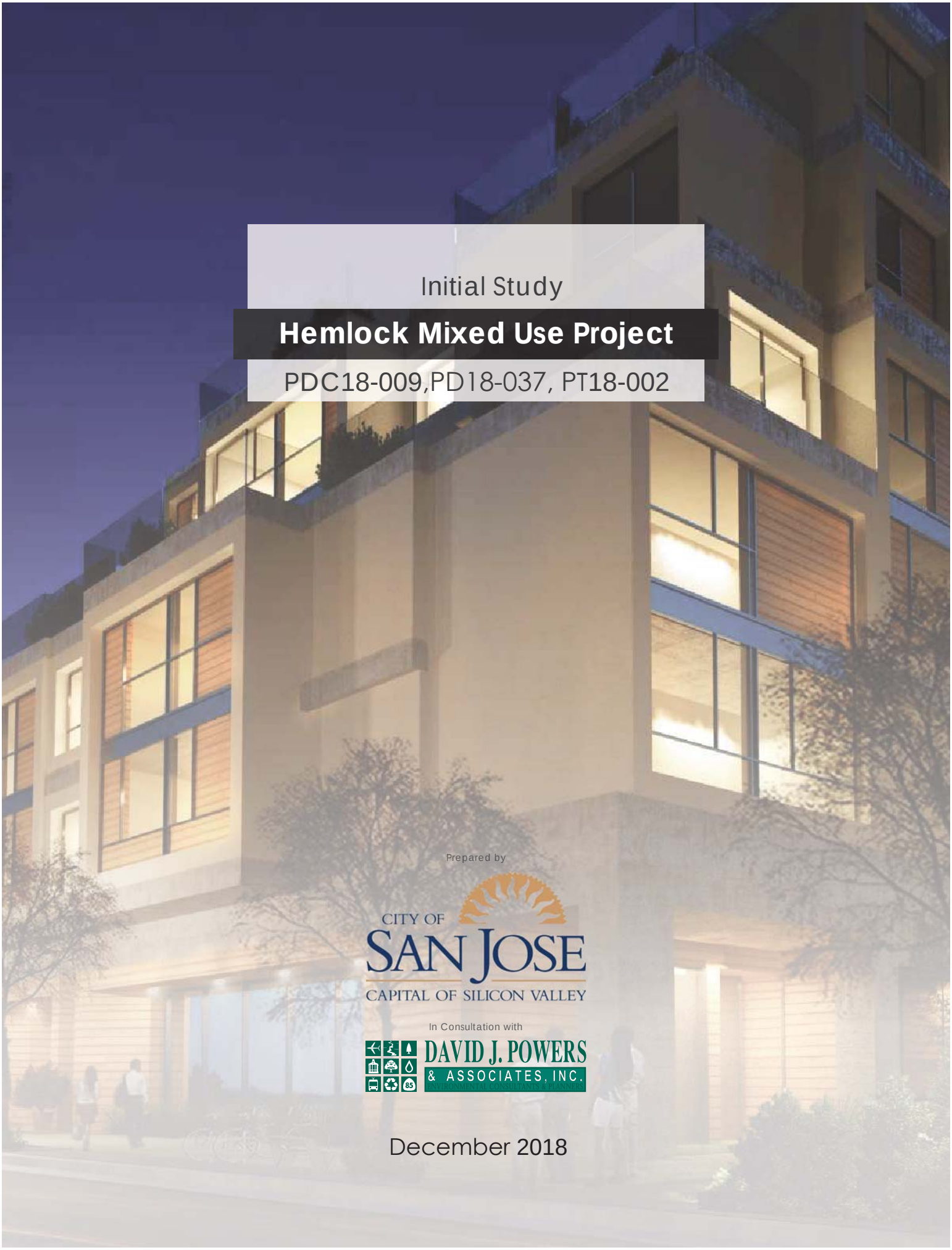

Initial Study

Hemlock Mixed Use Project

PDC18-009,PD18-037, PT18-002

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

December 2018

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ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

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

The project proposes to demolish an existing single-family residence and commercial building and construct a six-story mixed-use development with 48 condominium units and 18,495 square feet of commercial space. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Thai-Chau Le, Planner
City of San José
Department of Planning, Building, and
Code Enforcement, Planning Division
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Thai-Chau.Le@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Hemlock Mixed Use Project (File Numbers: PDC18-009, PD18-037, PT18-020)

2.2 LEAD AGENCY CONTACT

Thai-Chau Le, Planner
City of San José
Department of Planning, Building, and
Code Enforcement, Planning Division
Phone: (408) 535-5658
Email: Thai-Chau.Le@sanjoseca.gov

2.3 PROJECT APPLICANT

Henry Cord
Cord Associates
401 Fieldcrest Drive
San José, California 95123
Phone: (408) 283-7292
Email: cord100@aol.com

2.4 PROJECT LOCATION

The project site is located at 376 South Baywood Avenue and 2881 Hemlock Avenue in the City of San José. Figures 2.2-1, 2.2-2 and 2.2-3 show the location of the project site and surrounding uses.

2.5 ASSESSOR'S PARCEL NUMBER

The Assessor's Parcel Numbers (APNs) for the project site are 277-34-023 and 277-34-051.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

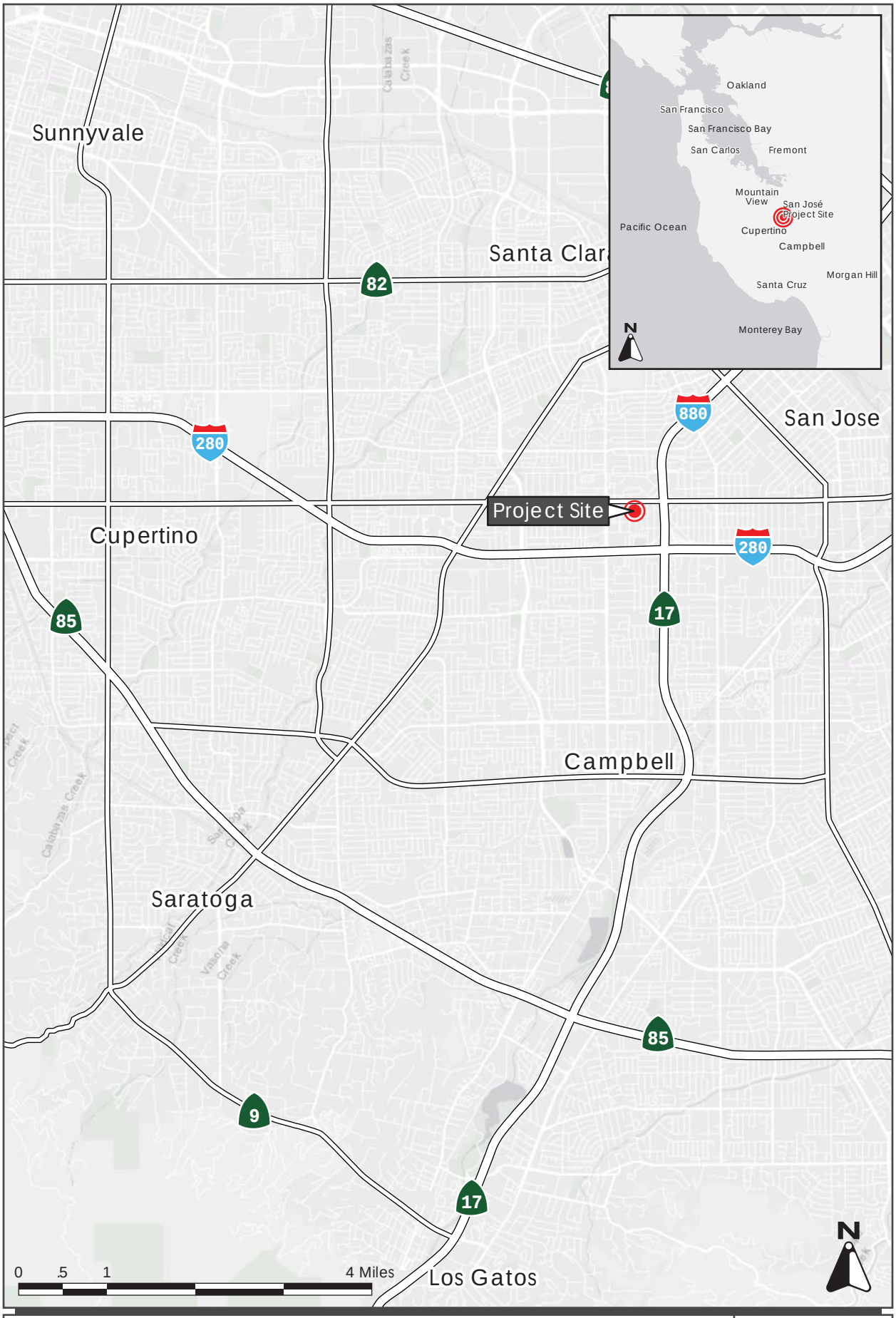
The project site is designated as *Urban Village* in the Envision San José 2040 General Plan and is zones *CG – Commercial General*.

2.7 HABITAT PLAN DESIGNATION

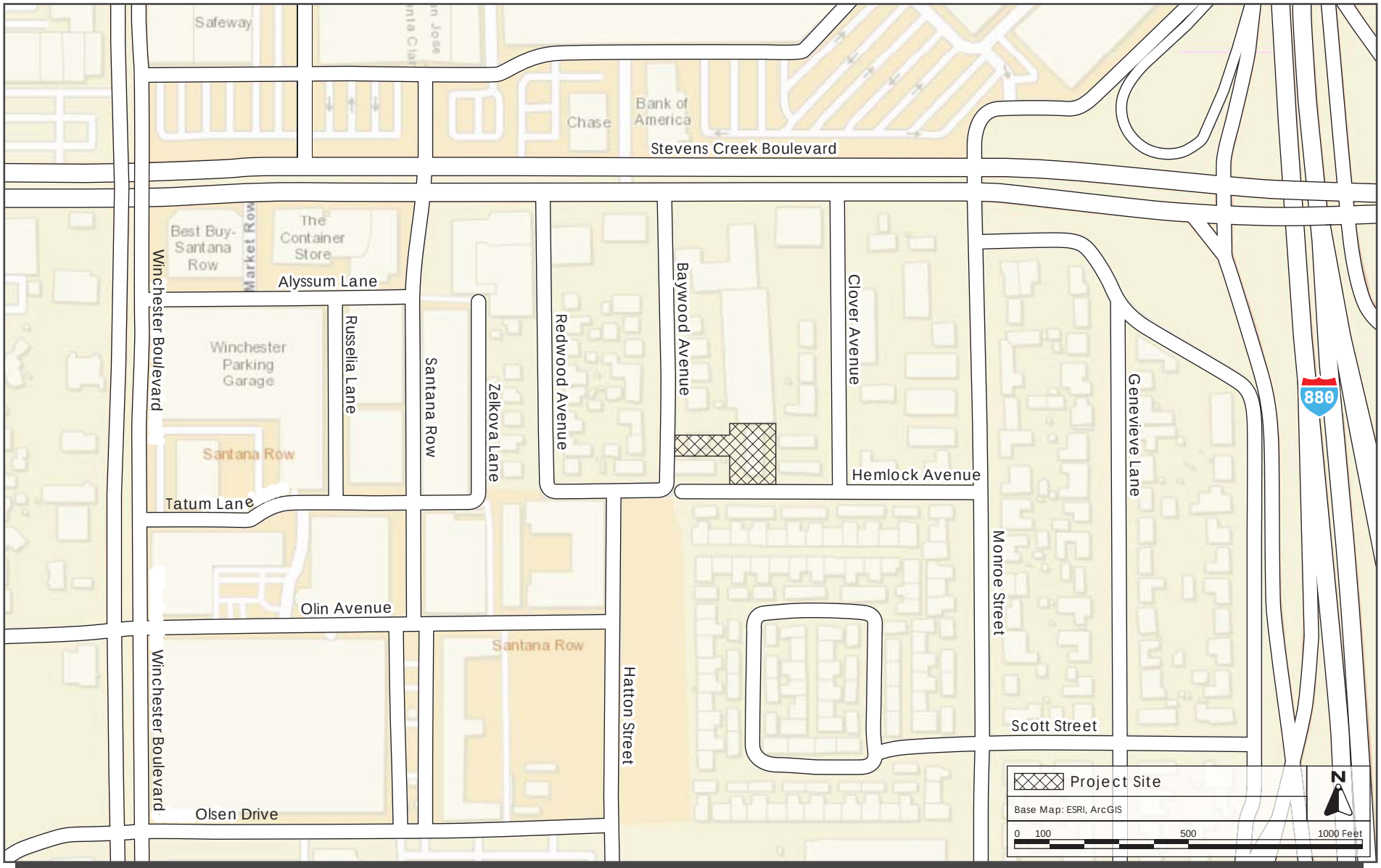
The project site is within an *Urban Private Development Area* under the Santa Clara Valley Habitat Plan. The project site's land cover type is *Urban – Suburban*.

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Vesting Tentative Map
- Planned Development Rezoning
- Public Works Clearance



REGIONAL MAP | FIGURE 2.2-1



VICINITY MAP | FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

This Initial Study provides a project-level CEQA analysis for a *Planned Development Rezoning (PDC)* and *Vesting Tentative Map* (PT) to combine two parcels into one and to allow for the demolition of an existing residence and commercial building, removal of 10 trees (three of which are ordinance-sized), and construction of a six-story mixed-use development on a 0.47-acre project site (APNs 277-34-023 and -051) in San José.

3.1.1 Existing Setting

The project site is in a residential and commercial area and is located at 376 South Baywood Avenue and 2881 Hemlock Avenue. The site is bordered by South Baywood Avenue to the west, a surface parking lot and parking structure to the north, a commercial building and duplex house to the east, and a children's learning center and Hemlock Avenue to the south. The site is currently developed with a commercial dental office building on the eastern end of the site, a paved parking lot, and a single-family residence on the western end of the site. Landscaping (including trees) is located in front and on the east side of the commercial building, and in the front- and backyard areas of the single-family residence.

3.1.1.1 *Existing Land Use Designation and Zoning*

The project site is located in the *CG – Commercial General* zoning district and is designated *Urban Village* under the Envision San José 2040 General Plan (General Plan) and the Santana Row Valley Fair Urban Village Plan (Urban Village Plan). The project site is within the Urban Village Plan area, which is consistent with planned growth established in the General Plan.

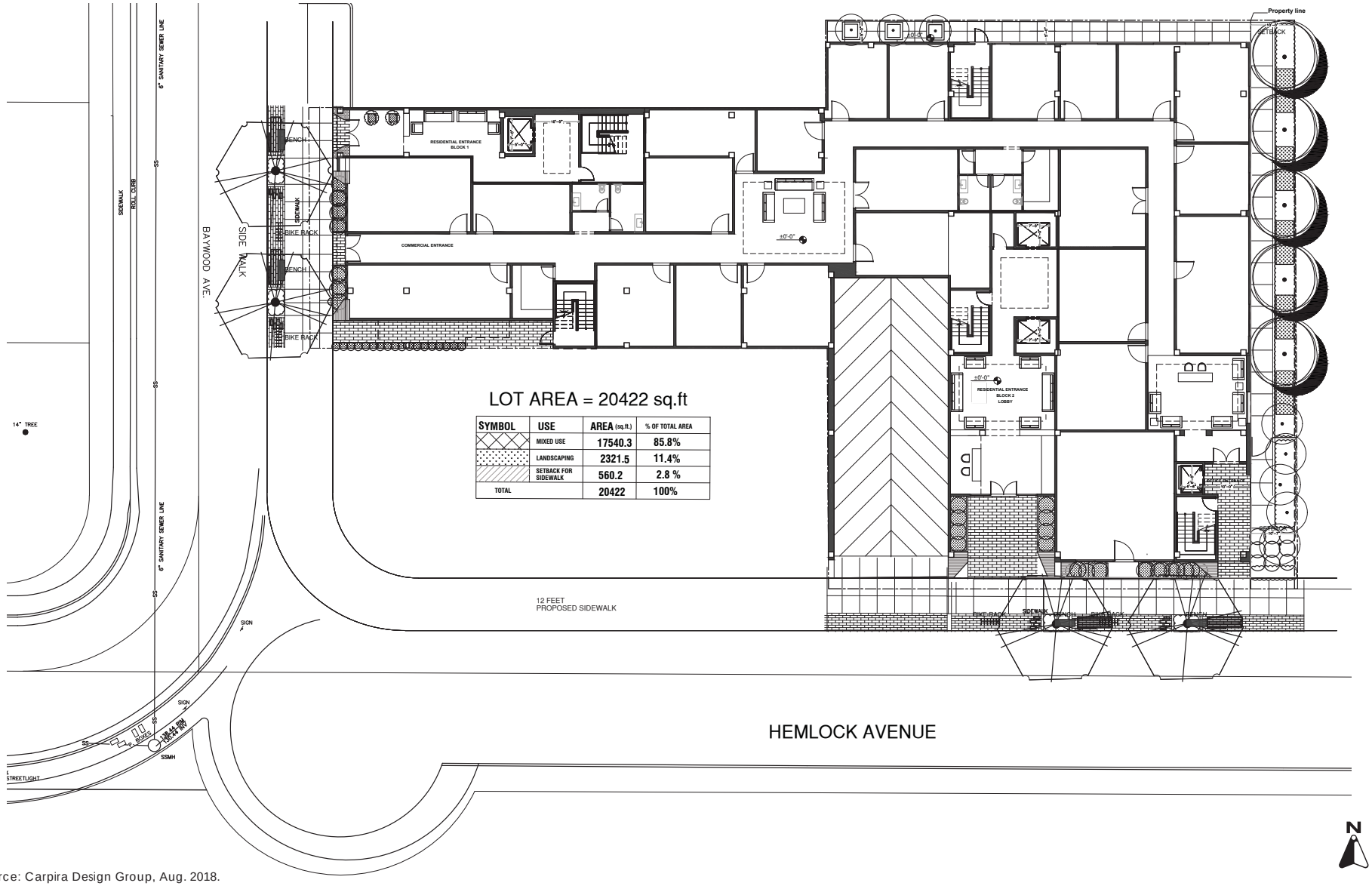
3.2 PROPOSED DEVELOPMENT

3.2.1 Site Design

The project proposes to construct an L-shaped, six-story mixed-use building with two levels of underground parking, approximately 12,365 square feet of office space on the first floor, 6,130 square feet of office space on the second floor, and 48 condominium on the second through sixth floors. The proposed development would include common outdoor open space totaling 4,852 square feet on the ground floor, second floor, third floor and roof deck. The maximum height of the building would be 65 feet at the top of the roof and 73.5 feet at the top of the elevator shaft (refer to Figures 3.2-1, 3.2-2, 3.2-3, and 3.2-4 for the site plan and building elevations).

The project proposes to widen the existing sidewalks along the Hemlock and Baywood frontages from approximately five to eight feet wide to 12 feet wide. The proposed building would be set back approximately 3.5 feet from the edge of the sidewalk on Hemlock Avenue and approximately three feet from the edge of the sidewalk on Baywood Avenue, would have a rear setback of 10 feet from the eastern property line and a five-foot side setback from the northern property line.

New trees would be planted along the perimeter of the building.

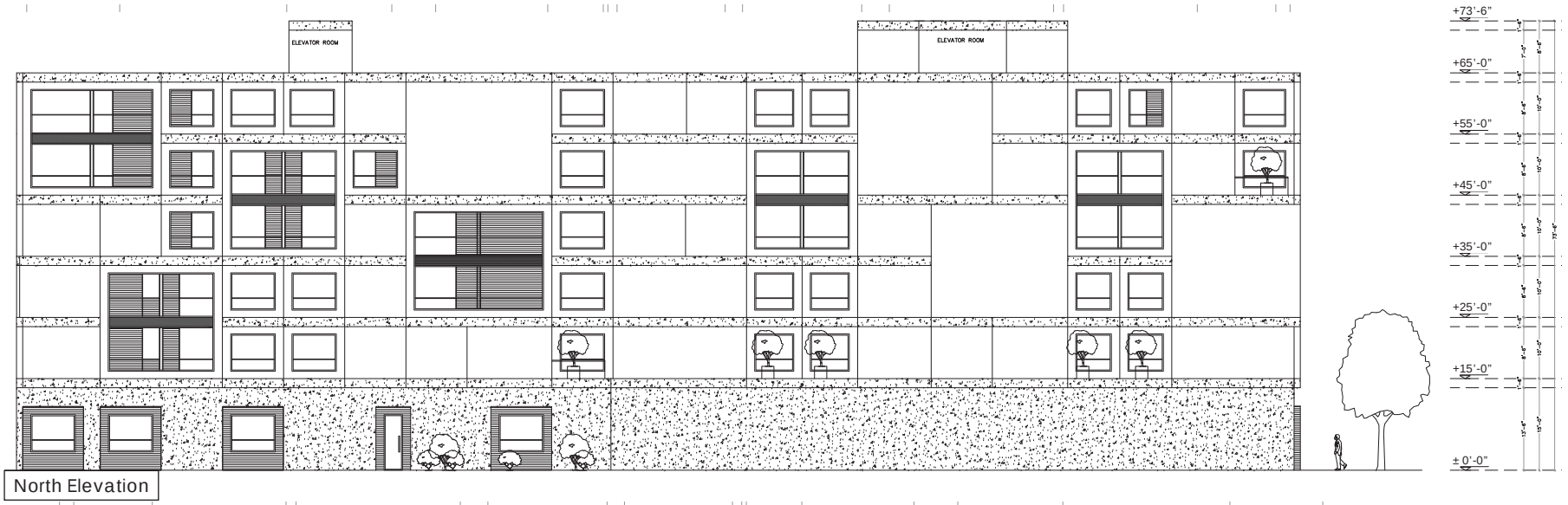


LOT AREA = 20422 sq.ft

SYMBOL	USE	AREA (sq.ft.)	% OF TOTAL AREA
	MIXED USE	17540.3	85.8%
	LANDSCAPING	2321.5	11.4%
	SETBACK FOR SIDEWALK	560.2	2.8 %
TOTAL		20422	100%

Source: Carpira Design Group, Aug. 2018.

