

Initial Study

Bridge Housing Communities

File No. PP18-081

Prepared by the



NOVEMBER 2018

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Bridge Housing Communities (BHC) 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 Bridge Housing Communities project responds to Assembly Bill 2176 which authorizes the City to put into effect a five-year pilot program to create emergency bridge housing communities for the homeless on City-owned or City-leased property. The Assembly Bill also provides for temporary emergency housing in new or existing structures on City-owned or City-leased property.

To implement bridge housing communities, the City will declare a shelter crisis and adopt an Ordinance for reasonable local standards for the design, site development and operation of emergency bridge housing communities and their structures and facilities in lieu of existing State and local standards. The City has identified two potential sites for bridge housing communities. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the Ordinance and creation of a bridge housing community at either or both potential sites. Other emergency housing sites may be identified on City-owned or City-leased property at a future date. The impacts of emergency housing on future City-owned or City-leased property would undergo their own specific environmental review as they are identified.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-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 30-day public review period should be sent to:

City of San José
Department of Planning, Building and Code Enforcement
Attention: Reema Mahamood, Planner III
200 East Santa Clara Street, T-3
San José, CA 95113
reema.mahamood@sanjoseca.gov
(408) 535-6872

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/ Negative Declaration (ND) for the project at a regularly scheduled meeting of the City Council. The City shall consider the Initial Study/ND together with any comments received during the public review process. Upon adoption of the ND, 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 posted within 24 hours of receipt at the County Clerk's Office and available for public inspection 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

Bridge Housing Communities (BHC) Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Attention: Reema Mahamood, Planner III
200 East Santa Clara Street, T-3
San José, CA 95113
reema.mahamood@sanjoseca.gov
(408) 535-6872

2.3 PROJECT APPLICANT

City of San José Department of Housing

2.4 PROJECT LOCATION

The project would be located on one or both of the following sites:

1. Santa Clara Valley Transportation Authority (VTA) Staging Site across from the San José Flea Market on Mabury Road, approximately 1.3 acres
2. Felipe Site at the southwest quadrant of the I-280/I-680/HW 101 interchange, approximately 2 acres.

The locations of the two project sites are shown in the following figures:

Figure 2.4-1: Regional Map

Figure 2.4-2: Vicinity Map

Figure 2.4-3: Aerial Photograph with Surrounding Land Uses (VTA Staging Site)

Figure 2.4-4: Aerial Photograph with Surrounding Land Uses (Felipe Site)

2.5 ASSESSOR'S PARCEL NUMBERS

VTA Staging Site: 254-01-034

Felipe Site: Caltrans right-of-way (no APN)

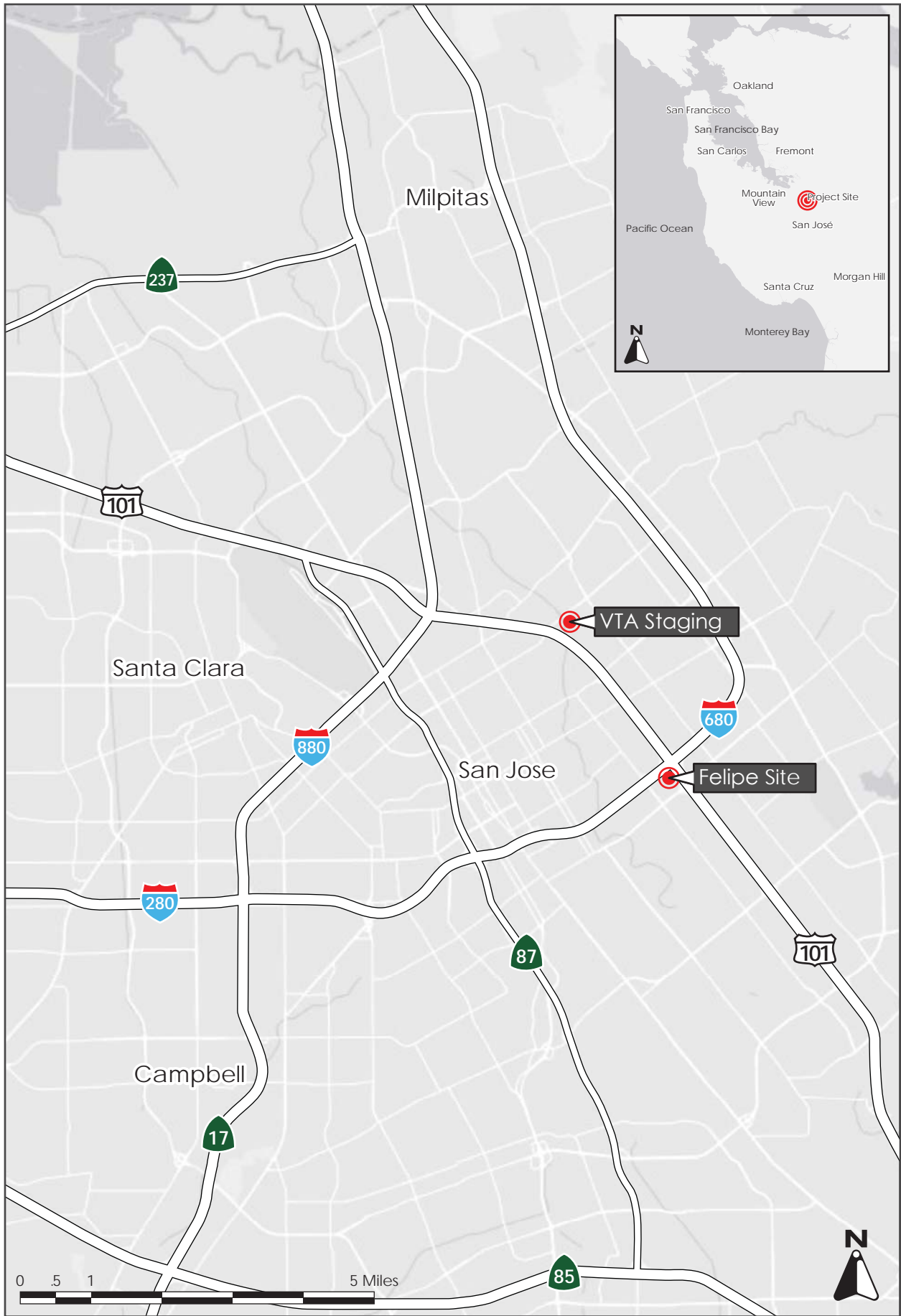
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The VTA Staging Site is designated *LI – Light Industrial* under the City's General Plan and is located in the *LI – Light Industrial* zoning district.

The Felipe Site is within Caltrans right-of-way and has no City zoning or General Plan designation. The property located across the street from the Felipe site is designated *IP – Industrial Park* under the City's General Plan and within the *IP – Industrial Park* zoning district.

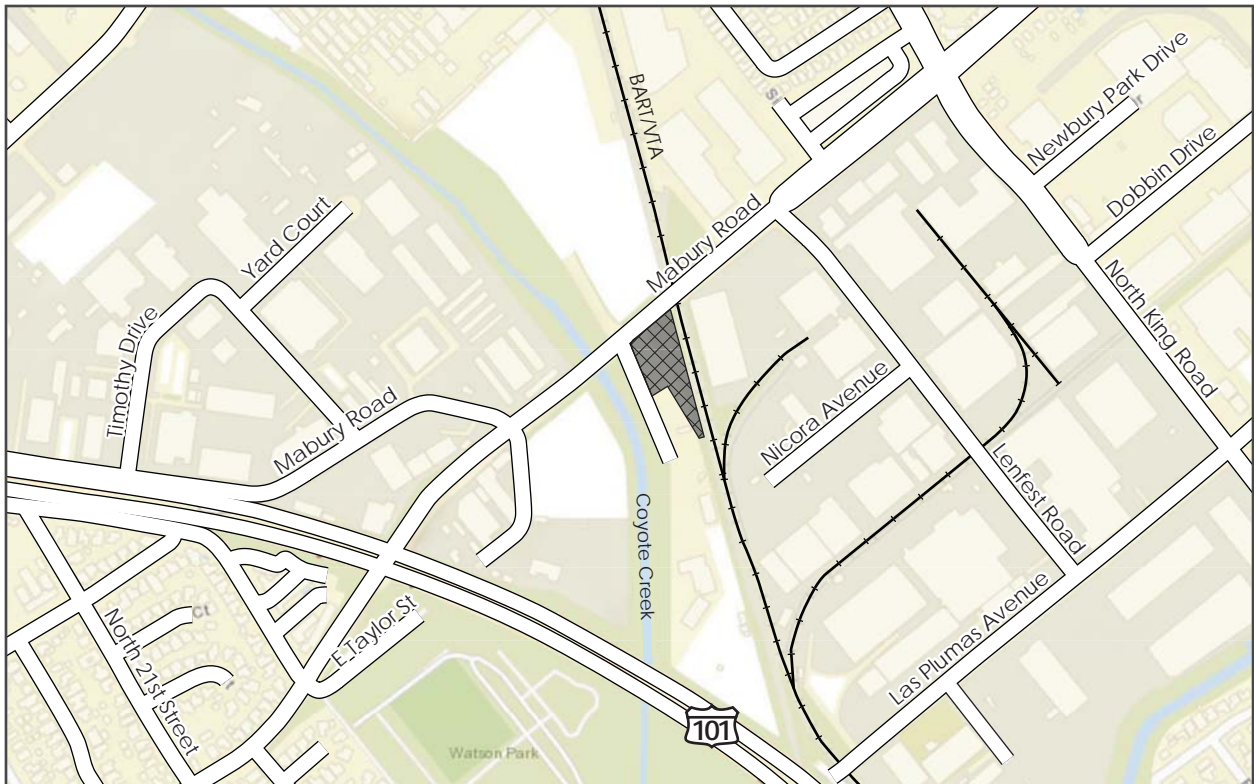
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Tree Removal Permit
- Building Permit(s)
- Agreement with Caltrans for use of their property for BHC
- Agreement with VTA for use of their property for BHC
- Caltrans Encroachment Permit (Felipe Site)



