and Keyes Street (SJ)	AM PM	28.1 26.0	C C	28.0 26.0	C C	0.0 0.0	0.000 0.001
3	Senter Road and Keyes Street (SJ)	AM PM	26.6 27.7	C C	26.7 27.9	C C	0.3 0.2	0.007 0.007
4	Tenth Street and Alma Avenue (SJ)	AM PM	25.4 24.4	C C	25.5 24.5	C C	0.0 0.0	0.002 0.002
5	Tenth Street and Phelan Avenue (SJ)	AM PM	18.1 19.3	B B	18.2 19.3	B B	0.1 0.1	0.004 0.003
6	Senter Road and Needles Drive (SJ)	AM PM	13.5 19.0	B B	13.6 18.7	B B	0.0 -0.3	0.001 0.006
7	Senter Road and Wool Creek Drive (SJ)	AM PM	22.4 18.8	C B	22.5 19.4	C B	0.2 -0.1	0.009 0.006
8	Tenth Street and Tully Road (SJ)	AM PM	29.4 32.8	C C	29.2 32.9	C C	0.0 0.1	0.000 0.003
9	Senter Road and Tully Road (SJ, CMP)	AM PM	41.1 48.3	D D	41.5 48.4	D D	0.9 0.2	0.012 0.004

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José

Analysis of background plus project intersection operations concluded that all study intersections would continue to operate at an acceptable LOS D or better during both the AM and PM Peak Hour. **(Less Than Significant Impact)**

4.16.2.4 *Site Access and Circulation (Checklist Questions a and d – f)*

Vehicle Site Access

Access to the project site would be provided via two driveways along Senter Road. Based on the site plan, both driveways would be 27 feet wide, which is adequate for vehicle ingress and egress. The existing driveway immediately north of the site is a right-in/right-out turn only, and would be shared between the proposed project and the adjacent office building.

A second driveway is proposed south of the existing driveway on Senter Road, approximately midway along the site frontage, which would serve the proposed office building. This driveway would be restricted to right-out turns only due to the presence of the median on Senter Road; however, a break in the median could be provided on Senter Road at this driveway to facilitate left-turns into the project site from northbound Senter Road.

Trucks would access the project site via the new southern project driveway. Three on-site and one off-site freight loading spaces would be provided.

Emergency Vehicle Access

Fire code requires driveways to provide 32 feet of clearance for fire access. As mentioned previously, access to the project site would be provided via two driveways, the existing driveway to the north, which would be shared between the proposed project and the adjacent office building, and a proposed driveway to the south, which would serve the proposed building. A break in the median could be provided on Senter Road at the second driveway to facilitate left-turns into the project site from northbound Senter Road. Both driveways would be 27 feet wide and, as a result, the project would be required to paint red fire lanes on the adjacent curb faces to provide 32 feet of clearance. The City of San José Fire Department requires all portions of buildings to be within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the building. By complying with the City code requirements, the project would have a less than significant emergency vehicle access impact. **(Less Than Significant Impact)**

On-Site Circulation

The site plan shows efficient on-site circulation and drive aisles measured between 24 and 26 feet wide. The City's standard width for two-way drive aisles is 26 feet wide. Although some of the aisle widths do not satisfy the City's minimum standards, the provided width would be adequate for vehicles to circulate the parking area and would not substantially increase hazards due to a design feature. **(Less Than Significant Impact)**

Pedestrian and Bicycle Access and Circulation

There are sidewalks on both sides of Senter Road. Crosswalks with pedestrian signal heads and Americans with Disabilities Act (ADA) compliant ramps are located at all signalized intersections in the study area. Overall, the existing network of sidewalks in the study area has adequate connectivity and would provide pedestrians with a safe connection between the project site and other points of interest.