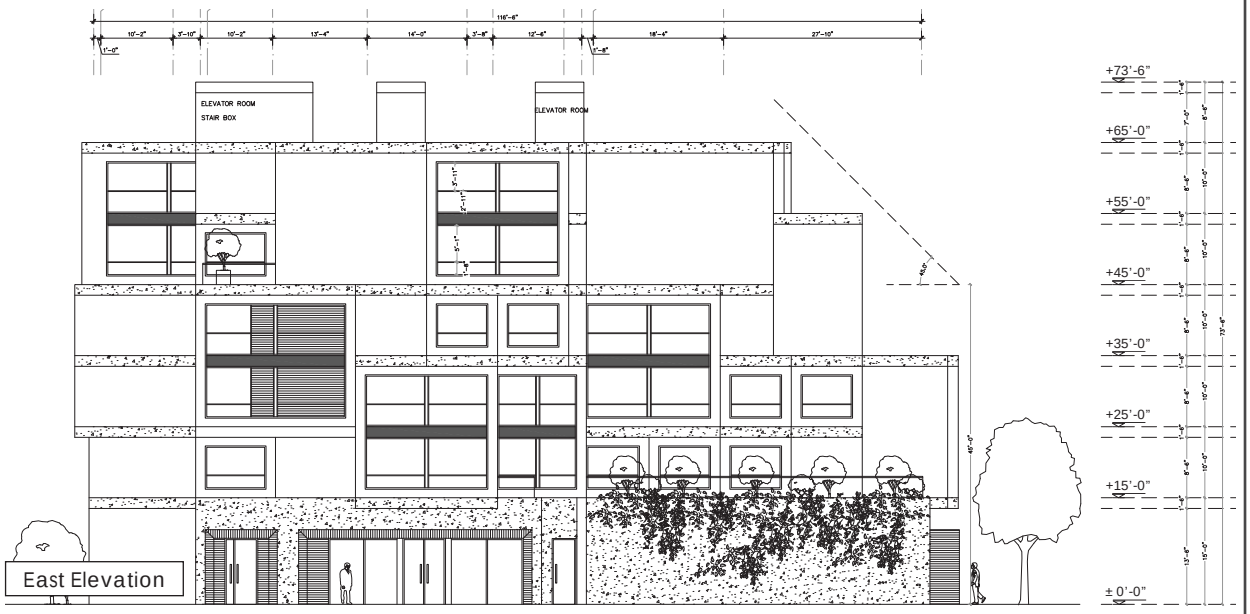
SITE PLAN | FIGURE 3.2-1

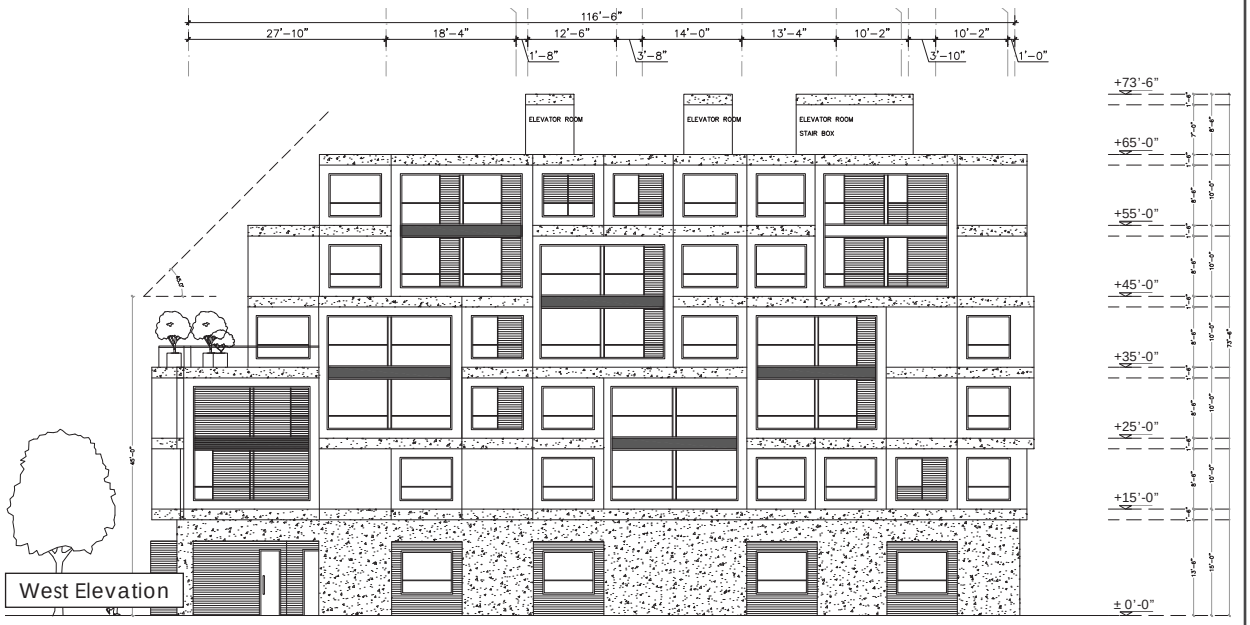


Source: Carpira Design Group, Aug. 2018.

BUILDING ELEVATION - NORTH AND SOUTH

FIGURE 3.2-2





Source: Carpira Design Group, Aug. 2018.

BUILDING ELEVATION - EAST AND WEST | FIGURE 3.2-3

Source: Carpira Design Group.

BUILDING PERSPECTIVE FROM HEMLOCK AVENUE | FIGURE 3.2-4

Pedestrian entry to the residential lobby would be located on Hemlock Avenue with a secondary entry on South Baywood Avenue. The proposed underground parking levels would provide a total of 67 vehicular parking spaces. Vehicles would enter/exit the underground parking area via a proposed driveway ramp on Hemlock Avenue.

3.2.1.1 *Utilities*

Stormwater runoff from the site would drain into a new stormwater media filter in front of the proposed driveway ramp. Stormwater from the site would be treated then directed to a new 12-inch storm drain, which would connect to the City's existing storm drain line on Hemlock Avenue.

The project would construct new six-inch sanitary sewer lines, which would connect to existing sewer lines on Baywood and Hemlock Avenues.

3.2.2 Demolition and Construction

Demolition of the existing building and construction of the proposed development would take approximately 18 months. The project would require excavation and off-haul of approximately 15,250 cubic yards of soil. No soil would be imported to the site.

3.2.3 Transportation Demand Management Plan

The project proposed a transportation demand management (TDM) program to reduce overall vehicles trips generates by the project. The project would include the following TDM measures:

- On-Site TDM Administrator and Services
    - Trip planning resources
    - Online kiosk
- Bicycle Programs
    - Bicycle storage/facilities
    - On-site cargo bicycle share program
    - Biking financial incentives
- Unbundled parking (residential use only)
- Transit Subsidies
    - Pre-tax commuter benefits
    - Subsidized or free transit passes, such as Santa Clara Valley Transportation Authority (VTA) Eco Passes
- Subsidized or Free Carpool or Vanpools (commercial use only)
- Telecommute/Flexible Work Schedules (commercial use only)

SECTION 4.0 ENVIRONMENTAL SETTING, 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 Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)* 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 has policies that address existing conditions affecting a proposed project, which are also discussed in this EIR. This is consistent with one of the primary objectives of CEQA, which

is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this EIR will discuss operational issues as they relate to City policies. 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, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

California Scenic Highway Program

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

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.[1]

Envision San José 2040 General Plan

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

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public

[1] California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed June 22, 2018. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

Policy	Description
	realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

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

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/2000)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines

Santana Row Valley Fair Urban Village Plan Policies

The adopted Santana Row Valley Fair Urban Village Plan does not include aesthetics policies applicable to the proposed project. The plan does, however, include design standards that are applicable to the project as noted below.

Design Standard	Description
DS-1	Ground floor building frontages shall have clear, untinted glass or other glazing material on at least 60% of the surface area of the facade between a height of two and seven feet above grade.
DS-7	Buildings shall maintain facade quality of architectural articulation and finishes on all sides of a building that is visible to the public. Some of the architectural features of the main facade shall be incorporated into the rear and side elevations.
DS-8	Projects must comply with the SRVF Urban Village Height Limits (Figure 5-2).
DS-9	New projects proposed within the Urban Village Plan over 55 feet in height must provide detailed visualizations of their proposed project that show what the project would look like from the street-level, from different perspectives and distances, within the context of the neighborhood including both current and proposed projects.

4.1.1.2 *Existing Conditions*

Project Site

The site is flat and currently developed with a one-story commercial building on the eastern end of the site, a paved parking lot, and a one-story single-family house on the western end of the site. The house is stucco and has a hip-styled roof with asphalt shingles. The house has an attached two-car garage along the front façade. A front entry porch is located under the roof line of the house. The house includes front lawn area with shrubs and trees. (Photo 1)

The one-story commercial building is primarily concrete and stone and has an asymmetrical slanted roof. Landscaping in front of the building consists of shrubs and trees. (Photo 2)

Photo 1: View of on-site commercial dental office building, from Hemlock Ave. looking north.

Photo 2: View of on-site single-family residence, from Baywood Ave. looking east.

PHOTOS	1 & 2

Photo 3: View of children's learning center to the south of the on-site residence, looking east from Baywood Ave.

Photo 4: View of duplex house to the east of site, looking west from Clover Ave.

PHOTOS	3 & 4

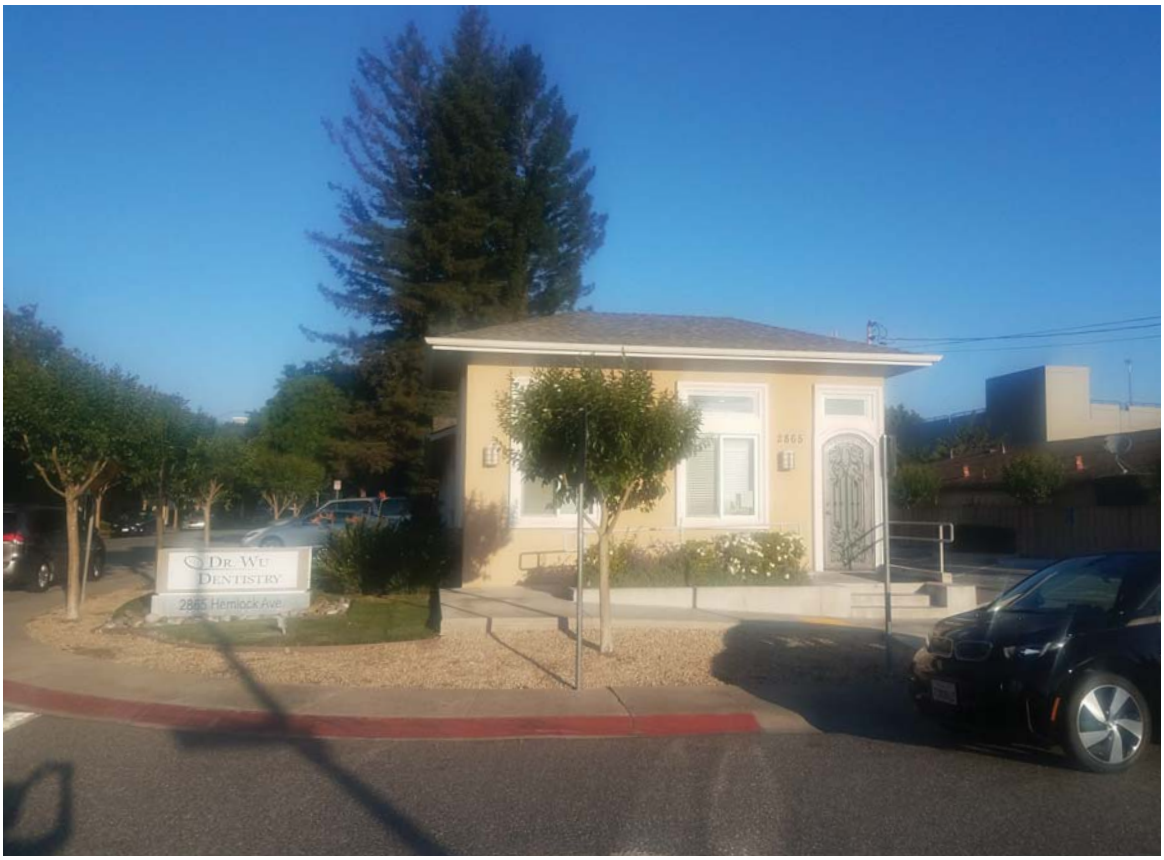


Photo 5: View of commercial office building east of the site, looking west on Clover Avenue.

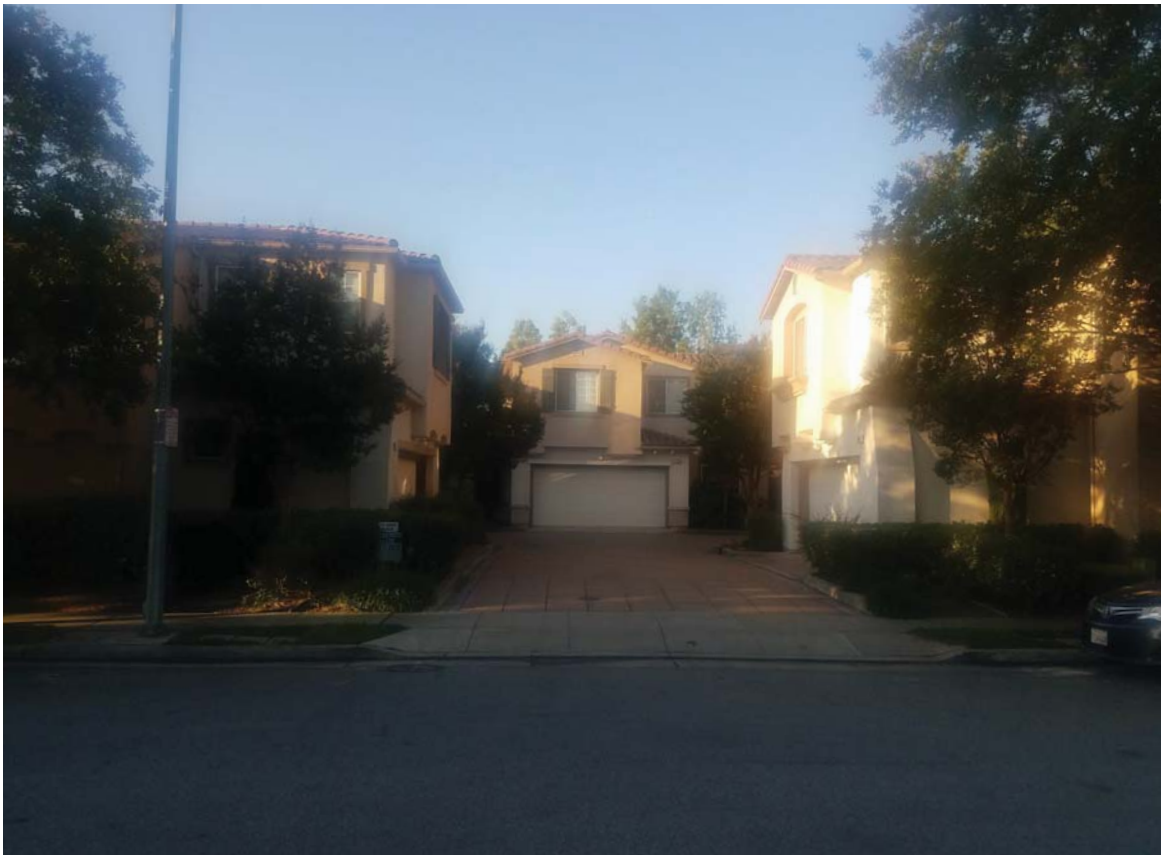


Photo 6: View of two-story single-family residences on Hemlock Ave., looking south of the site.

PHOTOS	5 & 6

Photo 7: Apartment development southwest of the project site, looking from on-site residence on Baywood Ave.

PHOTO	7

Surrounding Area

The project site is surrounded by a one-story duplex and commercial building to the east, a one-story single-family residence, a children's learning center, Hemlock Avenue, and two-story residences to the south, Baywood Avenue and one-story residences and commercial buildings to the west, and a three-level parking structure, a paved parking lot, and one-story single-family residence to the north. A modern four-story apartment development is approximately 200 feet southwest of the site on Hemlock Avenue, between South Baywood Avenue and South Redwood Avenue (known as "Levare"). The façades of the one-story duplex and commercial building to the east are stucco and brick with hip- styled roofs. The children's learning center to the south of the on-site residence and residences and the commercial buildings to the west and north of the site are one-story with stucco and stone facades, and gable- and hip-styled roofs. The two-story houses to the south are stucco and have intersecting gable and hip roofs made of tile. The apartment development southwest of the site is a modern U-shaped building primarily made of stucco with a flat roof and metal balconies. (Photos 3-7)

Scenic Vistas and Resources

Scenic vistas in and around San José include hillsides and mountains that frame the valley floor, the baylands, and the Downtown skyline.[2] There are no baylands visible from the project area. Hillsides visible from the City include the foothills of the Diablo Range and Silver Creek Hills to the east, the Santa Cruz Mountains to the west, and Santa Teresa Hills to the south.

The project site is relatively flat and is located in the West Valley Planning Area (identified in the General Plan) and the Santana Row Valley Fair Urban Village Plan area. There are no views of the mountains or Downtown skyline from the project site or adjacent uses because existing buildings, trees, and infrastructure (e.g., utility lines) obscure viewpoints.

There are no natural scenic resources such as rock outcroppings present on the site or in the project area.

Scenic Corridors

The project site is not located along a state-designated scenic highway. The nearest state-designated highway is State Route 9, approximately 6.75 miles south of the site (at the SR 17 interchange).

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Urban Throughway to the site is Interstate 880, approximately 0.2 miles east of the site. The nearest Gateway segment to the site is Stevens Creek Boulevard (from South Bascom Avenue to South Redwood Avenue), approximately 535 feet north of the site.

[2] The Downtown skyline consists of buildings such as the historic Bank of America building, De Anza Hotel, Fairmont Hotel, and City Hall.
City of San José. *Final Program Environmental Impact Report: Envision San José 2040.* November 2011.

4.1.2 Checklist and Discussion of Impacts

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

4.1.2.1 *Impacts to Scenic Vistas (Question a)*

The project site is developed with a commercial building and single-family house and is not considered a scenic vista. The project site is located in an urban area and is surrounded by residential and commercial development and is not adjacent to a scenic vista. Due to surrounding development currently obstructing views of scenic vistas (such as hillsides), the proposed six-story development would not block views of these vistas from residences in the project area.

Due to the existing development which blocks views of nearby scenic vistas and the distance from the site to the nearest scenic corridors, Gateways, and Urban Throughways, the proposed development would not have a substantial effect on a scenic vista. **(No Impact)**

4.1.2.2 *Impacts to Scenic Resources (Question b)*

The proposed project would not be located adjacent to a state-designated scenic highway and would not impact historic buildings within a state scenic highway. Based on the project's April 2018 historic assessment, the buildings on-site are not considered historic resources. Refer to Section 4.5, *Cultural Resources* for further discussion on historic resources. The project area is developed, and no natural scenic resources such as rock outcroppings are present on the site or in the project area.

Trees can be considered scenic resources. The project proposes to remove the existing 10 trees on-site. The project proposes to plant new trees to offset the aesthetic impacts resulting from the removal of the existing trees. For these reasons, the project would not result in a significant impact to scenic resources. **(Less Than Significant Impact)**

4.1.2.3 *Impacts to Visual Character of the Site and Surroundings (Question c)*

The project proposes to demolish the existing buildings and develop a six-story mixed-use development with 48 condominium units and 19,130 square feet of commercial space. The project

site is surrounded by one- to two-story residential and commercial developments to the north, west, and south and a four-story apartment development 200 feet southwest of the site.

The proposed mixed-use development would be an L-shaped building with a flat roof and facades made of stucco, cement, and wood siding, with aluminum window frames. The maximum height of the proposed building would be 65 feet at the top of the roof and 73.5 feet at the top of the elevator and stair well rooms which is consistent with the height standards established in the Santana Row/Valley Fair Urban Village Plan. In addition, the proposed building is stepped back so that it is three stories at the residential interface, and increases in height to five stories and then up to six stories along Hemlock Avenue.

Perspectives of the proposed hotel from the existing neighborhood and associated views of the current site are shown on Figures 4.1-1, 4.1-2, and 4.1-3. Given the project's compliance with the Urban Village Plan's design standards guidelines, the project would be generally compatible with the visual character of the surrounding areas. The proposed project would be reviewed in accordance with the City's Residential Design Guidelines, specifically Chapter 25 that applies to mixed-use developments, during the Planning Permit stage as part of the City's planning review process. For this reason and those stated above, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **(Less Than Significant Impact)**

4.1.2.4 *Impacts from Light and Glare (Question d)*

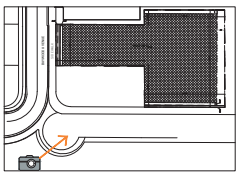
The project site is located in an urban area with residential and commercial developments and vehicular traffic. The project site is currently developed with a single-family residence, commercial office building, and surface parking lot. The existing uses result in minimal light and glare from the porch light and light within the occupied residence, as well as exterior lighting at the commercial office building.