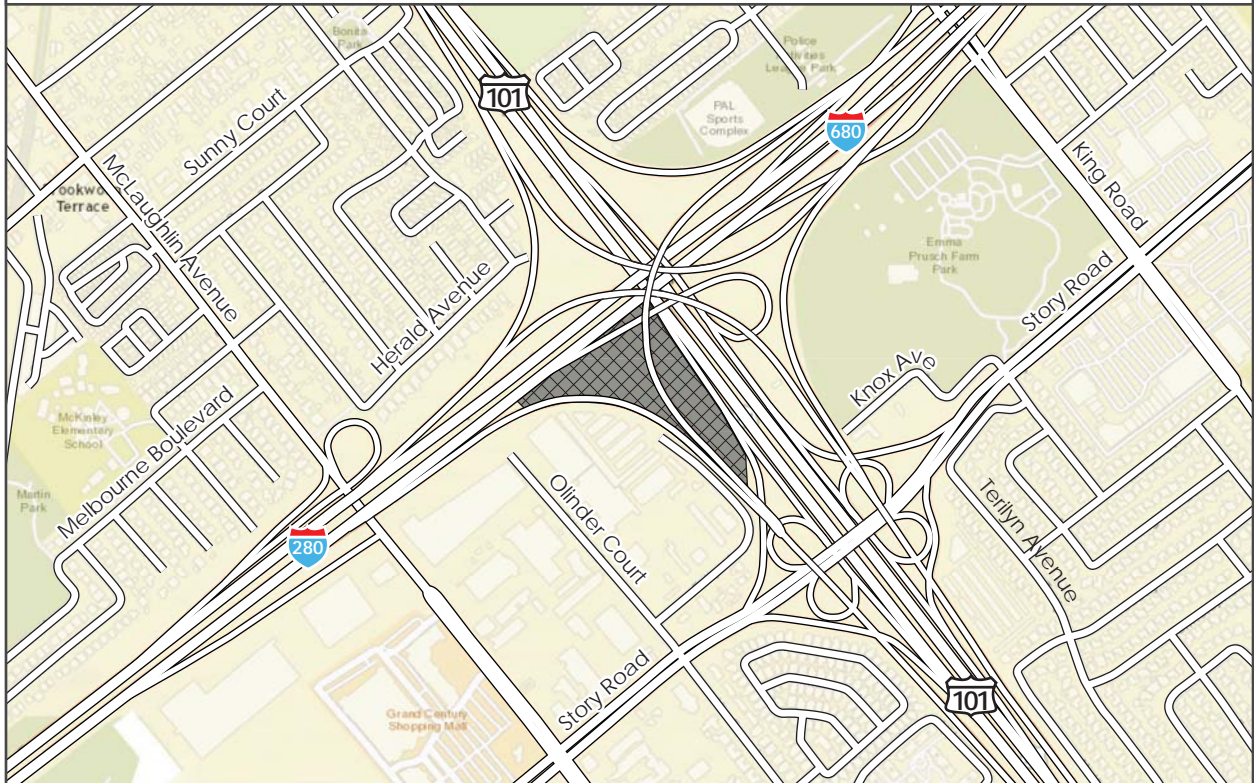
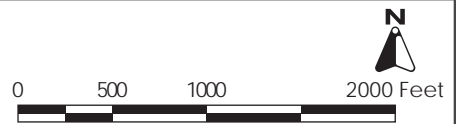
REGIONAL MAP

FIGURE 2.4-1



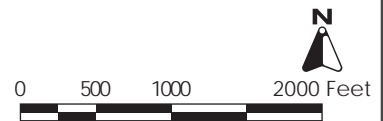
 VTA Staging Site

Base Map: ArcGIS



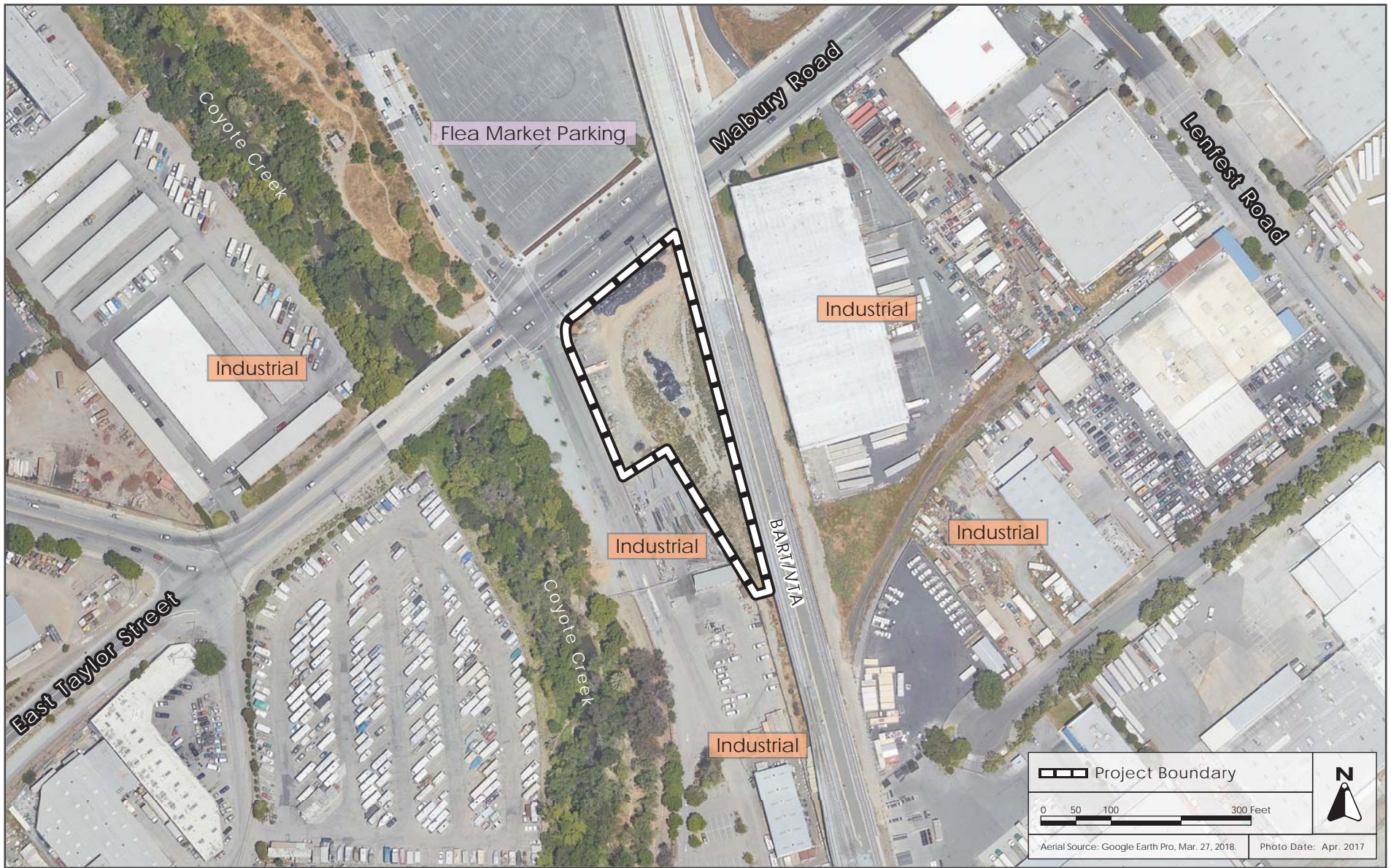
 Felipe Site

Base Map: ArcGIS



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES (VTA Staging Site)

FIGURE 2.4-3



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES (Felipe Site)

FIGURE 2.4-4

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

3.1.1 Assembly Bill 2176

On September 27, 2016, Assembly Bill (AB) 2176 was signed into law. Effective January 1, 2017 the bill, upon declaration of a shelter crisis, authorizes a five-year program that allows the City of San José to create emergency housing which includes Bridge Housing Communities (BHC) for the homeless in new or existing structures on City-owned or City-leased property.

The bill, in lieu of compliance with State and local building, housing, health, habitability, or safety standards and laws, authorizes the City to adopt by ordinance reasonable local standards for the design, site development, and operation of emergency bridge housing communities and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with State and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. In addition, BHC sites are not required to be consistent with the City's land use regulations (i.e., General Plan and zoning designations). AB 2176 sunsets on January 1, 2022.

“Emergency Bridge Housing Community” is defined in the Ordinance as any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, emergency sleeping cabins consistent with the requirements of subdivision (h) of California Government Code Section 8698.3 that are reserved for homeless persons and families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which shall be located on property leased or owned by the City. An emergency bridge housing community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

“Emergency housing” is defined in the Ordinance as housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or a City declaration of shelter crisis. Emergency housing includes emergency bridge housing communities. Emergency housing may also include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units including commercial modulars constructed and/or assembled in accordance with this Ordinance or with the Voluntary Emergency Housing Appendices to the California Building Code and California Residential Code.

The City proposes to adopt a new ordinance for BHC (BHC Ordinance) according to the provisions outlined above (see Appendix A). The proposed project is the BHC Ordinance and the two potential BHC sites described below. The conditions and mitigation measures that are typically used to mitigate environmental impacts to a less than significant impact are included in the Conditions and Provisions of the BHC Ordinance (see Appendix A).

3.2 POTENTIAL EMERGENCY HOUSING SITES

The City has identified two potential project sites for BHC (see Figure 2.4-2), of which one or both would ultimately be chosen for the project. The two potential BHC sites are described below. No other sites are currently being considered for emergency housing under the BHC Ordinance.

3.2.1 VTA Staging Site

The 1.3-acre VTA Staging Site is located on Mabury Road just south of the San José Flea Market parking lots and adjacent to the planned Berryessa BART extension. A portion of the site is currently used for storage of building materials, soil, and several light-duty trucks, while the remainder of the site is vacant. The vacant portions of the site are sparsely vegetated with ruderal grasses. Vehicular and pedestrian access to the site is currently provided via an access road to 1404 Mabury Road. The VTA Staging site is designated *LI – Light Industrial* under the City’s General Plan and located in the *LI – Light Industrial* zoning district.

