CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, INTERIM DIRECTOR

STATEMENT OF EXEMPTION

FILE NO.	H17-018
LOCATION OF PROPERTY	Southeast corner of Race Street and W. San Carlos Street (1266 and 1270 W. San Carlos Street, and 1298, 310 and 320 Race Street).
PROJECT DESCRIPTION	Site Development Permit to allow the demolition and removal of the existing buildings, billboard, hardscape; removal of seven ordinance size trees; and construction of a one-story 29,580 square foot commercial building with associated surface parking and landscaping on an approximately 2.04 gross acre site.
ASSESSOR'S PARCEL NUMBERS	264-14-017, 264-14-019, 264-14-020, 264-14-082, and 264-14-083.

CERTIFICATION

Under the provisions of Section 15332 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15332. IN-FILL DEVELOPMENT PROJECTS

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public service.

e) Hazardous waste sites: Based on the analysis in the Initial Study, the site is not located on a list of idenfitied hazardous waste sites designated by the State of California.

f) Historical resources: There are no historical resources located on the proposed project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for an exemption under Section 15332 of the CEQA Guidelines.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

Date: 6/16/17

Deputy

Attachment:
Initial Study/Exemption

INITIAL STUDY

West San Carlos and Race Street Commercial Development Project

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with:

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

June 2017

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San Jose as the Lead Agency, has prepared this Initial Study for the West San Carlos and Race Street Commercial Development Project (proposed Project) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San Jose, California.

The project proposes to remove three commercial buildings totaling approximately 30,000 square feet – 1230 W. San Carlos Street, 1266 W. San Carlos Street (former Mel Cotton's Sporting Goods), and 320 Race Street – and construct +/- 29,580 square feet of new commercial/retail space. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed Project.

1.2 USES OF THE INITIAL STUDY

This Initial Study (IS) provides decision makers and the general public with relevant environmental information to use in considering the proposed Project. It is intended that this IS be used for appropriate discretionary decisions and approvals necessary to implement the proposed Project. These discretionary actions may include, but are not limited to, the following:

- Site Development Permit
- Conditional Use Permit / Determination of Public Convenience or Necessity
- Tentative Map
- Tree Removal Permit
- Grading Permit
- Building Permit

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

West San Carlos and Race Street Commercial Development Project

2.2 LEAD AGENCY CONTACT

City of San José
Dipa Chundur, Planner III – Environmental Review
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7688

2.3 PROJECT APPLICANT

Terry Pries
1845 Dry Creek Road
Campbell, CA 95008
(408) 313-6127

2.4 PROJECT LOCATION

The project is located on the southeast corner of Race Street and W. San Carlos Street at 1266 W. San Carlos Street, 1270 W. San Carlos Street (Mel Cotton's), 1298 Race Street, 310 and 320 Race Street in San Jose, California.

2.5 ASSESSOR'S PARCEL NUMBER

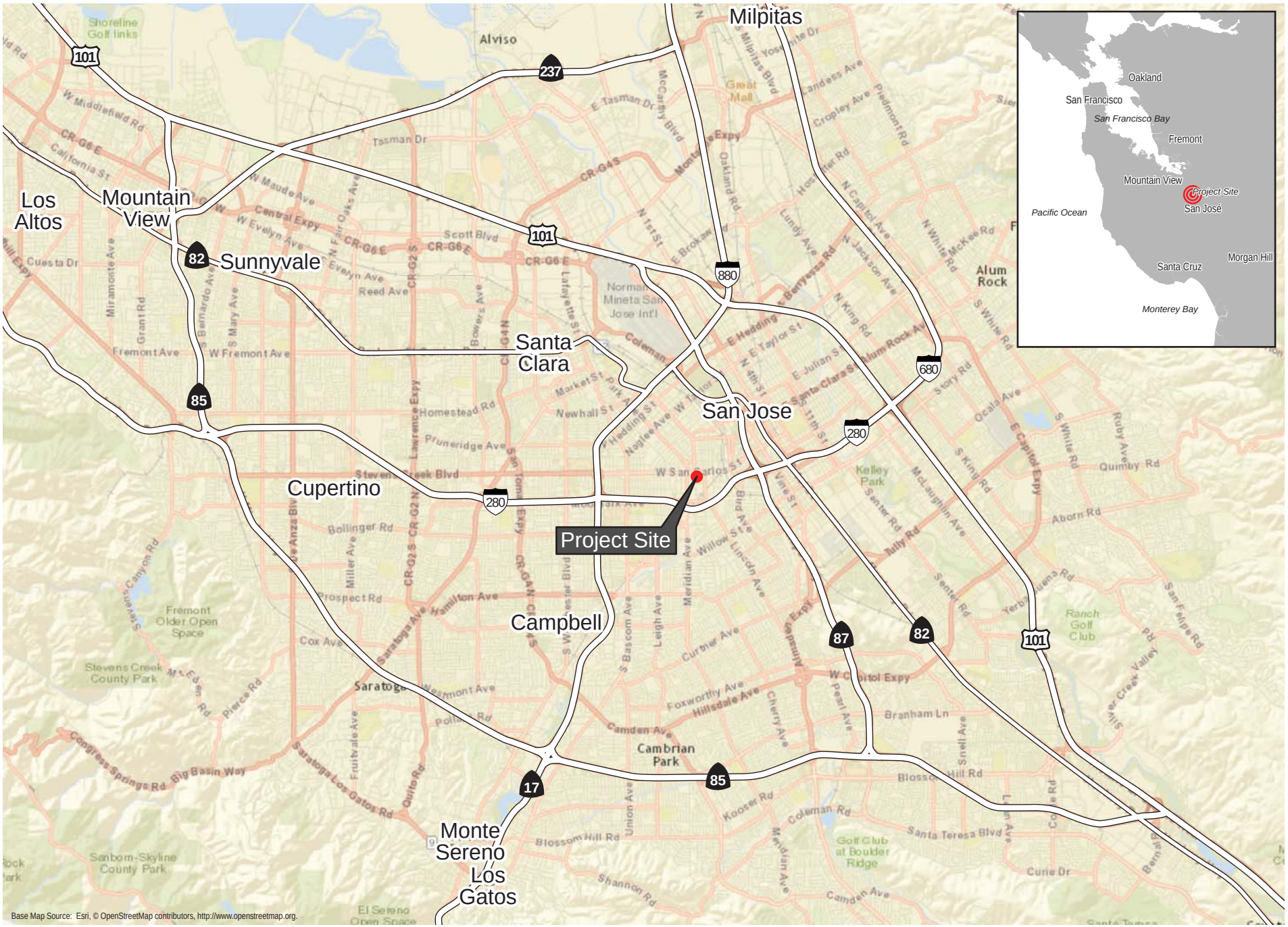
264-14-017, 264-14-019, 264-14-020, 264-14-082 and 264-14-083.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation:	Combined Industrial/Commercial
Zoning:	Combined Industrial/Commercial (CIC)

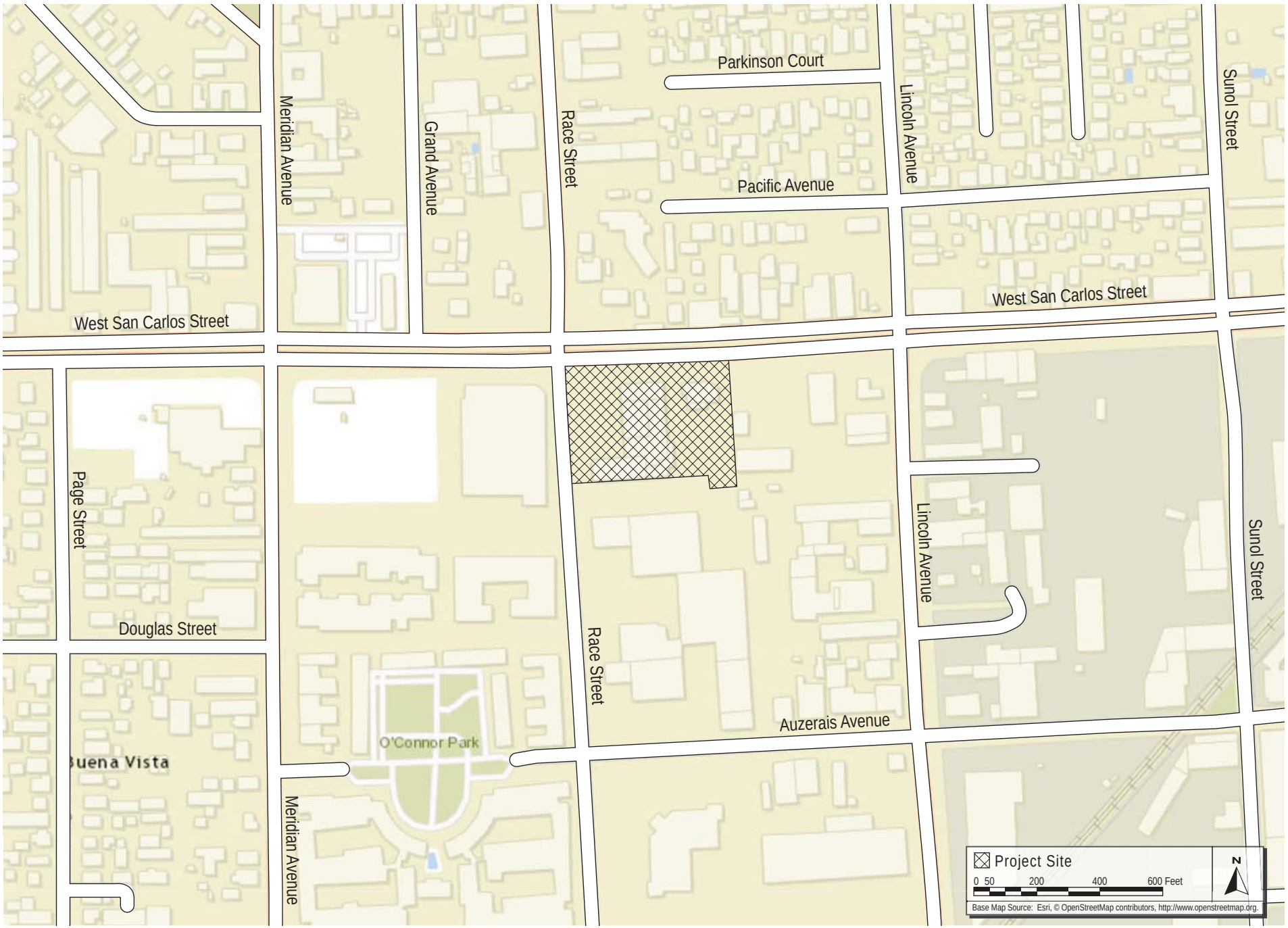
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Site Development Permit
Conditional Use Permit / Determination of Public Convenience or Necessity
Tentative Map
Tree Removal Permit
Grading Permit
Building Permit



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

SECTION 3.0 PROJECT DESCRIPTION

3.1.1 Overview

The 2.04-acre (88,750 square foot) Project site is comprised of five parcels (APNs 264-14-017, 264-14-019, 264-14-020, 264-14-082 and 264-14-083) located at the southeast corner of West San Carlos Street and Race Street in the City of San José. The site is currently designated *Combined Industrial/Commercial* under the City of San José's adopted General Plan and zoned Combined Industrial/Commercial *(CIC)*. The proposed Project site is located within the *Lincoln Auzerais Planning Subarea* of the Midtown Specific Plan Area. The Project is also part of the West San Carlos Urban Village Streetscape Improvements Plan Area.

The Project site is bordered by West San Carlos Street to the north, Race Street to the west, Earle Lane to the south, and existing commercial/industrial developments on the east. The entire site is currently occupied by a small office building, as well as the former Mel Cotton's Sporting Goods store (which closed in late 2016) and a small warehouse building used by Mel Cotton's. The three commercial buildings total approximately 30,305 square foot (See Figure 3). Additionally, the east and west portions of the parcels have been developed with asphalt paved parking lots, a commercial billboard facing West San Carlos and Race Street, and chain-link fencing and gate on east side of the buildings. Some trees are located on the eastern site boundary.

As proposed, the Project would demolish the existing buildings and hardscape, remove the billboard, and construct a one-story 29,580 sq.ft. commercial building with associated surface parking and landscaping (see Figure 4 – Conceptual Site Plan). The Project site is a developed urban site, and vegetation is limited to a few trees with minimal landscaping. The Project proposes removal and/or relocation of all the trees on-site, of which 7 are Ordinance size trees.[1]

3.1.2 Site Access and Parking

3.1.2.1 *Vehicular Site Access*

The current layout of the site with the Mel Cotton's Sporting Goods store has a driveway located on San Carlos Street, approximately 75 feet from the signal at Race Street. There are approximately 15 on-site parking spaces accessed directly from San Carlos Street. Vehicles must back directly onto San Carlos Street to exit these parking spaces, creating potential conflicts with the traffic flow on San Carlos Street. The current site layout also has a driveway on Race Street that is located less than 75 feet from San Carlos Street.

The proposed conceptual site plan (Figure 4) shows that the Project would make significant improvements to site access. The Project would provide one limited access driveway (right-in and right-out) on West San Carlos Street, located 300 feet east of the traffic signal at Race Street. Access to the Project site from Race Street would be provided via Earle Lane, which is an easement located adjacent to the southern property line. Earle Lane is located approximately 250 feet south of the signal at San Carlos Street, and provides a connection between Race Street and Lincoln Avenue. The site plan shows two driveways on Earle Lane. The Project would improve overall traffic operations

[1] An ordinance-size tree means any live or dead woody perennial plant characterized by having a main stem or trunk which measures 56" or more in circumference at a height of 24" above natural grade slope.

and safety at the site by providing site access as far away from the signalized Race Street and San Carlos Street intersection as possible.

3.1.2.2 *Vehicle Parking*

According to the City of San José Zoning Ordinance Section 20.90.220, the Project site qualifies for a 20 percent reduction in the off-street vehicle parking spaces required as the Project is located within 2,000 feet of the planned Stevens Creek Bus Rapid Transit Race Street Station. Based on the retail parking rate of one stall per 200 sq.ft. and a net usable rate of 0.85[2], the Project is required to provide 126 off-street parking spaces for the 29,580 sq.ft. Given the site qualifies for 20 percent reduction due to its location within 2,000 feet of transit within an Urban Village Plan, the proposed development is required to provide 101 parking spaces as calculated below:

(29,580 X 0.85) / 200 SF = 126 Spaces
20% Reduction = 126 X 0.80 = 101 Spaces required.

The site plan shows a total of 101 parking spaces, which meets the City code. In addition, six motorcycle parking spots and 18 bicycle parking spaces will be provided.

3.1.3 Landscaping and Other Improvements

Landscaping would be modified to construct the proposed retail/commercial building. A total of 20 landscape trees would be removed to construct the proposed retail/commercial building. Out of these 20, seven are ordinance-sized trees. One of these trees is off-site within public right-of-way.

These trees would be replaced on-site in the area of the proposed retail/commercial building resulting in no net loss of trees. The removed trees will be replacedper the City's tree replacement standards. . The conceptual landscape plan is shown on Figure 5.

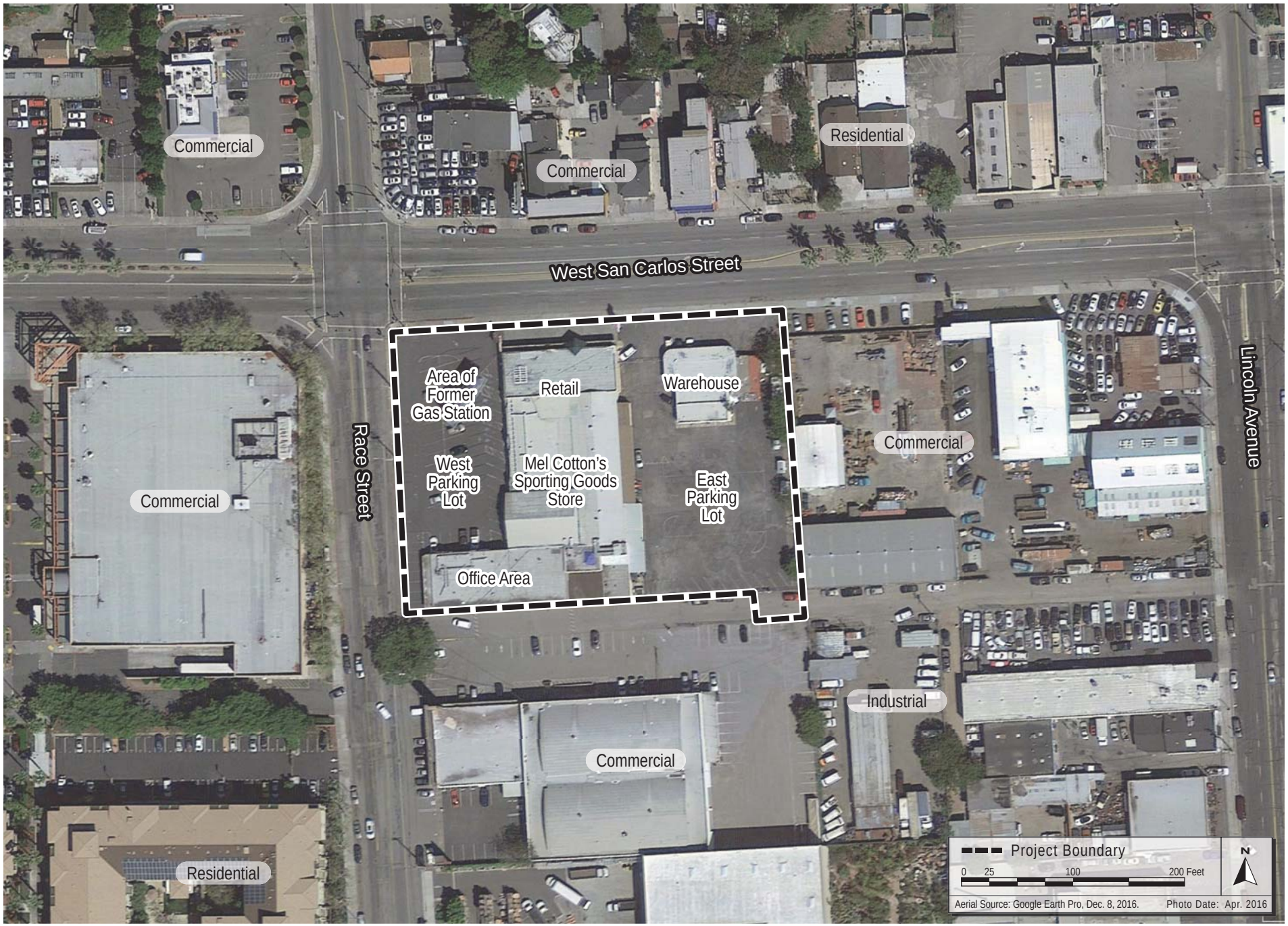
3.1.4 Grading and Construction

The project would take approximately 12 months to construct and the construction would start in summer 2017. Minimal grading is anticipated.