The project would include security lights and decorative outdoor lighting, resulting in an incremental increase in the amount of nighttime lighting on the project site. San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. The proposed building would include pedestrian oriented lighting along the Hemlock and Baywood Avenue frontages and, would therefore, comply with the Santana Row/Valley Fair Urban Village Plan Policy 6-94. Design and construction of the project in conformance with the General Plan and Urban Village Plan design and lighting policies would not create a new source of nighttime light that would adversely affect views.

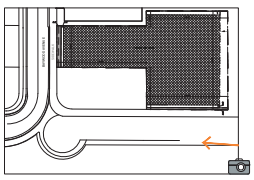
The design of the proposed project would be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies. As a result, the project would not significantly impact adjacent uses with daytime glare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

4.1.3 Conclusion

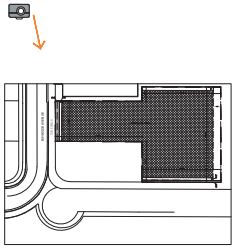
Conformance with existing General Plan policies, City design guidelines, and City Council policies would ensure that the proposed project would not result in significant adverse visual or aesthetic impacts. **(Less Than Significant Impact)**



SITE PERSPECTIVE FROM PARKING LOT ACROSS HEMLOCK AVENUE | FIGURE 4.1-1



SITE PERSPECTIVE FROM HEMLOCK AVENUE LOOKING WEST | FIGURE 4.1-2



SITE PERSPECTIVE FROM BAYWOOD LOOKING SOUTH

FIGURE 4.1-3

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State Regulations

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

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

Envision San José 2040 General Plan

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

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

4.2.1.2 *Existing Conditions*

The Santa Clara County Important Farmland 2014 Map designates the project site as *Urban and Built-Up Land*.[3] *Urban and Built-Up Land* is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is currently developed with a commercial office building and single-family residence and is within the *Commercial General* zoning district. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

[3] California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed: July 2, 2018. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

4.2.2 Checklist and Discussion of Impacts

	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, 6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 3, 7
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, 7
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3, 6

4.2.2.1 *Impacts to Agricultural and Forestry Resources (Questions a-e)*

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources.

The project site is not zoned for agriculture, and it is not the subject of a Williamson Act contract. The project site and surrounding area are developed with urban uses, and are not zoned for forest land or timberland. The project would not conflict with existing zoning for agriculture, forest land, timberland, or timberland production.

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. According to the *Santa Clara County Important Farmland 2014* map, the project site and surrounding area are designated as Urban and Built-Up Land. Development of the project site would not result in conversion of any forest or farmlands. For these reasons, the project would have no impact on agricultural and forestry resources. **(No Impact)**

4.2.3 Conclusion

The proposed project would have no impact on agricultural land, agricultural activities, or forestry resources. **(No Impact)**

4.3 AIR QUALITY

This section is based in part upon an Air Quality Assessment completed by *Illingworth & Rodkin, Inc.* in June 2018 and California Emissions Estimator Model (CalEEMod) results for proposed and existing site uses. The report and CalEEMod results are included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional

Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the EPA and CARB include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effect such as respiratory impairment and heart/lung disease symptoms. The project is located in the northern portion of Santa Clara County, which is in the San Francisco Bay Area Air Basin. Based on the California standards, the Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$); which are described further below.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is pollutant that exceeds state Air Quality Standards in the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Another group of substances found in ambient air are Hazardous Air Pollutants (HAPs) under the Federal CAA and Toxic Air Contaminants (TACs) under the California CAA. HAPs are identified by the U.S. EPA as known or suspected to cause cancer, serious illness, birth defects, or death. HAPs originate from human activities, such as fuel combustion and solvent use. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level.

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

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

Clean Air Plan

Regional air quality management districts such as Bay Area Air Quality Management District (BAAQMD) must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, O_3 precursors, and greenhouse gases (GHGs). The proposed control strategy is designed to complement efforts to improve air quality and protect the climate that are being implemented by partner agencies at the state, regional, and local scale. The control strategy encompasses 85 individual control measures that describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and TACs 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); and
- Decarbonize our energy system.

Envision San José 2040 General Plan

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

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

4.3.1.2 *Existing Conditions*

Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

Regional and Local Air Pollutant Levels

BAAQMD monitors air pollution at various sites within the Bay Area. The nearest official monitoring station to the project site is located at 158 Jackson Street in San José, approximately three miles northeast of the site. Based on pollutant monitoring results for the years 2015 to 2017 at the Jackson Street monitoring station[4], the Bay Area meets state and federal ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$).

Toxic Air Contaminants

As previously discussed, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). The project area includes both mobile and stationary sources of TAC emissions within 1,000 feet of the site, including vehicles on Stevens Creek Boulevard, the Valley Fair Unocal gas station located on 2850 Stevens Creek Boulevard, and boilers and diesel generators (Plant #13040) located at 400 South Winchester Blvd.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Hotel uses are not considered sensitive receptors. The nearest sensitive receptor is the children's learning center approximately 10 feet south of the site's on-site residence. Other nearby residences are located to the north, west and south of the site.

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors.

The project site is in a residential and commercial area and is not surrounded by facilities that produce substantial odors.

[4] BAAQMD. Air Quality Summary Reports. http://www.baaqmd.gov/about-air-quality/air-quality-summaries Accessed June 29, 2018.

4.3.2 Checklist and Discussion of Impacts

	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, 8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1, 8, 9, 10
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, 10
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, 10
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1, 3

BAAQMD adopted thresholds of significance to assist the review of projects under CEQA. As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with Toxic Air Contaminants (TACs) and fine particulate matter. These thresholds were designed to establish the level at which BAAQMD reports air pollution emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 4.3-1.

Table 4.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Annual Average Emissions** (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Single Sources			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual $PM_{2.5}$	>0.3 µg/m^3		
Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)			
Excess Cancer Risk	>100 per one million		
Hazard Index	>10.0		
Annual Average $PM_{2.5}$	>0.8 µg/m^3		
Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µm/m^3 = micrograms per cubic meter.			

4.3.2.1 *Consistency with the Clean Air Plan (Question a)*

BAAQMD is the agency primarily responsible for assuring the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recent adopted plan is the Bay Area 2017 Clean Air Plan. Determining consistency with the 2017 CAP involves assessing whether applicable control measures in the 2017 Clean Air Plan are implemented. Implementation of the control measures improves air quality and protects health.

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-2 below.

Table 4.3-2: Bay Area 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Control Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project proposes a mixed use development at an infill, urban location in proximity to VTA bus routes 23, 60, and 323. The project would include 17 bicycle parking spaces to promote automobile-alternative modes of transportation. Transit subsidies such as pre-tax commuter benefits and subsidized or free transit passes would be provided to the proposed residents. Subsidized or free carpool or vanpools and a telecommute/flexible work schedule program would be offered to future office tenants. The project, therefore, is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include 17 bicycle parking spaces. The project area is equipped with pedestrian facilities including sidewalks and crosswalks. The project, therefore, is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project proposes mixed-use development at an urban location in proximity to public transit such as bus routes and other commercial/retail centers which encourages shorter distance traveled to and from potential amenities. The project, therefore, is consistent with this measure.
Building Control Measures		
Green Building	Identify barriers to effective local implementation of the CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Program and the California Green Building Standards Code (CalGreen). The project, therefore, is consistent with this measure.
Decarbonize Buildings	Update Air District guidance documents to recommend that commercial and multi-family developments install ground source	The project would include a solar hot water system. The project, therefore, is consistent with this measure.

Table 4.3-2: Bay Area 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	heat pumps and solar hot water heaters.	
Decrease Electricity Demands	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 building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code (Part 11 of Title 24, California Code of Regulations).
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	The project would locate vehicle parking for the residents in parking garages on the below-grade and first floors of the proposed building. In addition, the project would plant new landscaping and trees. These features would minimize surface parking and reduce the project's heat island effect. The project, therefore, is consistent with this measure.
Waste Management Control Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CalGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, would be consistent with this measure.

Table 4.3-2: Bay Area 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure (refer to Section 4.4, Biological Resources for further discussion).

The project would be consistent with applicable control measures and with the San José General Plan by developing a high-density, transit-oriented infill development, installing energy efficient features, and planting trees on-site. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2017 CAP. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. For these reasons, the project would not conflict with or obstruct implementation of the CAP.
(Less Than Significant Impact)

4.3.2.2 *Impacts Related to Criteria Air Pollutant Emissions (Question c)*

Construction Emissions

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (an air toxic contaminant due to its potential to cause cancer), TACs from all vehicles, and $PM_{2.5}$, which is a regulated air pollutant. A detailed air quality assessment was completed to address construction air quality impacts from the proposed project.

The California Emissions Estimator Model (CalEEMod) was used to predict emissions from project construction and operation at full buildout. The project land use type and size, and anticipated construction schedule were input into CalEEMod.

Construction period emissions were modeled based on construction schedule information provided by the applicant. Construction is estimated to begin in April 2019 and end in October 2020. The type of equipment to be used during project construction (and assumed in the model) includes excavators, graders, tractors/backhoes, and cranes. Table 4.3-3 summarizes the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-3: Summary of Daily Project Construction Emissions				
	ROG	**NO_X**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
	(pounds per day)			
Average Daily Emissions	4.1	10.8	0.6	0.5
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**
Note: It is assumed construction duration of the project would be 404 work days. Criteria Pollutant Total No. of Tons (2000 pounds/ton)/404 construction days = Criteria Pollutant pounds per day				

Construction of the project would involve demolition of the existing buildings and hardscape, excavation for the underground parking, site grading, trenching, paving, building construction, and architectural coating. As shown in Table 4.3-3, the emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust associated with construction of the project would not exceed the BAAQMD significance thresholds and, therefore, would not result in a significant impact from construction emissions.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust and other particulate matter that could temporarily impact nearby sensitive receptors. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed at any given time, the amount of activity, soil conditions, and meteorological conditions. The project will be required to implement BAAQMD dust control measures as a condition of project approval, as outlined below.

Standard Permit Conditions*:* The following best management practices shall be implemented during all phases of construction to control dust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The project, with the implementation of the above Standard Permit Conditions, would reduce construction emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing PM_{10} exhaust emissions from construction equipment. The project would, therefore, not result in a cumulatively considerable increase in criteria air pollutants from construction emissions**. (Less Than Significant Impact)**

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by residents of the proposed development. There would also be operational emissions associated with energy and water usage, and solid waste disposal. CalEEMod was used to estimate emissions from operation of the proposed project in year 2021. The proposed project land uses were input into CalEEMod, which included 48 residential units, approximately 19,130 square feet of office space, and 67 enclosed parking spaces.[5] .Refer to Appendix A for more details about the modeling, data inputs, and assumptions.

Table 4.3-4 summarizes the project's estimated operational emissions and shows that emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would be below BAAQMD significance thresholds.

Table 4.3-4: Summary of Project Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2021 Project Operational Emissions (*tons/year*)	0.64 tons	0.50 tons	0.41 tons	0.13 tons
Existing Uses	0.06 tons	0.11 tons	0.09 tons	0.02 tons
Net Increase	**0.58 tons**	**0.39 tons**	**0.32 tons**	**0.11 tons**
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	**No**	**No**	**No**	**No**
2021 Project Operational Emissions (*pounds/day*)	3.2 lbs.	2.1 lbs.	1.8 lbs.	0.60 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
It is assumed that the number of operational days is 365 days per year Criteria Pollutant No. of Tons (2000 pounds/ton)/365 days = Criteria Pollutant pounds per day				

[5] The actual square footage of the proposed office space is 18,495 square feet. 19,130 square feet of office space was analyzed in the air quality report. The reduction of office square footage (to 18,495 square feet) would result in five to 10 fewer daily vehicle trips, which not change the conclusions. The project's actual operational emissions would be slightly below what's estimated in the project's air quality report.

As shown in Table 3.3-4, emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would be below BAAQMD significance thresholds. The project would, therefore, not result in a cumulatively considerable increase in criteria air pollutants from operational emissions**. (Less Than Significant Impact)**

Effects on Air Quality Standards

As discussed above, the project would have emissions below the BAAQMD thresholds for criteria air pollutants such as ozone precursors and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards.

In addition to regional criteria air pollutants, carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level.

Congested intersections with large volumes of traffic have the greatest potential to cause highly localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at or below state and federal standards in the Bay Area since the early 1990s. As a result, the region has been designated as in attainment for carbon monoxide.

The highest measured level of carbon monoxide over any eight-hour period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. For a land use project type, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour. Intersections affected by the project would have traffic volumes below the BAAQMD screening criteria and, therefore, the project would not cause a violation of the ambient air quality standard. **(Less Than Significant Impact)**

4.3.2.3 *Impacts Related to Nearby Sensitive Receptors (Questions b, d)*

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site could pose a health risk to nearby sensitive receptors. The maximally exposed individual (MEI) receptor during project construction would be the children's learning center, approximately 10 feet south of the site and the two-story residence 60 feet southeast of the site.

As shown in Table 4.3-1, under the BAAQMD CEQA Air Quality Guidelines (Air Quality Guidelines), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the MEI would result in a significant impact. The BAAQMD Air Quality Guidelines consider exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. The BAAQMD significance threshold for non-cancer hazards is 1.0.

The community health risk assessment prepared for the project included an evaluation of potential health effects to sensitive receptors at the nearby residences from construction emissions of $PM_{2.5}$, in accordance with GP Policy MS-11.2. The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.34 $\mu g/m^3$ (which exceeds the BAAQMD significance threshold of 0.3 $\mu g/m^3$).

Using the modeled DPM concentration, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD recommended methods. The cancer risk calculations are based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences through the entire construction period. The results of this assessment indicate that the maximum increased residential cancer risks (at the MEI) would be 30.3 in one million for an infant exposure, which is above the BAAQMD significance threshold of 10.0 in one million for a single source. Adult exposure would be and 0.8 in one million which is below the BAAQMD significance threshold of 10.0 in one million for a single source.

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.34 $\mu g/m^3$, and is above the BAAQMD significance threshold of 0.3 $\mu g/m^3$ for a single source.

The BAAQMD significance threshold for non-cancer hazards is 1.0. The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.13 $\mu g/m^3$. The maximum computed hazard index based on this DPM concentration is 0.03, which is lower than the BAAQMD significance criterion of 1.0 for a single source.[6]

Impact AIR-1: Construction of the proposed project would result in a temporary community risk impact. **(Significant Impact)**

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

MM AIR-1.1: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet the U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. The use of

[6] Hazard Index (HI) is the ratio of the TAC concentration to a reference exposure level (REL). REL is the concentration level at or below which no adverse health effects are anticipated for a specified exposure duration. The estimated chronic inhalation REL for DPM is 5 $\mu g/m^3$. There is no BAAQMD threshold for DPM concentrations resulting from a project. However, DPM concentration is used to calculate the HI (which has a BAAQMD threshold of 1.0). The DPM concentration at the MEI was estimated to be 0.13 $\mu g/m^3$. Therefore, the HI = 0.03 $\mu g/m^3$

equipment meeting U.S. EPA Tier 4 standards for particulate matter would meet this requirement.

- If Tier 4 equipment is not readily available, the use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.

Implementation of Standard Permit Conditions to control dust and exhaust and **MM AIR-1.1** would reduce on-site diesel exhaust emissions by more than 90 percent. With the implementation of these measures, the maximum lifetime residential cancer risk would be less than 4.8 per million. The annual $PM_{2.5}$ concentrations from construction would be reduced to less than 0.1 $\mu g/m^3$ for a residential exposure. Given that the cancer risk and $PM_{2.5}$ concentrations would be below BAAQMD thresholds, the project would have a less than significant impact on nearby sensitive receptors. **(Less Than Significant Impact with Mitigation)**

Cancer risks that exceed 100 cases per million, annual $PM_{2.5}$ concentrations that exceed 0.8 $\mu g/m^3$, and non-cancer risks that exceed a hazard index of 10 from cumulative sources are also considered significant. The combined impact from stationary and roadway TAC sources within 1,000 feet of the project site and project construction would generate TAC emissions below the BAAQMD thresholds of significance. As a result, the project's contribution to the cumulative source emissions would not be cumulatively considerable and would not result in a significant health risk to nearby sensitive receptors. Refer to Section 4.18.2.1 of this Initial Study for further discussion of cumulative air quality impacts. **(Less Than Significant Impact)**

4.3.2.4 *Impacts from Odors (Question e)*

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. The proposed mixed-use development project would not be a source of long-term odors. Implementation of the proposed project would not result in long-term or short-term odor impacts. **(Less Than Significant Impact)**

4.3.2.5 *Existing Air Quality Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. air quality) affecting a proposed project, which are addressed below. In accordance with General Plan Policy MS-11.1, an analysis using BAAQMD screening tools was completed to assess the health risk of TAC emissions sources near the proposed residential development.

Based on the risk assessment completed for the project, there are substantial sources of TACs and $PM_{2.5}$ emissions within 1,000 feet of the site include Stevens Creek Boulevard (which has an average

daily traffic (ADT) of 44,400 vehicles per day) and a gas station at 2850 Stevens Creek Boulevard. For local roadways, the BAAQMD Roadway Screening Analysis Calculator was used to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed project. Permitted stationary sources of air pollution near the project site were identified using the BAAQMD's Stationary Source Risk and Hazard Analysis Tool. The gas station at 2850 Stevens Creek Boulevard was the only stationary source identified within 1,000 feet of the site. Based on the results provided in Section 4.3.2.3, the cancer risks and maximum $PM_{2.5}$ concentration at the proposed mixed-use development would not exceed BAAQMD single-source thresholds. The combined cancer risk and $PM_{2.5}$ concentrations for the gas station and roadway TACs would not exceed BAAQMD thresholds for combined sources (refer to Section 4.18.2.1, Cumulative Air Quality Impacts). Implementation of the proposed project would, therefore, not result in a health risk to future residents of the site consistent with the applicable policies of the General Plan.

4.3.3 Conclusion

The proposed project, in conformance with existing General Plan policies, **MM AIR-1.1**, and standard permit conditions above, would ensure that air quality impacts would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.4 BIOLOGICAL RESOURCES

The following section is based in part upon an Arborist Report prepared by *Kielty Arborist Services LLC* in August 2018. This report is included in Appendix B of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the Federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protections

Federal and state laws also protect most bird species. The federal Migratory Bird Treaty Act 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.

Birds of prey, such as owls and hawks, are protected in California under provisions of the state Fish and Game Code. The code states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable Federal, State, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Regional and City of San José

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was approved in 2013 and covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted 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), US 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 Santa Clara Valley Habitat Agency is responsible for implementing the plan.

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

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree, regardless of tree size or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

City of San José Riparian Corridor Policy Study

The City of San José's Riparian Corridor defines a riparian corridor as any stream channel, including the area up to the bank full-flow line, as well as all riparian (streamside vegetation) in contiguous adjacent uplands. The policy states that riparian setbacks should be measured 100 feet from the outside edges of riparian habitat or the top of bank, whichever is greater. The project site does not fall within a riparian setback.

The nearest riparian corridor is Los Gatos Creek, approximately two miles southeast of the project site.

Envision San José 2040 General Plan

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

Policy	Description
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance 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 ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
Policy MS-21.4	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

4.4.1.2 *Existing Conditions*

The project site is located in an urbanized area in west San José and is currently developed with two single-family houses, ancillary structures, and paved and gravel driveways. Vegetation on-site includes limited areas of grasses, trees, and shrubs. There are no wetlands or riparian areas on or adjacent to the site. The nearest waterway to the site is Los Gatos Creek, approximately two miles southeast of the project site.

Trees

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

There are a total of 10 trees located on-site and four trees located along the northern property line on the adjacent parcels. All of the trees on-site are non-native species and vary in size and condition.

Trees 1-4 are off-site and located at the parking to the north the on-site residence. Table 4.4-1 lists all trees identified on the project site and neighboring properties.

Table 4.4-1: Tree Species Observed On-Site

Tree #	Common Name	Scientific Name	Trunk Diameter[1]
1*	**London plane**	***Platanus x hispanica***	**17.3**
2*	**African fern pine**	***Afrocarpus falcatus***	**14.8**
3*	**African fern pine**	***Afrocarpus falcatus***	**15.5**
4*	**African fern pine**	***Afrocarpus falcatus***	**13.0**
5	**Japanese maple**	***Acer palmatum***	**12.1**
6	**Tree of heaven**	***Ailanthus altissima.***	**39.1**
7	**Redwood**	***Sequoia sempervirens***	**29.4**
8	**Redwood**	***Sequoia sempervirens***	**33.8**
9	**Redwood**	***Sequoia sempervirens***	**13.8**
10	**Redwood**	***Sequoia sempervirens***	**27.8**
11	**Chinese pistache**	***Pistacia chinensis***	**12.2**
12	Chinese pistache	*Pistacia chinensis*	6.1
13	Japanese maple	*Acer palmatum*	6.0
14	Orange	*Citrus spp.*	5.1

Notes:
1. Ordinance sized trees are 12.1+ inches in trunk diameter.
* Trees on neighboring property to the north
Bold = Ordinance sized tree

Special Status Species

Special-status species are those plants and animals listed under the state and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the CDFW. Additionally, nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area. Given there are seven mature trees on the project site and four to the north of the site, there is a potential for birds to nest or forage on or adjacent to the site.

4.4.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐	1, 2, 3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	1, 2, 3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1, 2, 3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1, 2, 3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1, 2, 3, 11
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, 12

4.4.2.1 *Impacts to Sensitive or Special Status Species (Question a)*

The project site is developed with a single-family house and a commercial office building and is surrounded by residential and commercial development. Given the site is developed and located in an urban environment, no natural sensitive habitats which would support endangered, threatened or special status plant or wildlife species would occur on or adjacent to the site. Development of the project site under the proposed project, therefore, would not directly impact special-status species. **(Less Than Significant Impact)**

4.4.2.2 *Impacts to Sensitive Natural Communities and Wetland Habitats (Questions b, c)*

No protected wetlands, riparian, or other sensitive natural habitats are on or near the project site. The proposed project would, therefore, have no impact on sensitive natural habitats or protected wetlands. **(No Impact)**

4.4.2.3 *Impacts to Wildlife Movement (Question d)*

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

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Development of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by CDFW and the U.S. Fish and Wildlife Service (USFWS). Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact.