The surrounding land uses include industrial and commercial buildings with associated surface parking. Immediately east of the project site is the location of a planned BART extension, to the south is a City of San José service yard, to the west is Coyote Creek, and to the north is the San José Flea Market parking lot (see Figure 2.4-3).

3.2.2 Felipe Site

The approximately two-acre Felipe Site is located at the southwest corner of the I-280/I-680/US 101 interchange, underneath the southbound US 101 flyovers. The project site is currently vacant and vegetated with ruderal grasses, shrubs, and multiple trees. Site access would be provided via Felipe Avenue; however, the site is currently fenced off with chain-link fence. The project site is owned by Caltrans and located within a Caltrans right-of-way; thus, the site is not under the jurisdiction of San José’s Municipal Code or General Plan. The property located across the street from the Felipe site is designated *IP – Industrial Park* under the City’s General Plan and located within the *IP – Industrial Park* zoning district.

The surrounding land uses are industrial and commercial. The project site is bounded on the north and east sides by I-680 and US 101, and the site is bisected by flyovers for southbound US 101 onramps. To the south, the project site is adjacent to an outdoor public storage facility (see Figure 2.4-4).

3.2.3 Other Emergency Housing Sites

Other emergency housing sites may be identified on City-owned or City-leased property at a future date. The impacts of emergency housing on future City-owned or City-leased would undergo their own specific environmental review as they are identified.

3.3 PROPOSED PROJECT

The BHC Ordinance would be in effect through at least 2022, the period specified in AB 2176. Given that the intent of AB 2176 was for a five-year operating period, this CEQA analysis assumes the project would operate for five years from adoption of the BHC Ordinance, but only past January 1,

2022 if the sunset date is extended or other authorizing State legislation is adopted and the City's BHC Ordinance is amended accordingly.

Bridge Housing Communities would be operated consistent with the general City of San José Bridge Housing Communities Operations and Services Plan (see Appendix B) regardless of the location. The BHC site layouts would also be standard, with a few minor changes to accommodate the dimensions and topography of the site. In general, the project aims to create the site layout without taking out mature trees and with minimal site disturbance. It is anticipated that the footprint of the development would be less than one acre (see Figure 3.3-3).

As described previously, the City has identified two potential sites to develop BHCs (see Figure 2.4-3 and Figure 2.4-4), of which one or both would ultimately be chosen for development of a BHC which would include emergency sleeping cabins (ESCs) and modular community buildings. The construction of the BHC and detailed descriptions of the components are discussed below.

3.3.1 BHC Project Operation

The project proposes to install up to 40 ESCs and up to five modular community buildings to temporarily house homeless residents while they seek permanent housing. The target population for the two BHC Communities identified in this Initial Study would be employed or employment ready single adults who are homeless. The program would continue through January 1, 2022, per AB 2176, however, this CEQA analysis assumes an operating period of five years but only past January 1, 2022 if the sunset date is extended or other State legislation is adopted and the City's BHC Ordinance is amended accordingly. The City would contract with a developer who would construct the BHC, and would contract with the same, or a different, firm which would serve as the operator for the BHC program. Participants in the program would stay for a maximum of one year during which time, on a case-by-case basis, they would be provided services and be placed in permanent housing.

The BHC would be gated, and ingress and egress would be monitored by residents and staff. There would be at minimum, one staff member on site twenty-four hours a day, seven days a week. There would be periodic maintenance and management staff on site. Case workers would be on-site during weekday business hours (Monday to Friday, 9 AM to 5 PM). During the first year of operation, 24-hour security personnel would be provided. After the first year, the City would reevaluate the need for 24-hour security. Trash receptacles would be provided for use by the residents of the proposed project and trash would be picked up regularly (see Appendix B).

The ESCs would be individual single-level units, designed as single room occupancy (SRO). The ESCs would be designed with seismic safety as a consideration. Each ESC would be provided with electric power and no other utility connection.

One of the community buildings would be used for administrative functions, training and education, food preparation and communal activities, and a separate building would be equipped with showering and restroom facilities. The community buildings would be constructed to meet the State HCD seismic standards for premanufactured housing. The community buildings would be connected to power, water, sewer, and communications utilities.

3.3.2 BHC Project Construction

Construction activities for the proposed project would be minimal and would consist of light grading and excavation for trenching to a depth of no more than three feet. The modular community buildings would use a pier system approved by HCD and the sleeping cabins would be raised on supports that are placed directly on the ground. Staging activities on the BHC site(s) would be limited to storing construction supplies such as gravel, dirt, piping, and landscaping material. The ESCs would be trucked in on flat-bed trucks and a forklift would be used to load and unload. The premanufactured community buildings are transported with wheel and hitch and would be towed in and placed on site via truck and hitch.

Construction vehicles would consist of dump trucks for transporting dirt and gravel, Class A trucks to tow the premanufactured buildings, grader, and small excavator for utility trenching. If utility poles would need to be installed depending on the site location, a small crane may be used to install the poles.

The majority of the ESCs would be 8 feet by 10 feet and a small number of units would be 10 feet by 12 feet. The units would be no more than 11 feet tall (see Figure 3.3-1). The premanufactured community buildings modular sections are approximately 12 feet by 60 feet, and would be up to 13 feet from grade to rooftop (see Figure 3.3-2). The community buildings may have more than one modular section, and up to three connected sections. The ESCs and modular community buildings would be pre-constructed off site and delivered to the final project location for installation. Parking spaces would be provided for the on-site residents, case workers, and resident coordinators.

Fencing would surround the entire project site. A mix of fencing types would be used: more visible areas would use wood fencing such as redwood or cedar, and vulnerable areas requiring more security would likely use vinyl-coated small hole chain-link.

The construction period is anticipated to be no more than eight months from grading to occupancy.

Figure 3.3-3 shows the typical site layout which would be used at either potential project site. Minor alterations to the site layout could occur to accommodate the specific topography and dimensions of the two potential project sites.



CONCEPTUAL ESC DESIGN

FIGURE 3.3-1



CONCEPTUAL COMMUNITY BUILDING DESIGN

FIGURE 3.3-2

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

The discussion for each environmental subject includes the following subsections:

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

The conditions and mitigation measures that are typically used to mitigate environmental impacts to a less than significant impact are included in the Conditions and Provisions of the BHC Ordinance (see Conditions and Provisions to the BHC Ordinance in Appendix A).

Important Note to the Reader

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

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

and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

Scenic Highways Program

The State Scenic Highways Program is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. State Route (SR) 280 from the San Mateo County line to SR 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.

City of San José Outdoor Lighting Policy

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

4.1.2 Environmental Checklist

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

4.1.3 Impact Discussion

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

The General Plan FEIR defines scenic vistas in the City as views from the Santa Clara Valley of the surrounding hillsides. These scenic vistas can be viewed from Communications Hill, extensions of

the Silver Creek Hills, and the Santa Teresa Hills. In addition, views of the hillsides are visible from public roadways in these areas.

The General Plan FEIR also defines scenic urban corridors such as segments of major highways that provide gateways into the City. Neither of the potential BHC sites are located in a designated scenic area or scenic urban corridor defined by the General Plan. **(No Impact)**

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

There is one officially designated State scenic highway (State Route 9) and four eligible State scenic highways (Interstate 280, State Route 35, State Route 17, and State Route 152) in Santa Clara County.¹ The VTA Staging Site is located approximately 11 miles northeast of State Route 9 and about 5 miles northeast of Interstate 280.² The Felipe Site is approximately 11 miles northeast of State Route 9 and about 5 miles east of the eligible section of Interstate 280. As such, the project at either site would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

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

VTA Staging Site

The VTA Staging Site (see Photos 1 and 2) is currently vacant and is partially blocked from public view by a chain-link fence. The project area is a mix of commercial and industrial businesses, with varying heights and styles, creating a varied visual character. The placement of up to 40 single-story ESCs and up to five single-story modular community buildings, with associated landscaping and hardscape, would represent a visual change to the project site. However, given the mix of uses in the project area, the intensity and style of the proposed development would not degrade the existing character of the project site or its surroundings. **(Less Than Significant Impact)**

Felipe Site

The Felipe Site (see Photos 3 and 4) is currently vacant and is partially blocked from public view by a chain-link fence and freeway improvements (i.e., flyways and columns). Similar to the VTA Staging Site, the Felipe Site is surrounded by commercial and industrial uses with no consistent visual character. As such, the development of the proposed project would not degrade the existing character of the project site or its surroundings. **(Less Than Significant Impact)**

¹ California Department of Transportation. California Scenic Highway Mapping System, Santa Clara County. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed November 29, 2017.

² Interstate 280 is an eligible scenic highway beginning from the interchange with State Route 17 and extending north into San Mateo County.



Photo 1: View of VTA Staging Site from northwest corner looking southeast.



Photo 2: View of VTA Staging Site from southwest corner looking northeast.



Photo 3: View of Felipe site from southwest corner looking north.



Photo 4: View of Felipe Site from Felipe Cul-de-sac looking southeast.

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

BHC and other emergency housing units would include outdoor security lighting on-site, along the driveways, entrance areas, and within the parking areas.

For both potential BHC sites, the outside lighting of the proposed project would be comparable in brightness to the ambient lighting in the surrounding commercial area. The project proposes to use low glare building materials, so as not to introduce a new source of glare.

Use of low glare building materials would not create significant impacts to adjacent properties from increased lighting or glare at emergency housing sites. **(Less Than Significant impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called *Prime Farmland*. In CEQA analyses, the FMMP classifications and published County maps are used, in part, to identify whether agricultural resources that could be effected are present on-site or in the project area.

California Land Conservation Act (Williamson Act)

The California Land Conservation Act (commonly referred to as the Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under Williamson Act contract is used, in part, to identify sites that may include agricultural resources or are zoned for agricultural uses.

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.³ In CEQA analyses, programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.