3.1.5 Hours of Operation

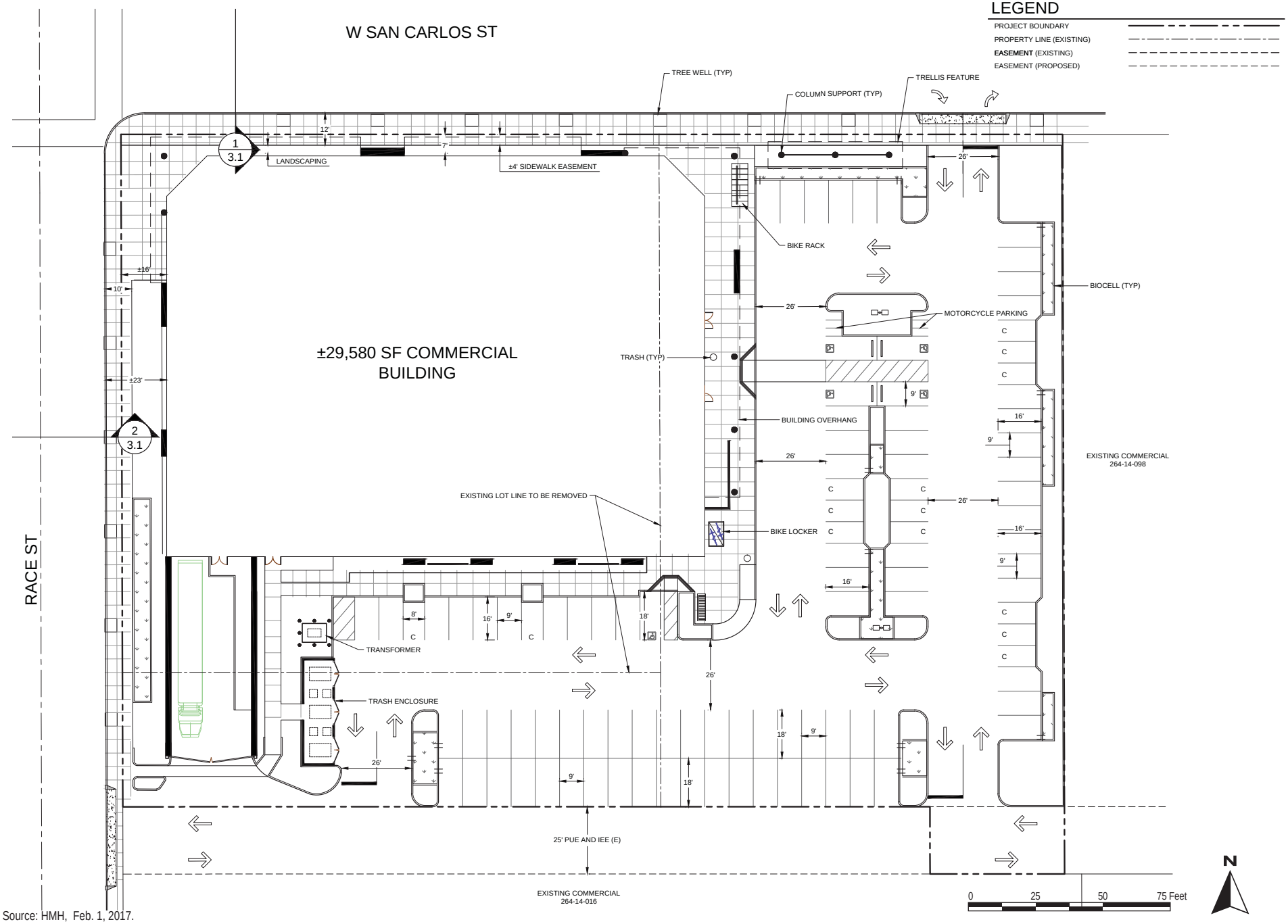
The site would be operated 24 hours, with the sale of alcohol restricted from 6:00 AM to 12:00 AM.

[2] Parking is based on net usable area, defined as 85% of the gross building area.



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

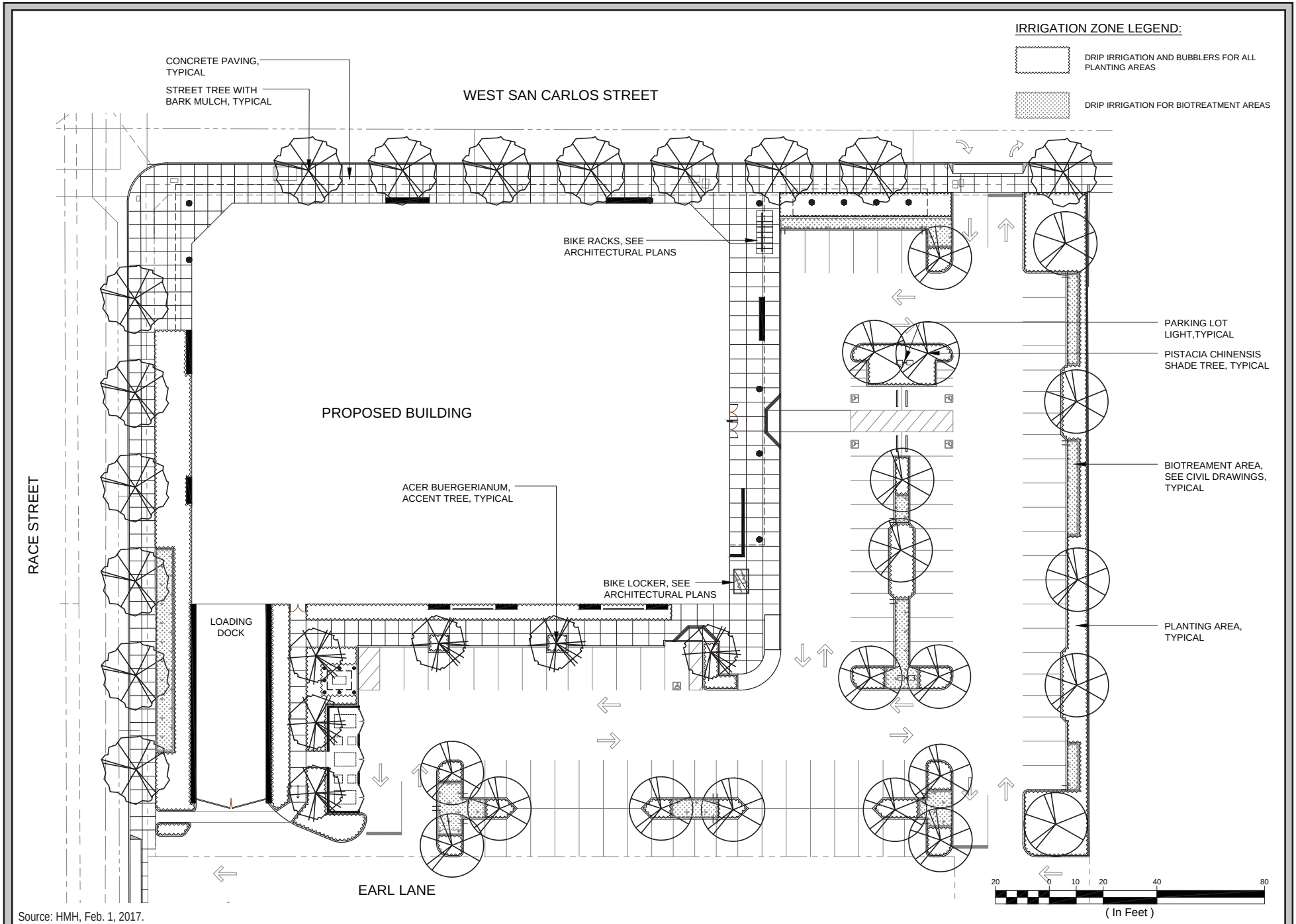
FIGURE 3



Source: HMH, Feb. 1, 2017.

CONCEPTUAL SITE PLAN

FIGURE 4



Source: HMH, Feb. 1, 2017.

LANDSCAPE PLAN

FIGURE 5

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

The City of San José 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 Existing Setting

The approximately 2.04-acre site is currently developed with three commercial buildings, a paved parking lot, and a commercial billboard located on the northwestern corner of the site. Several trees and chain-link fencing and gate are located along the eastern site boundary. The Project site is primarily bordered by commercial land uses to the east and south. There is a commercial building and a multi-family housing building west of the Project site opposite Race Street. There are also commercial land uses, as well as single- and multi-family housing, located north of the Project site opposite West San Carlos Street.

The buildings are all one-story wood framed buildings. The property was occupied by the Mel Cotton's Sporting Goods store since 1960, which closed in late 2016. The current billboard has been on site since 1993. The parking lot at the existing site has typical light fixtures for a parking lot located in a commercial area. Sources of light and glare in the surrounding area are those typical of suburban development areas, including headlights, streetlights, security lights, and reflective surfaces such as windows.

4.1.2 Regulatory Setting

4.1.2.1 *General Plan*

The *Envision San José 2040 General Plan* includes the following aesthetic policies applicable to the proposed Project:

Community Design - General City Design
Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

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-1.11: To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid black walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

Policy CD-1.18: Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.

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-6.2: Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.

4.1.2.2 *Outdoor Lighting Policy*

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

4.1.2.3 *State Scenic Highway Program*

Many state highways are located in areas of outstanding natural beauty. California's Scenic Highway Program was created by the Legislature in 1963. The purpose of the program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. Highway 9, from the Santa Cruz County line to the Los Gatos city limits, is the only officially designated state scenic highway in Santa Clara County.[3] Starting at Skyline Boulevard, this two-lane roadway winds downward from the summit at Saratoga Gap. Highway 280 from Santa Clara County line to the San Bruno County line is the nearest Eligible State Scenic Highway near the Project site.

4.1.3 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 on a scenic vista?	☐	☐	☐	☒	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2

[3] California Department of Transportation. *California Scenic Highway Mapping System*. Available at http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed March 30, 2017.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.4 Impact Discussion

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

No Impact. Most of the City is relatively flat and prominent viewpoints, other than buildings, are limited. The Project area in particular has minimal to no scenic views due to the existing built environment and no designated scenic resources. While the Project site is currently developed with low-rise one-story buildings, nearby buildings range from one to six stories in height. The construction of a one-story commercial building would not block or affect an existing scenic vista. Therefore, impacts related to scenic vistas would not occur.

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

No Impact. The Project site is not visible from the nearest Caltrans-designated State Scenic Highway, Route 9, located approximately 9 miles to the southwest from the Project site. The Project site is also not visible from the nearest Eligible State Scenic Highway, a segment of the Father Junipero Serra Freeway (I-280) and located 2 miles to the west of the Project site. Therefore, the construction and operation of the proposed retail/commercial building will not damage any resources within a state scenic highway.

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

Less than Significant Impact. The proposed Project site is located within a highly developed area of downtown San José. The Project site is currently occupied by three commercial wood-framed buildings totaling approximately 30,000 square foot, an asphalt paved surface parking lot and a commercial billboard. The proposed Project will demolish these buildings and construct a new approximately 29,580 square-foot retail/commercial building. The new building will be steel troweled stucco finished building with painted metal storefront and entry/exit doors. The surrounding area has an eclectic mix of commercial buildings, with no predominant architectural style.

The existing onsite landscaping would be modified as part of the proposed Project. A total of 20 trees would be removed to construct the building. These trees would be replaced on-site at a ratio discussed in *Section 4.4Biological Resources*, resulting in no net loss of trees. As shown in the conceptual landscape plan (Figure 5), the amount of landscaping in the area of the proposed building will be similar to existing conditions. Moreover, all new irrigation equipment shall be screened appropriately from view in public areas to the maximum extent possible. As a result,

the proposed Project would have a less than significant impact on the visual character and quality of the City.

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

Less Than Significant Impact. The parking lot at the existing site has typical light fixtures for a parking lot located in a commercial area. Construction at the Project site would not require the addition of any temporary light sources, as the construction would be limited to daylight hours. The materials used for the construction of the new building would match the existing non-reflective materials and, thus, would not introduce a new source of glare.

The General Plan FEIR concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies, regulations, and General Plan policies, would avoid substantial light and glare impacts. The proposed Project will comply with the aforementioned General Plan policies and City Council Lighting Policy 4-3. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Lighting at the proposed development would also conform with City of san Jose's Interim lighting Policy Broad Spectrum Lighting (LED) for Private Development and all the ground mounted light fixtures will comply with the height restriction per Municipal Code Section 20.50.250. As a result, the proposed Project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Existing Setting

The Project site is located in a highly urbanized area of San José. According to the Santa Clara County Farmland Map 2012, the subject site is designated as *Urban and Built-up Land*. Urban and Built-up Land is defined as residential land with a density of at least six units per ten acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

4.2.2 Regulatory Setting

4.2.2.1 *Williamson Act*

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private land owners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, land owners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

4.2.2.2 *Farmland Mapping and Monitoring Program*

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to decisions makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

4.2.2.3 *Forest Land and Timberland*

Public Resources Code Section 12220(g) identifies forest land as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefit.

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

4.2.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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?	☐	☐	☐	☒	1,2,4,5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2,4,5
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
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

4.2.4 Impact Discussion

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

No Impact. The Santa Clara County Important Farmland 2012 Map designates the Project site as *Urban and Built-Up Land* which is defined as land occupied by structures with a building density of at least one unit to a 1.5 acre parcel, or approximately six structures to a 10-acre parcel. Common examples include residential, industrial, institutional facilities, cemeteries, sanitary landfills, etc. The Project site is surrounded by urban and built-up land. There is no designated farmland on or adjacent to the site.[4] Therefore, impacts related to converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses would not occur.

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

[4] California Department of Conservation. S*anta Clara County Important Farmland.* 2014. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/scl10.pdf. Accessed November 1, 2016.

No Impact. The Project site is zoned CIC (Combined Industrial and Commercial Zoning District). CIC zoning district does not allow agricultural uses. The Project site is not protected under the Williamson Act.[5] Therefore, impacts related to conflict with existing zoning for agricultural uses or a Williamson Act contract would not occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

No Impact. The Project site is not zoned as forest land, timberland, or timberland zoned Timberland Production. As discussed in responses to 4.2.4 (b), the Project site is located in an urbanized areas west of downtown San Jose and is zoned as CIC, which does not allow forest land, timberland, or timberland zoned Timberland Production. Implementation of the Project will allow for construction of commercial uses on a currently developed site. Therefore, impacts related to conflicts with existing zoning or rezoning of forest land, timberland, or timberland zoned Timberland Production would not occur.

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

No Impact. Refer to Response 4.2.4 (c) above. Impacts related to loss of forest land or conversion of forest land to non-forest use would not occur.

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?

No Impact. Refer to Responses 4.2.4 (a) through (d). Impacts related to conversion of farmland to non-agricultural use or conversion of forest land to non-forest use would not occur.

[5] California Department of Conservation. *Williamson Act Program website:* http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx. Accessed November 1, 2016.

4.3 AIR QUALITY

The following discussion is based, in part, upon a Construction Health Risk Assessment prepared by *Illingworth & Rodkin, Inc*. in February 2017. This report is provided as Appendix A of this Initial Study.

4.3.1 Existing Setting

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM10), and fine particulate matter (PM2.5).

Toxic Air Contaminants

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles.[6] The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The BAAQMD is the regional agency tasked with managing air quality in the region. At the State level, the CARB (a part of the California Environmental Protection Agency [EPA]) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this

[6] Available online: *http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm*. Accessed: March 9, 2017

assessment to evaluate air quality impacts of projects.[7] The detailed community risk modeling methodology used in this assessment is contained in Attachment 1 of Appendix A.

Sensitive Receptors
There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. Surrounding uses are mostly commercial. The closest sensitive receptors are the single- and multi-family residences located north across San Carlos Street and multi-family residences located to the southwest across Race Street. Figure 3 shows an aerial view of the Project site.

4.3.2 Regulatory Setting

4.3.2.1 *Envision San Jose 2040 - General Plan*

The City of San Jose's General Plan (Envision San Jose 2040) contains several air quality goals, policies and implementing actions that pertain to the project.

Goal MS-10 Air Pollutant Emission Reduction - Minimize air pollutant emissions from new and existing development.

> Policy MS-10.1 - Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Goal MS-11 Toxic Air Contaminants - Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

> Policy MS-11.2 - For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
>
> Action MS-11.8 - For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

Goal MS-13 Construction Air Emissions - Minimize air pollutant emissions during demolition and construction activities.

[7] BAAQMD, 2011, op. cit.

Policy MS-13.1 - Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

4.3.2.2 *Clean Air Plan*

On April 19, 2017, the BAAQMD Board of Directors adopted a new air quality plan, called the 2017 Clean Air Plan, *Spare the Air, Cool the Climate* (2017 CAP). This plan updates the previous Bay Area 2010 Clean Air Plan and focuses on two closely-related goals: protecting public health and protecting the climate. To protect public health, the plan describes how the BAAQMD will continue its progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

4.3.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,6,11
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,6,11
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?	☐	☐	☒	☐	1,6,11

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,6,11
e) Create objectionable odors affecting asubstantial number of people?	☐	☐	☒	☐	1,6,11

4.3.4 Impact Discussion

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

Less than Significant Impact.

The BAAQMD prepared and adopted the 2017 Clean Air Plan (2017 CAP) in April 2017.[8] 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. The control measures 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.

Project consistency with applicable control measures is shown in Table 4.3-1.

Table 4.3-1: Bay Area 2017 Clean Air Plan Applicable Control Measures

Number	Control Measures	Description	Project Consistency
Transportation Control Measures			
TR9	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.	Bike lanes and trails are located in proximity to the site and the Project will be required to provide bicycle parking for future site users. The Project will also provide a paved path that would be provided for bicyclists along the east and south sides of the building for better access. The Project, therefore, is consistent with this control measure.

[8] BAAQMD. *Final 2017 Clean Air Plan.* April 2017.

			The Project has been designed to be pedestrian oriented and enhance the pedestrian experience. The Project is consistent with this control measure.
TR10	Land Use Strategies	Support implementation of *Plan Bay Area*, maintain and disseminate information on current climate action plans and other local best practices, and collaborate with regional partners to identify innovating funding mechanisms to help local governments address air quality and climate change in their general plans.	The proposed commercial development is located west of downtown San José and is within walking distance of existing residences and bus stops. The Project is consistent with the site's existing General Plan Land Use and Zoning designation and Lincoln Auzerais Planning Subarea of the Midtown Specific Plan Area (refer to *Section 4.10 Land Use and Planning*).
Energy Control Measures			
EN2	Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The proposed Project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. Therefore, the Project is consistent with this control measure.
Building Control Measures			
BL4	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	The Project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. Therefore, the Project is consistent with this control measure. As designed, the Project provides new

		construction or re roofing/roofing upgrades for commercial and residential multi-family housing. Collaborate with expert partners to perform outreach to cities and counties to make them aware of cool roofing and cool paving techniques, and of new tools available	opportunities to plant new trees on-site which will help with the absorption of air pollutants and help to reduce the urban heat island effect on-site. Therefore, the Project is consistent with this control measure.