The project proposes to remove the 10 existing trees on the project site, reducing available nesting and foraging habitat. Construction activities such as site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact. The project shall implement the following mitigation measure as a condition of approval for the project.

Impact BIO-1: Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds. **(Significant Impact)**

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

MM BIO-1.1: Avoidance: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

MM BIO-1.2: Nesting Bird Surveys: If demolition and construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the

ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4: Reporting: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

Implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4 would reduce potential impacts to nesting and/or migratory birds to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.4.2.4 *Impacts to Biological Resources – Trees (Question e)*

The urban forest is comprised of all native and non-native trees planted in yards and parks, along streets, and as landscaping in building complexes and parking lots. The urban forest is considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. Although the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

As mentioned previously, there are 10 trees on-site and four trees on the neighboring property to the north. Of the 10 trees on-site, there are seven ordinance-sized trees and three non-ordinance-sized trees. The four adjacent trees are all ordinance-sized. All trees on-site would be removed and the off-site trees would remain in place. As part of the project's Standard Permit Conditions, all trees removed as a result of the project would be required to be replaced in accordance with applicable laws, policies, or guidelines, including:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Standard Permit Condition: The trees removed by the proposed project would be replaced according to the City's required replacement ratios, as provided in Table 4.4-2 below, or through the alternative measures listed below.

Table 4.4-2: Tree Replacement Ratios				
Circumference of Tree to be Removed[1]	**Type of Tree to be Removed[2]**			**Minimum Size of Each Replacement Tree**
	Native	**Non-Native**	**Orchard**	
12 inches or more[3]	5:1	4:1	3:1	15-gallon
6.0 to 12 inches	3:1	2:1	None	15-gallon
Less than 6.0 inches	1:1	1:1	None	15-gallon

[1] As measured 4.5 feet above ground level

[2] X:X = tree replacement to tree loss ratio

[3] Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

A 19-inch tree equals 6.1 inches in diameter.

One 24-inch box tree= two 15-gallon trees

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. The total number of trees required to be planted on-site would be 33. The species to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

If replacement trees cannot be fully planted on the subject project site, the project proponent shall make payment to the City for funding to plant any additional trees within the City boundary prior to the issuance of any building permits. These funds will be used for tree planting and maintenance of planted trees for approximately three years. The project proponent shall provide the payment receipt for "off-site tree planting" to the Planning Project Manager prior to issuance of any building permit.

With the implementation of the Standard Permit Condition, the project would have a less than a significant impact on the City's urban forest. **(Less Than Significant Impact)**

4.4.2.5 *Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (Question f)*

The project will not be subject to any land cover fee given the current developed nature of the site and its designation as Urban-Suburban land in the HCP/NCCP.

Nitrogen Deposition Impacts on Serpentine Habitat

All development covered by the HCP/NCCP is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the HCP/NCCP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the HCP/NCCP 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. 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. The nitrogen deposition fees collected under the HCP/NCCP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay Checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition.

Standard Permit Condition: The project shall implement the following condition to reduce the impacts related to nitrogen deposition:

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

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. **(Less Than Significant Impact)**

4.4.3 Conclusion

Conformance with the General Plan policies, Habitat Plan requirements, and state and federal laws discussed above, as well as implementation of MM BIO-1.1 through MM BIO-1.4 and standard permit conditions, would ensure that biological impacts from the development of this urban property would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.5 CULTURAL RESOURCES

A historic evaluation of the site was completed by *Archives & Architecture* in April 2018, which is included in Appendix C of this Initial Study. A cultural resources literature review was completed by *Holman & Associates, Inc.* in in June 2018. The literature review is on file at the City of San José's Planning, Building and Coding Department.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the U.S. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

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

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

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and state significance. They are:

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

State Regulations Regarding Cultural and Paleontological Resources

Archaeological, paleontological, and historical sites are protected by a number of State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a "most likely descendant" must also be notified.

Assembly Bill 52 - Tribal Cultural Resources

A tribal cultural resource can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. It also must be either on or eligible for the California Historic Register, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a tribal cultural resource. Assembly Bill 52 (AB 52), which amendment the Public Resources Code, requires lead agencies to participate in formal consultations with California Native American tribes during the CEQA process, if requested by any tribe, to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. Consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José Municipal Code – Historic Preservation Ordinance

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

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

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

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for

Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

Envision San José 2040 General Plan

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

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy LU-13.8	Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

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

4.5.1.2 *Existing Conditions*

Historic Resources

The 0.47-acre project site is currently developed with a commercial office building located at 2881 Hemlock Avenue on the eastern end of the site and a single-family residence located at 376 Baywood Avenue on the western end of the site. The office building was constructed in 1979 and residence was constructed in 1946.

2881 Hemlock Avenue Commercial Building

A resource less than 50 years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to obtain perspective on the events or individual associated with the resource. These properties are considered to have "exceptional importance."

The commercial building is an example of late 1970s commercial architecture and is associated with the Third Bay Tradition in its use of natural materials and shed-like shape. The building's design, however, lacks features that would be associated with exceptional buildings designed and constructed during this era within the Third Bay Tradition architectural style. The project area has not been identified as a potential historic district or conservation area and given the mixed contemporary development pattern of the area and nearby demolition of other houses, it is unlikely to be considered a historic district in the future. For these reasons, a formal historic assessment was not necessary for the 2881 Hemlock Avenue property and the property is not considered historically significant.

376 South Baywood Avenue Single-Family Residence

The residence was constructed as a part of a two-phase 38-housing tract (Westwood Park Tract) that was established along South Redwood and South Baywood Avenues in 1941. The first phase, known as Westwood Park Unit 1, was developed in June 1941 and consisted of 22 lots on both sides of South Redwood Avenue, from Steven Creek Boulevard to Hemlock Avenue. The second phase, known as Westwood Park Unit 2, was developed after World War II in January 1946 and consisted of 16 additional houses lots. The house was constructed in this second phase of the development, prior to annexation to the City of San José.

The residence is a one-story, vernacular mid-century house with a stucco facade. Similar to other houses in this tract, a two-car garage is incorporated into the building footprint at the front of the house. The roof is hipped and covered with asphalt shingles. The property is well maintained and has typical residential landscape features such as front lawn, shrubbery at wall bases, and large mature trees. The house and the property are in good condition.

The house retains its original scale. The exterior features and detailing of the building are vernacular, and changes have been made to the windows and doors. Other architectural elements have been renovated over the years as well. The building has the character of a late 1940s tract house and has moderate integrity when compared to its original form. The house, however, is not a representation of mid-century residential tract development since the building has no architectural features that are considered unique.

The project area has changed considerably since the 376 South Baywood Avenue residence was constructed. The residence does not physically represent important patterns of development or events in the area, nor does it contribute to a recognized district of historical significance, given the area has lost many of its original houses and many have been remodeled and converted to commercial use. The project area is no longer representative of the mid-century period of suburban expansion, and, therefore, does not reflect important patterns of development. Additionally, none of the early owners or tenants of the residential tract are considered significant personages in local history.

For these reasons, the 376 South Baywood Avenue residence is not eligible to be listed on the National Register or the California Register. Under the City's rating system, the property does not meet the threshold for the San José Historic Resources Inventory. When considering the property and its associated patterns, persons, and architectural qualities, the property is not eligible for to be listed as a City Landmark.

Archaeological

Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources. In June 2018, *Holman & Associates* completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS). All records of identified cultural resources within one quarter mile, and all archaeological resources reports for projects within 165 feet (50 meters) of the project site were reviewed.

Prehistoric Resources

Based on a cultural resources records search, no archaeological sites have been recorded within the project site or within one quarter mile of the site. In this area of northern Santa Clara County, Native American archaeological sites have been recorded on the wide valley terraces within one half mile of major rivers and creeks, especially near confluences and closer locations adjacent to other creeks. These resources were often buried by alluvium or fill. The project site is part of the gently sloping valley floor that is approximately two miles northwest of Los Gatos Creek (the nearest waterway to the site). There is a low potential for Native American deposits and cultural materials within the project footprint.

The project site has not been surveyed for its cultural resources potential. In 1988, Holman completed a cultural resources survey of 15 acres of land to the south of the project site. Based on the current literature review, no evidence of Native American deposits or cultural materials were identified and no resources have been found during multiple building projects in the immediate project area over the last 20+ years.

Historic Archaeological Resources

Historic-era maps for the project area were reviewed to identify the potential for archaeological resources in the project area. Based on the review of historical land use patterns, there is a low potential for historic archaeological deposits within the current project area. No indications of historic-era deposits or cultural materials were identified in the 1988 survey of the property south of the site nor found during recent development.

Tribal Cultural Resources

As discussed in Section 4.5.1.1, *Regulatory Framework*, tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. Additionally, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José under 52 regarding projects in the area and their effects on a tribal cultural resource. No known tribal resources occur on the site.

Paleontological Resources

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well-publicized (such as mammoth and dinosaur bones) to scientifically important fossils. According to the General Plan FEIR, the project site is located in an area that has a high sensitivity for paleontological resources at depth, but is not within an area of high paleontological sensitivity at or near the ground surface.[7]

4.5.2 Checklist and Discussion of Impacts

	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, 13
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 14
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1, 3
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1, 3, 14

[7] City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report.* Appendix J - Paleontological Evaluation Report. 2011.

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

4.5.2.2 *Historic Resources (Question a)*

Generally, a resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the National Register, California Register, or as a City Landmark on the City's Historic Resources Inventory (HRI).

Based on the historical evaluation of the two parcels that make up the site (APN 277-34-023 and 277-34-051), the properties are not listed nor eligible to be listed on the California Register, National Register, or the City's Historic Resources Inventory.

Based on a review of the City's Historic Resources Inventory, no properties in the vicinity of the site are listed on the Historic Resources Inventory. For these reasons, the project would not result in a significant impact to historic resources on-site or in the project area. **(Less than Significant Impact)**

4.5.2.3 *Impacts to Archaeological Resources and Human Remains (Questions b, d)*

Based on the cultural resources records search completed for the project, no pre-historic archaeological sites have been recorded within one quarter mile of the project site. The site has a low potential for pre-historic Native American and historic archaeological deposits to occur. However, in the unlikely event archaeological resources (including human remains) are encountered during excavation and construction, the following standard permit conditions would be implemented.

Standard Permit Conditions: Implementation the following conditions would reduce impacts of the project on subsurface cultural resources:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials.

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

- If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

    - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the above Standard Permit Condition, in accordance with General Plan policies, would ensure that the proposed project would not significantly impact archaeological resources and human remains. **(Less Than Significant Impact)**

4.5.2.4 *Impacts to Paleontological Resources (Question c)*

The project site is located in an area of high paleontological sensitivity at depth, but not high sensitivity at the ground surface. [8] Additionally, soils on the project site have previously been disturbed during construction of the existing buildings. Development of the site under the proposed project is not expected to encounter paleontological resources.

Although not anticipated, construction activities associated with the proposed project including excavation for two levels of underground parking and could impact paleontological resources, if they are encountered. The project shall implement the following standard permit condition as a condition of approval for the project.

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

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

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

4.5.2.5 *Impacts to Tribal Cultural Resources (Question e)*

The project site is located approximately two miles from the nearest waterway. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.

Assembly Bill (AB) 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. No tribes have sent written requests for notification of projects to the City of San José. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for consultation from tribes. **(Less Than Significant Impact)**

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

4.5.3 Conclusion

Implementation of the proposed project, in accordance the standard permit conditions, would ensure that the project would result in a less than significant impact to cultural resources. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive 1971 San Fernando earthquake. The AP Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

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

California Building Code

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

Envision San José 2040 General Plan

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

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been

	evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

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

4.6.1.2 *Existing Conditions*

Regional Geology

San José is located within the Santa Clara Valley, a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

On-Site Geologic Conditions

Topography and Soils

Soils on-site are comprised of the Urban land-Elpaloalto complex, which consists of 70 percent urban land (disturbed and human transported material), 23 percent Elpaloalto soils and seven percent hangerone and still soils. The Elpaloalto soils on-site consists of decomposed plant material at the

surface, clay loam from approximately 0.5 feet to 1.5 feet below ground surface, and silty clay loam from 1.5 feet to approximately eight feet below ground surface.[9] Hangerone and still soils are made up of clay and clay loam.

Expansive near-surface soils are subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs, and below-grade walls. The project site is underlain by soils that have a low to moderate expansion potential from approximately 0.5 feet to eight feet below ground surface. The site has an elevation of approximately 135 to 140 feet above mean sea level and the topography of area is relatively flat.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the Santa Clara County Geologic Hazard Zones Map and California Geological Survey San José West Quadrangle Seismic Hazard Zones Map, the project site is not located in a potential liquefaction zone.[10]

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Based on a 2014 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044.[11]

Table 4.6-1: Active Faults Near the Project Site	
Hayward	11 miles northeast
Calaveras	13 miles east
San Andreas	9 miles southwest

The site is not located within a designated Alquist-Priolo Earthquake Zone or Santa Clara County Fault Hazard Zone.[12] Nearby active faults include the Hayward, Calaveras, and San Andreas faults (see Table 4.6-1). No active faults have been mapped on the project site, therefore, the risk of fault rupture at the site is low.

[9] United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: < https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed June 14, 2018.
[10] County of Santa Clara. *Santa Clara County Geologic Hazard Zones, Map 19*. Accessed June 13, 2018.
[11] U.S. Geological Survey. *UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009.* March 2015. Accessed April 6, 2018. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.
[12] County of Santa Clara. *Santa Clara County Geologic Hazard Zones, Map 26*. Accessed March 6, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. The nearest waterway is Los Gatos Creek, located two miles east of the project site. Given the low potential for liquefaction and the distance from the nearest waterway, the potential for lateral spreading on-site is low.

Landslides

The site is not located within a Santa Clara County Landslide Hazard Zone.[13] The project area is relatively flat and, therefore, the probability of landslides occurring at the site during a seismic event is low.

4.6.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☒	☐	1, 2, 3
2. Strong seismic ground shaking?	☐	☐	☒	☐	1, 2, 3
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 2, 3
4. Landslides?	☐	☐	☒	☐	1, 2, 3
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 3
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 2, 3, 15
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	1, 3, 15

[13] Ibid.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1, 3

4.6.2.2 *Geologic and Soils Impacts (Questions a, c)*

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Calaveras, and Hayward faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. The site is not, however, located within an Alquist-Priolo Fault Zone and the potential for fault rupture at the site is low.

The project site is not located within a State of California or County of Santa Clara Liquefaction Hazard Zone and is not near an open face or waterway. As a result, the potential for liquefaction and lateral spreading to occur on-site and in the project area during a seismic event is low. The project area is flat and is not located within a Landslide Hazard Zone.

Given the site is within a seismically active region, the following standard permit condition would be implemented to reduce the impacts of seismic shaking.

Standard Permit Condition: To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Planning, Building, and Code Enforcement as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

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

4.6.2.3 *Soil Erosion Impacts (Question b)*

The 0.47-acre site is developed and the majority of the site is paved with limited exposed soil in the landscaped areas. Ground disturbance would be required for demolition of the existing surface

parking lots and buildings, grading, and construction of proposed development. 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 General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The project will comply with all applicable City regulatory programs pertaining to construction related erosion.

The project would be required as a condition of approval to implement the following measures, consistent with the regulations identified in the General Plan FEIR, for avoiding and reducing construction related erosion impacts.

Standard Permit Condition:

- 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.

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

4.6.2.4 *Impacts of Expansive Soils (Question d)*

Soils on the project site have a low to moderate expansion potential based on a web soil survey completed for the site.[14] Any soils imported for the proposed project would comply with recommendations in a design-level geotechnical report, in accordance with the standard permit condition listed below.

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

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

With implementation of the standard permit condition above, expansive soils on-site would not exacerbate risks to life and property. **(Less Than Significant Impact)**

[14] United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: < https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed June 14, 2018.

4.6.2.5 *Impacts of Alternative Wastewater Systems on Soils*

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

4.6.2.6 *Existing Geology and Soils Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions (e.g. geologic hazards) affecting a proposed project, which are addressed below. 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.

General Plan Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

A design-specific geotechnical report will be required for the project, as discussed in Sections 4.6.2.2 and 4.6.2.4. Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FEIR that ensure geologic hazards are adequately addressed, the project would be consistent with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

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

4.7 GREENHOUSE GAS EMISSIONS

This discussion is based in part upon the CalEEMod results included in Appendix D.

4.7.1 Environmental Setting

4.7.1.1 *Background Information*

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

4.7.1.2 *Regulatory Framework*

Federal

Clean Air Act

The USEPA is the federal agency responsible for implementing the Clean Air Act. The US Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO_2 is an air pollutant as defined under the Clean Air Act, and that USEPA has the authority to regulate emissions of GHGs. Following the court decision, USEPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

California Global Warming Solutions Act

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

On September 8, 2016, Governor Brown signed SB 32 into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons (MT) of carbon dioxide equivalent (CO_2e). CARB adopted the state's updated *Climate Change Scoping Plan* in December 2017. The updated plan provides a framework for achieving the 2030 target.

Senate Bill 375 – Redesigning Communities to Reduce GHGs

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area.

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

Clean Car Standards

CARB has adopted amendments to the "Pavley" regulations that are designed to reduce GHG emissions in new passenger vehicles. It is expected that the Pavley regulations will reduce GHG emissions from new California passenger vehicles by approximately 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs.

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. Several key activities of BAAQMD related to GHG emissions are described below.

- Regional Clean Air Plans: BAAQMD and other agencies prepare clean air plans as required under the state and federal Clean Air Acts. The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the State of California, the 2017 CAP lays the groundwork for BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term, and to decrease emissions of CO_2

by reducing fossil fuel combustion. The 2017 CAP is described in more detail in *Section 3.3.1.2*.

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

Post 2020-Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of CO2e per year or 4.6 MT CO2e per service population per year. A project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD and included within the City's Climate Action Plan (i.e., Greenhouse Gas Reduction Strategy) were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). The project construction is estimated to be complete in November 2020 and begin operations in April 2021. The project, therefore, would not be fully constructed and occupied until after December 31, 2020. Because the project would begin operations in the post-2020 timeframe, the project would not be covered under the City's Greenhouse Gas Reduction Strategy.

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. The City of San José has developed updated GHG thresholds reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to a bright-line threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a bright-line threshold of 660 $MTCO_2e$/year, which is 40 percent below 2020 bright-line threshold of 1,100 MT CO_2e.[15] This was calculated for 2030 based on the GHG reduction goals of SB32 EO B-30-15.

[15] Personal Communication: Reyff, James, Illingworth & Rodkin. Re *Adjusted bright-line 2030 threshold. September 20, 2018*. The 2020 BAAQMD bright-line threshold of 1,100 MT CO2e was established by BAAQMD to help the state reduce GHG emissions to 1990 levels by 2020. 660 MT CO2e is the 2030 bright-line threshold calculated for projects constructed and operational post-2020 and pre-2031.

Local

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as amended) as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[16]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015 alone. The General Plan FEIR (as amended) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips - especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission,

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

California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the Final Supplemental FEIR to the General Plan FEIR (as amended) was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

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

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

City of San José Municipal Code

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

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

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

4.7.1.3 *Existing Conditions*

The existing project site is developed with a commercial office building and single-family residence. GHG emissions generated by the current uses are primarily generated from vehicles traveling trips to and from the site.

4.7.2 Checklist and Discussion of Impacts

	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, 3, 10
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1, 3, 10

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May, 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified Greenhouse Gas Reduction Strategy, it can be presumed that the project would not have significant GHG emissions under CEQA.[17]

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. These thresholds are the basis for which post-2020 GHG thresholds have been developed at the project level (2024) and plan level (2040).

The BAAQMD GHG recommendations include a specific plan-and project-level GHG bright-line threshold of 1,100 MT of CO_2e per service population (future residences and full-time workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. GHG emissions resulting from operation of the project at maximum build out have been compared to a bright-line threshold

[17] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May.

consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a bright-line threshold of 660 MT of CO_2e. This is calculated for 2030 based on the GHG reduction goals of SB 32 EO B-30-15.

4.7.2.1 *Greenhouse Gas Emissions Impacts (Questions a, b)*

Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The emissions summary calculations (see Appendix A) for the construction phase of the project show that the project would generate approximately 203 metric tons (MT) of carbon dioxide equivalent (CO_2e).

Because construction would be temporary (approximately 18 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32. **(Less Than Significant Impact)**

Operational Emissions

Operational GHG emissions for the proposed project were estimated using the CalEEMod model, along with the project vehicle trip generation rates. The model provided long-term operational emissions estimates associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. The proposed project land uses were input into CalEEMod, which included 48 midrise apartment units, enclosed parking with 67 spaces, and 19,130 square feet of general office space.[18]

The earliest the project would be operational is 2021. Since the project would be operational post-2020, the project's operational emissions is compared to the 2030 bright-line threshold (660 MT of CO2e per year). Based on the model results for 2030, annual emissions resulting from operation of the proposed project are predicted to be 479 MT of CO_2e per year which is below the bright-line threshold of 660 MT of CO2e per year.[19] Given the project's operational emissions would be below the bright-line threshold for 2030, the project would result in a less than significant GHG emissions impact. **(Less Than Significant Impact)**

San José Greenhouse Gas Reduction Strategy

While the construction and operation of this project would not be completed prior to 2020, in this interim, the project would comply with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy.