³ *Forest land* is land that can support 10-percent native tree cover under natural conditions and that allows for management of one or more forest resources (including timber, fish and wildlife, and biodiversity) (California Public Resources Code Section 12220(g)); *Timberland* is land (not owned by the federal government or designated by the board as experimental forest land) that is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and land zoned as *Timberland Production* is land devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

4.2.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4

4.2.3 Impact Discussion

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

As discussed above, both potential BHC sites are designated as Urban and Built-up Land. Thus, the project at either site would not convert farmland of any type to non-agricultural use. **(No Impact)**

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

The VTA Staging Site is zoned *Light Industrial* and the Felipe Site is surrounded by land zoned *Industrial Park*. Both project sites' zoning designations do not allow agriculture and neither site is subject to a Williamson Act contract. **(No Impact)**

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

As discussed above, both BHC project sites are zoned for industrial uses and not zoned as forestland or timberland. **(No Impact)**

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

Both BHC project sites are in urban developed areas and the proposed project would not result in a loss of forestland. **(No Impact)**

4.3 AIR QUALITY

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 and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as “criteria pollutants”): particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. “Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet State or federal ambient air quality standards for ground level ozone and fine particulate matter (PM_{2.5}), nor does it meet State standards for respirable particulate matter (PM₁₀). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants and Fine Particulate Matter (Local Community Risks)

Besides criteria pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. TACs are primarily regulated through State and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. A chemical becomes a regulated TAC in California based on designation by the California Office of Environmental Health Hazard Assessment (OEHHA). Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air and accounts for roughly 60 percent of the total cancer risk associated with TACs in the Bay Area. Other TACs found in urban air include lead, benzene and formaldehyde.

Fine Particulate Matter (PM_{2.5}) is a complex mixture of substances that includes elements such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM_{2.5} can lodge deeply into the lungs. According to the Bay Area Air Quality

Management District (BAAQMD), PM_{2.5} is the air pollutant most harmful to the health of Bay Area residents.

Common stationary sources of TACs and PM_{2.5} include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common mobile source is motor vehicles on roadways and freeways. Unlike regional criteria pollutants, local risks associated with TACs and PM_{2.5} are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and State ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and State air quality laws and regulations.

Regional air quality management districts, such as 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 focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

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

4.3.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,5
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,5

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,5
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,5
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.3.3 Impact Discussion

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

The most recent clean air plan is the 2017 CAP. The proposed BHC at either site would not conflict with the 2017 CAP because it would have emissions below BAAQMD screening thresholds of 114 dwelling units for construction-related air pollution and 450 dwelling units for operational-related air pollution, and is considered urban infill.⁴ Because the project would not exceed BAAQMD significance thresholds, it is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining State and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

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

4.3.3.1 *Operational Emissions*

The proposed project would install up to 40 ESCs and up to five modular community buildings. BAAQMD developed screening criteria to provide a conservative indication of whether a project could result in potentially significant operational air quality impacts for criteria pollutants. The proposed project does not fit into any standardized land use category. For the purposes of this analysis, the project was conservatively categorized as “mobile home park”. For operational impacts from criteria pollutants, the screening size for mobile home parks is 450 dwelling units. Projects that are smaller than the screening size would have a less than significant operational air quality impact.

The proposed 40-unit-maximum emergency housing project is well below the screening size for the proposed land use. In addition, it is assumed that the proposed emergency housing project would have a useful life of five years, based on the time frame intent of AB 2176. Based on the above, the

⁴ Based on BAAQMD threshold for mobile home park land use type.

project at either site would have a less than significant operational criteria air quality impact. **(Less Than Significant Impact)**

4.3.3.2 *Construction Emissions*

As with operational emissions, BAAQMD has developed screening criteria to provide a conservative indication of whether construction activities associated with a project could result in a potentially significant air quality impact. For construction impacts from criteria pollutants, the screening size is 114 mobile home units. Projects that are smaller than the screening size are considered to have a less than significant operational air quality impact. The 40-unit project is well below the screening size for the proposed land use.

However, construction activities on-site would include grading of a portion of the site and trenching for utilities which would generate dust and other particulate matter. The generation of dust and other particulate matter could temporarily impact nearby receptors.

Conditions and provisions in the BHC Ordinance address measures to lessen potential impacts from dust and particulate matter during construction (see Conditions and Provisions to the BHC Ordinance in Appendix A). With implementation of the BHC Ordinance measures, dust and other particulate matter generated during construction that could affect adjacent and nearby sensitive land uses would be reduced to a less than significant level at both sites. **(Less Than Significant Impact)**

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

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM₁₀ and PM_{2.5}. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Checklist Question b) above, the project's operational and construction emissions would be less than significant since the project falls well below the BAAQMD's screening thresholds. In addition, construction on either project site would be required to implement the BHC Ordinance measures for dust and particulate matter, as discussed above. **(Less Than Significant Impact)**

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

4.3.3.3 *Construction Toxic Air Contaminants (TACs)*

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of Diesel Particulate Matter, organic TACs from all vehicles, and PM_{2.5}, which is a regulated air pollutant. There are no sensitive receptors adjacent to either of the project sites. The measures for fugitive dust and particulate matter noted above would be implemented during construction to reduce TAC emissions at either site.

Implementation of these conditions would reduce exhaust and fugitive dust emissions. Furthermore, unlike standard housing developments, construction activities would be limited to minor site grading, trenching for utilities, preparation of building pads, and installation of prefabricated units. Based on the above, the proposed project at either site would result in a less than significant community risk impact due to construction activities. **(Less Than Significant Impact)**

4.3.3.4 Carbon Monoxide Emissions

Carbon monoxide (CO) emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of CO. BAAQMD screening criteria indicate that a project would have a less than significant impact to CO levels if:

1. The project is consistent with a local congestion management plan;
2. Project traffic would not increase traffic levels at any affected intersection to more than 44,000 vehicles per hour; or

The proposed project at either site complies with City Council Policy 5-3 (Level of Service Policy) in that project trips are less than ten in each peak hour and would not cause any local intersection to degrade to an unacceptable level of service (see Section 4.17). The project would also not cause any intersections to exceed 44,000 vehicles per hour. Therefore, the project at either site would not result in significant CO impacts. **(Less Than Significant Impact)**

4.3.3.5 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.

VTA Staging Site/Felipe Site

Local community risk and hazards are associated with TACs and PM_{2.5} because emissions of these pollutants can have significant health impacts at the local level. The City of San José General Plan Policy MS-11.1 requires 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. The policy also requires new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of TACs to avoid significant risks to health and safety.

The proposed project would include sensitive receptors that could be exposed to TACs due to the VTA Staging Site's proximity to US 101 and the Felipe Site's proximity to I-680 and US 101.

BAAQMD provides Roadway Screening Analysis Tables that are used to assess potential cancer risk and annual PM_{2.5} concentrations from surface streets for each Bay Area county. The criteria used by the City of San José are that a project would result in TAC or PM_{2.5} health risks if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual average $\text{PM}_{2.5}$.

Based on the BAAQMD Roadway Screening Analysis Tables, emissions on both project sites currently exceed the excess cancer risk criteria. Cancer risk at the VTA Staging Site would be about 20 in one million and the cancer risk at the Felipe Site would be about 50 in one million. The cancer risk, however, is based on a 70-year exposure and the proposed housing is temporary in nature. As a result, exposure would be limited to the anticipated five years of operation and short term occupancy of the proposed project at either site would not expose future transitional housing residents to chronic automobile and truck emissions on I-680 or US 101 and, therefore, would not conflict with Policy MS-11.1. **(Less than Significant Impact)**

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

The project at either site 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 properties, however there are no sensitive receptors near either site. Odors would be localized and temporary and are not likely to affect people off-site. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, upon a Tree Survey completed for the proposed project by Kieilty Arborist Services in June 2018 and included as Appendix C of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal

Migratory Bird Treaty Act

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

State

Special Status Species

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

Regional and Local

Habitat Conservation Plans

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.

The City determined not to exempt the BHC project from this ordinance because it would not place an undue burden on implementing the project. As discussed in Checklist Question e) below, there are no trees on the VTA Staging Site and the placement of ESCs on the Felipe Site would be flexible enough to avoid the removal of trees.

4.4.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,10

4.4.3 Impact Discussion

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

4.4.3.1 *Special-Status Species*

VTA Staging Site

The VTA Staging Site is vacant and sparsely vegetated with ruderal grasses. Although Coyote Creek is located west of the site, the edge of the VTA Staging Site is approximately 90 feet from the top bank of Coyote Creek and is separated by an access road to the City's Mabury Service Yard and additional hardscape. Based on the above, the proposed project would have a less than significant impact on habitats for special-status plant and wildlife species. **(Less than Significant Impact)**

Felipe Site

The Felipe Site contains areas of ornamental vegetation, shrubs, and trees. There are no riparian areas, wetlands, or other natural communities located within or immediately adjacent to the site that might be impacted by the project. Habitats for special-status plant and wildlife species are not present. Therefore, there would be no impact to special status species at the Felipe Site. **(No Impact)**

4.4.3.2 *Nesting Birds*

VTA Staging Site/Felipe Site

The VTA Staging Site does not have any trees present on-site; however, the site is located adjacent to Coyote Creek which could have nesting birds present.

The Felipe Site has approximately 28 mature trees on-site. Urban-adapted raptors (birds of prey) or other protected birds could use the mature trees on or near the site for nesting and foraging habitat. Nesting birds are protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW) regulations.