The proposed Project supports the primary goals of the 2017 CAP in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that is consistent with the Envision San José 2040 General Plan. As summarized in Table 4.3-1, the proposed Project includes applicable transportation, energy, and mobile source control measures and is generally consistent with the 2017 CAP's control measures. The Project would not hinder the implementation of the 2017 CAP control measures and would not conflict with or obstruct implementation of the 2017 CAP. The Project, therefore, would not result in a significant impact related to consistency with the 2017 CAP.

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

Construction Emissions

Less than Significant Impact. Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The BAAQMD CEQA Air Quality Guidelines contain screening levels for construction criteria air pollutant emissions and the BAAQMD Recommended Methods for Screening and Modeling Local Risks and Hazards provides screening distances for construction toxic air contaminant emissions. The BAAQMD screening level for retail/commercial building criteria pollutant construction emissions is 277,000 square feet. The square footage of the proposed retail/commercial building (i.e., 29,580) is well below the criteria pollutant screening level. Therefore, the Project would not exceed emissions thresholds and construction of the Project would have a less than significant impact on regional air quality.

For all proposed Projects, BAAQMD recommends the implementation of Basic Construction Mitigation Measures, whether or not construction related emissions exceed applicable thresholds of significance for construction emissions. The proposed Project includes basic construction mitigation measures, listed as best management practices (BMPs) for the purposes

of this Initial Study, recommended by BAAQMD to reduce Project construction dust impacts. These measures are considered Standard Permit Conditions by the City and are listed below:

Standard Permit Conditions

Consistent with City policies, the Project would be developed in conformance with the General Plan policies listed in *Section 4.3.2* above and the following standard BAAQMD dust control measures during all phases of construction on the Project site to reduce dustfall emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the identified dust control measures required for the Project, the Project would have a less than significant construction related air quality impact.

Operational Emissions

Less than Significant Impact. The BAAQMD operational criteria pollutant screening level size for the proposed Project is 346,000 square feet. The proposed 29,580-sqaure-foot retail/commercial building is below the BAAQMD operational criteria pollutant screening level size. Therefore, operation of the proposed Project would not result in significant air quality impacts.

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

Less than Significant Impact. The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level ozone or State standards for PM10 and PM2.5. The area is considered attainment or unclassified for all other pollutants. As discussed in 4.3.4 (b) above, the proposed Project would not result in significant air quality impacts. City of San José Standard Permit Conditions require implementation of the BMPs during construction to control dust and exhaust emissions, which would further reduce air quality impacts associated with the proposed Project.

d) Expose sensitive receptors to substantial pollutant concentrations?

Predicted Community Risk Impacts

Less than Significant Impact. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM2.5. A community risk assessment of the Project construction activities was conducted by Illingworth & Rodkin (See Appendix A) that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of DPM and PM2.5.[9]

Results of this assessment indicate that the maximum increased residential cancer risks would be 5.9 in one million for an infant exposure and 0.1 in one million for an adult exposure. The maximum residential excess cancer risk would be below the significance threshold of 10 in one million.

The maximum-modeled annual PM2.5 concentration, which is based on combined exhaust and fugitive dust emissions, was 0.05 $\mu g/m^3$. This maximum annual PM2.5 concentration would not exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$. The location of the receptor with the maximum-modeled DPM and PM2.5 concentration is shown in Figure 6 below.

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.0422 $\mu g/m^3$. The maximum computed HI based on this DPM concentration is 0.01, which is much lower than the BAAQMD significance criterion of a HI greater than 1.0. Therefore, exposure of these sensitive receptors to substantial pollutant concentrations is considered to be less than significant.

[9] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

Figure 6 Project Construction Site, Sensitive Receptor Locations, and Location of Maximum Exposed Individual (MEI) and Maximum PM2.5 Concentration

Source: Illingworth & Rodkin, March 2017

Combined Community Risk impacts

Less than Significant Impact. Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a Project site. These sources include freeways or highways, busy surface streets and stationary sources identified by BAAQMD. As shown in Figure 6, the substantial sources of TAC and PM2.5 emissions in the area are San Carlos Street and Race Street.

At the receptor most affected by Project construction activities, San Carlos Street (an east-west roadway) lies about 40 feet south. Traffic volumes are not known, but assumed to be less than 20,000 average daily trips per day. Race Street, a north-south roadway, and lies about 150 feet west. Traffic volumes on this roadway are assumed to be less than 20,000 average daily trips also. A review of BAAQMD's Google Earth map tool used to identify stationary sources shows that there are no sources within 1,000 feet of the site. Two sources were identified, but they do not have any risk levels associated with them. Cumulative risk impacts upon the sensitive receptor most affected by project construction are reported in Table 4.3-2 below. Based on the results in the assessment below, the combined community risk impacts would be less than significant.

TABLE 4.3-2: Cumulative Construction Risk Assessment			
Source	**Maximum Cancer Risk (per million)**	**Maximum Annual PM2.5 Concentration ($\mu g/m^3$)**	**Maximum Hazard Index**
Unmitigated project construction	5.9	0.05	0.01
San Carlos Street – <20,000 ADT at 40 feet south	6.6	0.19	0.01
Race Street - <20,000 ADT at 150 feet west	4.9	0.17	0.01
Cumulative Total	17.4	0.31	0.03
BAAQMD Threshold – Cumulative Sources	***>100***	***>0.8***	***>10.0***
Significant?	***No***	***No***	***No***
Source: Illingworth & Rodkin, March 2017			

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

Less than Significant Impact. Construction activities for the proposed Project would generate airborne odors associated with the application of paints and coatings. The proposed Project would utilize typical construction techniques, and the odors would be typical of most construction sites. These emissions would occur during daytime hours only and would be localized and generally confined to the Project site. Additionally, the odors would be temporary and short-term. During operations the proposed Project is consistent with the existing onsite commercial uses, which are not associated with generating odors. Therefore, impacts related to objectionable odors would be less than significcant.

4.4 BIOLOGICAL RESOURCES

The following discussion is based partly upon a Tree Survey prepared by *HMH* in November 2016. This report is provided as Appendix B of this Initial Study.

4.4.1 Existing setting

The Project site is fully developed with three commercial buildings, a commercial billboard, and asphalt paved surface parking lot. 19 trees are found on the eastern property line of the site. Due to the extensive history of development on the Project site, there is no native vegetation on-site. Based on the proposed site plan, the 19 on-site trees and one tree located off-site will be removed as part of this Project. Out of these 20, seven are ordinance-sized trees.

4.4.2 Regulatory Setting

4.4.2.1 *Migratory Bird Treaty Act*

The federal Migratory Bird Treaty Act of 1918 (MBTA) is one of the nation's oldest environmental laws. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season that results in the incidental loss of fertile eggs or nestlings, or otherwise leads to nest abandonment, would violate the MBTA.[10]

4.4.2.2 *Santa Clara Valley Habitat Plan*

The Santa Clara Valley Habitat Plan (SCVHP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP has been approved by the local partners, and City of San José adopted the plan on January 29, 2013. The proposed Project is a covered activity under the SCVHP.

The project site is located in the Urban Areas Land Cover Fees Zone within the SCVHP study area and supports Urban Suburban land cover. There are no land cover fees for impacts to this fee zone or land cover type. The only SCVHP fee applicable to the proposed project is the Nitrogen Deposition Fee, which was adopted by the SCVHP to mitigate the indirect impacts of airborne nitrogen deposition to covered species, in particular the Bay Checkerspot butterfly, from covered activities. The fee is applied to all zones in the same way, which is calculated for a specific project based on the number of new vehicle trips over existing conditions. The current SCVHP nitrogen deposition fee is $4.47 per new daily vehicle trip. The project will be required to pay all applicable fees, as determined by the City, to address nitrogen deposition within the habitat conservation plan area. The project's conformance with the SCVHP and contribution to nitrogen deposition is discussed in more detail below in Section 4.4.4. (f).

[10] A complete list of bird species protected by the MBTA is available on the US Fish and Wildlife Service website: *http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html*

4.4.2.3 *City of San José Tree Ordinance*

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An "ordinance-sized tree" is defined as any native or non-native tree with a circumference of 56 inches or diameter of 18 inches at 24 inches above the natural grade of slope. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance.

In addition, any tree found by the City Council to have special significance based on factors including, but not limited to, its history, girth, height, species, or unique quality, can be designated as a heritage tree (San José Municipal Code Section 13.28.330 and 13.32.090). It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. There are no heritage trees on the project site

4.4.2.4 *General Plan*

The *Envision San José 2040 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.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.

4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

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
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
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
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
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,12
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1

4.4.4 Impact Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

No Impact. The Project site is located in an urbanized area west of downtown San Jose and is currently developed with an asphalt paved surface lot and three commercial buildings. Typical street trees are found along the eastern property line of the Project site as documented in the tree survey report (Appendix B). The proposed Project would demolish the existing buildings, and construct approximately 29,580 square feet of new commercial/retail space within the footprint of the Project site. These construction activities would be limited to the previously disturbed and developed area within the Project site and would not remove any habitat or impact any species. Therefore, impacts related to substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species would not occur.

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

No Impact. Refer to Response to 4.4.4 (a). Los Gatos Creek is approximately 0.5 mile east of the Project site. Therefore, the new commercial/retail space will not infringe on the riparian corridor. No riparian habitat or other sensitive natural communities exist on or within the vicinity of the Project site, and no bodies or courses of water to provide habitat for fish exist on, or adjacent to, the Project site. The proposed Project would be limited to the Project site and would not have any effect on off-site riparian habitat or sensitive communities. Therefore, impacts related to a substantial adverse effect on any riparian habitat or other sensitive natural community would not occur.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. No Federally protected Section 404 wetlands are present on or adjacent to the Project site. Therefore, impacts related to a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act would not occur.

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?

Less than Significant Impact. The Project site is disturbed and fully developed, and does not contain any water bodies, and vegetation that could potentially provide habitat for fish, or other wildlife species. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. The Project site and surrounding area is highly urbanized, and does not function as a wildlife corridor.

Therefore, impacts related to movement of fish or wildlife species would be less than significant.

Vegetation on the Project site consists solely of street trees and shrubs. Trees could provide nesting habitat and/or foraging habitat for raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the large trees on-site or adjacent to the site for foraging or nesting. Construction activities, including the removal of landscape trees in the parking lot, could disrupt nesting raptors and migratory birds protected by the MBTA. Consistent with General Plan *Policy ER-5.1* and *Policy ER-5.2* discussed previously, and in conformance with federal law (i.e. MBTA), the project shall implement the following standard conditions:

Standard Permit Conditions

- The project applicant shall schedule construction between September 1st and January 31st (inclusive) to avoid the nesting season for raptors and other migratory birds. If this is not possible, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th shall conduct pre-construction surveys for nesting birds within 14 days of the onset of construction. Between May 1st and August 31st (inclusive), preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.
- If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet or raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any grading permits.

With compliance and implementation of the conditions above identified for nesting raptors and migratory birds, the Project would have a less than significant impact on special status animals.

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

Less Than Significant Impact. The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An "ordinance-sized tree" is defined as any native or non-native tree with a circumference of 56 inches or diameter of 18 inches at 24 inches above the natural grade of slope. The trees on the site are all non-native trees and poor in health. 19 trees are located on-site and one-tree is located off-site. Based on the proposed site plan, all 20 trees are planned to be removed under the proposed Project. Out of the 20, seven

are ordinance-sized trees. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. The project will implement the following standard permit conditions.

Standard Permit Conditions

The removed trees will be replaced in accordance with the City's Tree Replacement Ratios, as set forth below.

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

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Supervising Planner, prior to issuance of a Planned Development permit:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact PRNS Landscape Maintenance Manager for specific park locations in need of trees. Donate $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

To safeguard the health of any trees to be retained, the project contractor shall follow the tree protection guidelines provided in Section 13.32.130 of the San José Municipal Code during all phases of development.

With implementation of the measures described above, the proposed Project would not conflict with the local policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant Impact. The proposed Project is a covered activity under the SCVHP. The Project site is mapped Urban-Suburban land cover type. 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 one or more structures per 2.5 acres. Vegetation found in the Urban-Suburban land cover type is usually in the form of landscaped residences, planted street trees, and parklands. No land cover fee is associated with the urban areas. Los Gatos Creek is a Category 1 stream under the SVCHP. It requires a 150 feet setback. As the project is approximately 0.5 miles away from the stream, this setback does not apply.

Nitrogen Deposition

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the SCVHP study area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the SCVHP for new daily vehicle trips will be used to purchase and manage conservation land for the Bay checkerspot butterfly.

Required SCVHP Measure to be implemented as a Standard Permit Condition

The Project would contribute to cumulative off-site impacts from nitrogen deposition to serpentine habitat in southern Santa Clara County. To offset the increased nitrogen deposition that will result from net new trips, the Project will be required to pay all applicable fees, as determined by the City, prior to issuance of grading permits. Nitrogen deposition fees are based on the number of new daily vehicle trips generated by a proposed Project. The proposed 29,580-square-foot retail/commercial building is estimated to generate a total of approximately 307 average daily trips.[11] Payment of these fees would reduce nitrogen deposition impacts to a less than significant impact.

Standard Permit Conditions

- The project applicant is required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit.

[11] Hexagon Transportation Consultants, Inc. *Traffic Operations Analysis for a Commercial Development at Race Street and W. San Carlos Steet in San Jose, California*. March 2017.

With implementation of these measures described above, the proposed Project would not conflict with the SCVHP and the impact would be reduced to a less than significant level.

4.5 CULTURAL RESOURCES

The following information is based on a historic resources report prepared by *Carey & Co*. in December 2016. The historic building report can be found in Appendix C of this document.

4.5.1 Existing Setting

4.5.1.1 *Historic and Archaeological Resources*

Based on a review of historical sources, the subject property was identified to consist of a fruit drying plant in the late 1800s. By 1949, the subject property was developed with the three commercial buildings and a gas station on the northwest corner of the site. The gas station remained present on the property through at least 1982. It appears to have been removed and replaced with the current billboard by 1993. From at least 1950 to 1975, in addition to the gas station the property was used for commercial purposes such as restaurants, furniture stores, used car dealerships/tool rental and real estate offices. The current building configuration has been present on the site since at least 1993. The property has been occupied by the former Mel Cotton's Sporting Goods store since 1960.[12]

The Project site is not located within an area of archaeological sensitivity, as mapped for the *Envision San José 2040 General Plan*.

4.5.2 Regulatory Setting

4.5.2.1 *Assembly Bill 52*

As of July 1, 2015, Lead Agencies are required to address a project's impacts on tribal cultural resources consistent with Assembly Bill (AB) 52. The Public Resources Code Section 21074 defines tribal cultural resources as:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

  a) Included or determined to be eligible for inclusion in the CRHR.
  b) Included in a local register of historical resources as defined in subdivision (k) of the Public Resources Code Division 5, Article 2, Section 5020.1.

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Division 5, Article 2, Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.5.2.2 *General Plan*

The *Envision San José 2040 General Plan* includes the following cultural resource policies applicable to the proposed Project:

[12] AEI Consultants. *Phase 1 Environmental Site Assessment for 1266 West San Carlos, San Jose, California, 95126*. June 2016.

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.

4.5.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,2,13
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,2
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1,2
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☐	☒	1,2
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☐	☒	1,2

4.5.4 Impact Discussion

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

Less than Significant Impact. The buildings located at 1228 W. San Carlos Street, 1266 W. San Carlos Street, 310 Race Street and 320 Race Street were evaluated for historic significance based on the National, State, and local criteria. The discussion below is a summary of the analysis findings. The full analysis, including Department of Parks and Recreation forms (DPR 523), is provided in Appendix C.

Building at 1228 West San Carlos Street

1228 West San Carlos Street was constructed ca. 1943 as a stand-alone restaurant in the Commercial Modern architectural style. The property is an adaptation of this style with its horizontal massing, flat roof, ribbon windows, and exaggerated canopy. Constructed to accommodate the automobile, this type of commercial buildings is set alone and off the street, with parking accommodations in front or in the rear. In this case, parking is located at both the front and rear of the building. In San Jose, this style is found along numerous automobile commercial strips, particularly along the major arterial entries to and from the city, including West San Carlos Street. Multiple one-story attachments were constructed on the eastern end of the lot ca. 1955, ca. 1962, and ca. 2000. The building was used as a restaurant, a paint store, an equipment store, and a wholesaler. This one-story commercial building is rectangular in plan and is set back approximately 40' from the sidewalk. The wood-frame building has stucco cladding and a flat roof with parapet. The overall condition of the building is fair.

The historical assessment of the building concluded that it is not eligible for inclusion in the NRHP or the CRHR under any criteria, nor for listing on the City of San Jose's Historic Resources Inventory. While the building was part of the growth and retail development of San Jose, it is not associated with the history of the city in an individually significant way. No persons of significance are known to be associated with the property. The building is a stand-

alone retail structure constructed in the Commercial Modern style, featuring horizontal massing, a flat roof, ribbon windows, and minimal decoration. However, the building fails to be an exemplary representative of the architectural style. A number of similar structures are still extant along West San Carlos Street. The building appears to be of common construction and materials with no notable or special attributes. It also fails to be the work of a master, or architecturally significant in any other respect. As a result, the building does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master. The building would not provide information important to the prehistory or history of San José, California, or the Nation.

Building at 1266 West San Carlos Street

1266 West San Carlos Street was constructed as a stand-alone commercial building in the Commercial architectural style and expanded over time. Constructed to accommodate the automobile, this type of commercial buildings is set alone and off the street, with parking accommodations in front. Built ca. 1943, the subject property has been used as a nursey supply store and wholesale, furniture store, and clothing/surplus store. Mel Cotton's Sporting Goods has been at the property since 1960. The overall condition of the building is fair.

The historical assessment of the building concluded that it is not eligible for inclusion in the NRHP or the CRHR under any criteria, nor for listing on the City of San Jose's Historic Resources Inventory. While the building was part of the growth and retail development of San Jose, it is not associated with the history of the city in an individually significant way. No persons of significance are known to be associated with the property. The building is a stand-alone retail constructed in the Commercial style, featuring large expanses of glass set within metal frames, horizontal massing, and a flat roof. However, the building fails to be an exemplary representative of the architectural style. It appears to be of common construction and materials with no notable or special attributes. The building fails to be the work of a master, or architecturally significant in any other respect. As a result, the building does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master. The building would not provide information important to the prehistory or history of San José, California, or the Nation.

Building at 320 Race Street

320 Race Street was constructed as a stand-alone commercial building in the Commercial Modern architectural style. Constructed to accommodate the automobile, this type of commercial buildings is set alone and off the street, with parking accommodations in front. In San Jose, this style is found along numerous automobile commercial strips, particularly along the major arterial entries to and from the city, including West San Carlos Street. Built ca. 1949, the subject property was used as offices, stores, and wholesale warehouse by multiple firms including the Malvini Tile, Electrical Distributors, the Hoge Bros Inc., and the former Mel Cotton's Sporting Goods Inc. Multiple one-story attachments were constructed on the eastern end of the lot ca. 1955, ca. 1962, and ca. 2000. The overall condition of the building is good.