[18] The actual office space square footage is 18,495 square feet. The 19,130 square feet of office space was used in the GHG model. The results from the model are more conservative (since the model estimates are based on a larger square footage of office space).
[19] The operational GHG emissions for the project does not account for existing operational emissions.

The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinances and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

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

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan land use and zoning designation for the site. The building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Building Code requirements. Given the project's consistency with the General Plan land use designation, compliance with Policy 6-32 and California Building Code requirements, the project would be consistent with mandatory criteria 1, 2, and 3.

The proposed includes a TDM Plan. The project's TDM measures include:

- On-Site TDM Administrator and Services
  - Trip planning resources
  - Online kiosk
- Bicycle Programs

    - Bicycle storage/facilities
    - On-site cargo bicycle share program
    - Biking financial incentives
- Unbundled parking (residential use only)
- Transit Subsidies
    - Pre-tax commuter benefits
    - Subsidized or free transit passes, such as Santa Clara Valley Transportation Authority (VTA) Eco Passes
- Subsidized or Free Carpool or Vanpools (commercial use only)
- Telecommute/Flexible Work Schedules (commercial use only)

The project would be required to achieve a minimum 10 percent reduction in traffic trips to meet the City's 2017 CAP goals. The City will require verification of the TDM reductions and, therefore, the project would be consistent with criteria 6.

Criteria 4, 5, and 7 are not applicable to the proposed project because the project site has no historic structures, the project does not include a data center or other energy-intensive uses, and the site does not propose drive-through or vehicle serving uses.

4.7.3 Conclusion

Development of the proposed project would incorporate applicable policies of the City's adopted GHG Reduction Strategy and would operate below the 2030 efficiency threshold. Furthermore, construction of the project would not preclude the City of achieving the adopted reduction goals. As a result, the project would result in a less than significant GHG impact. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part upon a Phase I Environmental Site Assessment prepared for the proposed project in June 2018 by *AEI Consultants* (AEI). The report is included in Appendix F of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

Comprehensive Environmental Response, Compensation, and Liability Act

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

Resource Conservation and Recovery Act

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

Department of Toxic Substances Control and Regional Water Quality Control Board

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

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB).

California Accidental Release Prevention Program

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

Federal Aviation Regulations, Part 77

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways. For the project site, any proposed structure of a height greater than approximately 53 to 58 feet in height above mean sea level (msl) is required under FAR Part 77 to be submitted to the FAA for airspace safety review.

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

Norman Y. Mineta San José International Airport (SJIA) is located approximately 2.5 miles northeast of the project site. Development within the Airport influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP).

Envision San José 2040 General Plan

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

Policy	Description
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Policy	Description
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.8.1.2 *Existing and Historical Conditions*

Based on the review of historical data, the project site was used for agricultural purposes from 1939 to 1945. The existing residence on-site was constructed in 1946 and the eastern section of the site remained vacant. The existing commercial building was constructed in 1979.

The topography of the site is flat. Groundwater beneath the site generally flows north and the depth to groundwater ranges from approximately 46 to 73 feet below ground surface.

During a June 5, 2018 site reconnaissance, no evidence of former use of above-ground or underground storage tanks was observed on-site and no significant environmental concerns were identified. The dental office currently stores bio-hazardous waste, primarily syringes and gauze pads. The bio-hazardous waste is stored in a dedicated room and removed from the site by a licensed contractor. Based on the nature of the waste stored on-site and the associated off-site disposal, the storage and handling of this material is not considered a significant environmental concern.

Cleaning supplies and detergents were stored in the residence. All chemicals were packaged in small quantities and based on the nature of these materials, the presence of cleaning supplies at the site is not considered a significant environmental concern.

On-Site Contamination

As a part of the Phase I ESA completed for project site, a review of federal, state and local regulatory agency databases was completed to evaluate the likelihood of contamination incidents at and near the project site. The 2881 Hemlock Avenue commercial dental office was listed on the Facility and Manifest (HAZNET) database. Based on the information from this listing, approximately 40 pounds of unspecified organic liquid mixture wastes were transported to an off-site disposal facility in 2006. There are, however, no listings related to any spills or releases of hazardous substances at the project site. Based on the limited quantity of material removed and proper manifest of the material, the on-site dentist office does not represent an environmental concern.

Agricultural Chemicals

The project site and surrounding areas were used for agricultural purposes from 1939 until 1945. Based on the historic uses at the site, there is a potential that agricultural chemicals, such as pesticides, herbicides and fertilizers, were used on-site.

Lead-Based Paint and Asbestos-Containing Building Materials

The on-site single-family residence was constructed in 1946 and the commercial dental office building was constructed in 1979. Structures built prior to 1978 likely contain lead-based paint and friable asbestos. Given the age of the existing residence on-site, it is reasonable to assume that the building contains lead-based paint and asbestos.

4.8.1.3 *Surrounding Land Uses*

The project site was surrounded by agricultural land from 1939 to the mid- to late 1940s. In the late 1940s and 1950s, the site was surrounded by residences to the north, west and east, and agricultural land to the south. In the 1960s, the agricultural land to the south was developed with a residence and material/vehicle storage area. The site is currently surrounded by a parking garage, paved parking lot, and single-family residence to the north, a duplex and commercial office building to the east, a children's learning center, Hemlock Avenue and single-family residences to the south, and Baywood Avenue and single-family residences to the west.

Potential Off-Site Sources of Contamination

As previously discussed, a regulatory database search was completed for nearby properties (within one mile of the site) that contain known or suspected environmental contamination and/or have potential environmental significance. There were 25 state/tribal leaking underground storage tank (LUST) cases, four hazardous waste sites, and two state/tribal voluntary cleanup program (VCP) sites identified within one mile of the project site during the database search. Facilities/properties that meet one or more of the following criteria were not considered to be a significant environmental concern for the site: 1) the property/facility only holds an operating permit (which does not imply a release), 2) the property's distance from, and/or topographic position relative to, the project site,

and/or 3) the property/facility has recently been granted "No Further Action" by the appropriate regulatory agency. All nearby facilities/properties identified in the database meet one or more of the above criteria and, as a result, the properties were not considered to be an environmental concern for the site.

4.8.1.4 *Other Hazards*

Airports

The closest airport to the project site is the Norman Y. Mineta San José International Airport, which is located approximately 2.5 miles northeast of the project site. The site is not located within the AIA nor the safety zones designated by the CLUP. Based on the Federal Aviation Regulations (FAR) Part 77, developments proposed for heights above 53 to 58 feet above ground surface require submittal to the FAA for airspace safety review to reduce airspace hazards.

Wildfire Hazards

The project site is surrounded by residential and commercial development and is not within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).[20]

4.8.2 Checklist and Discussion of Impacts

		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, 16
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, 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, 3, 10
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, 16

[20] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007. Available at: http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php. Accessed June 19, 2018.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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, 3
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1, 3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1, 17

4.8.2.1 *Impacts of Hazardous Materials on the Public and Environment (Questions a, b, d)*

Impacts from Contaminated Soil

The project site was historically used for agricultural purposes and on-site soils could contain agricultural chemicals. As mentioned above, based on the information from this listing, approximately 40 pounds of unspecified organic liquid mixture wastes were transported to an off-site disposal facility in 2006. However, there are no listings related to any spills or releases of hazardous substances at the project site. Nevertheless, construction of the proposed development could result in the exposure of construction workers and adjacent residences to hazardous levels of contaminated soil.

Impact HAZ-1: Construction workers and adjacent residences could be exposed to residential agricultural chemicals in soil, which could be hazardous. **(Significant Impact)**

Mitigation Measures: Implementation of the following mitigation measures would reduce hazards and hazardous materials impacts during construction to a less than significant level.

MM HAZ-1.1: After demolition but prior to the issuance of grading permits, shallow soil samples shall be taken from the near surface soil and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and residential environmental screening levels. The result of soil sampling and testing shall

be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

MM HAZ-1.2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP), or equivalent, to formalize regulatory oversight of the mitigation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil to levels acceptable to the SCCDEH (or equivalent oversight agency). The SCCDEH (or equivalent oversight agency) may also approve in-place some of the contaminated soil if the contaminated soil will be buried under hardscape and/or several feet of clean soil.

A Removal Action Plan, Soil Mitigation Plan or other similarly titled report describing the remediation must be prepared and implemented to document the removal and /or capping of contaminated soil. A copy of any reports prepared shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH (or equivalent oversight agency).

With implementation of the above mitigation measures, the project would not result in a significant hazard to construction workers or adjacent residences due to exposure to contaminated soils. **(Less Than Significant Impact with Mitigation)**

The project site is not located on the California Environmental Protection Agency Cortese List, compiled pursuant to Government Code Section 65962.5 or any of the other environmental databases reviewed in the Phase I ESAs. With the implementation of the above described mitigation measures, potentially contaminated soils on-site would not have a significant impact on the public or environment. **(No Impact)**

Asbestos-Containing Materials and Lead-Based Paint Impacts from Current On-Site Structure

Given the age of the existing buildings, the structures likely contain lead-based paint or asbestos. Construction workers could be exposed to asbestos-containing materials as well as lead-based paint. An asbestos survey would be required by local authorities in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines and Occupational Safety and Health Administration (OSHA) regulations. Demolition of the existing structures on-site could expose construction workers and nearby building occupants to harmful levels of lead or asbestos. The project would be required to implement the following Standard Permit Conditions measures to reduce impacts due to the presence of ACMs and/or lead-based paint.

Standard Permit Conditions: The following measures are included to reduce impacts from asbestos and lead-based paint to a less than significant level:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA 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 shall 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.

Conformance with standard permit conditions would result in a less than significant ACM and/or lead impact. **(Less Than Significant Impact)**

Future Operations

Chemicals for cleaning purposes could potentially be housed and handled on-site; however, if handled and disposed of properly, these small quantities of chemicals would not pose a risk to future site users or adjacent land uses. The project, therefore, would not result in a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less Than Significant Impact)**

4.8.2.2 *Impacts to Schools (Question c)*

The closest school to the project site is St. Martin of Tours School, located at 300 O'Connor Drive, approximately 0.4 miles northeast of the site. The project site is not located within one-quarter mile of any off-site proposed or existing school. As a result, implementation of the proposed project would not result in a hazardous materials impact to any nearby school. **(No Impact)**

4.8.2.3 *Other Hazards Impacts (Questions e-h)*

Impacts to Airport Operations

Under Federal Aviation Regulations FAR Part 77 requirements and in compliance with General Plan Policy CD-5.8, developments proposed for heights above 53 to 58 feet above ground surface require submittal to the FAA for airspace safety review to reduce airspace hazards. Given the maximum height of the proposed development would be 73.5 feet above ground surface, the project applicant would submit the project to FAA for review (in compliance with the FAR Part 77 noticing requirements). A subsequent FAA issuance of a determination of no hazard would ensure the project's compatibility with aircraft operations and would reduce the project's impacts on aircraft operations to a less than significant level. **(Less Than Significant Impact)**

The project is not located within the vicinity of a private airstrip. The project would not, therefore, impact aircrafts operating from private airstrips. **(No Impact)**

Emergency Response Plans

Development of the project site under the proposed project would not physically interfere with an adopted emergency response or evacuation plan. **(No Impact)**

Wildland Fires

The project site is located within a developed area of San José that is not subject to wildland fires. Redevelopment of the site would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

4.8.2.4 *Existing Hazards and Hazardous Materials Conditions Affecting the Project*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-7.1 requires the evaluation of a project site's historical and present land uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. Additionally, Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for the health of future users as part of the environmental review process. As such, a Phase I Environmental Site Assessment was prepared for the project site to identify any significant environmental concerns. The Phase I ESA did not find any significant environmental concerns at the site. Based on the analysis, the site historically was used for agricultural purposes from 1939 to 1945 and a dental office was listed on the HAZNET database.

Implementation of mitigation measures MM HAZ-1.1 and MM HAZ-1.2 would ensure that on-site soils would not pose a health risk to future residents and employees of the site consistent with General Plan policies EC-7.1 and EC-7.2.

4.8.3 Conclusion

With implementation of the standard permit conditions and mitigation measures, the proposed project would result in a less than significant hazards and hazardous materials impact. **(Less Than Significant Impact with Mitigation)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State Laws and Regulations

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 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 waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB). The RWQCB is also tasked with preparation and revision of a regional Water Quality Control Plan, also known as the Basin Plan. The Basin Plan identifies beneficial uses, which the Regional Board has specifically designated for local aquifers, streams, marshes, rivers, and the Bay, as well as the water quality objectives, and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

Under Section 303(d) of the 1972 Clean Water Act, States are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern. The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. The Guadalupe River watershed is listed by the U.S. Environmental Protection Agency as an impaired water body for mercury and diazanon.

NPDES General Permit for Construction Activity

The State Water Resources Control Board has implemented a National Pollution Discharge Elimination System (NPDES) General Construction Permit for the State of California. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit – Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. In order to obtain coverage under the Construction General Permit, a Notice of Intent (NOI) must be filed with the RWQCB, and Storm Water Pollution Prevention Plan (SWPPP) must be developed by a certified Qualified SWPPP Developer (QSD) prior to commencement of construction.

Once grading begins, the SWPPP must be kept on-site and updated as needed while construction progresses. The SWPPP details the site-specific Best Management Practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction phase. The SWPPP

also contains a summary of the structural and non-structural BMPs to be implemented during the post-construction period, pursuant to the stormwater control practices and procedures encouraged by the City of San José and the RWQCB.

Municipal Regional Stormwater Permit (MRP) / C.3 Requirements

The City of San José is required to operate under an NPDES permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Stormwater Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board in 2015 (Order No. R2-2015-0049) covers 76 Bay Area municipalities and county agencies as co-permittees, including the City of San José.

The MRP mandates that the co-permittees use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to incorporate Low Impact Development (LID) practices, which are intended to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

4.9.1.2 *City Policies and Municipal Code Requirements*

The City of San José has adopted policies and ordinances regarding urban runoff and water quality. Specific requirements are summarized below.

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy is designed to implement Provision C.3 of the MRP and includes specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

The City of San José's Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that create or replace less than one acre of impervious surface or are located in subwatersheds greater than or equal to 65 percent impervious are not required to include hydromodification controls under this policy.

The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

Envision San José 2040 General Plan

The General Plan includes hydrology and water quality policies applicable to the proposed project.

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

4.9.1.3 *Existing Conditions*

Storm Drainage

The City of Santa José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site are part of a network of lines that ultimately discharge to the Guadalupe River, which is located approximately 1.5 miles northeast of the site. The Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco

Bay, which is located approximately 10 miles north of the site. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is developed with a commercial building and a residence. Approximately 79 percent of the site is covered with impervious surfaces. The site is served by an existing 15-inch storm drain line in Hemlock Avenue, adjacent to the site.

Groundwater

The project site is developed and is approximately 79 percent impervious. It is not located within a designated groundwater recharge zone. According to the Phase I Environmental Site Assessment prepared for the project, the depth to groundwater on the site is estimated to be between 45 and 73 feet below ground surface.

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Map (Map 06085C0229H), the project site is located in Zone D, which is defined as areas in which flood hazards are undetermined, but possible. [21]

Dam Failure

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is within the Lexington Dam failure inundation hazard zone, but not within the Anderson Dam failure inundation hazard zone. [22]

Seiches, Tsunamis, and Mudflows

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

4.9.2 Checklist and Discussion of Impacts

	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, 3

[21] Federal Emergency Management Agency. Flood Insurance Rate Map. Map Number 06085C0299H. May 18, 2009. Accessed June 18, 2018. https://msc.fema.gov/portal/search#searchresultsanchor

[22] Santa Clara Valley Water District. Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps. April 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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, 3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1, 3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1, 3
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1, 3
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1, 3
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1, 3, 18
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1, 3, 18
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1, 2, 3
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1, 2, 3, 19

4.9.2.1 *Water Quality Impacts (Questions a, f)*

Construction Impacts

Implementation of the proposed project would involve excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project site is 0.47 acres in size and would therefore not be required to obtain coverage under the NPDES General Permit for Construction Activities (Construction General Permit), which would otherwise require the filing of an NOI with the RWQCB, and the preparation of a SWPPP by a certified Qualified SWPPP Developer (QSD) prior to the commencement of construction on the project.

All development projects in the City are required to comply with the City's Grading Ordinance whether or not the project is required to obtain a NPDES General Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15th to April 15th), the project shall submit to the Director of Public Works an Erosion Control Plan detailing best management practices that shall prevent the discharge of stormwater pollutants.

Pursuant to the Construction General Permit and City requirements, the following Standard Permit Conditions have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Standard Permit Conditions:

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

Because construction of the proposed project would include the specific measures and actions identified above, the project would have a less than significant construction-related water quality impact. **(Less Than Significant Impact)**

Post-Construction Impacts

Development of the project would result in the replacement/creation of more than 10,000 square feet of impervious surface area, therefore the project would be required to comply with the runoff treatment control requirements of the City of San José's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the MRP.

The MRP requires that post-construction stormwater runoff be treated using numerically sized Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The Stormwater Control Plan prepared for the project proposes the use of a non-LID measure (media filter) to treat all of the project site. Source control measures proposed include beneficial landscaping, the use of water efficient irrigation systems, pavement sweeping, catch basin cleaning, storm drain labeling, and the connection of parking garage floor drains to the sanitary sewer system.

With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **(Less Than Significant Impact)**

4.9.2.2 *Storm Drainage and Drainage Pattern Impacts (Question c, d, e)*

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

Table 4.9-1: Approximate Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
Impervious						
Roof Area(s)	5,470	25	18,338	83	+12,868	+58
Parking	6,876	31	0	0	0	0
Patios, Paths, etc.	3,571	16	880	4	-2,691	-12
Public Streets	1,622	7	1,867	8	245	+1
Subtotal	*17,539*	*79*	*21,085*	96	3,546	+17
Pervious						
Landscaping	4,525	21	979	4	-3,546	-17
Subtotal	*4,525*	*21*	*979*	*4*	-3,546	-17
Total	**22,064**	100	**22,064**	100		

Under existing conditions, the site is approximately 79 percent covered with impervious surfaces (approximately 17,539 square feet). Under project conditions, the impervious surfaces would increase by approximately seventeen percent, which would result in a net increase in stormwater runoff.

Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not

substantially increase erosion or siltation or exceed the capacity of the existing stormwater system. (**Less Than Significant Impact)**

4.9.2.3 *Groundwater (Question b)*

With implementation of the proposed project, the quantity of impervious surfaces on the project site would decrease by approximately twenty percent. Development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. In addition, the project site is not a designated recharge area and this condition would not change once development is complete. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **(Less Than Significant Impact)**

4.9.2.4 *Seiches, Tsunamis, and Mudflows (Question j)*

Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. In addition, the project area is flat and there are no mountains in close proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **(No Impact)**

4.9.2.5 *Impacts from Flooding (Question h)*

Based on the FEMA Flood Insurance Rate Map 06085C229H, the project site is outside the 100-year floodplain. As a result, the proposed development would not impede or redirect flood flows in a 100-year flood hazard area. **(No Impact)**

4.9.2.6 *Existing Flooding Conditions Affecting the Project (Questions g, i)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

General Plan Policy EC-5.1 requires evaluation of flood hazards prior to approval of development within a FEMA designated floodplain. New development shall be reviewed to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence or the 100-year flood. Based on the FEMA FIRM, the site is outside the 100-year floodplain. As a result, the project would not place housing within a 100-year flood hazard area, and implementation of the proposed project would not expose people or structures to flood hazards, consistent with General Plan Policy EC-5.1.

As mentioned in Section 4.9.1.3, the project site is located within the Lexington dam failure inundation zone. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing

problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington. With the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. As a result, future occupants of the site would not be exposed to flooding hazards.

4.9.3 Conclusion

Implementation of the identified Standard Permit Conditions and compliance with all applicable City policies and programs would result in a less than significant water quality and hydrology impact. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

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

Policies	Description
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-4.5	For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-6.1	Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use

	provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.
Policy LU-6.2	Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Santana Row Valley Fair Urban Village Plan Policies

The adopted Santana Row Valley Fair Urban Village Plan includes the following land use policy and design standards applicable to the proposed project:

Policy	Description
Policy 3-3	Within the Mixed Use Commercial, Mixed Use Neighborhood, or Urban Village land use designations, existing commercial or industrial square footage shall be replaced with an equivalent commercial square footage in the new residential or residential mixed use development.
Policy 3-9	Ensure that proposals for redevelopment or significant intensification of existing land uses on a property conform to the Land Use Plan. Because the Land Use Plan identifies the City's long-term planned land use for a property, non-conforming uses should transition to the planned use over the time. Allow improvements or minor expansion of existing, non-conforming land uses provided that such development will contribute to San José's and this Plan's employment growth goals or advance a significant number of other goals of this Plan.
Policy 3-11	Residential mixed-use projects utilizing the residential pool must build the commercial and residential portions of the development concurrently.
Policy 3-12	Residential projects utilizing the Envision San José 2040 General Plan "Residential Pool" policy (Policy IP-2.11), which can allow residential mixed use projects prior to the opening of an urban village's designated horizon, shall replace any existing commercial square footage on the development site or provide a minimum commercial FAR of 0.9, whichever is greater.
DS-8	Projects must comply with the SRVF Urban Village Height Limits (Figure 5-2).
DS-10	Projects must comply with the Building Placement Standards (Table 5-1).

Policy	Description
DS-12	For buildings on Hemlock Avenue (between South Baywood Avenue and South Monroe Street), stories above 4 stories or 45 feet must stepback so as not to intercept a 45-degree daylight plane inclined inward from the building edge.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

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

Norman Y. Mineta San José Airport

Norman Y. Mineta San José International Airport (SJIA) is located approximately 2.5 miles northeast of the project site. Based on the Airport Comprehensive Land Use Plan, the project site is not located within the Airport Influence Area (AIA), which is a composite of the areas surrounding the Airport that are areas affected by noise, height, and safety considerations..