There are bicycle lanes on Senter Road, adjacent to the project site. These bike lanes connect to other bike lanes on Tully Road and Keyes Street. The existing network of bike lanes within the vicinity of the project site provides adequate connectivity and would provide bicyclists with a safe connection between the project site and other surrounding land uses

Implementation of the proposed project would result in a less than significant site access and circulation impact. **(Less Than Significant Impact)**

4.16.2.5 *Other Transportation Issues (Checklist Questions c and f)*

Airport Operations

The project site is located approximately 4.3 miles southeast of the Norman Y. Mineta San José International Airport. The project proposes a two-story commercial building and would not result in a change in air traffic patterns or obstruct airport operations. **(Less Than Significant Impact)**

Transit Facilities

Although no transit reduction was applied to the estimated trip generation for the project, employees may utilize the existing bus service. Applying a three percent transit mode share would result in approximately two new transit riders during both the AM and PM Peak Hours. Potential new riders can be accommodated by Local Route 73 and, as a result, no transit-related improvements would be necessary with the project. The project would have a less than significant transit impact. **(Less Than Significant Impact)**

4.16.2.6 *Operational Transportation Issues Not Covered Under CEQA*

Queueing – Intersection Operations

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety issue. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue does not in itself create a safety issue. The following discussion evaluates projected queuing at several intersections and identifies measures that could be employed to accommodate existing and projected queues. Queues are based on the 95th percentile queue length value, which is the peak queue length that would occur during 95 percent of the signal cycles, with a car length assumed to be 25 feet.

Three intersections were assessed to determine if the project would cause any turn-movements to exceed existing queue lengths. The study intersections included:

- Senter Road and Keyes Street
- Senter Road and Tully Road
- Senter Road and Wool Creek Road

The proposed project would not cause left-turn queues to exceed queue lengths at the Senter Road and Wool Creek Drive intersection. The effects of project traffic at the remaining two intersections is discussed below.

Senter Road and Keyes Street Intersection (northbound)

The northbound left-turn pocket has 750 feet of vehicle storage, which can accommodate approximately 30 vehicles. The queueing analysis determined that the maximum vehicle queues for the northbound left-turn pocket would not exceed the existing vehicle storage capacity under any traffic scenarios in the AM and PM Peak Hour.

Senter Road and Keyes Street Intersection (westbound)

The westbound left-turn pocket has 325 feet of vehicle storage, which can accommodate approximately 13 vehicles. During the AM Peak Hour, the existing, existing plus project, and background scenarios have a maximum vehicle queue of approximately 20 vehicles (500 feet). Under the background plus project scenario, the maximum vehicle queue would increase to 21 vehicles (525 feet) in the AM Peak Hour.

The maximum vehicle queues for the westbound left-turn pocket would be 19 vehicles (475 feet) under existing and existing plus project conditions in the PM Peak Hour. Under background and background plus project conditions, the queue length would increase to 21 vehicles (525 vehicles) in the PM Peak Hour.

The project would increase the westbound vehicle queue at the Senter Road and Keyes intersection by one vehicle during the AM Peak Hour. Extending the westbound left-turn pocket by 175 feet would require reconstruction of the existing raised center median, including removal of approximately seven trees, and re-striping.

Senter Road and Tully Road (eastbound)

The eastbound left-turn pocket has 225 feet of vehicle storage, which can accommodate approximately nine vehicles. The queueing analysis determined that the maximum vehicle queues for the eastbound left-turn pocket would not exceed the existing vehicle storage capacity under any traffic scenarios in the AM and PM Peak Hour.

Senter Road and Tully Road (southbound)

The southbound left-turn pocket has 250 feet of vehicle storage, which can accommodate 10 vehicles. The queueing analysis determined that the maximum vehicle queues for the southbound left-turn pocket would not exceed the existing vehicle storage capacity under any traffic scenarios in the AM Peak Hour.

The maximum vehicle queues for the southbound left-turn pocket would be 19 vehicles (475 feet) under any conditions in the PM Peak Hour. The proposed project would not increase the vehicle

queues for the southbound left-turn pocket. The left-turn pocket cannot be lengthened because it is back-to-back with another left-turn pocket at the Parrott Street/Quinn Avenue.

Vehicle Parking

According to the City of San José Zoning Regulations (Chapter 20.90, Table 20-190), the project is required to provide one off-street per 250 square feet of office space. Using the social service agency parking ratio, the proposed project would be required to provide 203 off-street parking stalls. The site plan shows a total of 203 parking spaces. The parking would consist of 142 standard stalls, 56 compact stalls, and five handicapped stalls (including three van accessible stalls). The City allows up to 40 percent of the required off-street parking to be made up of compact parking stalls. The proposed project is consistent with the City's parking requirement.