The proposed project could impact nesting occurring in trees in Coyote Creek adjacent to the VTA Staging Site and could result in the removal of up to 28 trees from the Felipe Site. If construction occurs during the avian breeding season (February 1 through August 31 for most species nesting in the project vicinity), removal of vegetation and trees could result in direct loss of nests containing eggs or young. In addition, construction activities during the nesting season could disturb adult birds to the point of abandonment of active nests. Therefore, it is likely that some active nests could be lost if construction is initiated during the nesting season. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. In conformance with the California State Fish and Game Code and the provisions of the MBTA, however, the conditions and provisions in the BHC Ordinance address measures to lessen potential impacts to nesting birds during construction (see Conditions and Provisions to the BHC Ordinance in Appendix A). Thus, the project would result in a less than significant impact. **(Less than Significant Impact)**

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

VTA Staging Site

As stated previously, Coyote Creek is approximately 90 feet west of the VTA Staging Site. However, no project construction is proposed near Coyote Creek and the Mabury Service Yard access road and hardscape separating the VTA Staging Site from Coyote Creek would ensure no vehicle or pedestrian traffic would occur near the creek. **(Less than Significant Impact)**

Felipe Site

The VTA Staging Site is located in a developed and urban area with no riparian areas or other natural communities in the project vicinity. **(No Impact)**

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

VTA Staging Site

As discussed in Checklist Question b), the VTA Staging Site is adjacent to Coyote Creek. No project construction, however, is proposed near the creek and the access road and hardscape would provide an additional buffer to vehicle and pedestrian traffic. **(Less than Significant Impact)**

Felipe Site

As stated previously, there are no riparian areas, wetlands, waters, or other natural communities located within or immediately adjacent to the Felipe Site that might be impacted. **(No Impact)**

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

The project sites are located within a developed urban area. Neither site contains native resident wildlife species or wildlife movement corridors, although the VTA Staging Site is near Coyote Creek, a wildlife movement corridor. Though birds may use trees on the Felipe Site for nesting and birds also nest along the Coyote Creek riparian corridor near the VTA Staging Site, compliance with the BHC Ordinance, as discussed in Checklist Question a), would reduce any potential impacts to nesting migratory birds to a less than significant level. **(Less than Significant Impact)**

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

VTA Staging Site

There are no trees or other protected biological resources on the VTA Staging Site which have been previously disturbed; therefore, the project would not conflict with any local policies or ordinances. **(No Impact)**

Felipe Site

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12.1 inches in diameter, at a height of 4.5 feet above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality.

The Felipe Site has 28 trees dispersed throughout the project site, 14 of which qualify as ordinance-sized trees. Development of the proposed project could potentially result in the removal of several trees on the project site. The modular design of the buildings would allow the site layout to be flexible and wherever possible would avoid the removal of mature and/or ordinance sized trees.

The impact to the urban forest resulting from the removal of the trees would be offset by the planting of replacement trees on-site, in conformance with the conditions and provisions of the BHC Ordinance (see Conditions and Provisions to the BHC Ordinance in Appendix A). Compliance with the BHC Ordinance would reduce the impacts of tree removal to a less than significant level. **(Less Than Significant Impact)**

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

Based on the Habitat Agency Geobrowser, both project sites are within the SCVHP area.⁵ Private development in the Habitat Plan area is subject to the requirements of the Habitat Plan if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in *Section 2.3.2 Urban Development* or in *Section 2.3.7 Rural Development*;⁶
- In Figure 2-5 of the Habitat Plan, the activity is located in an area identified as “Private Development is Covered,” or the activity is equal to or greater than two acres and;
 - The project is located in an area identified as “Rural Development Equal to or Greater than 2 Acres is Covered,” or “Urban Development Equal to or Greater than 2 Acres is Covered” or,
 - The activity is located in an area identified as “Rural Development is not Covered” but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The proposed project would require discretionary approval by the City and is consistent with the activity described in *Section 2.3.2* of the SCVHP. Conditions and provisions in the BHC Ordinance require the project to comply with the SCVHP and all applicable requirements (see Conditions and Provisions to the BHC Ordinance in Appendix A). Compliance with the BHC Ordinance would ensure the project does not conflict with the provisions of the SCVHP at either site. **(Less than Significant Impact)**

⁵ Santa Clara Valley Habitat Agency. “GIS Data & Key Maps.” Accessed: July 31, 2018. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

⁶ Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San Jose planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in “pockets” of unincorporated land inside the cities’ urban growth boundaries).

4.5 CULTURAL RESOURCES

The following discussion is based on a Cultural Resources Literature Search and Historical Resources Compliance Report (HRCP) prepared by *Holman & Associates* in June 2018 and July 2018, respectively. These reports are on file at the City of San José Planning, Building and Code Enforcement Department and can be viewed by qualified professionals.

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 United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

State and Regional

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. The CRHR is administered through the State Office of Historic Preservation, which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR.⁷

Archaeological Resources and Human Remains

Archaeological 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.

⁷ Refer to Public Resources Code Section 5024.1(d)(1)

Assembly Bill 52 – Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the CRHR. AB 52 includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures for potential impacts. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Senate Bill 18

The intent of Senate Bill (SB) 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. These resources are 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.

4.5.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,14,15
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,14,15

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

4.5.3 Impact Discussion

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

Both potential project sites are currently vacant; there are no existing structures on-site. Buildings adjacent to the project sites are less than 50 years old and do not qualify as historic resources. Therefore, implementation of the proposed project at either site would have no impact on historic structures. **(No Impact)**

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

VTA Staging Site

The VTA Staging Site is located near Coyote Creek, which is considered a high sensitivity area for prehistoric resources. Previous studies and surveys done in the project area have mapped a potential resource on the southern third of the VTA Staging Site; however, the location constitutes a large circle and this type of marking in a very old system used to track potentially sensitive locations. Even with previous disturbance of the subsurface layers, grading/trenching of the site could damage as yet unrecorded subsurface resources.

Conditions and provisions in the BHC Ordinance, however, address measures to lessen potential impacts to undiscovered archaeological resources during construction (see Conditions and Provisions to the BHC Ordinance in Appendix A). With implementation of the BHC Ordinance, the proposed project would have a less than significant impact on subsurface cultural resources. **(Less Than Significant Impact)**

Felipe Site

Based on the HRCP prepared for the Felipe Site, the project site has been studied three times for previous projects in the area. These studies have not identified any cultural resources on or within a quarter mile of the project site. If cultural resources are found, however, during excavation and grading of the project site, the conditions and provisions in the BHC Ordinance (see Conditions and Provisions to the BHC Ordinance in Appendix A) would reduce any impacts to a less than significant level. **(Less Than Significant Impact)**

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

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Both project sites, along with the majority of the City of San José, is within an area of high paleontological sensitivity at depth. Based on the age and type of surface soils, the site is not within an area of high paleontological sensitivity at the surface.⁸ Additionally, the soil on the VTA Staging Site was previously disturbed to build the adjacent BART extension and the Felipe Site was previously disturbed to construct the freeway connectors and columns. Construction of the proposed project would require excavating to a depth of approximately three feet for grading purposes. At this depth, the majority of the soil would consist of construction fill and previously disturbed soil. For these reasons, the proposed project would not result in a significant impact to paleontological resources at either site. **(Less than Significant Impact)**

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

In the event human remains are uncovered during construction of the proposed project at either site, the conditions and provisions in the BHC Ordinance (see Conditions and Provisions to the BHC Ordinance in Appendix A) would reduce any impacts to a less than significant level. **(Less than Significant Impact)**

⁸ C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

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

California 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 as a result of 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.

The City of San José received a written request for notification in July 2018 from the Ohlone Tribe for projects within the City's boundaries that involve substantial ground disturbing activities. The CEQA Scope of Work for this project, however, was approved in February 2018, thereby establishing the baseline or environmental setting conditions, at a time when no tribes had requested to be consulted under AB 52. Furthermore, the project construction involves minor site preparation activities with minor trenching up to three feet for utilities, and in the event of an unforeseen discovery of cultural resources, the protective measures discussed in checklist question b) above would be implemented. Thus, there is no need to consult with the Ohlone Tribe regarding this project. The project would not impact tribal cultural resources. **(No 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.

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.

4.6.2

Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,6
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,6
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,7
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

As previously discussed, the California Supreme Court issued an opinion in *CBIA v. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate existing environmental hazards or risks. The proposed project would not exacerbate existing geology and soil conditions in the project area; therefore, the proposed project would not result in geology and soils impacts. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project.

4.6.3 Impact Discussion

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?**

Neither potential project site is located in an Alquist-Priolo Earthquake Fault Zone; however, the project sites are located within a seismically active region. Thus, strong ground shaking would be expected during the lifetime of the proposed project. In addition, both project sites are located in State-designated liquefaction zones. Both project sites are located on flat terrain with no surrounding hillsides; therefore, there is no danger of landslides impacting the project.

Per AB 2176, the City has provided alternative development standards in the BHC Ordinance for seismic safety in lieu of compliance with General Plan Policies EC-4.2 and EC-4.4, the San José Geologic Hazard Ordinance, and California Building Code requirements (see the BHC Ordinance in Appendix A).

The proposed project, at either site, would be built and maintained in accordance with the BHC Ordinance. Compliance with this ordinance would ensure people or structures are not exposed to substantial seismic effects. **(Less than Significant Impact)**

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

Implementation of the proposed project at either site would require ground disturbance during grading and trenching for utilities. Construction activities could loosen currently compacted soils, thereby increasing the potential for wind or water-related erosion and sedimentation until the construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. In lieu of these erosion control measures, the conditions and provisions in the BHC Ordinance address measures to lessen potential impacts from soil erosion (see Conditions and Provisions to the BHC Ordinance in Appendix A). Compliance with the BHC Ordinance would have a less than significant soil erosion impact at either project site. **(Less Than Significant Impact)**

- c) **Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Both project sites are located in a liquefaction zone, however due to the flat topography there is no risk of landsliding nor lateral spreading. As stated in the response to checklist question a), the proposed project would comply with the alternative City development standards pertaining to seismic safety. Based on the above, the proposed project at either site would not cause the project site or immediately surrounding properties to experience unstable ground failure or liquefaction. **(No Impact)**

d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2007), creating substantial risks to life or property?

Low expansive soils cover both potential project sites.⁹ Thus, the proposed project at either site would not create substantial risk to life or property due to expansive soils. **(No Impact)**

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

The project site is located within an urbanized area of San José 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)**

⁹ Natural Resources Conservation Service. "Web Soil Survey". Accessed: April 10, 2018. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) 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, identifying how emission reductions will be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that Statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 Statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO_{2e}). Based on the emissions reductions directed by SB 32, the annual 2030 Statewide target emissions level for California is 260 MMTCO_{2e}.