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircrafts in flight. Under Federal Aviation Regulations FAR Part 77, the Federal Aviation Administration (FAA) must be notified of certain proposed structures within an extended zone defined by a set of imaginary surfaces radiating out for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

Based on the SJIA's FAA Requirement Criteria Map, developments proposed for heights above 53 to 58 feet above ground surface require submittal to the FAA for airspace safety review.

4.10.1.2 *Existing Conditions*

Existing Land Uses

The 0.47-acre project site is comprised of two parcels (APNs 277-34-023 and 277-34-051) and located at 376 South Baywood Avenue and 2881 Hemlock Avenue. The site is currently developed with a commercial dentist office building on the eastern end of the site, a paved parking lot, and a single-family residence on the western end of the site.

Surrounding Land Uses

The project site is in a residential and commercial area and is bordered by South Baywood Avenue residential and commercial uses to the west, a surface parking lot and parking structure to the north, a

commercial building and duplex to the east, and a children's learning center, Hemlock Avenue, and single-family tract houses to the south. A four-story apartment development is located immediately south of Hemlock Avenue and 200 feet southwest of the site. Stevens Creek Boulevard, a four-lane, two-direction commercial roadway is approximately 520 feet north of the site.

Existing Land Use Designations and Zoning

Zoning District

The project site is located in the *CG – Commercial General* zoning district. This zoning district allows for a full range of retail and commercial uses with a local or regional market. Development in this district is expected to be auto-accommodating and include larger commercial centers as well as regional malls.

General Plan Land Use Designation

The project site is designated *Urban Village* under the General Plan and the Santana Row Valley Fair Urban Village Plan. The *Urban Village* designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as stand-alone uses or in a mixed use format. This designation also allows residential uses in a mixed-use format. Residential and commercial mixed-use projects can be vertical mixed-use with residential above retail for example, or, where a larger site allows, they can be mixed horizontally, with commercial and residential uses built adjacent to each other, in one integrated development. All new development under this designation must include ground floor commercial uses along Winchester Boulevard. This Plan does not establish a maximum FAR for commercial or mixed residential/commercial development for properties designated Urban Village, but should provide a commercial FAR based on the average commercial FAR of the entire Village at the time of a development proposal. This requirement is to meet the overall goal of the Urban Village job capacity.

4.10.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	1, 2, 3, 4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1, 2, 3, 4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1, 3, 12

4.10.2.1 *Impacts to Established Communities (Question a)*

The project site is located in an urban area of San José surrounded by commercial/retail uses, and residential uses. The project proposes to construct a six-story mixed-use residential development. The proposed use and density would be consistent with the apartment developments southwest of the site and with what was envisioned in the General Plan. The project site is surrounded by residential and commercial uses and would not introduce a new or incompatible use into the project area.

The project would improve the pedestrian streetscape by planting trees by expanding the sidewalk along the site's frontages. The project layout and design does not include any physical features that would physically divide the community (e.g. blocking of roadways or sidewalks). For these reasons, implementation of the proposed project would not divide an established community. **(Less Than Significant Impact)**

4.10.2.2 *Consistency with Applicable Plans and Zoning (Question b)*

General Plan

As previously stated, the project site is designated *Urban Village* in the General Plan. The General Plan allows higher density housing of up to 250 dwelling units per acre at the site. The project proposes 104.3 dwelling units per acre and is consistent with the General Plan assumptions. Additionally, the project is consistent with General Plan Policy CD-4, which requires new or remodeled structures to be 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).

Santana Row/Valley Fair Urban Village Plan

The *Urban Village* designation under the Urban Village Plan residential and commercial mixed-use projects and allows a density of 65 to 250 dwelling units per acre. The proposed project would have a density of 104.3 residential units per acre and is consistent with the land use and density requirements of the Santana Row/Valley Fair Urban Village Plan. The maximum height of the proposed building at the top of the roof would be 65 feet and 73.5 feet at the top of the elevator and stair well rooms. As discussed in Section 4.1, *Aesthetics*, the project is consistent with the Urban Village Plan's height guidelines and step back transitions.

The proposed project is consistent with the setback standards discussed in the Urban Village Plan. The proposed building would be set back approximately 3.5 feet from the edge of the sidewalk on Hemlock Avenue and three feet from the sidewalk on Baywood Avenue. The building would have a rear setback of 10 feet from the adjacent commercial building and duplex property lines to the east, and a five foot side setback from the parking structure property line to the north.

Based on the City's requirements for projects within the Urban Village Plan area, the proposed project conforms to land use and design standards established in the Santana Row Valley Fair Urban Village Plan and would accommodate 48 condominium units and 10 jobs and would contribute to planned housing and employment growth goals of the Urban Village Plan area (2,635 housing units and 8,500 jobs).

Construction of the proposed project, in conformance with City's Urban Village Plan policies, would not conflict with regulations adopted for avoiding or mitigating an environmental effect and would have a less than significant land use impact. **(Less Than Significant Impact)**

Zoning Ordinance

The project site is currently zoned as *Commercial General,* which allows a variety of commercial uses. The project proposes a *Planned Development Rezoning* from the *Commercial General* zoning district to the Commercial Pedestrian (CP)/Planned Development (PD) Zoning District to allow development of the proposed mixed-use project. CP zoning is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. The district also encourages mixed residential/ commercial development where appropriate, and is designed to support the commercial goals and policies of the general plan in relation to Urban Villages. The project is surrounded by similar land uses and rezoning of the site would not result in a significant environmental impact. **(Less Than Significant Impact)**

Federal Aviation Administration, Part 77 Standards

Under Federal Aviation Regulations FAR Part 77 requirements and in compliance with General Plan Policy CD-5.8, developments proposed with heights taller than 53 to 58 feet above ground surface require submittal to the FAA for airspace safety review to reduce airspace hazards. Given the maximum height of the proposed development would be 73.5 feet, the project applicant would submit the project to FAA for review (in compliance with the FAR Part 77 noticing requirements). A subsequent FAA issuance of a determination of no hazard would ensure the project's compatibility with aircraft operations and would confirm the project's impacts to these operations is less than significant.

4.10.2.3 *Consistency with the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (Question c)*

As discussed in *Section 4.4 Biological Resources*, the project site is located within the Santa Clara Habitat Plan study area. The project site is within A*rea 4: Urban Development Equal to or Greater Than 2 Acres Covered* and has a land cover designation of *Urban-Suburban*. The *Urban-Suburban* designation is for land that has been identified for residential, commercial, industrial, or other urban development, and is defined as having one or more structures per 2.5 acres. The proposed mixed-use development, therefore, is consistent with the land use assumptions for the site in the Habitat Plan.

The Habitat Plan requires payment for nitrogen deposition fees for all covered projects that generate net new trips and create or replace more than two acres of impervious surfaces. As the project area is less than two acres and development of the project site would not impact any of the Habitat Plan's covered species, the proposed project site is not a "Covered Project" for direct impacts to land cover.

The City of San José, however, adopted the Santa Clara Valley Habitat Conservation Plan (SCVHCP) to address cumulative nitrogen deposition impacts to serpentine habitats. To address the cumulative impact, the City determined that all projects generating new vehicle trips shall mitigate for nitrogen deposition impacts as described in the Standard Permit Condition as described in Section 4.4, *Biological Services*. **(Less Than Significant Impact)**

4.10.3 Conclusion

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

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

4.11.1.1 *Existing Conditions*

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

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

4.11.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 2, 3
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1, 2, 3

4.11.2.1 *Impacts to Mineral Resources (Questions a, b)*

The proposed project is not located in an area containing known mineral resources. The Communications Hill area is approximately 4.75 miles southeast of the site. Due to the distance of the site from the nearest designated mineral resources, implementation of the project would not result in the loss of availability of a known mineral resource. **(No Impact)**

4.11.3 Conclusion

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

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

4.12.1.1 *Overview*

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

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

Construction Noise

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

Background Information – Vibration

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

on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration		
PPV (in/sec)	**Human Reaction**	**Effect on Buildings**
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.
Source: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. June 2004.		

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

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

4.12.1.2 *Regulatory Framework*

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.12-2, below.

Table 4.12-2: Land Use Compatibility Guidelines for Community Noise in San José

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

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

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

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

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

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

Interior Noise Levels

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

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-2 in this Initial Study). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown.

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

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

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

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

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

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

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

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 potential for cosmetic damage at buildings of normal conventional construction.

Municipal Code – Construction Standards

According to San José Municipal Code Chapter 20.50.300 states the sound pressure level generated by any use or combination of uses 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 of the Municipal Code states that 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 to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.12.1.3 *Existing Conditions*

Ambient noise levels in the project area result primarily from vehicles traveling to Santana Row via local streets Baywood and Hemlock Avenues.. A short-term noise measurement (ST-1) was collected at the end of cul-de-sac on Hemlock Avenue, approximately 100 feet south of the project site, and adjacent to the parking lot across Hemlock Avenue. The 10-minute average noise level measured at this location between 5:10 PM and 5:20 PM on Wednesday, November 7, 2018 was 53 dBA L_{eq}.[23] Table 4.12-1 summarizes the results of this short-term measurement.

Table 4.12-1: Summary of Noise Measurement Data

Noise Measurement Location	L_{max}	L_{min}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: 100 feet south of the project site, adjacent to the two-story residences across Hemlock Avenue and parking lot on Hatton Street. (11/07/2018, 5:10 PM - 5:20 PM)	69.6	46.8	63.3	55.5	50.6	48.0	53.4

L_{max}, L_{min} = The maximum and minimum A-weighted noise level during the measurement period.
$L_{(1)}$, $L_{(10)}$, $L_{(50)}$, $L_{(90)}$ = The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
L_{eq} = Equivalent noise level, the average A-weighted noise level during the measurement period.

The estimated average day/night noise level based on the data collected ranges from 55 to 60 dBA DNL.[24]

Furthermore, noise monitoring surveys have been completed for multiple projects to the east and southwest of the project site. For the purposes of this analysis, noise monitoring data from the Stevens Creek & Clover Hotel project was used to asses potential noise impacts from and to the project. The LT-2 noise measurement was used because the location is set back from Stevens Creek Boulevard and in proximity to the project site. Specifically, it is one block east and approximately 250 feet further north than the project site. Noise levels at the LT-2 location are more heavily influenced by both Stevens Creek Boulevard and the nearby freeways than the project site. Therefore, this is a conservative estimate of the exterior noise levels on the project site.
Based on the LT-2 long term noise measurement at 348 Clover Avenue, it is estimated that the ambient noise on the project site ranges from ranged from 56 to 58 dBA Leq during the day, and

[23] L_{eq} = Equivalent noise level, the average A-weighted noise level during the measurement period.
[24] Personal Communication. Thill, Michael, Illingworth & Rodkin, Inc. *Re: Hemlock Residential and Baywood Hotel Noise*. November 8, 2018.

from 51 to 58 dBA Leq at night. The day-night average noise level in the project area is approximately 62 dBA DNL.[25]

4.12.1.3 *Sensitive Receptors*

The nearest noise sensitive uses include the adjacent residences to the north and east of the project site.

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1, 2, 3, 20
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 2, 3, 20
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	1, 2, 3, 20
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 3, 20
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1, 2, 3
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1, 2, 3

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, of if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase perceptible to the

[25] The noise survey was completed by Illingworth & Rodkin as a part of the Stevens Creek and Clover Hotel project in June 2016.
Illingworth & Rodkin. Valley Fair/Santana Row Area Boutique Hotel Project: Noise and Vibration Assessment, San José, California. June 13, 2016.

human ear. In accordance with the General Plan policy, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

City Of San José Standards

The City of San José relies on the following guidelines, as stated in the regulatory framework in Section 4.12.1.2, for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable".

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 mm/sec (0.5 inches/sec), PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structure sounds but structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

4.12.3 Noise Impacts

4.12.3.1 *Noise Impacts from the Project (Checklist Questions a – d)*

Project Generated Traffic Noise Impacts

A significant impact would be identified if traffic generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA

DNL or greater. Residences surrounding the project site have existing noise levels of 55 to 60 dBA DNL within the Hemlock proximity with approximately 62 dBA DNL or greater closer to the Stevens Creek Boulevard; therefore, a significant impact would occur if project-generated traffic would permanently increase noise levels by three dBA DNL.

Vehicular traffic along Hemlock Avenue, Baywood Avenue and the parking lot, approximately 100 feet west of the site, dominate the noise environment in the area. The future noise environment in the project area would continue to result primarily from traffic along surrounding roadways. Typically, traffic volumes have to double on surrounding roadways in order to result in a perceptible noise increase (three dBA).[26] In 2016, the average daily traffic on Hemlock Avenue, west of Monroe Street was 938 daily trips. Project traffic would add 322 net new daily trips to Hemlock Avenue.[27] As a result, the project would not cause traffic volumes to double on surrounding roadways, and therefore, would not result in a perceptible noise increase. This would not be considered to be substantial and, therefore, would result in a less than significant impact. **(Less Than Significant Impact)**

Operational Noise

The proposed project mixed use project would include various mechanical equipment such as refrigeration systems, air condition systems, exhaust fans, and ventilation systems that could increase ambient noise levels in the immediate project vicinity. Pursuant to General Plan Policy EC-1.3, noise levels from building equipment would be limited to 55 dBA DNL at the property line of receiving noise-sensitive land uses. The nearest noise sensitive use is the duplex, approximately 35 feet east of the site. Mechanical equipment (such as exhaust fans and heat pumps) is proposed to be located on the roof within an enclosure. Given the equipment would be shielded and the distance from the top of the roof of the proposed development to the nearest residence, the mechanical equipment noise level would be likely be below the City's 55 dBA DNL threshold at the nearby noise sensitive receptors.[28] Furthermore, the following standard permit condition will be implemented to ensure noise from the project's mechanical equipment would not exceed the City's 55 dBA DNL threshold at nearby noise sensitive receptors.

Standard Permit Condition: Prior to the issuance of any building permits, a detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits."

[26] Caltrans. *Technical Noise Supplement to the Traffic Noise Analysis Protocol.* September 2013.
[27] Personal Communication: Del Rio, Robert. Hexagon Transportation Consultants. Re: *Baywood Hotel and Hemlock Projects.* November 27, 2018.
[28] Illingworth & Rodkin. *Valley Fair/Santana Row Area Boutique Hotel Project: Noise and Vibration Assessment, San José, California.* June 13, 2016.

With implementation of the above standard permit condition, the project would result in a less than significant mechanical equipment noise impact. **(Less Than Significant Impact)**

Construction Noise Impacts

The City considers significant 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 noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction of the project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, and paving. The anticipated construction hours would be approximately 18 months. Therefore, the project shall implement the following mitigation measure to reduce potential impacts to less than significant.

Impact NOI-1: Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction. **(Significant Impact)**

Mitigation Measures: The project would implement the following measure to avoid impacts to construction noise.

MM NOI-1.1: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- 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 (San José Municipal Code Section 20.100.450).

- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences would provide noise reduction if the noise barrier interrupts the line-of-

sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines should be strictly prohibited.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

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

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

disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the identified Standard Permit Conditions, the temporary increase in ambient noise levels in the project area would have a less than significant impact. **(Less Than Significant Impact with Mitigation Incorporated)**

Construction-Related Vibration

Construction activities, such as the removal of existing pavement, site preparation work, excavation of below grade parking, foundation work, and new building erection, could generate excessive vibration levels at nearby structures.

According to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), may generate substantial vibration in the immediate site vicinity.

The nearest buildings to the project site property lines include the child care center located approximately 10 feet south of the on-site residence, and the residential and commercial buildings located approximately 25 to 35 feet east of the site.

Project construction would not require equipment that would generate high vibration levels, such as vibratory rollers and pile driving equipment. Perceptible vibration can be kept to a minimum through the 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 residences and businesses. Currently, no equipment that generates high vibration levels is currently proposed for the project and therefore, the project does not anticipate to result in a significant construction-related vibration impact to nearby residences or businesses. However, due to the proximity between the project and adjacent residential and commercial buildings, the project may still have an impact during the construction phase. Therefore, the project shall implement the following mitigation measure to reduce potential impacts to less than significant.

Impact NOI-2: Implementation of the proposed project would result in significant construction related to groundborne vibration impacts at the nearest structures. **(Significant Impact)**

Mitigation Measures: The project would implement the following measure to avoid impacts to construction vibration.

MM NOI-2.1: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction

vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 25 feet of any adjacent building.
- Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of construction activities identified as sources of high vibration levels.
- Preconstruction condition surveys of the structures within 50 feet of construction activities identified as source of high vibration levels shall be completed with the agreement of the property owner.
- Surveys shall be performed prior to any construction activity, in regular interval during construction and after project completion
- At a minimum, vibration monitoring should be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- 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.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

The construction vibration plan shall be submitted to the Supervising Environmental Planner prior to the issuance of any demolition permits and grading permits. The associated monitoring reports shall be submitted after substantial completion of each phase identified in the project schedule to the Supervising Environmental Planner. An explanation of all events that exceeded vibration limits shall be included together with proper documentation of any exceedance event.

With the incorporation of MM NOI-2.1, the project would result in a significant construction vibration impact. **(Less Than Significant Impact with Mitigation Incorporated)**

4.12.3.2 *Airport Noise (Questions e, f)*

The project site is located approximately 2.5 miles southwest of the nearest airport (the Norman Y. Mineta San José International Airport) and is not within the City's projected aircraft noise impact area. **(No Impact)**

4.12.3.3 *Existing Noise Conditions Affecting the Project (Questions a, b, e, f)*

On December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-1.1 requires the consideration of federal, state, and City noise guidelines as part of new development review. Based on the General Plan noise and land use compatibility guidelines (refer to Table 4.12-2), residential development is allowed in areas with ambient noise levels up to 60 dBA DNL and is conditionally allowed in areas with noise levels up to 75 dBA DNL. Existing ambient noise levels in the project area range from 55 to 60 dBA DNL.

Interior Noise

Interior noise levels would depend on the design of the building including construction materials and methods, and the ratio of windows to wall area. Standard construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

Since the average day-night exterior noise levels could reach up to 60 dBA DNL, the following standard permit condition shall be implemented in accordance with General Plan Policy EC-1.1:

Standard Permit Condition: The project sponsor shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to insure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. If required, building sound insulation requirements shall include the provision of forced-air mechanical ventilation for the manager's unit. Special building construction techniques may be required and can include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

Exterior Noise

As proposed, the project would include common outdoor open space areas on the second, fourth, fifth, and sixth floors of the building. As proposed, the outdoor areas would be located on the south side of the building, which would shield the areas from traffic noise on Stevens Creek Boulevard. The existing average day-night noise level in the project area could reach up to 60 dBA DNL. Exterior noise levels at the proposed common outdoor space areas of the residential/mixed use development would, therefore, conform with the City's residential standard of 60 dBA DNL described in General Plan Policy EC-1.1.

4.12.4 Conclusion

With implementation of the above mitigation measures, and conformance with General Plan policies, the project would have a less than significant noise impact. **(Less Than Significant Impact with Mitigation)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

4.13.1.1 *Existing Conditions*

The project site is located in an urbanized area in the City of San José. The City of San José population was estimated to be 1,051,316 in January 2018.[29] The City has approximately 335,165 housing units, resulting in an average of 3.2 persons per household. ABAG projects that there will be an approximate City population of 1,334,100 and 432,030 households by the year 2040.[30]

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.[31] To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

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

4.13.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1, 2, 3, 4
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1, 2, 3, 4
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1, 2, 3, 4

[29] California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018." Accessed May 10, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/
[30] Association of Bay Area Governments. *Projections 2013*. August 2013.
[31] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

4.13.2.1 *Impacts to Population and Housing (Questions a, b)*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The project proposes to construct a mixed-use development with 48 condominium units and 19,130 square feet of commercial office space. The project site is located within the Santana Row/Valley Fair Urban Village Plan Area. The General Plan establishes specific employment and residential growth capacities for all Urban Villages. The growth capacity, established by the General Plan, for the Santana Row/Valley Fair Urban Village Plan area is 8,500 jobs and 2,635 residential units. The proposed project would accommodate 3.2 persons household which would result in a maximum of 154 residents. The proposed 48 apartment units would represent 5.8 percent of planned housing for the Plan Area.

The project would accommodate approximately 20 employees, which is 0.2 percent of the planned employment growth for the Plan area. The *Urban Village* designation allows for commercial development and residential uses in a mixed-use format. The project is consistent with planned growth and assumptions established in the General Plan and Urban Village Plan. The project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would not induce substantial population growth in the City. **(Less Than Significant Impact)**

4.13.2.2 *Housing Displacement Impacts (Questions b, c)*

The proposed project would demolish an existing single-family residence and a 4,500 square foot commercial office building and construct a mixed-use development with 48 residential units and 19,130 square feet of commercial space. The proposed mixed-use development would offset displacement of the existing residents and employees. The project would not displace a substantial amounts of housing or people from the project site that would necessitate the construction of housing elsewhere. **(Less Than Significant Impact)**

4.13.3 Conclusion

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

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

California Government Code Section 65996

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

Quimby Act – California Code Sections 66475-66478

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

Parkland Dedication Ordinance and Park Impact Ordinance

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

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

4.14.1.2 *Existing Conditions*

Fire Protection Services

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 San José Fire Department Station Number 10 located at 511 South Monroe Street, approximately 0.2 miles southeast of the project site.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately three miles northeast of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Western Division. Patrols are dispatched from police headquarters, and the patrol districts consist of 83 patrol beats.

Schools

The project site is located in the Campbell Union School District (CUSD) area and is within the attendance boundaries of Lynhaven Elementary and Monroe Middle School, located at 881 South Cypress Avenue and 1055 South Monroe Street, respectively. The project site is also within the Campbell Union High School District (CUHSD) area within the attendance boundaries of Del Mar High School, located at 1224 Del Mar Avenue.