Bicycle Parking

According to the City of San José's Bicycle Parking Standards (Chapter 20.90, Table 20-190), the project is required to provide one bicycle parking space for every 4,000 square feet of office space. The project would be required to provide 13 bicycle parking spaces. The City's Zoning Code states that when the bicycle parking required for a land use is based solely on square footage, at least 80 percent of the bicycle parking should be short-term spaces and no more than 20 percent should be long-term spaces. The site plan does not show any bicycle parking; however, the project would be required to provide sufficient bicycle parking to meet the City's requirements.

4.16.3 Conclusion

The proposed project would not result in significant transportation impacts. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Services*

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company.

The project site is currently undeveloped; therefore, it is assumed no water is being used on-site. The nearest recycled water line is on Senter Road, approximately 50 feet east of the project site.[29]

4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[30] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations.

The project site does not currently have any water use; therefore, there is no wastewater generated on-site.

4.17.1.3 *Stormwater Drainage*

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Coyote Creek. Coyote Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is 100 percent covered in pervious surfaces. There is an existing 42-inch storm drain line along Senter Road.

4.17.1.4 *Solid Waste*

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each

[29] South Bay Water Recycling. *Recycled Water Pipeline System*. July 28, 2011. Available at: https://www.sanjoseca.gov/DocumentCenter/View/4692. Accessed August 25, 2016.
[30] City of San José. San José-Santa Clara Regional Wastewater Facility. http://www.sanjoseca.gov/?nid=1663 Accessed on August 23, 2016.

jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. According to the IWMP, the County adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The project site is undeveloped and does not generate any solid waste.

4.17.1.5 *Applicable Utilities and Service Systems Regulations and Policies*

The General Plan includes the following policies applicable to the proposed project.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

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.

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).

4.17.2 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?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3
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?	☐	☐	☒	☐	1,2,3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	☐	☐	☒	☐	1,2,3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2,3

4.17.2.1 *Water Supply (Checklist Question b and d)*

As mentioned above, the project site is currently undeveloped and does not use any water. The proposed project would result in construction of a two-story office building, which would use approximately 1,506 gallons of water daily.[31]

The General Plan EIR determined that the City's water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The proposed project would comply with CalGreen by incorporating water efficiency and conservation measures, such as installing water-conserving fixtures and utilizing non-potable water systems. The General Plan EIR concluded that with implementation of General Plan water conservation policies and regulations, full build out under the General Plan would not exceed the available water supply under standard and drought conditions.

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan EIR. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **(Less Than Significant Impact)**

4.17.2.2 *Sanitary Sewer Capacity (Checklist Question a, b, and e)*

The project site does not currently generate wastewater. Implementation of the proposed project would generate 1,506 gpd of wastewater.[32]

The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the General Plan EIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **(Less Than Significant Impact)**

[31] Daily water usage provided by the project applicant.
[32] Based on daily water use and assumes no potable water would be utilized for irrigation.

4.17.2.3 *Storm Drainage System (Checklist Question c)*

Under existing conditions, 100 percent of the project site is covered with pervious surfaces. Under project conditions, approximately 19,536 square feet (17 percent) of the project site would be covered with pervious surfaces. Implementation of the project would result in an 83 percent increase of impervious surfaces which would increase stormwater runoff.

Although the proposed project would result in an increase in stormwater runoff, the existing storm drainage system has sufficient capacity to support the proposed development. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system. **(Less Than Significant Impact)**

4.17.2.4 *Solid Waste (Checklist Question f and g)*

The new development on-site would generate approximately 299 pounds of solid waste per day for office use.[33] The project site does not currently generate solid waste. The General Plan EIR concluded that implementation of the General Plan would not exceed the capacity of existing landfills serving the City of San José. The estimated increases in solid waste generation from development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. **(Less Than Significant Impact)**

4.17.3 Conclusion

Implementation of the proposed project would result in a less than significant impact on utility and service systems. **(Less Than Significant Impact)**

[33] California Integrated Waste Management Board. "Commercial Sector: Estimated Solid Waste Generation and Disposal Rates". January 2013. Solid waste generation was estimated at a rate of six pounds per 1,000 square feet per day for office space.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☒	☐	1-14
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)?	☐	☐	☒	☐	1-14
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-14
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-14

4.18.2 Project Impacts *(Checklist Question a)*

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources*, 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 4.5 Cultural Resources*, with implementation of the identified Standard Permit Conditions, 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.