The historical assessment of the building concluded that it is not eligible for inclusion in the NRHP or the CRHR under any criteria, nor for listing on the City of San Jose's Historic Resources Inventory. While the building was part of the growth and retail development of San

Jose, it is not associated with the history of the city in an individually significant way. No persons of significance are known to be associated with the property. The building is a stand-alone retail structure constructed in the Commercial Modern style, featuring large expanses of glass set within metal frames, horizontal massing, a flat roof, and minimal decoration. However, the building fails to be an exemplary representative of the architectural style. A number of similar structures are still extant along West San Carlos Street. The building appears to be of common construction and materials with no notable or special attributes. It also fails to be the work of a master, or architecturally significant in any other respect. As a result, the building does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master. The building would not provide information important to the prehistory or history of San José, California, or the Nation.

The property was listed as an "Identified Structure" on the City San Jose Historic Resources Inventory; however, no DPR Form was located. There is also inconsistency between the address/APN and the resource name (Shogren's Restaurant) since the restaurant was located at 310 Race Street according to the 1949 City Directory.

Demolition of Buildings and Billboard on the Project Site

As discussed above, the buildings on the Project site would not be eligible for the California or National Registers and have not been identified by the City of San José as architecturally or historically significant to warrant listing on the City's Historic Resources Inventory. Therefore, demolition of these structures would have a less than significant impact on historic structures. The existing billboard located on the southeast corner of the lot is not historically significant and removal of the sign on-site will not result in a significance impact.

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

Less than Significant Impact. The Project site has been historically disturbed and has been developed for approximately 100 years. The Project site is not within an archaeological sensitive area, as mapped in the *Envision San Jose 2014 General Plan*. Currently, the Project site contains a paved asphalt surface lot, a billboard and three commercial buildings. The Project does not propose any underground structures (such as parking) and trenching for new utilities would not exceed 10 feet in depth. Due to the extensive ground disturbance that has occurred on the Project site since 1948, the potential for discovery of significant prehistoric or historic archaeological materials within this area of the Project site is low.

Although it is extremely unlikely that cultural resources, including human remains, would be uncovered during construction of the proposed retail/commercial because native soils would not be disturbed during construction, the following Standard Permit Conditions will be incorporated as Permit Conditions during the Development Permit phase to ensure potential impacts to cultural resources are avoided:

Standard Permit Conditions

In the event that human remains and/or cultural materials are found, all Project related construction shall cease within 50 feet in order to proceed with testing and development of mitigation measures as required. Pursuant to Section 7050.5 of the Health and Safety Code and

Section 5097.94 of the Public Resources Code of the State of California, the following actions will occur should human remains and/or cultural materials be found:

- 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 Santa Clara County coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- A final report shall be submitted to the City of San José Planning Division's Environmental Team Supervising Planner (Environmental Superving Planner). This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Supervising Planner.

With the implementation of the Standard Permit Conditions described above, the proposed Project would not result in significant impacts to cultural resources

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

Less than Significant Impact. Refer to response to 4.5.4 (b) above. As the Project site is located in a highly urbanized and disturbed area, the potential for discovery of archaeological or paleontological resources is low. In addition, with the implementation of the Standard Permit Conditions described above, the proposed Project would not result in significant impacts to cultural resources.

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

Less than Significant Impact. Refer to response to 4.5.4 (b) and (c) above. As the Project site is located in a highly urbanized and disturbed area, the potential for discovery of human remains is low. The Project site is not part of a formal cemetery. Although it is extremely unlikely that cultural resources, including human remains, would be uncovered during construction of the proposed retail/commercial project, the above listed Standard Permit Conditions will be incorporated as Permit Conditions during the Development Permit phase to ensure potential impacts to cultural resources are avoided.

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

No Impact. The site is not known to contain tribal cultural resources pursuant to AB 52, nor have any tribes culturally affiliated with the area requested consultation under AB 52, therefore, no known tribal cultural resources will be impacted by implementation of the proposed Project.

4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation report prepared by *Steven, Ferrone and Bailey Engineering Company, Inc*. in February 2017. The report can be found in Appendix D of this document.

4.6.1 Existing Setting

The Project site is located in the San Francisco Bay Area that is considered one of the most seismically active regions in the United States. According to Wentworth, et al (1999), the site (below pavement sections and fills) is underlain by Holocene older alluvial fan deposits that have been previously described as brown, gravelly sand and sandy and clayey gravel, grading upward to sandy and silty clay.[13]

4.6.2 Regulatory Setting

4.6.2.1 *General plan*

The *Envision San José 2040 General Plan* includes the following geology and soil 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-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act, and/or the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided and reviewed by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Policy EC-4.1: Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

[13] Wentworth, Blake, McLaughlin, and Graymer, 1999, *Preliminary Geologic Description of the San Jose 30 x 60 Minute Quadrangle, California*, USGS Miscellaneous Open-File Report 98-795.

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-4.10: Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.

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.

4.6.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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)?	☐	☐	☐	☒	1,2,14
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,2,14
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,14
4. Landslides?	☐	☐	☐	☒	1,2
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,3

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:						
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?	☐	☐	☒	☐	1,3,14
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?	☐	☐	☒	☐	1,3,14
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

4.6.4 Impact Discussion

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, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?

No Impact (1 and 4). The site is not located within an Alquist Priolo Earthquake Fault Zone as designated by the State of California.[14] In addition, according to Santa Clara County Hazard Zone Map No. 20, the site is not located in a fault rupture hazard zone as designated by the County.[15] The site is also not located within a City of San Jose designated fault hazard zone (1983). The Project site is not located within a landslide hazard zone.[16] Therefore, impacts related to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, and exposure of people or structures to landslides would not occur.

Less than Significant Impact (2 and 3). The Project site is located in the San Francisco Bay Area that is considered one of the most seismically active regions in the United States. The Project site would experience fairly intense ground shaking in the event of a large earthquake. According to the Association of Bay Area Governments (ABAG) and the U.S. Geological Survey, the site is located in an area that has been characterized as having moderate liquefaction susceptibility.[17,18] According to the Seismic Hazard Zones Map of the San Jose

[14] Hart and Bryant, *Fault-Rupture Hazard Zones in California*, CDMG Special Publication 42, Interim Revision 2007.
[15] Version: 10/26/12.
[16] County of Santa Clara, *Santa Clara County Geologic Hazard Zones*, Map 29. Accessed March 21, 2017.
[17] Witter, Knudsen, Sowers, Wentworth, Koehler, and Randolph, 2006. *Maps of Quaternary Deposits and Liquefaction Susceptibility in the Central San Francisco Bay Region, California*. USGS Open File Report 2006-1037.
[18] Knudsen, Sowers, Witter, Wentworth, and Helly, 2000, "*Preliminary Maps of Quaternary Deposits and*

West Quadrangle, the site is located in a seismic hazard zone due to liquefaction as designated by the State of California.[19] In addition, according to Santa Clara County Hazard Zone Map No. 20, the site is also located in a liquefaction hazard zone as designated by the County.

To avoid or minimize potential damage from seismic shaking and liquefaction, the Project shall be designed and constructed in accordance with the 2013 California Building Code. Adherence to the 2013 California Building Code will ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse. The geotechnical report for the Project, referenced above makes specific recommendations regarding the design of building foundations and supports based on soil conditions, depth to groundwater, and potential seismic conditions. The report also makes recommendations regarding site preparation and pavement. The proposed Project will be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the most current California Building Code. Therefore, the impacts related to seismic ground shaking and seismic-related ground failure would be less than significant.

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

Less than Significant Impact. The majority of the site is flat and developed and very little soil is currently exposed on the site. Ground disturbance would be required for demolition of the existing buildings and surface parking lot, grading, and construction of the proposed Project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's 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 Project will comply with all applicable City regulatory programs pertaining to construction related erosion including the following measures identified in the General Plan FEIR 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 Project will comply with the regulations identified in the General Plan FEIR, implementation of the proposed Project would have a less than significant soil erosion impact.

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?

Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California", USGS Open File Report 00-444.
[19] State of California. *Seismic Hazard Zones, San Jose West Quadrangle, Official Map*. Released: February 7, 2002.

Less than Significant Impact. The Project site is located within an alluvial plain that surrounds San Francisco Bay. The area is relatively level and generally trends toward the Bay. The Project site subsurface is comprised of Holocene alluvial fan deposits made up of lean and clay soils with thin interbedded layers of clayey sand and sandy silts.

Based on site-specific soil borings, the near-surface soil materials generally consist of undocumented fill materials that are heterogeneous, and potentially weak and compressible. Below the surficial fill layer, interbedded stiff to very stiff silty clays and medium dense to very dense sands and gravels were encountered to the maximum depth explored of about 50 feet. Soils most susceptible to liquefaction are loose to moderately dense, saturated, non-cohesive soils with poor drainage. The analyses in the site-specific geotechnical report indicate that some of the very thin to thin silt and sand lenses of about 1 to 3 feet in combined total thickness encountered by the borings and CPT's within 50 feet of the ground surface at the site have a moderate to high potential for liquefying where they are saturated or become saturated. Therefore, site soils are vulnerable to potential failure or collapse under seismic loading. But since the liquefiable soils underlying the site exist in forms of isolated discontinuous thin pockets and liquefaction of these soil pockets, if subjected to a Maximum Considered Earthquake (MCE) event, may only cause total aerial ground surface settlements of up to about 1 inch with differential settlements of about ½ inch across typical building column spacing.

As discussed above in 4.6.4 (a), the geotechnical report provides recommendations to reduce the impacts from liquefaction and differential settlement. Because the Project will comply with these recommendations, implementation of the proposed Project would have a less than significant impact resulting from being located in unstable soil.

The Project site is not located in a landslide zone, and would not be susceptible to subsidence (as it is not located on landfill).

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?

Less than Significant Impact. Onsite soils are moderately to highly expansive. The proposed Project would be designed and constructed in accordance with the standard engineering safety techniques in the California Building Code, as adopted by the City of San Jose, and in conformance with a final design-specific geotechnical report prepared for the Project. A qualified geotechnical specialist shall monitor site preparation and construction of the proposed Project to ensure conformance with the required design specifications. These standard practices would ensure that the proposed Project is designed and constructed to avoid expansive soil impacts.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project site is located within an urbanized area of San José where sanitary sewer lines are available to dispose wastewater from the Project site. No septic tanks will be

utilized on the Project site. As a result, the soil on-site will not need to support septic tanks or alternative wastewater disposal systems.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Existing Setting

The proposed Project site is currently developed with three commercial buildings, a commercial billboard and asphalt paved parking lots on the east and west sides of the property. The existing commercial buildings generate Greenhouse Gas (GHG) emissions from electricity use, water use, and heating/cooling as well as from motor vehicles traveling to and from the site.

4.7.2 Regulatory Setting

4.7.2.1 *California Assembly Bill 32*

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. The CARB has established the level of GHG emissions in 1990 at 427 million metric tons (MMT) of carbon dioxide equivalent (CO2eq). The emissions target of 427 MMT requires the reduction of 169 MMT from the State's projected business-as-usual 2020 emissions of 596 MMT. Following the law, CARB approved a Scoping Plan December 11, 2008 that includes measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste (CARB 2008). 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 GHG reduction goal. The First Update to the Scoping Plan, was approved on May 22, 2014 and builds upon the previous 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 E S-3-05 (CARB 2008).

4.7.2.2 *California Senate Bill 32*

Senate Bill (SB) 32 and AB 197 were signed into law in September 2016. The recently signed SB 32 legislation amends provisions of AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code Division 25.5), to require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by December 31, 2030. This legislation incorporates the Executive Order B-30-15 target discussed above into state law. CARB is charged with adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to meet this new interim statewide GHG target. The framework for GHG emissions reductions will be provided through an update to the current Scoping Plan.

Changes to the Health and Safety Code under the companion AB 197 legislation call for each Scoping Plan update to identify each emissions reduction measure and include the range of projected GHG emissions reductions, as well as the range of resulting projected air pollution reductions. CARB is currently holding workshops as part of development of a 2030 Target Scoping Plan Update.

4.7.2.3 *Senate Bill 375*

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. 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 result is reduced greenhouse gas emissions from passenger vehicles along with other benefits.

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. The base year for comparison of emission reductions is 2005. The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan.
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission.

Metropolitan Transportation Commission (MTC) and ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. PDAs are those areas where most of the growth in the Bay Area is anticipated to occur. The Project site is within an area designated as a *Regional Center* in a PDA.[20]

4.7.2.4 *General Plan*

The *Envision San José 2040 General Plan* includes a range of policies and actions that are intended to reduce GHG emissions. It also provides for and commits the City to the implementation of an integrated GHG Reduction Strategy that contains overall performance criteria against which the City's future actions can be evaluated. To assist in interpreting and implementing the Strategy, specific performance criteria from the General Plan were incorporated into a GHG Reduction City Council Policy. Other policies, such as Green Building Policies, may also be developed or incorporated in the Council Policy to ensure that new development and redevelopment incorporates design and operational characteristics in conformance with the 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.

[20] City of San Jose. *Priority Development Areas Website*: http://www.sanjoseca.gov/DocumentCenter/View/735. Accessed March 28, 2017.

4.7.2.5 *BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan*

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Under the BAAQMD CEQA Guidelines, if a project would result in operational-related greenhouse gas emissions of 1,100 metric tons (MT) (also called the "bright line" threshold), or 4.6 metric tons per service population of carbon dioxide equivalents (CO2e) per year or more, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. 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. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

On April 19, 2017, the BAAQMD Board of Directors adopted a new air quality plan, called the 2017 Clean Air Plan, *Spare the Air, Cool the Climate* (2017 CAP). This plan updates the previous Bay Area 2010 Clean Air Plan and focuses on two closely-related goals: protecting public health and protecting the climate. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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?	☐	☐	☒	☐	1,2,9
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2,9

4.7.4 Impact Discussion

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

Less than Significant Impact. The proposed Project would result in minor increases in GHGs associated with construction activities including operation of construction equipment and

emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and the number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. The proposed Project would include standard permit conditions to address air quality during construction (refer to *Section 4.3 Air Quality*). Because Project construction would be a temporary condition and would not individually result in a permanent increase in emissions, the increase in emissions during construction would be less than significant.

The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the Envision San José 2040 General Plan, as discussed in Section 4.7.2.4 above. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies. The proposed Project would replace the existing commercial building with a new building and construct up to 30,000 square feet of new commercial buildings on-site consistent with the City's General Pan Land Use/Transportation Diagram. While the Project would lead to a modest increase in average daily vehicle trips to the site, the Project would not increase the amount of building space on the site, and the new building would include increased energy efficiency compared to the relatively inefficient, older commercial buildings. The Project also provides for expanded retail near the downtown area within walking or biking distance of residences and various modes of transit. Furthermore, development of Project will be subject to the City's Green Building Ordinance which will ensure operational emissions reductions are consistent with the GHG Strategy. Therefore, the proposed Project would be consistent with the City's GHG Reduction Strategy and General Plan and would have a less than significant GHG emissions impact.

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

Less than Significant Impact. As discussed in the *Regulatory Setting section 4.7.2* above, the City of San José has an adopted GHG Reduction Strategy which includes both mandatory measures for all projects and other measures which are considered voluntary. Voluntary measures could be incorporated in the Project as measures for proposed Project, at the discretion of the City. Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Mandatory GHG reduction criteria and its applicability to the Project is detailed below.

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 Ordinance and Policies
    - Consistency with GHG Reduction Strategy Policies: MS-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, 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; **Not 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; **Not Applicable**
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; **Not Applicable**
7. Limit 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). **Not Applicable**

Per Criteria 1, the proposed Project is consistent with the Land Use/Transportation Diagram designation of *Combined Industrial/Commercial*.

Per Criteria 2 and 3, new structures would be constructed in compliance with Municipal Code Chapter 17.84 (Green Building Regulations for Private Development) and California Green Building Standards. 18 bicycle parking spaces would be provided consistent with San José requirements. Out of the 18, two would be long-term and 16 would be short-term.

Criteria 4, 5, 6 and 7 are not applicable to the proposed Project because the site does not contain historic structures, the Project is not an energy-intensive use, is not a large employer and does not propose to serve the occupants of vehicles.

The following Table 4.7-1 provides a summary of the City's voluntary GHG Reduction Strategy criteria and describes the proposed Project's compliance with each criterion.

TABLE 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria

Policies	Description of Project Measure	Project Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources, especially over parking areas (MS-2.7, MS-15.3, MS-16.2)	The Project does not propose installation of solar panels or other clean energy sources on-site.	☐ Proposed ☒ Not Proposed ☐ Not Applicable
Use recycled water wherever feasible and cost-effective, including non-residential uses outside of the Urban Service Area (MS-17.2, MS-19.4)	There are no recycled water lines currently available in the immediate Project vicinity and there are no large areas of landscaping that will require significant levels of irrigation. Drip irrigation and bubblers will be provided for the new planting areas.	☐ Required/ Proposed ☐ Not Proposed ☒ Not Applicable
TRANSPORTATION AND LAND USE		

TABLE 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Applicability**
Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. (PR-8.5, TN-2.7)	The Project is not a residential project and there are no trails adjacent to the site.	☐ Proposed ☐ Not Proposed ☒ Not Applicable
Promote car share programs to minimize the need for parking spaces (TR-8.5)	A car share program is not currently proposed as a part of Project, as most trips to the site will be retail customers, and no spaces are proposed to be reserved in the parking lot for this use.	☐ Proposed ☒ Not Proposed ☐ Not Applicable
Parking in downtown and urban village overlay areas: avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. (CD-2.11)	The Project site is not located within an Urban Village Plan area.	☒ Surface Parking Proposed ☐ Surface Parking Not Proposed ☐ Not Applicable
Limit parking above code requirements (TR-8.4)	The proposed number of parking spaces meets the requirements in the Municipal Code, after applying a 20% reduction due to the site's location near transit.	☒ Parked at or below Code ☐ Parked above Code ☐ Not Applicable
Consider opportunities for reducing parking spaces, including measures such as shared parking, transportation demand management, and parking pricing to reduce demand (TR-8.12)	As noted above, the Project proposes a 20% reduction in parking spaces.	☒ Proposed ☐ Project Does Not Propose ☐ Not Applicable

The proposed Project is consistent with the existing General Plan land use designation (C*ombined Industrial/Commercial*) and would comply with applicable mandatory measures of the GHG Reduction Strategy as well as several voluntary measures identified above. Therefore, the proposed Project is consistent with local policies and programs designed to reduce GHG emissions and impacts would be less than significant.

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared for the site by *AEI Consultants* in June 2016 and a Phase II Subsurface Investigation Report prepared for the site in July 2016 by *Piers Environmental Services, Inc (Piers)*. A copy of these reports are provided in Appendix E of this document.

4.8.1 Existing Setting

The 2-acre Project site is currently developed with three existing commercial buildings, a billboard and asphalt-paved parking lots on the east and west portions of the property.

Based on the Phase I report for the Project, it is estimated that the direction of groundwater flow beneath the Project site is inferred to be to the north. Groundwater occurs at a depth of approximately 30 feet below ground surface (bgs). The hazardous substances currently used at the site include minor repellants, ski equipment cleaners, gun cleaners, etc. as part of sporting goods store operations.

4.8.2 Site History

The Phase I report describes the land use history of the site based on aerial photographs, Sanborn fire insurance maps, Agency records, and City directories. The DPR forms (*Section 4.5, Cultural Resources*) completed for the existing buildings on-site also provide site history information.