Senate Bill 375

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 7-percent reduction by 2020 and a 15-percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹⁰

¹⁰ CARB. "The Advanced Clean Cars Program". Accessed April 6, 2018.
<https://www.arb.ca.gov/msprog/acc/acc.htm>.

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how State and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy (GHGRS) 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 GHGRS 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 GHGRS 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 GHGRS 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 GHGRS. Projects that are consistent with the GHGRS 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.

4.7.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,5
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,5

4.7.3 Impact Discussion

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

4.7.3.1 Construction Emissions

The proposed development at either site would result in temporary increases in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project’s construction-related GHG emissions are significant. Because project construction would be a temporary condition (approximately two to three months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32 or San José’s GHGRS, the increase in emissions would be less than significant.¹¹ **(Less Than Significant Impact)**

4.7.3.2 Operational Emissions

Once the project is completed, operational GHG emission sources through the assumed five-year life of the project would be vehicle travel, building energy and water usage, and solid waste disposal. Per AB 2176, the City has waived compliance with the City’s GHGRS in order to streamline the proposed project. In lieu of compliance with the GHGRS, in BAAQMD’s CEQA Air Quality Guidelines, the Air District provides screening thresholds by project size and land use type for operational GHG emissions. The proposed project does not fit into any standardized land use category. For the purposes of this analysis, the project was conservatively categorized as “mobile

¹¹ Under the California Global Warming Solution Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) 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, identifying how emission reductions will be achieved from significant GHG sources. The City’s GHGRS is a qualified plan to achieve the reduction goals set forth by AB 32.

home park”¹² and has a screening size of 82 mobile home units for operational GHG emissions. Projects below these screening thresholds are considered to have a less than significant contribution to GHG. The project proposes a maximum of 40 emergency sleeping cabins on-site and, therefore, the project at either site would have a less than significant GHG emissions impact. **(Less Than Significant Impact)**

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

4.7.3.3 *San José GHG Reduction Strategy*

The City of San José GHGRS identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. However, the City has waived compliance with the GHGRS for the proposed project per AB 2176. As discussed above, the project size is below the BAAQMD screening criteria for GHG impacts, would cease operation after five years, and would not be a substantial source of emissions of methane or other super-GHGs; thus, the project would result in less than significant GHG emissions. **(Less than Significant Impact)**

¹² The classification of “mobile home park” is considered conservative because this land use classification assumes long-term residential occupancy with automobiles whereas the project would be short-term occupancy mostly without cars. The only other land use clarification which may be considered similar to the proposed project is “congregate care facility”. This land use category was not used, however, because the threshold for significance was higher than the mobile home park designation.

4.8 HAZARDS AND HAZARDOUS MATERIALS

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).

4.8.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,8

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,8
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,9
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

4.8.3 Impact Discussion

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

The proposed project at either site would use limited amounts of cleaning materials and landscape maintenance-related chemicals. These materials would be stored and used in compliance with current product recommendations and State and federal requirements. These products would not generate substantial hazardous emissions or result in accidental chemical releases from their use, storage, or transport. Thus, there would not be a significant risk to the public and any impact would be less than significant. **(Less than Significant Impact)**

- 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?**

VTA Staging Site

The site was a former leaking underground storage tank (LUST) Cleanup Site, with possible contaminants of vehicle oil and fluids.¹³ However, the site was remediated and the case closed as of April 17, 2000. There are no other reported hazardous waste cases listed on state databases and the site contains no structures that would contain hazardous materials such as asbestos or lead; therefore, the project would not create a significant hazard to the public or environment through the release of hazardous materials. **(Less than Significant Impact)**

Felipe Site

The project site is vacant and there are no former cleanup sites listed on state databases; therefore, the project would not create a significant hazard to the public or environment through the release of hazardous materials. **(No Impact)**

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

The proposed project sites are not located within one-quarter mile of an existing school. The sites would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **(No Impact)**

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

The Felipe Site is not located on a hazardous materials site. The VTA Staging Site previously contained a LUST Cleanup Site, the site has since been remediated and the case closed.¹⁴ Thus, the project at either site would not create a significant hazard to the public or environment as a result of hazardous materials. **(No Impact)**

- e) Result in a nearby airport-related safety hazard for people residing or working in the project area?**

The VTA Staging Site is approximately 2.5 miles east and the Felipe Site is approximately 3.5 miles southeast of San José International Airport. Neither project site is not located within the San José International Airport influence area and would not result in a substantial safety hazard for people residing or working at the project site. **(No Impact)**

¹³ State Water Resources Control Board. "GeoTracker". Accessed April 11, 2018.

http://geotracker.waterboards.ca.gov/profile_report?global_id=T0608502419.

¹⁴ EnviroStor. "EnviroStor Database". Accessed October 15, 2018.

<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=felipe+ave%2C+san+jose>.

f) Result in a private airstrip-related safety hazard for people residing or working in the project area?

There are no private airstrips in the vicinity of either potential project site. Thus, the proposed project at either site would not result in significant impacts related to private airstrip safety hazards. **(No Impact)**

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

The proposed project at either site would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan because it would not block emergency routes or impede emergency access. **(No Impact)**

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?

Both proposed project sites are located in an urbanized area that is not subject to wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **(No Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal, State, and Regional

Water Quality Overview

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 EPA and SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that create or replace more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

National Flood Insurance Program

FEMA established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. In addition to providing flood insurance, FEMA also publishes Flood Insurance Rate Maps that identify Special Flood Hazard Areas (SFHA). A SFHA is an area that will be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood. NFIP floodplain management regulations are required in SFHAs.

4.9.2

Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 11,12,13
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 11,12,13
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 11,12,13
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 11,12,13

4.9.3 Impact Discussion

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

4.9.3.1 *Construction Impacts*

Construction of the proposed project at either site, including grading and excavation activities, could result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction activity that results in land disturbance equal to or greater than one acre must obtain coverage under NPDES General Permit for Construction Activities, which is administered by the State Water Resources Control Board. The project would disturb less than one acre of soil and, therefore, would not require coverage under the NPDES General Permit for Construction Activities.

Construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay, given that both sites drain into Coyote Creek. As a result, construction activities on-site would result in a temporary increase in stormwater runoff pollutants. Conditions and provisions in the BHC Ordinance address measures to lessen potential impacts to water quality during construction (see Conditions and Provisions to the BHC Ordinance in Appendix A).

With implementation of the BHC Ordinance, the project would have a less than significant construction-related water quality impact at either site. **(Less Than Significant Impact)**

4.9.3.2 *Post-Construction Impacts*

VTA Staging Site

Under existing conditions, the VTA Staging Site is 67percent impervious. Upon completion of the proposed development, the project site could be up to 95 percent impervious.¹⁵ Under Provision C.3 of the RWQCB's Municipal Regional Stormwater NPDES Permit (MRP), redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require that all post-construction runoff be treated by using Low Impact Development (LID) treatment controls (e.g., biotreatment facilities).. The BHC Ordinance includes measures for designing and construction LID treatment controls (see Conditions and Provisions to the BHC Ordinance in Appendix A).

The proposed project, with implementation of the BHC Ordinance, would not violate any water quality or water discharge requirements. **(Less Than Significant Impact)**

¹⁵ This assumes that 95 percent of the project footprint would be covered with impervious surfaces. The final site design will include landscaping and possibly communal open space areas and, therefore, the assumption that 95 percent of the site would be impervious represents the most conservative estimate for the project.

Felipe Site

Under existing conditions, the Felipe Site is 100 percent pervious. Upon completion of the proposed development, the project site could be up to 50 percent impervious.¹⁶ As discussed above for the VTA Staging Site, the project would be required to comply with the BHC Ordinance and, thus, would have a less than significant water quality impact. **(Less Than Significant Impact)**

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

VTA Staging Site

The project does not propose to construct below-grade floors or levels; therefore, it is not anticipated that groundwater would be encountered during construction. The project would not require groundwater pumping or dewatering that might cause lowering of the groundwater table. The project site is currently developed with impervious surfaces and does not provide significant groundwater recharge; nor would it interfere with on-going groundwater recharge activities. For these reasons, the project at the VTA Staging Site would have a less than significant impact on groundwater supplies and resources. **(Less than Significant Impact)**

Felipe Site

As discussed above, the proposed project would not construct below-grade floors and would not require groundwater pumping or dewatering. The Felipe Site is undeveloped, with only a few support columns placed across the site for the freeway flyovers. The soil on the site is mapped as Urbanland-Newpark complex, which has limited hydraulic conductivity for groundwater recharge.¹⁷ In addition, the site was previously compacted for the construction of the freeway flyovers and support columns, further reducing the potential for groundwater recharge. For these reasons, the project at the Felipe Site would have a less than significant impact on groundwater supplies and resources. **(Less than Significant Impact)**

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

Implementation of the proposed project at either site would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway given both sites would be graded to convey storm runoff to the storm drain system in the adjacent street. Based on the above, the project would not substantially increase erosion or siltation. **(Less Than Significant Impact)**

¹⁶ This assumes that less than one acre of the two acre project site would be developed, and 95 percent of the less than one acre would be covered with impervious surfaces. The final site design will include landscaping and possibly communal open space areas and, therefore, the assumption that 95 percent of the site would be impervious represents the most conservative estimate for the project.