4.18.3 **Cumulative Impacts** *(Checklist Question b)*

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."

The proposed office building would result in temporary water quality, biological, 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, the proposed project would not have a cumulatively considerable impact on water quality, biological, and noise impacts in the project area,

Implementation of the proposed project could result in the loss of four street trees. Any street trees removed would be replaced in accordance to the Department of Transportation standards. The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable impacts on biological resources.

There are no known subsurface resources on or adjacent to the project site and the site has a low potential for buried historic and/or prehistoric resources. Because the potential cultural resource impacts from implementation of the project would be mitigated, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

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, mineral resources, noise, population and housing, public services, recreation, transportation, and utility and service facilities. 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 proposed project would not generate regional criteria pollutants and GHG emissions above BAAQMD's thresholds and, therefore, would not have a cumulatively considerable impact on air quality or global climate change.

The proposed project and all future development under the proposed General Plan would be required to comply with all applicable City land use regulations

4.18.4 **Cumulative Air Quality Impacts** *(Checklist Question b)*

Increased community risk can occur by introducing a new sensitive receptor, including residential uses, in proximity to an existing source of TACs or by introducing a new source of TACs to existing

sensitive receptors in the project vicinity. BAAQMD recommends a 1,000-foot radius for assessing community risks and hazards from TAC mobile and stationary sources. A review of the project area indicates that Senter Road is the only substantial source of mobile TAC emissions within 1,000 feet of the project site. BAAQMD's *Stationary Source Risk & Hazard Analysis Tool* identified one stationary source (Plant 13598) located at 1900 South Tenth Street with the potential to affect the project site.

Senter Road TAC

The *Roadway Screening Analysis Calculator* was used to access whether roadways with traffic volumes over 10,000 vehicles per day may have a potentially significant effect on the proposed project. The calculator uses EMFAC2011 emissions rates for the year 2014. Overall, emission rates would decrease by the time the project is constructed and occupied.

A review of the project area indicates that traffic on Senter Road is the only substantial source of mobile TAC emissions within 1,000 feet of the project site. The Average Daily Traffic (ADT) on Senter Road was estimated to be 19,710. Using the *Roadway Screening Analysis Calculator* for Santa Clara County, the estimated cancer risk from Senter Road at the maximally exposed individual (MEI) would be 8.6 per million and $PM_{2.5}$ concentration would be 0.29 $\mu g/m^3$. The chronic or acute HI for the Senter Road roadway would be below 0.03.

Stationary Sources

Stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*[34]. Table 4.3-3 summarizes the cumulative impacts from nearby sources at the MEI.

Table 4.18-1: Mobile and Stationary Source Community Risk Levels

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Unmitigated project construction	1.6	0.01	<0.01
Plant 13598	3.3	<0.01	<0.01
Senter Road	8.6	0.29	<0.03
Cumulative Total	13.5	<0.31	<0.04
BAAQMD Threshold – Cumulative Sources	>100	>0.8	>10.0
Threshold Exceeded?	***No***	***No***	***No***

The impacts from the noted sources within 1,000 feet of the project site would generate emissions below the BAAQMD thresholds of significance and, as a result, cumulative effects of nearby sources would not be cumulatively considerable and would not result in a health risk to future site occupants.

[34] This tool uses Google Earth and identifies the location of several stationary sources and their estimated risk and hazard impacts.

4.18.2 Short-term Environmental Goals vs. Long-term Environmental Goals *(Checklist Question c)*

The site is currently undeveloped. Urban development, including the proposed uses, are consistent with the long-term goals for the site outlined in the General Plan. The construction of the project would result in the temporary disturbance of undeveloped land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to redevelop an infill location in San José and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Green Building Policy. The proposed building would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. The project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water.

With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.4 Direct or Indirect Adverse Effects on Human Beings *(Checklist Question d)*

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 hazardous materials and noise. However, implementation of General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (professional judgement and expertise and review of project plans).
2. City of San José. *San José General Plan and City Code.*
3. City of San José. General Plan EIR
4. California Department of Natural Resources, *Santa Clara County Important Farmland 2012* Map.
5. Bay Area Air Quality Management District. *CEQA Guidelines*. May 2011.
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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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David Keyon, Supervising Environmental Planner
Thai-Chau Le, *Planner*

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Shannon George, *Senior Project Manager*
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