Based on a review of historical sources, the subject property was identified to consist of a fruit drying plant in the late 1800s. It sparsely developed (with just one shed) in 1915. By 1948, the Project site was developed with 1228 West San Carlos Street and a portion of the 1266 West San Carlos Street buildings, and a gas station on the northwest corner of the site. The gas station remained present on the property through at least 1982. It appears to have been removed and replaced with the current billboard by 1993. From at least 1950 to 1975, in addition to the gas station the property was used for commercial purposes such as restaurants, furniture stores, used car dealerships/tool rental and real estate offices. The current building configuration has been present on the site since at least 1993, based on aerial photographs. The property has been occupied by the former Mel Cotton's Sporting Goods store since 1960. The following historical addresses were associated with the subject property: 1228-1298 West San Carlos Street and 300-324 Race Street.

4.8.3 Recognized Environmental Conditions

A Recognized Environmental Condition (REC) is defined by the ASTM Standard Practice E1527-13 as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

Based on the research conducted for the Phase I report, it was determined that the subject property was developed with a historical gas station on the northwestern corner of the property from at least 1948 to 1982. No information pertinent to the status and operation of an Underground Storage Tank (UST) system and/or the removal of USTs was on file with the fire department or environmental

health department. In addition, no documentation was available indicating whether soil samples were collected and analyzed for the presence of petroleum hydrocarbon impacted soil. Based on the length of time that the subject property had been utilized as a gasoline service station, and the absence of data confirming whether a release had occurred following the removal of any USTs, the Phase I concluded it was possible that petroleum hydrocarbons may have impacted the subsurface of the subject property. Therefore, the presence of the former gasoline service station and presumed storage of petroleum hydrocarbons in USTs was considered a REC.

4.8.4 Analysis of Soil and Groundwater Samples

On July 14, 2016 PIERS completed a geophysical survey of the former gasoline service station area as recommended by the Phase I report to determine if any USTs, piping or other associated subsurface features remain at the subject property from the former onsite gas station. The survey found rebar-reinforced concrete pads beneath the asphalt and an approximately 5 feet by 8 feet anomaly, that had a similar signature was identified in the area of the former service station building and was considered to be a possible waste oil tank location. No evidence of other possible USTs was identified.

On July 19, 2016, PIERS completed five exploratory soil borings to determine if the historical gas station has had any adverse impacts on the property. A site-specific health and safety plan was prepared, reviewed, and signed in the field during a safety meeting prior to commencing work. Hydrocarbon contamination in soil was detected only in one of the five soil borings (soil boring B3), beginning at a depth of 15 feet below grade and attenuating rapidly with depth. Benzene and MTBE were not detected in soil or groundwater, and other fuel oxygenates were not detected in the groundwater. Because there is fifteen feet of non-impacted soil over the hydrocarbons in soil, and because groundwater is at a depth of about 30 feet below grade, PIERS concluded there is no direct exposure, nuisance or odor considerations, and no risk of vapor intrusion.

Following completion of the PIERS Phase II subsurface investigation, the property owner voluntarily contacted the Santa Clara County Department of Environmental Health (SCCDEH) for oversight regarding site conditions. On August 24, 2016, the SCCDEH issued a *No Further Action Required* letter after reviewing the Unauthorized Release Report and a Report of Subsurface Investigation from Piers Environmental Services. Based on the information provided, soil and groundwater samples collected at the property reported low levels of contamination below the screening levels established in the SCCDEH's "Low-Threat Underground Storage Tank Case Closure Policy" and the SCCDEH determined the site conditions did not represent a risk to persons or the general environment. Screening levels for concentrations of contaminants in soils and groundwater are used to determine the relative risks to human health and the environment. Generally the presence of a chemical in soil or groundwater at concentrations below the corresponding screening level can be assumed to not pose a significant threat to human health or the environment.

4.8.5 Applicable Hazards and Hazardous Materials Regulations and Policies

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José.

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.

4.8.6 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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	☐	☐	☒	☐	1,13,14, 16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1,13,14
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
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

4.8.7 Impact Discussion

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

Less than Significant Impact. Construction of the proposed Project would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. However, all hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials would be used

only temporarily (during construction), which does not constitute routine transport, use, or disposal**.**

The proposed new supermarket development is not anticipated to routinely transport and use hazardous materials. Compliance with applicable federal, state, and local laws and regulations pertaining to the handling, storage, and disposal of hazardous materials would ensure that no significant hazards to the public or the environment result, if such routine activities were to occur. Therefore, impacts related to the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant.

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

Less than Significant Impact. The Project site is known to contain asbestos-containing materials (ACMs) and/or lead-based paint LBP. The following discussion is broken out to address the potential for impacts of each of these hazards.

Asbestos-Containing Materials and Lead Based Paint

The buildings on-site were constructed in 1943 and 1949. Due to the age of the buildings, ACMs and/or LBP are likely present. ACMs are of concern because exposure to ACMs has been linked to cancer. Based on a visual survey of the buildings, the following ACM suspect building materials were identified: walls, floor and ceilings, heating and cooling systems, piping, ductwork, mirrors, windows, wall coverings, attic spaces, roof and parapet wall systems.

Due to the age of the existing buildings on-site, there is a potential that Lead-based paint (LBP) is present. LBP is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950.

Under existing conditions, if ACMs and LBP remain in good condition and are not disturbed, exposure to asbestos and lead is expected to be negligible. The Project proposes to demolish the existing buildings onsite which could accidentally release asbestos and lead particles and expose construction workers and nearby residents to harmful levels of these hazardous materials.

Standard Permit Conditions

The Project is required to conform to the following regulatory programs and to implement the following standard permit conditions to reduce impacts due to the presence of ACMs and/or lead-based paint:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

Other Hazardous Materials

All other known hazardous materials that would be utilized during construction or operations are typical of such activities for a commercial building. The quantities of these materials are not substantial and they would be stored, used, and disposed of in accordance with manufacturers' instructions and in compliance with all applicable standards and regulations. Therefore, impacts related to the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials typical of commercial construction and operations into the environment would be less than significant.

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

No Impact. As discussed above in 4.8.7 a) the proposed Project is not anticipated to routinely transport and use hazardous materials. There are no schools located within one quarter mile of the Project site. Therefore, no impacts to schools would occur.

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?

Less than Significant Impact. The Project site is not listed as an EnviroStor Clean-up Site with the California Department of Toxic Substances Control (DTSC) .[21] The site is listed as a 'Non-Case Information Site' on Geotracker since August 17, 2016. The site investigation performed by PIERS Environmental Services on July 19, 2016 related to the former gas station identified hydrocarbon contamination in soil in one of the five soil borings (soil boring B3), beginning at a depth of 15 feet below grade and attenuating rapidly with depth. Groundwater

[21] California Department of Toxic Substances Control website, *http://www.envirostor.dtsc.ca.gov/public/*, accessed March 16, 2017.

also contained hydrocarbon contamination beginning 30 feet below grade. Benzene and MTBE were not detected in soil or groundwater, and other fuel oxygenates were not detected in the groundwater. Because contamination was identified, the property owner voluntarily reported this release to the SCCDEH, and an Unauthorized Release Report was filed on August 17, 2016 and on the same day the site was listed as 'Non-Case Information Site' on Geotracker. Based on the information provided, the SCCDEH concluded that no site remediation was required and issued a *No Further Action Letter* on August 24, 2016 since the level of contamination was below the screening levels established in the " Low-Threat Underground Storage Tank Case Closure Policy."

The project entails shallow disturbance (up to four feet for removal of undocumented fill) of on-site soils to remove existing building foundations and to install new on-site utilities (trenching up to nine feet in small areas). The *No Further Action Letter* issued by SCCDEH indicates the project's proposed shallow ground disturbance will not create a significant hazard to the public or the environment. Because there is fifteen feet of non-impacted soil over the hydrocarbons in soil, and because groundwater is at a depth of about 30 feet below grade, there is no direct exposure, nuisance or odor considerations, and no risk of vapor intrusion. Therefore, the project would not encounter the low levels of petroleum hydrocarbons present on the site below 15 feet, thereby avoiding impacts to persons and the environment.

The Phase II subsurface investigation did not identify contaminants in the soil or groundwater that would be disturbed by the project, however, the potential for the project grading and trenching for utilities to encounter contamination from past uses of the site, while unlikely based on the Phase II results, cannot be entirely ruled out given sampling cannot confirm conditions across all areas of the site. Therefore, to protect against the unforeseen possibility that impacted soil may be disturbed, especially under the existing buildings, the Project is required to conform to the following standard permit conditions if hazardous materials are found.

Standard Permit Conditions

- Prior to the issuance of a grading permit, the applicant shall prepare a Site Management Plan (SMP), related to excavation and grading activities to address plans for encountering, handling and disposing of soil potentially impacted by hazardous materials and/or petroleum products or other yet unidentified subsurface features or conditions that may exist. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate practices to manage unforeseen site conditions that may be encountered during construction. The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include, but is not limited to, the following:
    - Best management practices and protocol for handling demolition debris of existing structures;
    - Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
    - Management of underground structures encountered, including utilities and/or underground storage tanks;

- Protocol, procedures, and management practices to follow if evidence of hazardous materials under State law is discovered during excavation or demolition activities;
- Management practices and procedures for proper disposal of contaminated materials (if required); and
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection.

- The SMP shall be submitted to the City of San José Department of Planning, Building, and Code Enforcement, and the Environmental Services Department (ESD) for approval.
    - In the event ESD determines that additional review will be required by the Santa Clara County Department of Environmental Health (SCCDEH), the applicant shall submit the final clearance statement (or equivalent) from SCCDEH to the City of San José Department of Planning, Building, and Code Enforcement, prior to the issuance of a grading permit.

Therefore, with implementation of the standard conditions listed above, impacts related to creation of a significant hazard to the public or the environment due to release of contaminated soil or groundwater would be less than significant.

Exception to categorical exemption section 15332 In-fill Development Projects:

Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List". To meet the Cortese List requirements, information on the the sites should be obtained from the following data resources:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank (LUST) Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit (PDF).
- List of "active" CDO and CAO from Water Board (MS Excel, 1,453 KB). PLEASE NOTE: This list contains many Cease and Desist Orders and Cleanup and Abatement Orders that do NOT concern the discharge of wastes that are hazardous materials. Many of the listed orders concern, as examples, discharges of domestic sewage, food processing wastes, or sediment that do not contain hazardous materials, but the Water Boards' database does not distinguish between these types of orders. If there is a question about whether a specific order concerns the discharge of wastes that are hazardous materials, please contact the applicable Regional Water Board.
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

As discussed above, the site is not listed on the DTSC Envirostore database list. It is however listed on the Water Board Geotracker database as a *Non-case informational site*. However, to meet the criteria in the list of exceptions above, the site has to be listed either as a LUST or

solid waste disposal site. Since none of the criteria hold true, the site is eligible for categorical exemption as none of the exceptions apply.

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??

Less than Significant Impact. The closest public airport to the Project site is Norman Y. Mineta San Jose International Airport, approximately 1.9 miles to the northwest. The proposed retail/commercial development on the Project site is planned to be a low-rise one story building similar to the height of existing buildings on the site. The construction of the Project would not require use of tall equipment and the construction is going to take place during daytime. Therefore, the Project would not result in a significant safety hazard for the people residing or working in the Project area.

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?

No Impact. There are no private airstrips in the vicinity of the Project site. Therefore, impacts related to private airstrip safety hazards for people residing or working in the Project area would not occur.

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

No Impact. The proposed Project would not remove or add any emergency access points to or from the Project site. Access for emergency vehicles is currently provided on West San Carlos and Race Streets and Earle Lane and would remain as such during the construction phase and operation phase. Therefore, impacts related to impairment of implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan would not occur.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The Project site is located in a highly urbanized area that is not subject to wildland fires. Therefore, impacts related to exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires would not occur.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Regulatory Setting

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

4.9.1.1 *Statewide Construction General Permit*

The SWRCB has implemented a NPDES Construction General Permit (CGP) for the state. Projects disturbing one acre or more of soil must obtain permit coverage under the CGP by filing a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB prior to commencement of construction. The CGP, which became effective July 1, 2010, includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The proposed Project disturbs more than one acre of soil and, therefore, would require permit coverage under the CGP.

4.9.1.2 *City of San José Grading Ordinance*

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to 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.

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number CAS612008]. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities including the City of San José. Under the provisions of the MRP, redevelopment projects that create or replace 10,000 square feet or more of impervious surfaces are required to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

4.9.1.4 *City of San José Post-Construction Urban Runoff Management (Policy 6-29) and Hydromodification Management (Policy 8-14)*

The MRP mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The City of San José's Post-Construction Urban Runoff Management Policy (Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 6-29 requires all new development and redevelopment project to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

The City's Post-Construction Hydromodification Management Policy (Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace one acre or more of impervious surface and are located in a sub-watershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The proposed Project is not located in a Hydromodification Management area and is therefore not required to comply with the hydromodification requirements of Policy 8-14.

4.9.1.5 *General Plan*

The *Envision San José 2040 General Plan* includes the following water quality 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-5.16: 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 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
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
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
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?	☐	☐	☐	☒	1,8
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1,8
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?	☐	☐	☒	☐	1,8,9
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,8,10

4.9.3 Impact Discussion

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

Less than Significant Impact. The proposed commercial development will disturb approximately two acres of land area which is above the one acre threshold. Therefore, construction of the proposed Project would be required to comply with the NPDES General Permit for Construction Activities as it is applicable at the Development Permit stage. Demolition and construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. As a result, construction activities on-site would result in a temporary increase in pollutants in stormwater runoff.

All development projects in San José must also comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant will be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the BMPs that will be implemented to prevent the discharge of stormwater pollutants. Pursuant to the NPDES General Permit for Construction and the City requirements, the following measures, based on RWQCB recommendations, have been included in the Project to reduce potential construction-related water quality impacts:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.
- A Stormwater Permit will be administered by the RWQCB. Prior to construction grading for the proposed land uses, the Project proponent will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the Project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB measures.
- The Project proponent will submit a copy of the NOI and draft SWPPP to the City of San Jose for review and approval prior to start of construction on the Project site. The certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.

- When construction is complete, a "Notice of Termination" (NOT) for the General Permit for Construction Activities will be filed with the RWQCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction Stormwater Management Plan is in place as described in the SWPPP for the site.

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 includes the specific measures and actions identified above, and will be required by the City to comply with the regulatory programs, the Project would have a less than significant construction-related water quality impact.

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

Less than Significant Impact. Groundwater in the vicinity of the site is present at an estimated depth of 30 feet bgs.[22] The Project site is currently paved and does not contribute to groundwater recharge. Excavation during construction of the proposed retail/commercial building would require relatively shallow cuts (i.e., four feet, and up to nine feet for utility trenching) and, therefore, would not come in contact with groundwater. For these reasons, the Project would not deplete groundwater supplies, interfere with groundwater recharge, or otherwise affect groundwater**.**

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

Less than Significant Impact. The Project site is located in a fully developed area of San Jose and no surface water bodies are present on or adjacent to the Project site. The nearest surface water is the Los Gatos Creek, approximately 0.5 miles to the east. 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 Los Gatos Creek. Los Gatos Creek flows to the Guadalupe River which carries stormwater from the storm drains into San Francisco Bay.

The Project would not substantially alter the existing drainage pattern of the site. The drainage pattern would be very similar to existing conditions and the surface drainage will be designed in accordance with the latest edition of the California Building Code and recommendations provided in the site-specific geotechnical report. Therefore, impacts related to substantial erosion or siltation on- or off-site due to substantial alteration of the existing drainage pattern of the Project site would be less than significant.

[22] AEI Consultants. *Phase 1 Environmental Site Assessment for 1266 West San Carlos, San Jose, California, 95126*. June 2016.

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?

Less than Significant Impact. Refer to Response to 4.9.3 (c). Because the proposed Project would not substantially alter the existing drainage pattern of the Project site, and would not change the impermeability of the Project site significantly, potential for flooding under the proposed Project would be the same as under existing conditions. Therefore, impacts related to flooding on- or off-site due to substantial alteration of the existing drainage pattern or substantial increase in the rate or amount of surface run-off would be less than significant.

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

Less than Significant Impact. The City of San José owns and maintains the municipal storm drainage system which serves the Project site. Under existing conditions, approximately 88,750 square feet of the Project site is covered with impervious surfaces. Under project conditions the Project site would be covered with approximately 78,834 square feet of impervious surfaces. There is no pervious surface under existing conditions. The proposed Project would add 10,366 square feet of landscaped areas on the Project site. The Project would comply with the stormwater regulations by directing stormwater runoff to biotreatment cells. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with the MRP, shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement. .

Construction activities could result in a temporary increase in stormwater pollutants during ground disturbing activities. The Project applicant shall comply with the City of San José Grading Ordinance, including implementation of erosion and dust control measures during site preparation, and with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which includes site design measures, source controls and numerically-sized Low impact development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. In addition, the project would implement the RWQCB standard construction BMPs listed below as Standard Permit Conditions to reduce stormwater pollutants during construction.

Standard Permit Conditions

The project shall implement the following RWQCB standard construction BMPs:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season. Grading during the rainy season requires the applicant to submit an Erosion Control Plan to the Director of Public Works for review and approval.
- Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during

construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.

- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
- Cover stockpiles with secure plastic sheeting or tarps.
- Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
- Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
- Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the Project area from sedimentation with filter fabric and sand or gravel bags

Construction of the proposed Project, in compliance with the City of San José Grading Ordinance and the City of San José Post-Construction Urban Runoff Management Policy and with implementation of the RWQCB standard construction BMPs listed above, would not result in significant water quality impacts.

f) Otherwise substantially degrade water quality?

Less than Significant Impact. Refer to Responses to 4.9.3 (a) through 4.9.3 (e). Impacts related to substantial degradation of water quality would be less than significant.

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The Project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Furthermore, the proposed Project would not include any housing. Therefore, impacts related to placement of housing within a 100-year flood hazard area would not occur.

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

No Impact. As discussed above in 4.9.3 (g), the new retail/commercial building with not be placed in a 100-year flood hazard area. Therefore, impacts related to placement of structures in a 100-year flood hazard area would not occur.

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?

Less than Significant Impact. Based on the Association of Bay Area Governments (ABAG) dam failure inundation hazard maps, large portions of the Santa Clara Valley are located in the

Lexington Reservoir dam failure inundation hazard zone including part of the Project site.[23] Existing regulations and adopted plans and policies reduce the risks to people and property in San José from dam failure. In particular, the California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California. DSOD inspects each dam on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. In addition, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington. With the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. Therefore, the proposed Project would have a less than significant dam induced flooding impact.

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

No Impact. There are no landlocked bodies of water near the Project site that will affect the site in the event of a seiche. The Project site does not lie within a tsunami inundation hazard area.[24] The project area is flat and there are no mountains near the site that will affect the site in the event of a mudflow.

[23] Santa Clara Valley Water District. *Inundation Map of Lexington Dam*. *Sheet 2 of 4.* 1995. Available at http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx. Accessed March 28, 2017.
[24] Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*. Availabe at http://quake.abag.ca.gov/tsunamis. Accessed March 28, 2017.