¹⁷ NRCS. "Web Soil Survey". Accessed April 18, 2018.
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

- 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?**

Implementation of the proposed project at either site would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway given both sites would be graded to convey runoff to the storm drain system in the adjacent street. Based on the above, the project would not substantially increase the rate or amount of stormwater runoff. **(Less Than Significant Impact)**

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

Development of the proposed project at either site would increase impervious surfaces both potential project sites as described in Checklist Questions a). However, implementation of the MRP permit requirements to include LID stormwater treatment would reduce stormwater flow and pollutants into the existing stormwater drainage system. Thus, the proposed project would have a less than significant impact on the stormwater drainage system. **(Less Than Significant Impact)**

- f) Otherwise substantially degrade water quality?**

Consistent with the responses to checklist questions a) and e), compliance the RWQCB's Municipal Regional Stormwater Permit would ensure the project would have a less than significant impact on water quality at either site. **(Less than Significant Impact)**

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

Both potential project sites are located in Flood Zone X, which is not within a 100-year flood area.¹⁸ The project, therefore, would not place housing in a 100-year flood hazard area. **(No Impact)**

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

The proposed project sites are not located in a 100-year flood hazard area. Therefore, the project would not place structures within a 100-year flood hazard area that would impede or redirect flows. **(No Impact)**

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

While both project sites are located in the inundation areas for the Anderson Reservoir in the event of a complete dam failure, the SCVWD comprehensive dam safety program makes such a risk

¹⁸ Santa Clara County. "FEMA Flood Hazards". Accessed May 7, 2018.
<https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=0241ff8a4b944f8baa67c0600159b110>.

extremely low, and the project would not trigger or exacerbate the risk of Anderson Dam failure, an existing condition that could affect the site and this issue is outside the bounds of CEQA, as outlined in the California Supreme Court December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)], in that CEQA is concerned with a project's effects on the environment and not the environment's potential effects on a project. ¹⁹ For this reason, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. **(Less Than Significant Impact)**

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

There are no bodies of water near either of the proposed project sites that would affect the project area in the event of a seiche or tsunami. The topography of both project areas are relatively flat and there are no hills in proximity. Therefore, development of either project site would not cause mudflows that would impact adjacent properties. **(No Impact)**

¹⁹ Santa Clara Valley Water District. *Leroy Anderson Dam Flood Inundation Maps*. April 2016.

4.10 LAND USE AND PLANNING

4.10.1 Environmental Checklist

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

4.10.2 Impact Discussion

a) Physically divide an established community?

Both project sites are located in industrial and commercial areas with no adjacent residences. The project areas have a variety of non-residential land uses and building forms; therefore, there is no sense of an established community, nor would the project construct a road or other type of infrastructure that would constitute a barrier. For these reasons, the proposed project at either site would not physically divide an existing community. **(No Impact)**

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

VTA Staging Site

The VTA Staging Site is General Plan designated and zoned as LI – *Light Industrial*. Emergency shelter units are an allowed use under this designation according to the City’s Zoning Ordinance, albeit with a maximum time limit of 18 months.²⁰ As discussed in Section 3.1, the project is not subject to the City’s land use regulations (i.e., General Plan designations and zoning) under AB 2176; therefore, the time frame of the project may extend beyond the 18 months that is allowed under the Zoning Ordinance. In addition, the life of the project is assumed to be five years but only past January 1, 2022 if the sunset date is extended or other authorizing legislation is adopted and the City’s BHC Ordinance is amended accordingly. As such, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigation an environmental affect. **(Less than Significant Impact)**

²⁰ See Chapters 20.50 and 20.80 of the San José Municipal Code.

Felipe Site

As discussed above, the project is not subject to the City's land use regulation under AB 2176 and is anticipated to be a temporary development for only five years. The Felipe site is, however, under Caltrans jurisdiction and would be required to obtain an encroachment permit before the project could be constructed. Upon approval of the encroachment permit by Caltrans staff, the project would not conflict with any applicable land use plan, policy, or regulation of Caltrans adopted for the purpose of avoiding or mitigation an environmental affect. **(Less than Significant Impact)**

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

Both project sites are located in the Urban Areas Land Cover Fees Zone within the SCVHP study area and supports Urban Suburban land cover. As discussed in Section 4.4, Biological Resources, the proposed project would not conflict with the SCVHP and would pay applicable fees to reduce the project's indirect impacts due to nitrogen deposition. As such, the project would not conflict with the SCVHP. **(No Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.11.2 Impact Discussion

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

Based on mapping by the State of California, no minerals or aggregate resources of statewide importance are located in the vicinity of the City of San Jose. Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation’s mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975, the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits, which are of regional significance as a source of construction aggregate materials. The project site is located outside of the Communications Hill area, therefore, the project would have no impact on the availability of mineral resources.²¹ **(No Impact)**

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

As discussed above, there are no minerals or aggregate resources in the vicinity of the City of San José; therefore, the project would have no impact on the availability of local mineral resources. **(No Impact)**

²¹ California Department of Conservation. *Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region*. 1996.

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.²² Using one of these descriptors is a way for a location’s overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.12.1.2 *Regulatory Framework*

State

California Residential Building Noise Standards

Title 24, Part 2 of the CBC specifies a maximum interior L_{dn} of 45 dBA in new multi-family housing. An acoustical analysis is required for projects that are exposed to an exterior L_{dn} of 60 dBA or greater to show how the interior noise level requirement would be achieved. Title 24 standards are enforced through the building permit process in the City of San José.

Local

Municipal Code – Construction Standards

According to San José Municipal Code Title 20 (Zoning Ordinance), construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

²² L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) is similar to the DNL except that there is an additional five dB penalty applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.12.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3,9
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.12.3 Impact Discussion

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

4.12.3.1 Project Generated Traffic Noise

The nearest noise-sensitive receptor at the VTA Staging Site is about 1,000 feet east of the project site along Mabury Road. The nearest noise-sensitive receptor at the Felipe Site is about 500 feet southeast of the project site along Story Road. An increase of 3 dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact.²³ Some but not all of the estimated 40 residents on-site would have automobiles. The project would have to double the existing traffic volume in the project area to reach that threshold. The proposed project at either site would result approximately 61 daily traffic trips (see Section 4.16

²³ Noise is measured on a “decibel” scale which serves as an index for loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA.

Transportation/Traffic). These volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels (by 3 dBA DNL or more) in the immediate project area. Therefore, the project at either site would have a less than significant long-term roadway noise impact on the nearby land uses. **(Less Than Significant Impact)**

4.12.3.2 Construction Noise

The project at either site would not have a significant noise construction impact because the project would not involve substantial noise generating activities for more than 12 months, noise-sensitive land uses are more than 500 feet away from either site, and the existing noise environment at both potential sites already consists of industrial and vehicle noises similar to construction activities; therefore, the project at either site would have a less than significant project construction noise impact. **(Less Than Significant Impact)**

4.12.3.3 Existing Noise Conditions Affecting the Project

The VTA Staging Site is about 1,200 feet northeast of US 101 and the Felipe Site is adjacent to the US 101/I-280/I-680 interchange. Due to the proximity of each potential project site to a major freeway, the ambient noise level at the VTA Staging Site is greater than 65 dBA according to the General Plan FEIR, with the ambient noise levels at the Felipe Site greater than 75 dBA.

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 exiting conditions (e.g., noise) affecting a proposed project.

City Policy EC-1.1 requires that new residential development meet the interior noise standard of 45 dBA. The ESCs will be insulated and, therefore, reduce interior noise levels to the acceptable 45 dBA DNL at both project sites.

The City has established a 70 dBA DNL exterior noise objective for the project at either site because noise at that level is an annoyance, but not harmful to individuals. The VTA Staging Site's ambient noise levels are below 70 dBA DNL and, thus, meet the exterior noise objective. The Felipe Site, however, has ambient noise levels in excess of 70 dBA DNL, as discussed above, and would exceed the exterior noise objectives. The future residents, however, would only be spending a maximum of one year at the project site, during which time they will receive assistance in finding permanent housing (see Section 3.3 Proposed Project). As a result, exposure to noise levels in excess of 70 dBA DNL would be limited.

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

The proposed project could include 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), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) and may generate substantial vibration in the immediate site vicinity. However, excavation on either project site is not expected to exceed three feet in depth and the overall grading area would be less than an acre. In addition, there are no

sensitive historic buildings within 25 feet of the project site. For standard buildings, the City's vibration threshold is 0.20 in/sec PPV. As noted above, none of the construction equipment that may be used on-site for the proposed project would exceed that threshold. Therefore, vibration impacts would be less than significant. **(Less Than Significant Impact)**

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

The predominant noise source resulting from the project at either site would be vehicles traveling on the surrounding roadways. Existing traffic volumes on these roadways are relatively high. As discussed in checklist question a), roadway traffic volumes would have to double to result in a noticeable noise increase. The proposed project would generate approximately 61 daily trips, a minute fraction of the existing traffic volumes on surrounding roadways. Thus, the addition of project-generated traffic would not noticeably increase noise levels in the project area. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity. **(Less than Significant Impact)**

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

The proposed project at either site would generate temporary construction noise; however, since the project would have a limited excavation depth, be constructed in less than 12 months, construct the ESCs off-site, and be located at least 500 feet away from the nearest noise-sensitive receptor, construction noise would be less than significant. **(Less than Significant Impact)**

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?

Both project sites are located more than two miles away from the nearest airport (the Mineta San José International Airport) and are not within the Airport Influence Area or the Airport Noise Contours. **(No Impact)**

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?

Neither project site is located within the vicinity of a private airstrip. Therefore, the proposed project would not be exposed to excessive noise levels due to airport operations. **(No Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

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

4.13.2 Impact Discussion

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

The proposed project would not be a permanent form of housing, and would not induce unplanned growth or require extension of infrastructure. In addition, anticipated residents of the project would come from the existing City’s employed or employment-ready single adult population. For these reasons, the project would not induce substantial population growth. **(No Impact)**

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

Both potential project sites are currently vacant and would not displace any existing housing. **(No Impact)**

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

Both potential project sites are currently vacant and would not displace any existing residents. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

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.

Local

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.

4.14.2 Environmental Checklist

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

4.14.3 Impact Discussion

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

4.14.3.1 Fire Protection Services

The General Plan FEIR concluded that planned growth under the General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned.