Based on Fall 2017/Spring 2018 student enrollment information for the CUSD and CUHSD, approximately 591 students attend Lynhaven Elementary, 920 students attend Monroe Middle School and 1,259 students attend Del Mar High School.[32] The Envision San José 2040 General Plan FEIR found that the Campbell Union School District had an available capacity for 78 students and the Campbell Union High School District was operating above capacity by 374 students in 2010.[33]

Parks/Trails

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[34] The City also manages 18 community gardens, six pool facilities, seven public skate parks, and 58.75 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

[32] California Department of Education. *DataQuest*. Available at: <https://dq.cde.ca.gov/dataquest/>. Accessed March 28, 2018.
[33] San José, City of. *Envision San José 2040 General Plan FEIR*. December 2011.
[34] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun: 2017 Community Impact Report*. Available at: https://www.sanjoseca.gov/index.aspx?NID=204. Accessed May 25, 2018.

The nearest public park is Frank M. Santana Park located on the northwest corner of the South Monroe Street and Tisch Way intersection, and approximately 0.2 miles south of the project site. The park is 5.3 acres and includes a softball field and a children's playground.

Libraries

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 23 branch libraries. The nearest public library is the Bascom Branch Library, approximately 1.2 miles southeast of the project site.

4.14.2 Checklist and Discussion of Impacts

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

4.14.2.1 *Impacts to Public Services (Question a)*

Impacts to Fire and Police Protection

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

Schools

The project proposes to construct a mixed-use development with 48 apartment units. According to the Campbell Union School and Union High School Districts' student generation factors, multi-family residential development generates 0.34 elementary students, 0.16 middle school students, and 0.0899 high school students per dwelling unit.[35] Based on these generation factors, the proposed project would generate approximately 28 students (including 16 elementary, eight middle, and four high school students).

The increase of approximately 28 students would not require the construction of a new school. In addition, the project shall implement the following standard permit condition as a condition of approval for the project.

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

Although the proposed development could increase the student population in the area, the project would conform to Government Code Section 65996, which requires the project to pay school impact fees and is considered adequate mitigation for increased demands upon school facilities. **(Less Than Significant Impact)**

Parks

The project could generate up to 154 new residents (refer to Section 4.13, *Population and Housing* of this Initial Study). The new residents would incrementally increase the use of existing recreational facilities in the project area. The proposed development would include common outdoor balcony areas available to the tenants. The project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance, and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities. The project shall implement the following standard permit condition as a condition of approval for the project.

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

Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to parks. **(Less Than Significant Impact)**

Libraries

There are 24 libraries serving neighborhoods located throughout San José. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811 by

[35] Campbell Union High School District. *Enrollment Projections study.* August 13, 2015.
Personal Communication: Joseph Reynolds, Campbell Union High School District. June 5, 2018.
Personal Communication: Nelly Yang, Campbell Union School District. June 6, 2018.

2040. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the General Plan, which is above the City's service goal. Although the proposed project would incrementally increase residential development and population growth, and, therefore, increase the use of public facilities such as the Bascom Branch Library, the proposed project would not substantially increase use of San José facilities or otherwise require the construction of new library facilities. **(Less Than Significant Impact)**

4.14.3 Conclusion

The proposed development would not result in a significant impact on existing public services. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Quimby Act – California Code Sections 66475-66478

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

Envision San José 2040 General Plan Policies

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

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

4.15.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[36] The City also manages 50 community centers, 18 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 58.75 miles of interconnected trails.

[36] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun: 2017 Community Impact Report*. Available at: https://www.sanjoseca.gov/index.aspx?NID=204. Accessed May 25, 2018.

The project site is located within the West Valley Planning Area of San José. There are 10 areas in the West Valley Planning Area that are underserved by neighborhood/community serving parklands. The Planning Area needs an additional 98.7 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.[37] The Planning Area is not underserved by community centers. The project site is not within any of the 10 areas underserved by parklands.

The nearest public park is Frank M. Santana Park located on the northwest corner of the South Monroe Street and Tisch Way intersection and approximately 0.2 miles south of the project site. The park is 5.3 acres and includes a softball field and a children's playground. The nearest community center is Cypress Community and Senior Center, located at 403 Cypress Avenue, approximately 0.8 miles west of the site.

4.15.2 Checklist and Discussion of Impacts

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

4.15.2.1 *Impacts to Existing Parks and Recreational Facilities (Question a)*

The proposed mixed-use development would result in a maximum of 48 condominium units and an estimated 154 residents on-site (using the City's average of 3.2 persons per household. This development and population growth is anticipated under the General Plan. As described in Section 4.14, *Public Services* of this Initial Study, the project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance (PDO/PIO) to ensure that the development would not significantly impact neighborhood and regional park facilities. **(Less Than Significant Impact)**

4.15.2.2 *Impacts to Environmental from the Construction or Expansion of Recreational Facilities (Question b)*

The proposed project would pay in-lieu fees to meet City open space requirements. No new off-site recreational facilities would be required to serve the additional residents that would result from the project. The proposed development would include common outdoor balcony areas available to the tenants. According to the *Greenprint 2009 Update*, the project area is not underserved by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including Frank M. Santana Park, 0.2 miles south of the project

[37] City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

site. The proposed project would not result in the construction of new recreational facilities with the potential to adversely affect the environment. **(Less Than Significant Impact)**

4.15.3 Conclusion

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

4.16 TRANSPORTATION/TRAFFIC

The discussion in this section is based in part on the Traffic Impact Analysis prepared by *Hexagon Transportation Consultants* in May 2018. This report is included in this Initial Study as Appendix F.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Metropolitan Transportation Commission

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

Congestion Management Program

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

Bike Plan 2020

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

City Council Policy 5-3[38]

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D rather than LOS E.[39] According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[40]

The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, a traffic impact analysis is only required when a project would result in 100 or more peak hour trips.

City of San José Protected Intersection Policy

The intersections of Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard have been identified as City of San José Protected Intersections.

Protected Intersections consist of locations (there are a total of 30) that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect on other transportation facilities (such as pedestrian, bicycle, transit systems, etc.). Protected Intersections are, therefore, not required to maintain a Level of Service D, which is the City of San José standard. The deficiencies at all 30 Protected Intersections in the City of San Jose have been disclosed and overridden in the Santana Row Planned Development Rezoning EIR (certified in August 2015), Downtown Strategy 2000 EIR (certified in June 2005), and North San Jose Development Policies Update EIR (certified in June 2005).

If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved if offsetting Transportation System Improvements are provided. The offsetting improvements are intended to provide other transportation benefits for the community adjacent to the traffic impact. The improvements may include enhancements to pedestrian, bicycle, and transit facilities, as well as neighborhood traffic calming measures and other roadway improvements.

The City will preliminarily identify a list of specific offsetting improvements. Priority is given to improvements identified in previously adopted plans such as area-wide specific or master plans, redevelopment plans, or plans prepared through the Strong Neighborhoods Initiative. Community outreach would occur in conjunction with the project review and approval process. Once the specific

[38] The City of San José adopted and implemented a new transportation policy (Council Policy 5-1) after initiation of the proposed project. Due to the timing of the analysis for this Initial Study, the City determined that the project would be assessed under Policy 5-3, which was the adopted policy at the time the project began.
[39] City Council Policy 5-3 is applicable to the proposed project, since the project was on file with the City prior to March 29, 2018. All applications for projects submitted to the City subsequent to March 29, 2018 are subject to the vehicle miles travelled (VMT) policy.
[40] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

improvements have been identified, the developer must submit improvement plans to the City of San José Department of Public Works for review and approval.

Envision San José 2040 General Plan

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

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy	Description
Policy TR-8.8:	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Action TR-10.4	In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.6	Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Santana Row Valley Fair Urban Village Plan Policies

The adopted Santana Row Valley Fair Urban Village Plan includes the following land use policies applicable to the proposed project:

Policy	Description
Policy 3-20	New development should support and enhance the pedestrian and bicycle environment and provide greater connectivity to the overall network.
Policy 6-7	Development projects should create, implement, and maintain transportation demand management programs for their sites that reduce automobile traffic and parking demand, improve traffic flow, and increase use of alternatives modes like walking, biking, transit, and ridesharing.

Policy	Description
Policy 6-51	New developments shall provide well-located, visible bicycle parking and/or storage facilities along sidewalks, in parking garages, and building entrances and public sites as defined in San José Municipal Code Title 20.

4.16.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided via Interstate 880 and Interstate 280, as described below.

Interstate 880 (I-880) is a six-lane freeway in the vicinity of the site. It extends north to Oakland and south to Interstate 280 in San José, at which point it makes a transition into State Route 17 (SR 17) to Santa Cruz. Access to the site is provided via the I-880 interchange with Stevens Creek Boulevard.

Interstate 280 (I-280) is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San José, at which point it transitions into Interstate 680 (I-680) to Oakland. North of I-880, I-280 has high occupancy vehicle (HOV) lanes in both directions. Access to and from northbound I-280 to the site is provided via its interchange with Winchester Boulevard.

Local access to the site is provided by Stevens Creek Boulevard, Winchester Boulevard, Tisch Way, Hatton Street, Redwood Avenue, and Baywood Avenue, as described below.

Stevens Creek Boulevard is a divided six-lane east-west roadway in the vicinity of the project site. It extends from Cupertino eastward to I-880, at which point it transitions into San Carlos Street to Downtown San José. Access to the site from Stevens Creek Boulevard is provided via its intersection with Baywood and Redwood Avenues.

Winchester Boulevard is a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. Winchester Boulevard provides access to the project site via its intersection with Stevens Creek Boulevard, Tisch Way, Olsen Drive, and Olin Avenue.

Tisch Way is a two-lane east-west roadway that extends eastward from Winchester Boulevard to South Monroe Street. Access to the project site from Tisch Way is provided via Hatton Street.

Monroe Street is a three-lane north-south roadway between Stevens Creek Boulevard and Hemlock Avenue and transitions to a two-lane roadway south of Hemlock Avenue to Tisch Way. Access to the project site from Monroe Street is provided via its intersection with Hemlock Avenue.

Clover Avenue is a two-lane north-south roadway that runs between Stevens Creek Boulevard and Hemlock Avenue. Access to the project site from Clover Avenue is provided via its intersection with Hemlock Avenue.

Hemlock Avenue is a two-lane east-west roadway that extends westward from Monroe Street. Hemlock Avenue provides direct access to the project site via one full-access driveway.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area consist of sidewalks along all surrounding streets. Sidewalks are found along all of the previously described local residential streets and collectors near the site. At the Monroe Street and Tisch Way intersection, there is a pedestrian footbridge over I-280 connecting Monroe Street/Tisch Way and Moorpark Avenue. Crosswalks across Stevens Creek Boulevard are provided near the project site at Monroe Street, the Valley Fair entrance, and at Santana Row. The Valley Fair entrance intersection with Stevens Creek Boulevard will be relocated to align with Baywood Avenue as part of the Valley Fair Mall expansion project. The new intersection will provide a controlled crossing point between the project site and amenities provided at Valley Fair Mall. Overall, the existing network of sidewalks and crosswalks provides good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area.

Existing bicycle facilities near the project site include Class II bikeways located on Winchester Boulevard west of the site, Monroe Street east of the site, Stevens Creek Boulevard north of the site, and Moorpark Avenue south of the site. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Although none of the residential streets near the project site (i.e., Hemlock Avenue and Clover Avenue) provide bike lanes or are designated as bike routes, due to their low traffic volumes, many of them are conducive to bicycle usage.

Transit Services

Existing transit service in the project area is provided by the Valley Transit Authority (VTA). The closest bus stop location to the project site is at the Stevens Creek Boulevard and Santana Row intersection, approximately 1,000 to 1,400 feet northwest of the project site, and is served by Express Route 323. Other bus stops approximately one-half mile from the project site include those at the intersections of Stevens Creek Boulevard and Winchester Boulevard, Olin Avenue and Winchester Boulevard, and Olsen Drive and Winchester Boulevard. The bus stops on Stevens Creek Boulevard are served by Routes 23 and 323, while the bus stops on Winchester Boulevard are served by Routes 23 and 60. The Valley Fair Transit Center is located within three-quarters of a mile of the project site adjacent to Westfield Valley Fair, along Forest Avenue. The Valley Fair Transit Center is served by two bus routes, Route 23 and Route 60. Limited-stop express route 323 operates along Stevens Creek Boulevard between Downtown San José and De Anza College. Route 23 provides service between DeAnza College and the Alum Rock Transit Center via Stevens Creek Boulevard, with 10-15-minute headways during commute hours. Route 60 provides service between the Winchester Transit Center and Great America via Winchester Boulevard, with 15-20-minute headways during commute hours. Routes 23 and 323 connect to other services such as Caltrain, VTA Light Rail Transit, and ACE in Downtown San José.

4.16.1.3 *Methodology*

The impacts of the proposed development were evaluated following the methodologies established by the City of San José and the Santa Clara County Congestion Management Program (CMP). Intersections were selected for study if project traffic would add at least 10 trips per lane per hour during one or more peak hours, consistent with adopted CMP methodology. Traffic conditions at the study intersections were evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no

delay, to LOS F, or jammed conditions with excessive delays. The analysis methods are described below. Traffic conditions at all study intersections and freeway segments were analyzed for the weekday AM and PM Peak Hours. The AM Peak Hour is defined as 7:00AM and 9:00AM and the PM Peak Hour is defined as 4:00PM to 6:00PM. The peak hours represent the periods of greatest traffic congestion on a typical weekday.

Traffic conditions were evaluated under existing conditions, background conditions[41], existing plus project conditions, background plus project conditions, and cumulative conditions to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic. The existing traffic conditions were established based on traffic volumes from the City of San José 2016 CMP Annual Monitoring Report, previously completed traffic studies, and new manual turning-movement counts completed in April 2018.

The correlation between average delay and LOS is shown in Table 4.16-1.

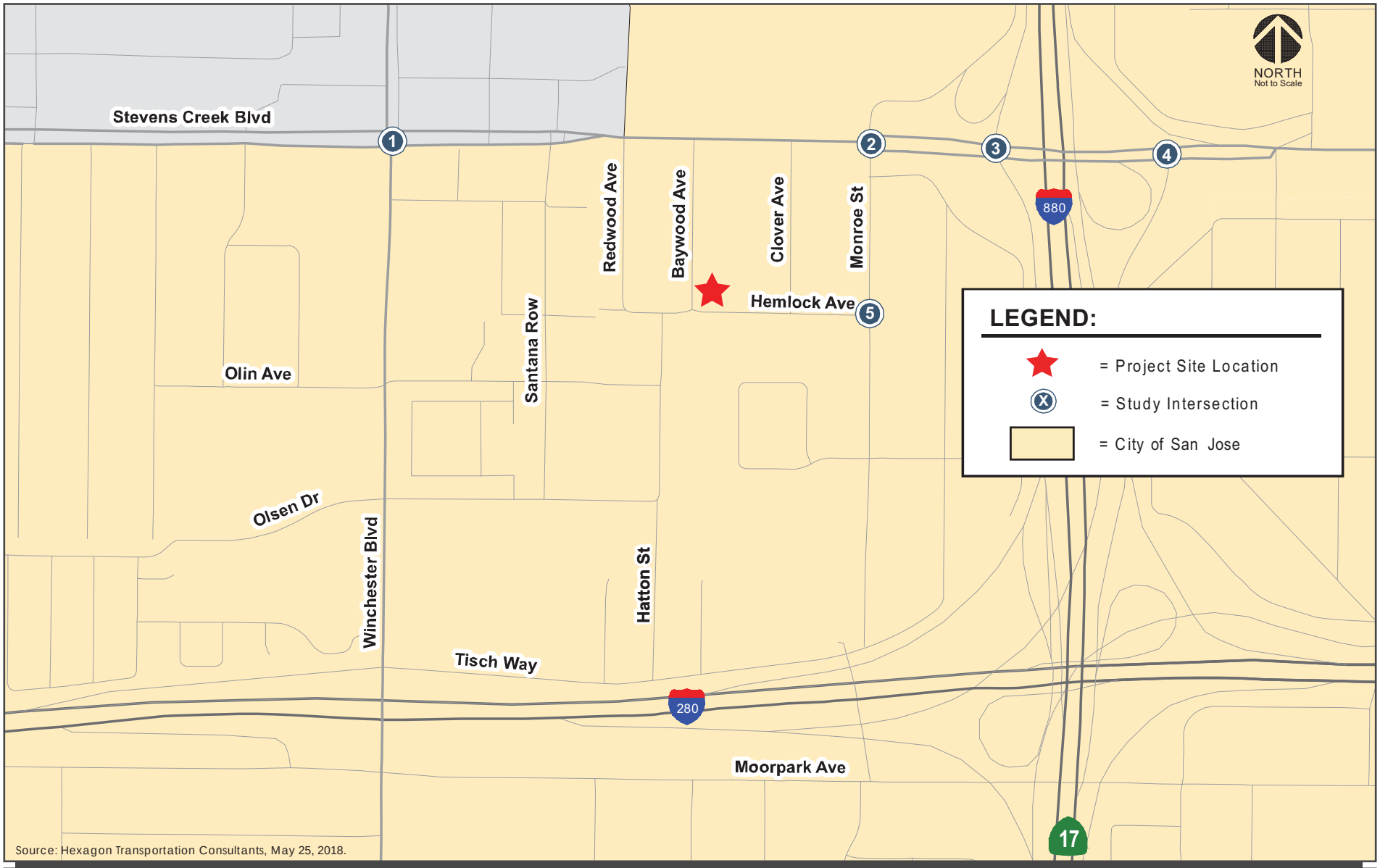
Table 4.16-1: Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[42]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C[43] ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.0 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater then 80.0

The traffic study analyzed AM and PM Peak Hour traffic conditions for six signalized intersections in the vicinity of the project site. The study intersections are listed in Table 4.16-2, below, and the locations of the study intersections are shown on Figure 4.16-1.

Based on the City of San José's policies, an acceptable operating level of service is defined as LOS D or better at all intersections within the City. Consistent with City Council Policy 5-3[44], the City of San José LOS methodology is TRAFFIX, which is based on the 2000 *Highway Capacity Manual* (HCM) method for signalized intersections.

[41] Background conditions are existing plus vehicle trips from approved but not yet constructed development.
[42] Measured in seconds.
[43] Volume to capacity ratio.
[44] City of San José Website. http://www.sanJoséca.gov/DocumentCenter/Home/View/382



STUDY INTERSECTIONS | FIGURE 4.16-1

4.16.1.4 *Existing Intersection Operations*

Analysis of the existing intersection operations concluded that all of the study intersections currently operate at an acceptable LOS during both peak hours. The results of the existing conditions analysis are summarized in Table 4.16-2.

Table 4.16-2: Study Intersection Level of Service – Existing Conditions

No.	Intersection	Peak Hour	Average Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (Protected)	AM PM	33.3 47.0	C D
2	Monroe Street and Stevens Creek Boulevard (Protected)	AM PM	29.7 34.6	C C
3	I-880 SB Ramps and Stevens Creek Boulevard	AM PM	23.8 22.5	C C
4	I-880 NB Ramps and Stevens Creek Boulevard	AM PM	19.7 21.1	B C

4.16.1.5 *Background Intersection Operations*

Background traffic conditions represent conditions anticipated to exist after completion of the environmental review process but prior to operation of the proposed development. It takes into account planned transportation system improvements that would occur prior to implementation of the proposed project and background traffic volumes. Background peak-hour traffic volumes are calculated by adding estimated traffic from approved but not yet constructed development to the existing conditions (see Appendix F for a list of Background projects). This traffic scenario represents a more congested traffic condition than the existing conditions scenario since it includes traffic from approved projects.

Changes to the Roadway Network

This analysis assumes the transportation network under background conditions would be the same as the existing transportation network with the following exceptions:

Winchester Boulevard and Stevens Creek Boulevard – The planned improvement consists of the addition of a second southbound left-turn at the intersection. The second southbound left-turn lane is to be completed with the approved expansion of the Valley Fair Shopping Center. The traffic associated with the Valley Fair expansion is included within the background volumes.

Santana Row and Stevens Creek Boulevard – As part of the approved expansion of the Valley Fair Shopping Center, the intersection would be restriped to provide one left-turn lane, one through lane, and one right-turn lane on the north and south approaches.

Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard – As part of the approved expansion of the Valley Fair Shopping Center, this intersection will be relocated from its current position to align with Baywood Avenue. The north approach at the relocated intersection will serve

as the primary access point to Valley Fair Shopping Center and will be restriped to provide one left-turn lane and one shared left, though, and right-turn lane. Baywood Avenue will serve as the relocated intersection's south approach. However, northbound Baywood Avenue will be restricted to right-turns only to/from Stevens Creek Boulevard.

Background Intersection Level of Service

The LOS of the study intersections was calculated under background conditions. Analysis of the background intersection operations concluded that the two protected intersections would operate at an unacceptable LOS:

- No. 1 – Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour)
- No, 2 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)

All other intersections would operate at an acceptable LOS. The results of the background conditions analysis are summarized in Table 4.16-3 below.

Table 4.16-3: Study Intersection Level of Service – Background Conditions

No.	Intersection	Peak Hour	Existing		Background	
			Average Delay	LOS	Average Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (Protected)	AM	33.3	C	34.8	C
		PM	47.0	D	**89.3**	**F**
2	Monroe Street and Stevens Creek Boulevard (Protected)	AM	29.7	C	38.8	D
		PM	34.6	C	**128.6**	**F**
3	I-880 SB Ramps and Stevens Creek Boulevard	AM	23.8	C	28.3	C
		PM	22.5	C	25.5	C
4	I-880 NB Ramps and Stevens Creek Boulevard	AM	19.7	B	21.2	C
		PM	21.1	C	21.9	C

Notes: Bold represents intersection operating under unacceptable conditions.