4.10 LAND USE AND PLANNING

4.10.1 Existing Setting

The 2.04-acre Project site is currently developed with a small office building, as well as the former Mel Cotton's Sporting Goods store and a small warehouse building used by Mel Cotton's (see Figure 3 - Aerial). The Project site is located in the southeast corner of the Race Street and West San Carlos Street intersection in San Jose, California. The site includes the parcels of APN 264-14-017, -019, -020, -082, -083. Additionally, the east and west portions of the buildings have been developed with asphalt paved parking lots, a commercial billboard facing W. San Carlos and Race Street and chain-link fencing and gate on east side of the buildings. Some trees were located on the eastern site boundary. On-site operations consisted of retail sales and rentals of sporting goods equipment until the retail sporting goods store closed in late 2016.

Development in the project area is a mix of retail/commercial, industrial, and residential land uses. The site is bounded by West San Carlos Street to the north, Race Street on the west, Earle Lane on the south and existing Commercial/industrial development on the east. The residential land uses near the Project site include the single- and multi-family residences approximately 100 feet north of the site opposite West San Carlos Street and the multi-family housing approximately 190 feet southwest of the site opposite Race Street. The site is rectangular in shape with maximum dimensions of about 350 feet by 250 feet.

4.10.2 Regulatory Setting

4.10.2.1 *General Plan*

The *Envision San José 2040 General Plan* includes the following land use policies applicable to the proposed Project:

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

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

Policy LU-3.4: Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.

Policy LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

4.10.2.2 *Midtown Specific plan*

The following policies from the Specific Plan are applicable:

Policy 5.1: High-intensity commercial and residential uses should be discouraged within this area to maintain the viability of existing service-oriented businesses. In order to discourage land speculation and displacement of existing uses within this area, building intensities are limited to a maximum floor area ratio of 0.5.

Policy 5.2: Retail and people-oriented uses are encouraged along West San Carlos Street to reinforce the existing Neighborhood Business District; to the extent possible, such uses are also encouraged along Lincoln Avenue. New development that occurs within the Lincoln-Auzerais subarea should be designed in a manner that promotes commercial continuity along the West San Carlos frontage. For instance, retail or office components of industrial and service commercial uses should be oriented to the street, while storage yards and service facilities should be removed and well screened from the street frontage.

Policy 5.3: Setbacks and buffers should be established along Race Street and adjacent to the Vasona Mixed-Use subarea, to ensure an appropriate transition to planned residential development. Visual screening, by means of landscaped setbacks, low walls, and through the siting of commercial buildings along street frontages, is encouraged to promote a suitable transition between residential and industrial uses. Truck access and service areas should, to the maximum extent practicable, be situated away from Race Street and from the edge of the Vasona Mixed-Use Subarea, where future residential development is anticipated.

Policy 5.4: New development should employ materials and treatments that convey the industrial character and role of this area. In order to promote the creation of a visually cohesive and distinct service district within Midtown, the plan encourages new development to incorporate an industrial aesthetic, with an appropriate palette of materials. Industrial uses within this Subarea should be utilitarian and well-composed structures that express their function and the character of the surrounding area. Innovative use of metal, masonry, large windows, sloping roofs, exposed trusses, and other architectural elements that provide a distinctive building silhouette are encouraged. The Specific Plan also calls for landscaping to screen parking lots adjacent to streets.

4.10.2.3 *Santa Clara Valley Habitat Plan*

SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, SCVWD, VTA, USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP has been approved by the local partners, and has been effective since October 14, 2013. The proposed Project is a covered activity under the SCVHP.

4.10.3 Environmental Checklist

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

4.10.4 Impact Discussion

a) Physically divide an established community?

Less than Significant Impact. The Project area consists of a variety of land uses including commercial, retail, open space, and residential. The Project site does not contain any existing structures that divide communities, such as freeways or railroad tracks. All of the existing development is contained within the footprint of the Project site. The Project proposes to build a new retail store which would be similar to the existing retail/commercial land use of the site. The Project would not divide the existing community and is compatible with the existing neighborhood and community.

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

Less than Significant Impact. At the local level, various plans regulate land use and design standards at the Project site. These include: the General Plan Framework, the Midtown Specific Plan, City's Zoning District and City's Commercial and Industrial Design guidelines.

Envision San José 2040 General Plan

The Project site is currently designated *Combined Industrial/Commercial* in the City of San José General Plan. This category allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses, or in areas on the boundary between commercial and industrial uses. The Project would

not change the existing land use designation on the site and the proposed retail/commercial building would be consistent with the General Plan land use designation.

City of San José Zoning District

The site is located in the *CIC Combined Industrial/Commercial* Zoning District. The proposed use of the site as a retail center is a permitted use under this zoning district.

Midtown Specific plan

This Project site is in the *Lincoln Auzerais Planning Subarea* of the Midtown Specific Plan. The proposed Project will comply with the goals and policies of the Specific Plan and therefore would be in conformance with the General Plan. The Midtwon Specific Plan also includes a set of urban design guidelines as follows:

- Maximum Height: The maximum height of buildings should be no more than 45 feet or three floors.
- West San Carlos Setback: The setback along West San Carlos should be no more than 1 feet to maintain the commercial/retail character.
- Setbacks Race Street and all other streets: Along Race Street, the minimum setback is 10 feet and must be well landscaped with all outdoor uses screened from view.
- Architecture of commercial buildings: Commercial buildings within this Specific Plan Area are encouraged to apply many of the industrial treatments (corrugated metal, steel, masonry, etc) in order to strengthen the image and character of the area as a distinct district. Fenestration should be punctured wall configuration, rather than curtain walls of glass, with openings carefully composed to create a well-proportioned façade and setback from the building surface to create shade and detail.
- Parking: Parking areas adjoining the street should be screened by trees and other landscaping. Driveways should be setback a minimum of 50 feet from minor street intersections; for other intersections, the distance will vary depending upon traffic conditions.
- Loading areas: Loading and service areas should be generally located behind buildings, visually screened from public roadways.

The proposed Project would be in compliance with the Midtown Specific Plan and the urban design guidelines included in the Specific Plan. The Project is also in compliance with the General Plan and would rezone the site to an applicable conforming zoning district which allows more flexibility for retail/commercial land uses. Therefore, impacts related to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project site would be less than significant.

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

Less than Significant Impact. The Project site is located in a highly urbanized area of the City. The proposed Project is a covered activity under the SCVHP. The Project site is mapped

Urban-Suburban land cover type. 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 one or more structures per 2.5 acres. Vegetation found in the Urban-Suburban land cover type is usually in the form of landscaped residences, planted street trees, and parklands. No land cover fee is associated with the urban areas. Los Gatos Creek is a Category 1 stream under the SVCHP. It requires a 150 feet setback. As the Project is approximately 0.5 miles away from the stream, this setback does not apply.

As discussed in *Section 4.4 Biological Resources*, the Project would contribute to the cumulative off-site impacts from nitrogen deposition to serpentine habitat in southern Santa Clara County. To offset the increased nitrogen deposition that will result from net new trips, the Project will be required to pay all applicable SCVHP fees, as determined by the City, prior to issuance of grading permits. Payment of these fees would reduce the project's contribution to cumulative nitrogen deposition impacts to a less than significant level.

With implementation of General Plan policies, existing regulations, and measures included in the Project, the proposed Project would not conflict with the provisions of an adopted or pending habitat conservation plan.

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

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

4.11.2 Impact Discussion

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?

No Impact. The proposed Project is within a developed urban area and it does not contain any known or designated mineral resources. Implementation of the Project would not result in the loss of availability of any known resources.

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?

No Impact. Refer to 4.11.2 a) above.

4.12 NOISE AND VIBRATION

The discussion in this section is based, in part, upon a noise report prepared *by Illingworth and Rodkin, Inc*. in June 2017. This report is provided as Appendix F of this Initial Study.

4.12.1 Setting

The Project site is located at the southeast corner of Race Street and West San Carlos Street in San José, California. The Project site is primarily bordered by commercial land uses to the east and south. There is a commercial building (Safeway store) across Race Street and a multi-family housing building southwest of the Project site opposite Race Street. There are also commercial land uses, as well as single- and multi-family housing, located north of the Project site opposite West San Carlos Street.

4.12.2 Regulatory Setting - Noise

The State of California, Santa Clara County, and the City of San José have established regulatory criteria that are applicable in this assessment. The State CEQA Guidelines, Appendix G, are used to assess the potential significance of impacts pursuant to local General Plan policies, Municipal Code standards, or the applicable standards of other agencies. A summary of the applicable regulatory criteria is provided below.

4.12.2.1 *2016 California Building Cal Green Code*

The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

> **5.507.4.1 Exterior noise transmission, prescriptive method.** Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dBA Ldn noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element.
>
> **5.507.4.2 Performance method**. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (Leq (1-hr)) of 50 dBA in occupied areas during any hour of operation.

The performance method, which establishes the acceptable interior noise level, is the method typically used when applying these standards.

4.12.2.2 *Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan*

Comprehensive Land Use Plan adopted by the Santa Clara County Airport land Use Commission contains standards for projects within the vicinity of San José International Airport. Commercial projects are considered compatible with aircraft noise levels of 65 dBA CNEL or less.

4.12.2.3 *City of San José General Plan*

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The following policies are applicable to the proposed Project:

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

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 70 dBA DNL or less for office buildings, business commercial uses, and professional offices.

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

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

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

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

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

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction

schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

4.12.2.4 *City of San José Municipal Code*

The City's Municipal Code contains a Zoning Ordinance that limits noise levels at adjacent properties. Chapter 20.30.700 states that 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 20.40.600 states the sound pressure level generated by any use or combination of uses shall not exceed 60 dBA at any property line shared with land zoned for commercial/industrial uses, 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 am and 7:00 pm Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence unless authorized in a development permit.

4.12.3 Regulatory Setting – Vibration

4.12.3.1 *City of San José General Plan*

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies to achieve the goal of minimizing vibration impacts on people, residences, and business operations in the City of San José. The following policies are applicable to the proposed Project:

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

4.12.4 Methodology

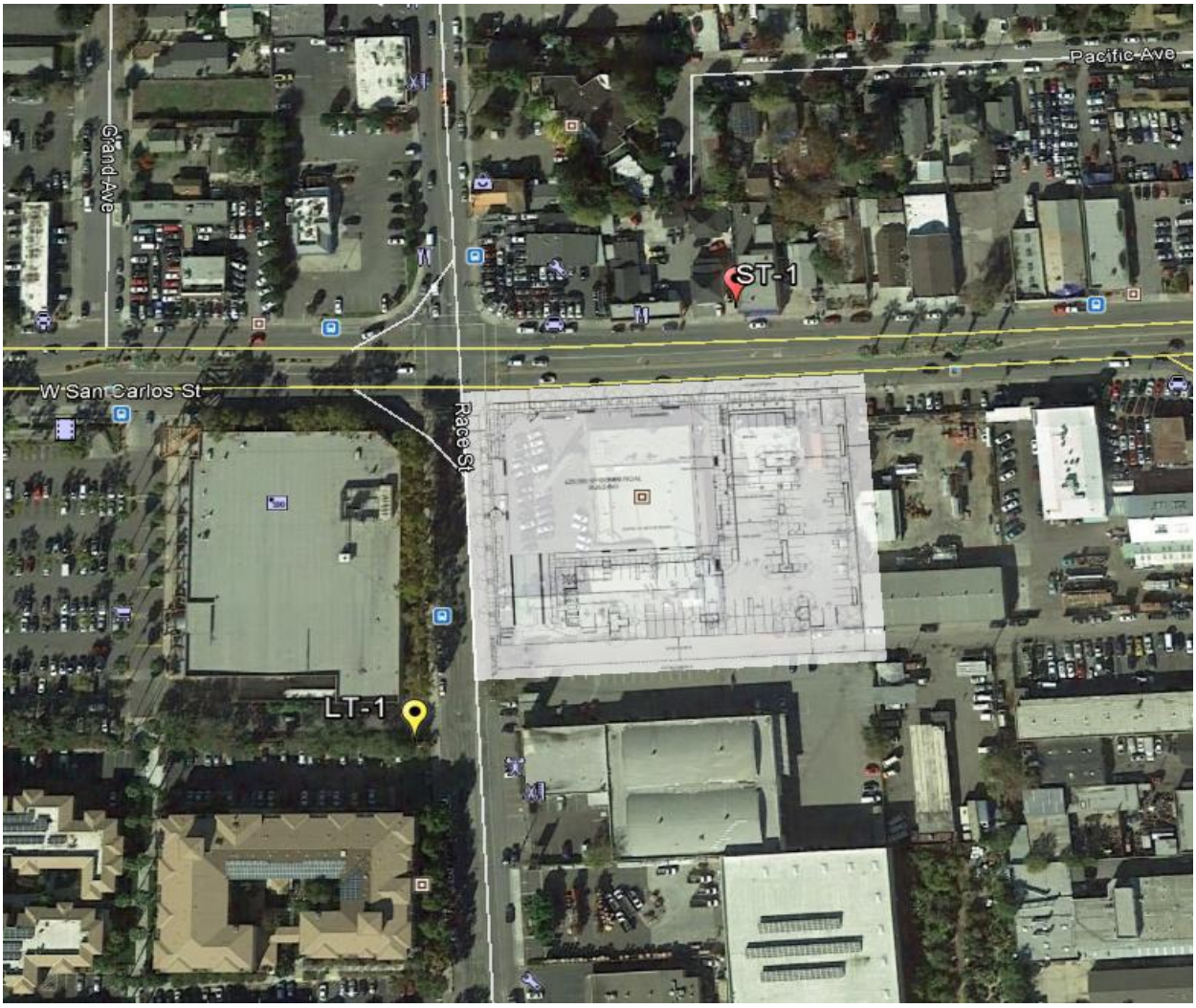
A noise monitoring survey was performed to quantify and characterize ambient noise levels at the Project site and in the Project vicinity between Wednesday, February 22, 2017 and Friday, February 24, 2017. The noise monitoring survey included one long-term noise measurement (LT-1) and one short-term noise measurement (ST-1), as indicated in Figure 6. The noise environment at the site and at the nearby land uses in the Project vicinity results primarily from vehicular traffic along W. San Carlos Street and Race Street. Aircraft associated with Mineta San José International Airport and Valley Transportation Authority (VTA) light-rail trains also contribute to the noise environment in the area.

Long-term noise measurement LT-1 was made on the property line between the Parkview Apartments and the Safeway on Race Street, approximately 50 feet west of the Race Street centerline

and approximately 400 feet south of the W. San Carlos Street centerline. Hourly average noise levels at this location ranged from 61 to 69 dBA Leq during the day, and from 53 to 63 dBA Leq at night. The day-night average noise level on Thursday, February 23, 2017 was 66 dBA DNL.

Short-term noise measurement ST-1 was made in front of 1237 W. San Carlos Street, approximately 50 feet north of the W. San Carlos Street centerline and approximately 280 feet east of the Race Street centerline. The 10-minute average noise level measured at this location between 12:00 p.m. and 12:10 p.m. on Wednesday, February 22, 2017 was 65 dBA Leq and the estimated day-night average noise level was 68 dBA DNL. Long-term noise data from *Illingworth & Rodkin, Inc*. files confirmed that the day-night average noise level along W. San Carlos Street is approximately 69 dBA DNL at a distance of approximately 55 feet from the roadway centerline.

FIGURE 6 Race and San Carlos Commercial Road Noise Measurement Locations



Source: Illingworth & Roadkin, March 2017

4.12.5 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?	☐	☐	☒	☐	1,2,17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1,2,17
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,17
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,17
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?	☐	☐	☒	☐	1,2,17
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2,17

4.12.6 Impact Discussion

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

Less than Significant Impact.

Construction Noise

Chapter 20.100.450 of the City's Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 am and 7:00 pm Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence unless authorized in a development permit. This analysis assumes that construction activities will occur between 7:00 am and 7:00 pm Monday through Friday and not on weekends. Project construction activities will be consistent with the code limits and the impact would be less-than-significant.

Mechanical Equipment Noise

General Plan Policy EC-1.3 states, "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." Chapter 20.30.700 of the City's Municipal Code states that 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 20.40.600 states the sound pressure level generated by any use or combination of uses shall not exceed 60 dBA at any property line shared with land zoned for commercial/industrial uses, except upon issuance and in compliance with a Conditional Use Permit.

The proposed Project would include mechanical equipment, such as refrigeration systems, air conditioning systems, exhaust fans, and ventilation systems. Specific Project details regarding the number, type, size, and location of the mechanical equipment units to be used in the proposed Project were not available at the time of this study. A credible worst-case scenario would assume that the equipment would be located on the roof of the building above the mechanical and cooling rooms proposed along the westernmost portion of the building. Such equipment would typically generate noise levels ranging from 60 dBA to 75 dBA Leq at distances of 5 to 12 feet.

The closest noise sensitive receptors would be the residences across West San Carlos Street approximately 260 feet north of the proposed mechanical equipment. At this distance, mechanical equipment noise levels would range from 33 to 48 dBA Leq and 39 to 54 dBA DNL assuming unshielded conditions, which would be below the City's 55 dBA Leq and 55 dBA DNL thresholds. In addition, noise levels from the mechanical equipment at the proposed Project would be below ambient traffic noise levels from West San Carlos Street. Residential land uses located across Race Street and approximately 330 feet southwest of the proposed mechanical equipment would similarly be exposed to mechanical noise levels below the City's 55 dBA Leq and DNL thresholds assuming unshielded conditions and accounting for the additional distance between the noise source and receptors. This is a less-than-significant impact.

Truck Loading Dock and Parking Lot Activity Noise

Noise at the loading docks would be produced by trucks entering and leaving the loading dock area, trucks idling in the area, and the unloading of products. The loading dock for heavy-duty trucks would be located on the southwest corner of the proposed commercial building. The heavy-duty trucks would back into the loading dock. Maximum noise levels at such a loading dock results from the truck engines starting and from trucks accelerating out of the loading dock. Noise sources at the loading dock would be expected to generate noise levels of about 50 to 60 dBA Leq at 150 feet depending on the number of trucks accessing the loading dock and frequency of other extraneous noise sources associated with receiving areas (e.g., forklifts, etc.).

The nearest sensitive receptor to the loading dock would be the multi-family residences across Race Street approximately 240 feet southwest of the loading dock's noise sources. At this distance, loading dock noise levels would range from 46 to 56 dBA Leq. Hourly average noise levels at the nearest sensitive receptors ranged from 61 to 69 dBA Leq during the day, and from 53 to 63 dBA Leq at night. Given the occasional use of the loading dock and the ambient traffic

noise levels from Race Street exceeding the worst-case loading dock noise levels, the operation of the loading dock would not be expected to exceed applicable thresholds or ambient noise conditions. This is a less than significant impact.

Noise associated with the use of parking lots would include vehicular circulation, engine starts, car alarms, door slams, and human voices. Hourly average noise level resulting from all of these noise-generating activities in a busy parking lot could range from 35 dBA to 45 dBA Leq at a distance of 150 feet from the parking area.

The closest sensitive receptor to the parking lot would be the residences across West San Carlos Street approximately 130 feet north from the parking lot's noise sources. At this distance, parking lot noise levels would range from 36 to 46 dBA Leq and 42 to 52 dBA DNL, which would be below the City's 55 dBA Leq and 55 dBA DNL threshold. This would therefore be a less-than-significant impact.

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

Less than Significant Impact. The construction of the Project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include the demolition of existing structures, site preparation work, excavation and grading, foundation work, paving, and new building framing and finishing. This analysis assumes pile driving would not be a required construction technique for this Project, which can cause excessive vibration.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. With no known historical buildings in the vicinity of the Project site, a significant impact would occur if nearby buildings were exposed to vibration levels in excess of 0.20 in/sec PPV.

Table 4.12-1 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may, if uncontrolled, generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

TABLE 4.12-1: Vibration Source Levels for Construction Equipment			
Equipment		**PPV at 25 ft. (in/sec)**	**Approximate L_v at 25 ft. (VdB)**
Pile Driver (Impact)*	upper range	1.158	112
	typical	0.644	104
Pile Driver (Sonic)*	upper range	0.734	105
	typical	0.170	93
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58
Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006. *Pile driving not proposed by project			

The residential land uses near the Project site include the single- and multi-family residences approximately 100 feet north of the site opposite West San Carlos Street and the multi-family housing approximately 190 feet southwest of the site opposite Race Street. At these distances, vibration levels at the residential land uses would be up to 0.05 in/sec PPV, which would be below the 0.2 in/sec PPV threshold. The closest commercial land use is the adjacent commercial building approximately five feet to the east of the site. At this distance, vibration levels at the adjacent commercial building produced by the equipment having the highest potential for high vibration levels (i.e., vibratory roller, impact tools, etc.) would be up to 1.2 in/sec PPV, which would exceed the 0.2 in/sec PPV threshold. Other commercial land uses near the Project site include a commercial building approximately 90 feet south of the site and commercial buildings approximately 100 feet west and north of the site opposite Race Street and W. San Carlos Street. At these distances, vibration levels would be up to 0.05 in/sec PPV, which would be below the 0.2 in/sec PPV threshold.

At affected locations, and in other surrounding areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

The following standard measures are included in the project to reduce vibration impacts from construction activities:

Standard Permit Conditions

- Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

The implementation of these standard measures would reduce the impact to a less-than-significant level.

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

Less than Significant Impact. A significant noise impact would occur if traffic generated by the Project would substantially increase noise levels at sensitive receptors in the Project vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Noise-sensitive land uses along W. San Carlos Street and Race Street are exposed to noise levels greater than 60 dBA DNL; therefore, a significant impact would occur if project-generated traffic would permanently increase noise levels by 3 dBA DNL. For reference, traffic volumes would have to double for noise levels to increase by 3 dBA DNL.

The traffic report provided by Hexagon Transportation Consultants provided peak hour volumes for the Project-generated traffic at local and major roadways in the immediate Project vicinity.[25] Traffic volume information was reviewed to calculate the permanent noise increase attributable to Project-generated traffic. Traffic volumes under the Existing Plus Project scenario were compared to the Existing scenario to calculate the relative increase in the hourly average traffic noise level (Leq) attributable to the proposed Project. The change in the DNL is assumed to correlate to the change in the peak hour Leq. The permanent noise level increase due to this Project-generated traffic would be approximately 1 dBA DNL or less at noise-sensitive receptors in Project vicinity. Therefore, the proposed Project would not cause a substantial permanent noise level increase at the nearby noise-sensitive receptors.

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

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

[25] Hexagon Transportation Consultants. *W. San Carlos Street and Race Street Commercial Development TIA*. March 2017.

construction lasts over extended periods of time. Project construction is anticipated to occur over an approximate period of approximately seven months, starting in the spring of 2017.

Where noise from construction activities exceeds 60 dBA Leq and exceeds the ambient noise environment by at least 5 dBA Leq at noise-sensitive uses in the Project vicinity for a period exceeding one year, the impact would be considered significant. For commercial uses, a significant impact would be identified if construction noise were to exceed 70 dBA Leq and exceeds the ambient noise environment by at least 5 dBA Leq for a period exceeding one year. Additionally, the City considers significant construction noise impacts to have occurred if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months, according to Policy EC-1.7 of the General Plan.

Construction activities for individual projects are typically carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Construction activities generate considerable amounts of noise, especially during earth-moving activities and during the construction of the building's foundation when heavy equipment is used. The construction of the proposed Project would consist of demolishing existing structures, grading and excavating to lay foundations, trenching, building erection, and paving. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well.

Nearby noise sensitive land uses include single- and multi-family residences to the north of the site opposite W. San Carlos Street and the multi-family residences southwest of the site opposite Race Street. Hourly average noise levels due to construction activities during busy construction periods outdoors would range from about 83 to 88 dBA Leq at a distance of 50 feet. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. The noise sensitive land uses are approximately 100 north feet and 190 feet southwest, respectively, from the Project site. At these distances, hourly average noise levels during busy construction periods would range from 77 to 82 dBA Leq for the residences across W. San Carlos Street and from 71 to 76 dBA Leq for the residences across Race Street.

Construction noise levels would be expected to exceed 60 dBA Leq and exceed the ambient noise environment by at least 5 dBA Leq at noise-sensitive residential uses in the Project vicinity, but construction activities would last for a period less than one year. Commercial land uses surround the Project site. The commercial land uses would be exposed to construction noise levels of 103 to 108 dBA Leq at the commercial building five feet east of the Project site, 78 to 83 dBA Leq at the commercial building 90 feet south of the Project site, and 77 to 82 dBA Leq at the commercial buildings 100 feet west and north of the Project site opposite Race Street and W. San Carlos Street. These noise levels would exceed 70 dBA Leq and the ambient noise environment by at least 5 dBA Leq, but construction activities would last for a period less than one year.

Although construction noise levels would be expected to exceed both the 60 dBA Leq residential and 70 dBA Leq commercial thresholds and exceed the ambient noise environment by at least 5 dBA Leq at noise-sensitive uses in the Project vicinity, construction activities are expected to last approximately seven months. Typically, small construction projects do not generate significant noise impacts when the duration of the noise generating construction period is limited to one year or less. Construction noises associated with projects of this type are disturbances that are necessary for the construction or repair of buildings and structures in urban areas. Project construction is expected to last less than one year and with implementation of the following standard permit conditions listed below, the temporary noise impact resulting from project construction activities would be considered less-than-significant.

Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- 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 shall be strictly prohibited. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Erect a temporary noise control blanket barrier, if necessary, along building façades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Designate a "disturbance coordinator" responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will 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.

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?

Less than Significant Impact. Mineta San José International Airport is a public-use airport located approximately 1.9 miles north of the Project site. The Project site lies outside the 2027

60 dBA CNEL noise contour shown in the Norman Y. Mineta San José International Airport Master Plan Update Project for the airport**.** Noise levels resulting from aircraft would be less than 65 dBA CNEL at the Project site and compatible with the proposed land use. Therefore, the impact would be less than significant.

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??

No Impact. The Project does not lie within the vicinity of a private airstrip, therefore the proposed Project would not expose people residing or working in the Project area to excessive noise levels**.**

4.13 POPULATION AND HOUSING

4.13.1 Existing Setting

According to the City, the population of San José is 1,042,094 as of 2016, which included 312,227 households.[26] The City's population is projected to reach 1,216,000 with 401,000 households by the year 2025.[27] The average number of persons per household in San José in 2014 was 3.21 and is projected to decrease slightly to 3.03 by the year 2025.

4.13.2 Environmental Checklist

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

4.13.3 Impact Discussion

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

Less than Significant Impact. The proposed Project would construct a new retail/commercial building in the City, but would not directly induce substantial population growth. As discussed further in *Section 4.17 Utilities and Service Systems*, no additional infrastructure would be needed to serve the project. For these reasons, the project would not directly or indirectly induce substantial population growth.

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

No Impact. The proposed Project would not result in the displacement of people or housing and therefore will not result in an impact. It is proposing to remove three buildings on site, none of which are residential.

[26] City of San José, *Fact Sheet*: *History & Geography, 2016*. http://www.sanjoseca.gov/DocumentCenter/View/780
[27] 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

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. Refer to 4.13.3 a) and b) above.

4.14 PUBLIC SERVICES

4.14.1 Regulatory setting

The Envision San José 2040 General Plan includes the following public services 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-3.9: 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-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
- Police Protection?	☐	☐	☒	☐	1
- Schools?	☐	☐	☐	☒	1
- Parks?	☐	☐	☐	☒	1
- Other Public Facilities?	☐	☐	☐	☒	1

4.14.3 Impact Discussion

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

- **Fire protection?**

Less than Significant Impact. Fire protection services for the Project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the Project site is Station No. 30 located at 454 Auzerais Avenue, approximately one mile east of the Project site. For fire protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (nonemergency) calls.

The proposed retail/commercial building on the Project site is accounted for in the planned growth for the City and the proposed Project would serve the existing population. The project would be reviewed by the SJFD prior to issuance of a building permit. For these reasons, the proposed Project would not result in significant impacts to fire protection services in the City.

- **Police Protection?**

Less than Significant Impact. Police protection services for the Project site are provided by the San José Police Department (SJPD), which is headquartered at 201 approximately 2.9 miles north of the Project site. For the last several years, the most frequent calls for service in the City have dealt with larceny, burglary, vehicle theft, and assault. For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (nonemergency) calls.

The proposed retail/commercial building on the Project site is accounted for in the planned growth for the City and the proposed Project would serve the existing population. Furthermore, the proposed Project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. As a result, the proposed office development will not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals.

- **Schools, Parks and Other Public Facilities?**

No Impact. The proposed Project is the redevelopment of a commercial property with new commercial buildings. It does not propose any residential uses. No new residents or students would be directly generated by the implementation of the proposed Project. Therefore, the proposed Project would have no impact on schools, parks, or library facilities in the City of San José.

4.15 RECREATION

4.15.1 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
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

4.15.2 Impact Discussion

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

No Impact. The proposed Project is the redevelopment of a commercial property with new commercial buildings. It does not propose any residential uses. No new residents would be directly generated by the implementation of the proposed Project. Therefore, the project would not accelerate the deterioration of local facilities or result in the need for new recreational facilities in the City of San José.

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

No Impact. See 4.15.2 a) above.

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based, in part, upon a Traffic Operations Analysis prepared by *Hexagon Transportation Consultants* in June 2017. This report is provided as Appendix G of this Initial Study

4.16.1 Existing Setting

4.16.1.1 *Existing Roadway Network*

Regional access to the study area is provided by SR 87 and I-280. Local access to the study area is provided via Race Street and W. San Carlos Street. These facilities are described below.

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. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Site access to and from SR 87 is provided via San Carlos Street, Delmas Avenue, and Woz Way.

I-280 extends from US 101 in San Jose to I-80 in San Francisco. It is generally an east-west oriented eight-lane Freeway in the vicinity of downtown San Jose. The section of I-280 just north of the Bascom Avenue over-crossing has six mixed-flow lanes and two high-occupancy-vehicle (HOV) lanes. Site access to and from I-280 is provided via freeway ramps at Parkmoor Avenue, Race Street, and Meridian Avenue.

Race Street is a two-lane Local Connector Street extending from The Alameda to just south of I-280, where it becomes Cherry Avenue. Automobiles, bicycles, pedestrians and trucks are prioritized equally on Local Connector Streets. The posted speed limit on Race Street is 25 mph north of W. San Carlos Street, and 30 mph south of W. San Carlos Street. Race Street has Class II bike lanes between Auzerais Avenue and Parkmoor Avenue. Sidewalks are located on both sides of the street. Race Street provides direct access to the Project site, as well as provides access via a partial interchange (northbound off-ramp) with I-280.

San Carlos Street is an east-west four-lane City Connector Street that extends from San Jose State University westward, ultimately becoming Stevens Creek Boulevard west of Bascom Avenue. Land uses located along San Carlos Street are generally commercial, with parking provided on both sides of the street in most areas. San Carlos Street is grade separated where it passes over the Southern Pacific Railroad tracks. San Carlos Street has a posted speed limit of 35 mph within the study area and provides direct access to the Project site. Sidewalks are located on both sides of the street.

4.16.1.2 *Existing Bicycle and Pedestrian Facilities*

Pedestrian facilities consist mostly of sidewalks along the streets in the immediate vicinity of the Project site, though there is no sidewalk along a 400-foot segment of Race Street south of W. San Carlos Street, half of which includes the Project frontage. Crosswalks with pedestrian signal heads and push buttons are located at the adjacent signalized intersection of Race Street and W. San Carlos Street. However, this intersection does not meet the current ADA design standards, which include wheel chair ramps with truncated domes at all corners/curb cuts. Truncated domes are the current standard design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. While the intersection

does not meet the current ADA design standards, the existing ramps complied with the standards at the time they were constructed.

Overall, the existing network of sidewalks has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area.

Only one short segment of roadway in the vicinity of the Project site includes Class II bike lanes: Race Street between Auzerais Avenue and Parkmoor Avenue. According to the City of San Jose 2020 Bike Plan, Class II bike lanes are planned for Race Street between Auzerais Avenue and San Carlos Street, and a Class III bike route is planned for the segment of Race Street between The Alameda and West San Carlos Street.

A connection to the northern segment of the Los Gatos Creek Trail system is located about a ½ mile walk from the Project site with access provided via Dupont Street. The off-street trail begins at San Carlos Street and extends south. From San Carlos Street, the Guadalupe River multi-use trail system can be accessed. The Guadalupe River trail system is an 11-mile trail that runs through the City of San Jose along the Guadalupe River and is shared with pedestrians and separated from motor vehicle traffic. The Guadalupe River trail is a continuous Class I bikeway from Curtner Avenue in the south to SR 237 in the north.

4.16.1.3 *Existing Transit Services*

Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak and are described in detail in Appendix G (Traffic Operations Analysis).

4.16.2 Regulatory Setting

4.16.2.1 *Santa Clara County's Congestion Management Program*

The Santa Clara County Congestion Management Agency focuses on reducing congestion and responding to future transportation needs in the Congestion Management Plan. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County. To ensure roadway performance, the plan ranks roadways A thru F based on the Level of Service (LOS). This LOS ranking system is also used to anticipate the impacts from the construction and operation of new projects. As part of the plan, the County has set threshold for LOS at LOS E; this means that all roadways should be operating at capacity.

4.16.2.2 *City of San José Council Policy 5-3*

San José uses the Council Policy 5-3, which specifies that all new construction projects must adhere to the Congestion Management Program Technical Standards and Procedures: Traffic LOS Analysis Guidelines. By following these technical standards, projects will ensure conformance with the General Plan. The technical standards for the City of San José maintain that new projects must ensure an LOS of D or better, except for where there are physical constraints on expanding roadways, or for roads that have been prioritized for alternative transportation as described in the Council Policy 5-3, Transportation Impact Policy. Due to the small size of the Project, a

comprehensive Transportation Impact Analysis (TIA) per the City of San Jose's Transportation Policy 5-3 is not necessary.

4.16.3 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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?	☐	☐	☒	☐	1,2,18
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?	☐	☐	☒	☐	1,2,18
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?	☐	☐	☐	☒	1,2,18
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1,2,18
e) Result in inadequate emergency access?	☐	☐	☐	☒	1,2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1,2,18

4.16.4 Impact Discussion

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Less than Significant Impact. Construction traffic would be temporary and less traffic than generated by existing buildings on site which generate 854 daily trips with 19 AM peak hour and 74 PM peak hour trips. The proposed Project does not include changes to highways or freeways and is not expected to increase demands upon local mass transit systems.

No operational issues would occur at the signalized Race Street/W. San Carlos Street intersection, or at the unsignalized Race Street/Earle Lane intersection. The retail Project is not anticipated to significantly change local traffic patterns or to cause a significant increase in traffic due to population growth or change in land use, as no new housing or change in land use is proposed as part of the proposed Project. The proposed Project would not affect or increase the usage of other modes of transportation, such as bicycles, mass transit, and pedestrians, as it does not include any elements that would directly or indirectly induce population growth.

Therefore, impacts related to 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 would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less than Significant Impact. The Project site is currently occupied by three commercial buildings totaling approximately 29,000 square feet. Given that the proposed Project would demolish the existing buildings on-site, the trips that are generated by the existing commercial uses can be subtracted from the gross Project trip generation estimates. In addition, a retail pass-by trip reduction of 25 percent (typical for Santa Clara County) can be applied to the Project as the retail trips would already be on the adjacent roadways (and so are already counted in the background traffic) but would turn into the site while passing by. Therefore, roughly 25 percent of retail traffic is not actually generated by the retail development, but is already part of the ambient traffic levels. After applying the retail pass-by trip reduction and existing trip credits, the Project would generate a net total of 241 daily trips, with 2 fewer trips (4 fewer inbound and 2 new outbound) during the AM peak hour and 17 new trips (10 inbound and 7 outbound) during the PM peak hour (See Table 4.16-1 below). Due to the small number of net peak hour vehicle trips that would be generated by the Project, the Project is not required to adhere to the VTA's CMP traffic study requirements given the project trips would not have the potential to substantially degrade the level of service of the surrounding roadways serving the site. Therefore, conflict with an applicable congestion management program or other related standards would not occur.

TABLE 4.16-1: Project Trip Generation Estimates

Land Use	Size		Daily Trip Rates	Daily Trips	AM Peak Hour Pk-Hr Rate	AM Peak Hour Trips In	AM Peak Hour Trips Out	AM Peak Hour Trips	PM Peak Hour Pk-Hr Rate	PM Peak Hour Trips In	PM Peak Hour Trips Out	PM Peak Hour Trips Total
Proposed Use												
Retail [1]	29,580	SF	42.70	1,263	0.96	17	11	28	3.71	53	57	110
Pass-By Trip Reduction				*-316*		*-4*	*-4*	*-8*		*-14*	*-14*	*-28*
Subtotal:				947		13	7	20		39	43	82
Existing Use												
Retail [1]	20,000	SF	42.70	854	0.96	12	7	19	3.71	36	38	74
Pass-By Trip Reduction				*-214*		*-3*	*-3*	*-6*		*-9*	*-9*	*-18*
Office [2]	6,000	SF	11.03	66	1.56	8	1	9	1.49	2	7	9
Subtotal:				706		17	5	22		29	36	65
Net Project Trips (Proposed - Existing):				***241***		***-4***	***2***	***-2***		***10***	***7***	***17***

Notes:

[1] Rates based on ITE Land Use Code 820 (Shopping Center), average rates used. A 25% pass-by trip reduction was applied.

[2] Rates based on ITE Land Use Code 710 (General Office); average rates used.

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?

No Impact. The Project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones and the proposed building height does not require Federal Aviation Administration (FAA) airspace review. The Project would not result in changes in air traffic patterns.

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

No Impact. The proposed Project would generate 12-foot wide sidewalk along its frontage on West San Carlos Street and a 6-foot wide sidewalk along its frontage on Race Street. This would eliminate half of the existing gap in the sidewalk network that currently exists along the east side of Race Street south of West San Carlos Street. The site plan also shows that a paved path would be provided for pedestrians and bicyclists along the east and south sides of the building. This path would connect the store entrance to the sidewalks on West San Carlos Street and Race Street. These proposed Project improvements would decrease hazards associated with the safety of pedestrians and bicyclists.