4.16.1.6 *Existing Freeway Operations*

Per CMP guidelines, freeway segment level of service analyses shall be completed on all segments to which the project is projected to add one percent or more to the segment capacity. Since the project is not projected to add one percent to any freeway segments in the area, a freeway analysis for the CMP was not required. Please refer to Table 8 of Appendix F.

4.16.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 2, 3, 4, 21
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 2, 3, 4, 21
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, 3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1, 3
e) Result in inadequate emergency access?	☐	☐	☒	☐	1, 3
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1, 2, 3, 4, 21

4.16.3 Impact Criteria

4.16.3.1 *City of San José – Local Signalized Intersections*

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

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

- At any designated protected intersection that is already an unacceptable LOS E or F under background conditions, cause the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by .005 or more.

4.16.3.2 *Transportation Impacts (Questions a - f)*

Trip Generation

Based on the residential and commercial ITE trip generation rates, it is estimated that the proposed project would generate 435 daily trips, with 39 trips (23 inbound and 16 outbound) occurring during the AM peak hour and 41 trips (16 inbound and 25 outbound) occurring during the PM peak hour.[45]

The trip estimates for each of the proposed land use components of the proposed project were reduced to account for internalization, or trips made between each of the proposed land uses. The reductions are based on the assumption that vehicle trips to each of the proposed land uses of the site would be reduced due to internalization of trips. Reductions were applied for the internalization, or trips made between residential and employment, as recommended by the VTA's Transportation Impact Analysis Guidelines, October 2014.

Trips associated with the existing uses on the project site are subtracted from the estimated trips to be generated by the proposed project. There is currently a 3,000-s.f. medical office building and a single-family home on-site that will be replaced by the proposed project. Based on ITE trip generation rates and driveway counts, the existing uses generate 113 daily vehicle trips, with 7 trips (5 inbound and 2 outbound) occurring during the AM peak hour and 6 trips (3 inbound and 3 outbound) occurring during the PM peak hour. The proposed project would, therefore, generate 322 net new daily trips, with 32 trips (18 inbound and 14 outbound) occurring during the AM peak hour and 35 trips (13 inbound and 22 outbound) occurring in the PM peak hour.

Existing Plus Project Intersection Level of Service Analysis

Project trips were added to existing traffic volumes to obtain existing plus project traffic volumes. The results of the intersection level of service analysis under existing plus project conditions show that, measured against the City of San José level of service standards, all of the study intersections would operate at acceptable levels of service during both the AM and PM peak hours. The results of the analysis are summarized in Table 4.16-4.

[45] The number of daily trips calculated was based on 48 dwellings and 19,130 square feet of office space. Currently, the office square footage proposed is 18,495 square feet. The number of trips estimated in the TIA is slightly above the (5 to 10 trips) what is currently proposed. The TIA, therefore, provides a conservative estimate and is, therefore, applicable to this Initial Study analysis.

Table 4.16-4: Study Intersection Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Average Delay	**LOS**	**Average Delay**	**LOS**
1	Winchester Boulevard and Stevens Creek Boulevard (Protected)	AM PM	33.3 47.0	C D	33.4 47.1	C D
2	Monroe Street and Stevens Creek Boulevard (Protected)	AM PM	29.7 34.6	C C	29.7 34.6	C D
3	I-880 SB Ramps and Stevens Creek Boulevard	AM PM	23.8 22.5	C C	23.8 22.5	C C
4	I-880 NB Ramps and Stevens Creek Boulevard	AM PM	19.7 21.1	B C	19.7 21.1	B C

As shown in Table 4.16-4, implementation of the proposed project would have a less than significant LOS impact under existing plus project conditions. **(Less Than Significant Impact)**

Background Plus Project Intersection Levels of Service

Projected peak hour traffic volumes with the project were estimated by adding to background traffic volumes the additional traffic generated by the project. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts. This analysis assumes that the transportation network under background plus project conditions would be the same as the transportation network under background conditions.

The results of the intersection level of service analysis under background plus project conditions are summarized in Table 4.16-5.

Table 4.16-5: Background Plus Project Intersection Levels of Service								
No.	**Intersection**	**Peak Hour**	**Background**		**Background Plus Project**			
			LOS	**Delay**	**LOS**	**Delay**	**Critical Delay**	**V/C**
1	Winchester Boulevard and Stevens Creek Boulevard (Protected)	AM PM	34.8 **89.3**	C **F**	34.8 **89.3**	C **F**	0.1 0.0	0.001 0.000
2	Monroe Street and Stevens Creek Boulevard (Protected)	AM PM	38.8 **128.6**	D **F**	12.6 **131.3**	B **F**	0.0 4.1	0.000 0.009
3	I-880 SB Ramps and Stevens Creek Boulevard	AM PM	28.3 25.5	C C	28.5 25.7	C C	0.2 0.4	0.005 0.005
4	I-880 NB Ramps and Stevens Creek Boulevard	AM PM	21.2 21.9	C C	21.3 22.0	C C	0.1 0.1	0.003 0.004

The results show that the following two intersections are projected to operate at an unacceptable LOS during the PM peak hour under background plus project conditions.

1. Winchester Boulevard and Stevens Creek Boulevard (Protected)
2. Monroe Street and Stevens Creek Boulevard (Protected)

The proposed project would not increase the critical delay at the Winchester Boulevard/Stevens Creek Boulevard intersection by two or more seconds and would not increase the V/C by one-half percent or more. The project would increase the critical delay at the Monroe Street/Stevens Creek Boulevard intersection by more than two seconds and increase the V/C by more than one-half percent. Therefore, the project would result in a significant impact to this intersection.

Pursuant to the City's Transportation Impact Policy (Council Policy 5-3), in lieu of physical improvements to Monroe Street/Stevens Creek Boulevard intersection (Protected Intersection), the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site.

Project Condition: Prior to the issuance of Public Works clearance, the project applicant shall implement offsetting improvements as required by the Department of Public Works to other parts of the citywide transportation system to improve system-wide roadway capacity or to enhance non-auto travel modes in furtherance of the General Plan goals and policies. Confirmation of compliance with this condition shall be submitted to the Supervising Environmental Planner prior to the issuance of Public Works Clearances.

Pursuant to the City's Protected Intersection Policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impact. **(Less Than Significant Impact)**

Transit Services

The project site is not directly served by any transit services other than the limited-stop 323 VTA bus line that has a stop at the intersection of Santana Row and Stevens Creek Boulevard approximately 1,000 to 1,400 feet northwest of the project site. Local bus lines 23 and 60 operate in the project area within reasonable walking distance of the site. It can be assumed that some residents/employees of the proposed mixed-use project would utilize the existing transit service. Applying an estimated three percent transit mode share, which is probably the highest that could be expected for the project, equates to approximately two new transit riders during both peak hours. Assuming the existing transit service would remain unchanged, the estimated number of new transit riders using the bus stops located near the project site would equate to no more than one new rider per bus during the peak hours. VTA operations reports indicate that the bus lines in the project area do not operate at capacity. Therefore, the new riders could be accommodated by the current available capacity of the bus service in the study area. **(Less Than Significant Impact)**

Bicycle and Pedestrian Facilities

Currently, there is no existing bike link between the project site and other existing bicycle facilities in the area. The San José Bike Plan 2020 and Envision 2040 General Plan identify planned improvements to the bicycle network within the City and provide policies and goals that are intended to promote and encourage the use of multi-modal travel options and reduce the identified project impacts to the roadway system. The planned improvements to the bicycle network will provide the project site with improved connections to surrounding pedestrian/bike and transit facilities and a balanced transportation system as outlined in the Envision 2040 General Plan goals and policies.

Pedestrian traffic primarily would consist of residents and employees of the proposed development walking to and from surrounding retail establishments, as well as bus stops on Stevens Creek Boulevard and Winchester Boulevard. Crosswalks with pedestrian signal heads are located at all signalized intersections in the study area. All of the roadways in the vicinity of the project site have sidewalks on both sides of the street.
The proposed project would not result in unsafe conditions for pedestrian or bicyclists and would not preclude implementation of planned improvements. **(Less Than Significant Impact)**

4.16.3.3 *Air Traffic (Question c)*

The project site is located approximately 2.5 miles southwest of the Mineta San José International Airport, and is not located within the AIA nor the safety zones designated by the CLUP. Therefore, the project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks. **(No Impact)**

4.16.3.4 *Operational Issues Not Addressed Under CEQA*

Parking

Per the City of San José Municipal Code (Chapter 20.90.060) multiple-dwelling residential- uses are as follows: 1.25 parking spaces for one-bedroom units and 1.7 parking spaces for two-bedroom units. The project proposes 25 one-bedroom units and 23 two-bedroom units. Based on the City parking code requirements, the project would need to provide 71 off-street parking spaces for the residential use.

The project would provide 67 off-street parking spaces, which is a 50 percent reduction of the City's typical total required parking spaces. Parking reduction greater than 20 percent and up to 50 percent, however, is permitted with the completion of a TDM plan for projects within an Urban Village that meet the City's bicycle requirements. Given the project's location within the Santana Row Valley Fair Urban Village Plan area and the proposed TDM plan, the project would meet the City's parking requirements.[46]

[46] Personal Communication. Hexagon Transportation Consultants: DelRio, Robert. RE: Parking Discussion Clarification. October 31, 2018.

4.16.4 Conclusion

The proposed project would have a less than significant LOS impact under existing plus project conditions. The impact to the Monroe Street/Stevens Creek Boulevard would be reduced to less than significant with the implementation of the project condition would reduce the impact to a less than significant level. With implementation of the proposed TDM Plan and conformance with City General Plan policies related to bicycle and pedestrian facilities the proposed project would not result in significant impacts on the transportation system. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

Assembly Bill 939

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

California Green Building Standards Code

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

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

Envision San José 2040 General Plan

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

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy	Description
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

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

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

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

4.17.1.2 *Existing Conditions*

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

Water Service

Water service is provided to the site by the San José Water Company. There are currently no recycled water lines in the project area.[47]

Sanitary Sewer/Wastewater Treatment

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

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[48] In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day.[49] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[50]

Storm Drainage

The project site is located in a developed area served by storm drainage systems. Impervious surfaces on the site include building roofs, driveways paved storage areas.

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

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[51] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

[47] City of San José. "Recycled Water Pipeline System." Accessed June 22, 2018. Available at: http://www.sanjoseca.gov/DocumentCenter/View/4692.
[48] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed June 22, 2018. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.
[49] City of San José. "Clean Bay Strategy Reports." February 2013. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629
[50] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[51] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

4.17.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1, 2, 3
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2, 3
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2, 3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1, 2, 3
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1, 2, 3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 2, 3
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1, 2, 3

4.17.2.1 *Impacts to Water and Wastewater Treatment Facilities (Questions a, b)*

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

Sanitary sewer lines serving the site are owned and maintained by the City of San José. There is an existing 6-inch line in Baywood Avenue adjacent to the west side of the site that is available to serve the project.

Wastewater from the project area is treated at the RWF in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[52] In 2012, the RWF's average dry

[52] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed June 22, 2018. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.

weather effluent flow was 85.3 million gallons per day.[53] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[54]

Development of the proposed project is anticipated to result in wastewater generation of approximately 9,875 gallons per day.[55] Because the existing single-family house and dentist office on the site currently generate wastewater, the net increase in wastewater generation for the project would be less than 9,875 gallons per day. The project would not result in exceedances of RWQCB's treatment requirements for the RWF.

4.17.2.2 *Impacts to Stormwater Drainage Facilities (Checklist Question c)*

The site is currently developed with a single-family residence and a dental office building, along with associated parking and landscaping. Runoff from the project site currently enters the storm drainage system untreated and unimpeded.

There is an existing 24-inch storm drain line in Hemlock Avenue adjacent to the site's southern boundary that would serve the project.

As discussed in Section 4.9, *Hydrology and Water Quality* of this Initial Study, the project would increase the impervious surface area of the site, resulting in an increase in stormwater runoff from the site. The project proposes to install an inline stormwater filter device on-site to treat the runoff before it enters the storm drain line in Hemlock Avenue. In addition to treating the runoff, the filter would reduce the rate and volume of stormwater runoff exiting the site. Due to the proposed installation of the inline stormwater filtering device, the project would not be expected to contribute to any exceedance of the existing storm drain system capacity. **(Less Than Significant Impact)**

4.17.2.3 *Water Supply Impacts (Checklist Question d)*

Water service is provided to the site by the San José Water Company. The primary water source for the project area is groundwater. The Santa Clara Valley Water District currently manages the groundwater basin in Santa Clara County. In 2010, SCVWD's groundwater usage was estimated at 51,107 acre-feet per year.

The project proposes to redevelop the project site with a six-story residential mixed use building. There is an existing ten-inch domestic water supply line in Baywood Avenue that is available to serve the project. It is estimated that the project would result in a water demand of approximately

[53] City of San José. "Clean Bay Strategy Reports." February 2013. Accessed July 18, 2017. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629
[54] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[55] Based upon a standard water use rate of 60 gallons per day per person of indoor water, 3,031 gallons per day of irrigation water for landscaping (JMH Weiss, Inc.), and wastewater comprising 85% of water use.

11,618 gallons per day.[56] The net increase in water demand for the project would be less than this total, due to the existing residential and dental office uses on the site that are currently using water. The proposed increase in water usage at the site would not significantly impact SCVWD's water supplies or usage. **(Less Than Significant Impact)**

4.17.2.4 *Wastewater Treatment Impacts (Checklist Question e)*

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

4.17.2.5 *Solid Waste Impacts (Checklist Questions f and g)*

Santa Clara County's Integrated Waste Management Plan was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[57] The project would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity. **(Less Than Significant Impact)**

4.17.3 Conclusion

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

[56] Based upon a standard water use rate of 60 gallons per day per person of indoor water, 3,031 gallons per day of irrigation water for landscaping (JMH Weiss, Inc.).
[57] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1, 2, 3, 11, 12, 13, 14
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-21
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-10, 13-21

4.18.1 Project Impacts

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in *Section 4.3 Air Quality*, construction activities on-site would include demolition of the existing buildings, grading and site preparation, trenching, building construction, architectural coating, and paving. The project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions. Implementation of MM AIR-1.1 would reduce community risk impacts from construction of the project to less than significant.

As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitats or species and would not significantly increase the potential for bird strikes. With implementation of MM BIO-1.1 through MM BIO-1.4, the project would not impact nesting raptors or migratory birds. As part of the project's Standard Permit Conditions, all trees removed would be required to be replaced in accordance with all applicable laws, policies, and guidelines. As discussed in *Section 4.4.2.5*, the project is consistent with the activity described in the SCVHP and would require discretionary approval by the City. The project would be subject to applicable SCVHP fees prior to

issuance of any grading permits. All projects in the City, including the proposed project, would be required to pay the cumulative nitrogen deposition fees.

Construction activities may disturb subsurface cultural resources on-site. Implementation of the standard permit conditions would avoid or reduce impacts to cultural resources to a less than significant level. Implementation of the Standard Permit Conditions listed in *Section 4.6 Geology and Soils* would reduce construction related erosion impacts.

The existing buildings on-site were constructed prior to 1978 and is likely to contain harmful levels of ACMs or lead. The project would be required to implement the Standard Permit Conditions as mentioned in *Section 4.8 Hazards and Hazardous Materials* to reduce ACM and/or lead-based paint impacts. Grading and construction activities on-site could expose construction workers to contaminated soils and groundwater. As a result, the project would implement MM HAZ-1.1 and MM HAZ-1.2 to reduce hazards to the people and the environment.

As discussed in *Section 4.9 Hydrology and Water Quality*, the project would be required to implement Standard Permit Conditions to reduce potential construction-related water quality impacts.

As discussed in *Section 4.12 Noise and Vibration*, the project would be required to implement standard permit conditions and mitigation measures to reduce noise and vibration impacts from construction activities near sensitive land uses. The proposed project would not result in new or more significant impacts than identified in the General Plan FEIR (as amended).

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed development would result in temporary water quality, biological, and noise impacts during construction. With the implementation of the identified Standard Permit Conditions, BMPs, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on water quality, biological resources, and noise.

Implementation of the proposed project could result in the loss of trees on and adjacent to the site. Any trees removed would be replaced in accordance to the City's Standard Tree Replacement Ratios (refer to *Table 4.4-3*). The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable long-term impact on biological resources.

Earthmoving activities may result in the loss of unknown subsurface prehistoric and historic resources on-site. Because the project would implement the Standard Permit Conditions as a condition of approval, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

The project's cumulatively considerable impact on air quality, noise, and transportation are discussed below. As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, and utility and service facilities. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan FEIR (as amended) and accounted for in the City's long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

4.18.2.1 *Cumulative Air Quality Impacts*

Increased community risk can occur by introducing a new source of TACs to existing sensitive receptors in the project vicinity. The nearest sensitive receptors to the project site are the adjacent and nearby residences. BAAQMD recommends a 1,000 foot-radius for assessing community risks and hazards from TAC mobile and stationary sources. A review of the project area indicates that Stevens Creek Boulevard, and a gas station at 2850 Stevens Creek Boulevard are the primary sources of TAC emissions within 1,000 feet of the site.

In addition to existing nearby TAC sources and construction of the project, there could be other projects in the area with potentially active construction sites that would occur during the proposed project construction period, including the Baywood Hotel Project which would be located at 375 and 383 South Baywood Avenue. Emissions from construction of the Baywood Hotel Project were assumed to occur during the same time as the propose project. The combined effect of mobile and stationary source in the project area is shown in Table 4.18-1.

Table 4.18-1: Impacts from Combined Sources at Construction MEI

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Unmitigated Project Construction	**30.3 (infant)**	0.34	0.03
Unmitigated Baywood Hotel Project	9.4 (infant)	0.23	<0.01
Stevens Creek Boulevard	3.3	0.12	<0.01
Plant #G8469 – Gas Station (2850 Stevens Creek Blvd.)	0.1	NA	<0.01
Cumulative Total	43.1	0.69	<0.06
BAAQMD Cumulative Threshold	***100***	***10.0***	***0.8***
Threshold Exceeded?	**No**	**No**	**No**

As shown in Table 4.18-1, the project would have a less than significant impact with respect to community risk caused by project construction activities, since the combined cancer risk and the annual PM2.5 concentration are below the combined-source BAAQMD cumulative thresholds of 100 per million for cancer risk and 0.8 µg/m3 for PM2.5.

The combined impact from the noted sources within 1,000 feet of the project site would generate TAC emissions below the BAAQMD thresholds of significance and, as a result, the project's contribution to the cumulative source emissions would not be cumulatively considerable and would not result in a significant health risk to nearby sensitive receptors. **(Less Than Significant Impact)**

4.18.2.2 *Cumulative Noise Impacts*

The construction of proposed project would likely occur at the same time as the Baywood Hotel Project located on the west side of Baywood Avenue, across from the project site. Both projects are anticipated to take 22 months to complete. The combine construction noise would be most noticeable at the nearby residences.

Both projects would individually have a less than significant impact on nearby residential receptors. Combined, the projects not result in a cumulative noise impact due to the size of the projects, the duration of exterior work, and implementation of the City's Standard Project Conditions. **(Less Than Significant Impact)**

4.18.2.3 *Cumulative Transportation Impacts*

Cumulative development typically includes projects that are in the pipeline (pending projects) but are not yet approved. It includes descriptions of nearby pending developments and the procedure used to estimate traffic volumes associated with them. Cumulative conditions reflect traffic conditions that would occur at the time that the proposed project is completed. The analysis of cumulative conditions is required by the CMP and in conformance with CEQA.

A significant cumulative traffic impact at an intersection is identified by comparing cumulative with project traffic conditions against background traffic conditions. The cumulative projects collectively would create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if during either the AM or PM peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under cumulative conditions, or;
2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of cumulative project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by 0.01 or more.
3. The level of service at a designated Protected Intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two (2) or more seconds and the volume-to-capacity ratio (V/C) to increase by one-half percent (.005) or more.

An exception to criteria 2 applies when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e., the change in average stopped delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to

background conditions or better at non-protected intersections. A single project's contribution to a cumulative intersection impact is deemed considerable in the City of San José if the proportion of project traffic represents 25 percent or more of the increase in total volume from background traffic conditions to cumulative traffic conditions.

Cumulative Traffic Volumes

Traffic volumes under cumulative conditions were estimated by adding the trips from approved developments, estimated project trips, and trips from proposed but not yet approved (pending) development projects. Cumulative conditions include trips generated by the following pending development projects in the immediate area of the proposed project:

- 375 South Baywood Avenue Hotel Development (San José) – 105 rooms
- 335 South Winchester Boulevard Mixed-Use Development (San José) – 95,829 square feet of commercial space and 13,157 square feet of retail space
- Agrihood Residential Development (Santa Clara) – 165 affordable senior housing units, 36 townhome units, 160 apartment units, and 1,650 square foot community café.

Cumulative Intersection Levels of Service Analysis

The results of the Cumulative Intersection Level of Service Analysis show that, measured against the City of San José level of service impact criteria, the estimated cumulative project trips collectively would create a significant adverse traffic impact at the following two intersections during the PM peak hour:

1. Winchester Boulevard and Stevens Creek Boulevard (CMP) (Protected)
2. Monroe Street and Stevens Creek Boulevard (Protected)

The project's contribution in total volume from background traffic conditions to cumulative traffic conditions would be less than 25 percent at each of these intersections. Therefore, the proposed project traffic will not result in a significant impact under cumulative conditions.

The addition of cumulative project trips at the remaining City of San José study intersections would not create a significant adverse traffic impact when measured against the City of San José level of service. **(Less Than Significant Impact)**

4.18.3 Direct or Indirect Adverse Effects on Human Beings

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

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