There would be no new significant trip generations so as to require traffic calming on Race and/or San Carlos Streets. The proposed retail/commercial building at the Project site is compatible with the existing General Plan Land Use designation. Therefore, impacts related to hazardous design features or incompatible land uses would not occur.

e) Result in inadequate emergency access?

No Impact. The proposed site plan (Figure 4) shows that the Project would make significant improvements to vehicular site access. The Project would provide one limited access driveway (right-in and right-out) on West San Carlos Street, located 300 feet east of the traffic signal at Race Street. Access to the Project site from Race Street would be provided via Earle Lane, which is an easement located adjacent to the southern property line. Earle Lane is located approximately 250 feet south of the signal at San Carlos Street, and provides a connection between Race Street and Lincoln Avenue. The site plan shows two entrances to the parking lot on Earle Lane. The Project would improve overall traffic operations and safety at the site by providing site access as far away from the signalized Race Street and San Carlos Street intersection as possible. Therefore, impacts related to inadequate emergency access would not occur.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less than Significant Impact. San José prioritizes alternative transportation through the Bike Plan 2020, priority transportation corridors, and a number of initiatives outlined in the Envision San José 2040 Plan. In addition, the intersection of Race Street and W. San Carlos Street is part of the West San Carlos Urban Village Streetscape Improvements Project. The Streetscape plan outlines many improvements for the intersection and the Project would comply with the recommendations in the Traffic Operations Analysis Report (Appendix G) to implement the West San Carlos Streetscape project by providing on-street parking along the Project frontage on Race Street.

The proposed retail Project is not expected to generate many bicycle trips and is not proposing to make any modifications or provide additions to the existing bicycle network. As discussed in 4.16.4 (d), the proposed Project improvements to provide sidewalks and paved paths would be in compliance to the City's adopted plans and policies to encourage multi-modal travel. Based on the proposed retail use, the Project is not expected to generate many transit related trips. It is estimated that the small increase in transit demand generated by the proposed Project could be accommodated by the current available ridership capacities of the transit services in the study area, and no Project-sponsored transit related improvements would be necessary. Therefore, impacts related to conflicts with adopted policies, plans or programs supporting alternative transportation would be less than significant.

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Regulatory Setting

4.17.1.1 *General Plan*

The *Envision San José 2040 General Plan* includes the following utility and service system 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 MS-19.3: Expand the use of recycled water to benefit the community and the environment.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

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).

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

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

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

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
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?	☐	☐	☒	☐	1,9
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?	☐	☐	☒	☐	1,2,9
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2,9
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?	☐	☐	☐	☒	1,2,9
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2,9

4.17.3 Impact Discussion

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

Less than Significant Impact. The Project site is under the jurisdiction of the City of San Jose. The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 90 percent of the total on-site water use due to the very limited landscaping on-site. The +/- 30,000 square foot commercial building uses approximately 2,190 gallons per day (gpd) of water.[28] The current land use on the Project site is estimated to generate 1,971 gpd of wastewater.[29]

[28] This calculation assumes a water usage rate of 0.073 gallons per day per square foot for the commercial building.
[29] This number equates to 90 percent of the water usage in the buildings.

Based on the City of San Jose General Plan EIR, the City's average dry weather wastewater flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José-Santa Clara Regional Wastewater Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd, which is below the City's allocated treatment capacity. The Project will not increase the amount of building square foot and therefore would not lead to substantial increase in wastewater generation at the site. Therefore, the impact would be less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Water

Less than Significant Impact. Water service to the site is supplied by the San José Water Company. The proposed Project would demolish the existing three buildings and construct a new retail/commercial building. Since the size of the proposed retail store (+/-29,000 square feet) is almost the same size as the existing building square feet to be demolished (which is +/-30,000 square feet), therefore water usage for this facility is estimated to be approximately the same as the existing usage.

Construction

During construction, grading and excavating activities would require use of water to reduce fugitive dust. Use of water during construction would be temporary and short-term. Therefore, construction impacts related to requiring construction or expansion of water facilities would be less than significant.

Operations

The amount of water consumption during retail operations is not anticipated to increase or decrease substantially compared to existing operations because the square footage of the structure and its current use would remain the same. Therefore, operational impacts related to requiring construction or expansion of water facilities would be less than significant.

Wastewater

Less than Significant Impact. The San Jose-Santa Clara Regional wastewater facility maintains and operates the wastewater collection and treatment system of the City, including the Project site. 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 current wastewater generation rate at the Project site is approximately 1,971 gpd.

[30] City of San José, San José-Santa Clara Regional Wastewater Facility Website http://www.sanjoseca.gov/?nid=1663. Accessed in March 2017.

Construction

The proposed Project would not generate a significant amount of wastewater during construction. Typically, construction sites would include portable toilets that are not connected to the sewer system. Therefore, construction impacts related to requiring construction or expansion of wastewater facilities would be less than significant.

Operations

The amount of wastewater generation during operations is not anticipated to increase or decrease substantially compared to existing operations because very few permanent employees (approximately 10-15 at a time) would be added and the square footage of the structure and its current use would remain the same. Therefore, operational impacts related to requiring construction or expansion of wastewater facilities would not occur.

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?

Less than Significant Impact. The City of San José owns and maintains the municipal storm drainage system which serves the Project site. As discussed in *Section 4.9 Hydrology and Water Quality*, new on-site storm drainage facilities would be designed and constructed to meet the requirements of the NPDES MRP and City Policy 6-29. Under existing conditions, approximately 88,750 square feet of the Project site is covered with impervious surfaces. Under Project conditions, the Project site would be covered with approximately 78,834 square feet of impervious surfaces. There is no pervious surface under existing conditions. The proposed Project would add 10,366 square feet of landscaped areas on the Project site. The Project would comply with thr stormwater regulations by directing stormwater runoff to biotreatment cells. Compared to existing conditions, the proposed on-site stormwater runoff treatment process would decrease both the rate and volume of stormwater runoff and, therefore, would not exceed the capacity of the City's existing storm drain system.

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

Less than Significant Impact. Potable water for the proposed Project would be supplied by San Jose Water Company. The existing water usage of the Project site was approximately 2,190 gpd prior to closure of Mel Cotton's Sporting Goods. Construction would use a negligible amount of water and would be temporary and short-term. The proposed Project would not construct new infrastructure or add significant permanent population or change the building size in such a way that would expand existing demand or create new demand for water. The new landscaping and biotreatment areas would be irrigated using drip irrigation technology. The design and construction of the irrigation system will conform to City's adopted water efficient landscape ordinance. Therefore, impacts related to sufficient water supplies and the need for new or expanded entitlements would not occur.

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?

No Impact. Refer to Response to 4.17.3 (a) and (b). Impacts related to a determination by a wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments would not occur.

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

Less than Significant Impact. Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. The existing buildings on-site currently generate approximately 28 tons of solid waste per year.[31]

The proposed Project would generate approximately 170 tons per year of solid waste, an increase of 142 tons per year compared to current conditions.[32] The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population. Therefore, implementation of the proposed Project would have a less than significant impact on the solid waste disposal capacity.

[31] California Air Pollution Control Officers Association. CalEEMod. A*ppendix A Calculation Detail for CalEEMod*. Table 10.1 Solid Waste Disposal Rates. Accessed May 4, 2017. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2. General Office Building=0.93 x 1,000 sqaure feet = 28 tons waste generated/year.

[32] California Air Pollution Control Officers Association. CalEEMod. A*ppendix A Calculation Detail for CalEEMod*. Table 10.1 Solid Waste Disposal Rates. Accessed May 4, 2017. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2. Supermarket =5.64 x 1,000 sqaure feet = 170 tons waste generated/year.

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?	☐	☐	☒	☐	1-18
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)?	☐	☐	☒	☐	1-18
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-18
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-18

4.18.2 Impact Discussion

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

Less than Significant Impact. The proposed Project could result in impacts to biological resources, if nesting birds are found during breeding season on or adjacent to the Project site at the time of Project construction, and impacts would be avoided by conducting pre-construction nesting surveys during the breeding season to protect against nesting disturbance. In addition, the amount of new vehicle trips generated by the Project would contribute to cumulative off-site impacts from nitrogen deposition to serpentine habitat in southern Santa Clara County, which would be reduced through payment of fair share fees to the Santa Clara Valley Habitat Plan that are used to acquire and manage habitat to offset the effects of nitrogen deposition. The Project

could result in impacts to cultural resources, should they be discovered on site during Project construction, which will be reduced through standard measures required by the City of all development projects that disturb soil. Additionally, the project could result in temporary air quality, water quality, and noise impacts during construction. With the implementation of the standard permit conditions described in this Initial Study, these potential impacts would be less than significant.

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

Less than Significant Impact. The Project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution and GHG emissions are largely a cumulative impact. The Project-level thresholds identified by BAAQMD (which the Project's impacts were compared to in *Section 4.3*) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in *Section 4.3 Air Quality*, the Project would have a less than significant impact on air quality. For this reason, the Project would have a less than significant cumulative impact on air quality overall.

The proposed Project includes measures to reduce GHG emissions and is consistent with the City's GHG Reduction Strategy and would not preclude the City or State from meeting emission reduction limits by the horizon year 2020. The proposed Project would not generate long-term GHG emissions, either directly or indirectly, that would provide a cumulatively considerable contribution to global climate change.

Cumulative impacts of the proposed Project on Biological Resources are considered less than significant as the Project will pay all applicable SCVHP fees to mitigate the cumulative off-site impact from nitrogen deposition to serpentine habitat in southern Santa Clara County. The construction period would be temporary and the proposed standard measures would reduce the direct impacts on nesting birds if they are found during breeding season on or adjacent to the Project site at the time of Project construction.

No known subsurface cultural resources exist on-site and there are no historic buildings on or adjacent to the Project site. Standard Permit Conditions with regard to accidental discovery of cultural resources and human remains have been included to ensure potential impacts are less than significant and do not contribute to cumulative impacts.

The proposed Project will be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the most current California Building Code. Therefore, the Project would not contribute to any cumulative impacts related to Geology, Soils and Seismicity.

The effects of the proposed Project on Hazards and Hazardous Materials are less than cumulatively considerable due to regulations and best practices requiring propoer storage, use and disposal of hazardous materials and wastes. In addition, all of the existing buildings likely contain asbestos and/or lead based paint. The identified hazardous materials impacts will be mitigated (as described in *Section 4.8, Hazards and Hazardous Materials*) and are localized in

nature and would not combine with other current and fooreseeable future projects in the vicinity to result in a cumulatively significant impact.

The Project will generate surface runoff during construction. Standard permit conditions based on City policies implementing RWQCB requirements have been included in the Project to reduce potential construction-related water quality impacts. Since these project impacts are temporary and will be mitigated, as will all other development projects per City policies, therefore the cumulative impacts on water quality would be less than significant.

There are no cumulative noise impacts associated with the proposed Project. Construction noise impacts are anticipated to be temporary and highly localized. Vibration impacts associated with construction activities will be reduced with the implementation of standard measures so impacts to noise sensitive receptors will be less than significant. Future cumulative roadway noise impacts are less than significant as discussed in Section 4.12 *Noise and Vibration*.

The increase in Project peak hour commute traffic would be of insufficient volume to impact the operations of local intersections. Consequently, there are no cumulative traffic or transportation impacts associated with the proposed Project.

As discussed in the respective sections, the proposed Project would have no impact or a less than significant impact on aesthetics, agriculture and forest resources, mineral resources, population and housing, public services, recreation, and utility and service facilities. There are no recently approved or reasonably foreseeable projects that, when combined with the proposed Project, would result in a cumulatively considerable impact not previously identified by the General Plan FEIR. Therefore, none of the environmental impacts evaluated in this document would be cumulatively considerable.

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

Less than Significant Impact. The proposed Project will provide new retail/commercial development by demolishing the existing three commercial buildings on site. The impervious surface will be reduced and landscaped areas will be added. Pedestrian access along the frontage will be improved with new sidewalks. The majority of project traffic will be as a result of pass-by trips or of similar magnitude to the traffic generated by existing buildings on site. The Project will be designed in a manner that reduces both short and long-term environmental impacts to the greatest extent feasible. Standard measures included in the project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.

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

Less than Significant Impact. As discussed in *Section 4.3 Air Quality*, a Human Health Risk Assessment (See Appendix A) was conducted to evaluate the potential risks to humans from construction and operation of the Project. The increased cancer risks and PM 2.5 concentration resulting from the Project were found to be below applicable BAAQMD significance thresholds. Therefore the impact on sensitive human receptors is less than significant.

As discussed in *Section 4.8 Hazards and Hazardous Materials*, the Project proposes to demolish the existing buildings onsite which could accidentally release asbestos and lead particles and expose construction workers and nearby residents to harmful levels of these hazardous materials. The Project is required to conform to all the state and local laws pertaining to ACMs and LBPs to reduce the impacts to a less than significant level. Project construction activity would not expose residual hydrocarbon contamination present in on-site soils and groundwater at depth.

As discussed in *Section 4.12 Noise and Vibration*, standard measures are proposed to reduce the construction vibration impact of the Project on nearby residences and businesses. These would prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 30 feet of any adjacent building and would designate a person responsible for registering and investigating claims of excessive vibration. Therefore the groundborne vibration impact on sensitive human receptors would be less than significant.

No other potential risks to human beings were identified in the analysis.

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (professional judgment and expertise and review of project plans).

2. City of San José. *Envision San José 2040 General Plan*.

3. City of San José. *Municipal Code*.

4. California Department of Conservation. Division of Land Resource Protection. Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmlands Map*. 2014.

5. California Department of Conservation. Division of Land Resource Protection, Conservation Program Support. *Santa Clara County Williamson Act FY 2013/2014*. 2013.

6. BAAQMD. *CEQA Air Quality Guidelines*. May 2012.

7. Association of Bay Area Governments. *Resilience Program GIS Mapping Tool*. http://gis.abag.ca.gov/. Accessed December 24, 2016.

8. Federal Emergency Management Agency. *Flood Insurance Rate Map*. Community Panel Number 06085C0232H. Effective May 18, 2009.

9. City of San José. *Envision San José 2040 General Plan Environmental Impact Report*. June 2011.

10. California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area.* December 9, 2009.

11. Illingworth & Rodkin. *Race and San Carlos Street Commercial Redevelopment Construction Health Risk Assessment*. February 20,2017.

12. HMH. *Tree Survey Report*. November 2016.

13. Carey & Co. *Historic Evaluation Report*. December 21, 2016.

14. Stevens Ferrone & Bailey Engineering Company, Inc. *Geotechnical Investigation for New Supermarket Development, West San Carlos & Race Street, San Jose CA.* February 24, 2017.

15. AEI Consultants. *Phase I Environmental Site Assessment 1266 West San Carlos Street*. June 15, 2016.

16. Piers Environmental Services, Inc. *Report of Subsurface Investigation at 1298 West San Carlos Street San Jose, CA.* August 2015

17. Illingworth & Rodkin. *Race Street And West San Carlos Street Commercial Redevelopment Project, Noise And Vibration Assessment San José, California*. March 17, 2017.

18. Hexagon Transportation Consultants. *Traffic Operations Analysis for a Commercial Development at Race Street and W. San Carlos Street in San Jose CA*. March 31, 2017.

SECTION 5.0 REFERENCES

Archives & Architecture. C*ounty of Santa Clara, Historic Context Statement.* December 2004 (Revised February 2012), 46-47

Association of Bay Area Governments. Resilience Program GIS Mapping Tool. http://gis.abag.ca.gov/. Accessed December 24, 2016.

Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* Availabe at http://quake.abag.ca.gov/tsunamis. Accessed March 28, 2017

BAAQMD. "Plans Under Development". Accessed February 24, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/plans-under-development.

BAAQMD. *CEQA Air Quality Guidelines*. May 2012.

CARB. "Assembly Bill 32 Overview". Accessed February 24, 2017. https://www.arb.ca.gov/cc/ab32/ab32.htm.

CARB. *First Update to the AB 32 Scoping Plan*. Accessed February 24, 2017. http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm.

California Air Pollution Control Officers Association. CalEEMod. *Appendix A Calculation Detail for CalEEMod*. Table 9.1 Water Use Rates. Accessed February 26, 2017. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2.

California Air Pollution Control Officers Association. CalEEMod. *Appendix A Calculation Detail for CalEEMod*. Table 10.1 Solid Waste Disposal Rates. Accessed February 26, 2017. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2.

California Department of Conservation. Division of Land Resource Protection, Conservation Program Support. *Santa Clara County Williamson Act FY 2013/2014*. 2013.

California Department of Conservation. Division of Land Resource Protection. Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmlands Map*. 2014.

California Department of Finance. *Table 2: E-5 City/County Population and Housing Estimates*. January 1, 2016. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed February 27, 2017.

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

California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area*. Site accessed February 20, 2017.

http://www.consrv.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Documents/Tsunami_Inundation_SanFranciscoBayArea300.pdf.

California Geological Survey. *Alquist-Priolo Earthquake Fault Zoning Act*. Accessed February 15, 2017. http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx.

California Geological Survey. *Seismic Hazards Zones.* Map. Accessed February 15, 2017. http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSE_WEST/maps/ozn_sjosw.pdf.

City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report; Envision San José 2040 Four-Year Review.* November 2016. Text amendments approved by the City Council on December 13, 2016.

City of San José. *Clean Bay Strategy Reports*. Accessed March 3, 2017. http://www.sanJoséca.gov/ArchiveCenter/ViewFile/Item/1629.

City of San José. *Envision San José 2040 General Plan*.

City of San José. *Envision San José 2040 General Plan Environmental Impact Report*. June 2011.

City of San José. *Municipal Code*.

City of San José. *Water Pollution Control Capital Program 2016-2020 - Adopted Capital Improvement Program*. Accessed March 3, 2017. http://www.sanJoséca.gov/DocumentCenter/View/46177.

County of Santa Clara. *Santa Clara County Geologic Hazard Zones.* Map 29. Accessed March 21, 2017. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

Federal Emergency Management Agency. *Flood Zone Viewer*. Site accessed February 20, 2017. https://www.arcgis.com/home/webmap/viewer.html?webmap=9c75f8f50c6a42e79b3591d4fead4a36.

Hart and Bryant. *Fault-Rupture Hazard Zones in California*. CDMG Special Publication 42, Interim Revision 2007.

Knudsen, Sowers, Witter, Wentworth, and Helly, 2000. "*Preliminary Maps of Quaternary Deposits and Liquefaction Susceptibility, Nine-County San Francisco Bay Region, California*". USGS Open File Report 00-444.

Santa Clara Valley Water District. *Inundation Map of Lexington Dam*. Sheet 2 of 4. 1995. Available at http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx. Accessed March 28, 2017.

State of California. *Seismic Hazard Zones, San Jose West Quadrangle, Official Map*. Released: February 7, 2002

Witter, Knudsen, Sowers, Wentworth, Koehler, and Randolph, 2006. *Maps of Quaternary Deposits and Liquefaction Susceptibility in the Central San Francisco Bay Region, California.* USGS Open File Report 2006-1037.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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