The proposed emergency housing project would increase the housed population of the City. While the proposed development is not specifically accounted for in the planned growth for the City, the project would provide transitional housing for up to five years and, by itself, would not preclude the City of San José Fire Department from meeting its overall service goals during that time frame. In addition, measurable reductions in the homeless population of San José resulting from the project would likely result in a small reduction in overall medical calls as residents of the site would have access to food, medical services, and shelter. Based on the above, the proposed project at either site would be adequately served by existing fire resources. **(Less Than Significant Impact)**

4.14.3.2 *Police Protection Services*

The proposed project at either site would require police services to respond to emergency calls. However, the police are already responding to calls for service for this population elsewhere in the City. In addition, the proposed project would include supportive services such as case management, drug and alcohol services, counseling, and conflict resolution to help minimize the amount of police calls. Thus, the proposed project at either site would be adequately served by existing police resources. **(Less Than Significant Impact)**

4.14.3.3 *Schools*

The proposed project would house currently employed or employment-ready single adults while permanent housing is secured. The facility is intended for adults, as families tend to have greater access to shelters and support services than individual adults, and the ESCs are designed for occupancy by one or two persons. Because the project would not result in an increase in the permanent resident population of San José, and would not have children on-site, the proposed project at either site would have no impact on the capacity of existing schools in the City. **(No Impact)**

4.14.3.4 *Parks*

Future residents of the site may utilize existing recreational facilities in the area, as well as the communal open space on-site, incrementally increasing the use of existing recreational facilities in the project area. Because the project would not increase the permanent resident population of the City, the incremental increase in usage of local facilities would not require the construction of new parks or extensive maintenance of existing parks to meet City service goals. Many of the employed or employment-ready single adults who would reside at the facility are already using park facilities in the City. Therefore, proposed project at either site would not result in significant impacts to park facilities in San José. **(Less Than Significant Impact)**

4.14.3.5 *Other Public Facilities – Libraries*

There are 23 branch libraries located throughout San José. Existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build-out of the Envision 2040 General Plan by the year 2035, which is above the City's service goal. The proposed project would house employed or employment-ready single adults of San José and would not permanently increase the resident population. Many of these adults who would reside at the facility are already using library facilities in the City. For these reasons, the project at either site would not result in significant impacts to San José library facilities or preclude the City from meeting its library service goals. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

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.

4.15.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.15.3 Impact Discussion

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

Development of either site with emergency housing may incrementally increase the demand on parks and other recreational facilities in the project area. However, many of the employed or employment-ready single adults who would reside at the facility are already using park facilities in the City. The project proposes some communal open space within the project site, which may reduce some use of public parks and other recreational facilities in the area. **(Less Than Significant Impact)**

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

The proposed project would have a limited life span and would not increase the permanent resident population of the City, the incremental increase in usage of local recreational facilities would not require the construction of new parks, community centers, or other recreational facilities or extensive maintenance of existing facilities to meet City service goals. Therefore, proposed project at either site would not result in additional construction of recreational facilities. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Regional

Santa Clara County Valley Transportation Authority

The proposed project is located within the City of Mountain View, in Santa Clara County. The Santa Clara County Valley Transportation Authority (VTA) is the Congestion Management Agency for the County and has policies and regulations that are relevant to the project. The VTA is responsible for ensuring local government conformance with the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The CMP requires that each jurisdiction identify existing and future transportation facilities that will operate at an acceptable service level and provide mitigation where future growth degrades that service level. VTA has review responsibility for proposed development projects that are expected to generate 100 or more peak-hour trips.

Santa Clara Countywide Bicycle Plan

The Santa Clara Countywide Bicycle Plan synthesizes other local and county plans into a comprehensive 20-year cross-county bicycle corridor network and expenditure plan. The long-range countywide transportation plan and the means by which projects compete for funding and prioritization are documented in the Valley Transportation Plan (VTP) 2035. VTA has adopted the Santa Clara Countywide Bicycle Plan, which includes a planned bicycle network of 24 routes of countywide or intercity significance.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office, R&D) or residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

4.16.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.16.3 Impact Discussion

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

The City of San José’s Council Policy 5-1, “Transportation Analysis Policy”, establishes a Vehicle Miles Traveled (VMT) threshold for transportation impacts. Council Policy 5-1 contains screening criteria for projects deemed to have less than significant impact on transportation, exempting them from VMT analysis. The proposed project at either site would be exempt under the “restricted affordable, transit supportive residential projects” screening criteria, which consists of the following requirements:

- a) Provide 100% restricted affordable units, excluding unrestricted manager units, at or below income levels as defined in General Plan Policy IP-5.12. Affordability restrictions must be recorded and extend for a minimum of 55 years for rental homes or 45 years for for-sale homes
- b) Located within a Planned Growth Area as defined in the General Plan
- c) Located within ½ mile of an existing major transit stop or a stop along high quality transit corridor
- d) A minimum of 35 dwelling units per acre
 - a. If the Project is in a Planned Growth Area that has a maximum density below 35 dwelling units per acre, the Project must meet the maximum density allowed in that Planned Growth Area.
 - b. Projects that are proposed in areas where VMT is above the CEQA Threshold for Determination of Significant Transportation Impact must include a TDM plan approved by the Public Workers Director as part of their LTA.
- e) Provides a minimal amount of parking:
 - a. Propose no greater than the minimum number of parking spaces required by Title 20 of the San José Municipal Code (the Zoning Code).
 - b. For Projects in Urban Villages or Downtown
 - i. The number of parking spaces proposed must be adjusted to the lowest amount allowed by City code. For example, a street parking reduction of 50 percent is allowed in Urban Villages by Municipal Code Section 20.90.220, if a Project meets certain geographic and transportation demand management criteria.
 - ii. The proposed number of parking spaces can be up to the general zoned minimum without the further reduction to Urban Villages, Downtown or other areas, if the parking provided is shared and publicly available and/or “unbundled” as defined in Chapter 20.200 of the Zoning Code.
- f) Does not adversely affect pedestrian, bike, or transit infrastructure. For example, sidewalk widths cannot be reduced below the City’s Complete Streets standard; bike lanes cannot be altered to reduce their accessibility or size beyond the City’ Complete Streets standard.

The 40 proposed Emergency Sleeping Cabins would be used by employed or employment-ready single adult San José residents for the limited lifetime of the project. In addition, both project sites are located within a ½ mile of major transit stops on Mabury Road (VTA Staging Site is near Berryessa BART) and Story Road (Felipe Site). The project would not provide more parking than required, and it is expected that the majority of future residents would not have personal vehicles. For these reasons, the proposed project does not require VMT analysis and would not conflict with City Council Policy 5-1. **(Less Than Significant Impact)**

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?

The Santa Clara Valley Transportation Agency (VTA) Congestion Management Plan (CMP) requires a transportation analysis to be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips in either peak hour are presumed to have a less than significant impact on the Level of Service (LOS) of local intersections that would carry project traffic. The proposed project would provide emergency housing for an anticipated 40 persons.

Based on the known demographics of the target population for the project, it is reasonable to assume that most residents would not have automobiles. However, this analysis assumes a maximum total of 43 automobiles on-site, one for each resident, one for a security guard, and two for on-site case managers. Based on the *Institute of Transportation Engineers Trip Generation Manual (10th Edition)* the proposed transitional housing project would generate 18 AM and 24 PM net new Peak Hour trips.²⁴ Total daily trips would be approximately 260 trips. Therefore, the project at either site would be well below the 100 peak hour trips threshold and would not conflict with the CMP. **(Less Than Significant Impact)**

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

Both proposed project sites are located more than two miles away from the Norman Y. Mineta San José International Airport. The proposed project at either site would not result in a change in air traffic patterns or obstruct airport operations. **(No Impact)**

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

The final site design at either project site would be a minor variation to accommodate topography, of what is presented conceptually in Figure 3.3-3. However, once a site is selected, the final site design would ensure that the project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. The conceptual design has been approved by the City's Public Works and Fire Departments. **(Less Than Significant Impact)**

²⁴ Based on a Mobile Home Park, land use 240.

e) Result in inadequate emergency access?

VTA Staging Site

The main access to the VTA Staging Site would be via Mabury Road and the existing ingress/egress driveway from the San José Mabury Service Yard. The final site design has not yet been determined; however, it is assumed that the project would have a two lane internal access road that would circulate through the site to the designated parking area(s). Per AB 2176, the City has waived its standard permit conditions for emergency vehicle access and has included conditions and provisions in the BHC Ordinance to address emergency access (see the BHC Ordinance in Appendix A). Compliance with the BHC Ordinance would ensure the project would have a less than significant impact on emergency access. **(Less Than Significant Impact)**

Felipe Site

The main access to the Felipe Site would be via the cul-de-sac at the end of Felipe Avenue. As discussed above, the project would comply with the BHC Ordinance. Thus, the project would have a less than significant impact on emergency access. **(Less than Significant Impact)**

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

The proposed project at either site would not preclude the installation of planned public transportation, pedestrian, and bicycle facilities nor interfere with the operation of existing or proposed public transportation, pedestrian, and bicycle facilities in the project area. Therefore, the proposed project would not conflict with transit, bicycle, and pedestrian facilities. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

Federal

Drinking water is regulated by federal and State laws. The federal government sets minimum standards for water quality, including for drinking water and bodies of water. The Safe Drinking Water Act (SDWA) of 1974 and subsequent amendments gave the EPA authority to establish standards for contaminants in drinking water supplies. The National Primary Drinking Water Standards establish the maximum contaminant levels (MCLs) allowed in public distribution systems. The National Secondary Drinking Water Standards establish the MCLs that apply to potable water supplies at the point of delivery to the customer. The EPA administers the SDWA at the federal level and establishes MCLs for bacteriological, inorganic, organic, and radiological contaminants.

State and Regional

Urban Water Management Plans

Water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. The State Water Code requires water agencies to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, and to address water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The Mountain View City Council adopted its most recent 2015 UWMP in June 2016.

Wastewater

The San Francisco RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the Sewer System Management Plan to provide adequate capacity to convey peak flows. Other RWQCB regulatory requirements include the General Waste Discharge Requirements, which regulates the discharge from wastewater treatment plants.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. The purpose of the law is to reduce garbage sent to landfills and reduce greenhouse gas emissions. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Local

California Green Building Standards Code

On January, 1 2017, the State of California adopted the 2016 California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. These

standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, 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 occupant.

Components of the Green Building Standards Code have been adopted by the City of San José.

San José Zero Waste Strategic Plan/Green Vision

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

4.17.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
g) Comply with federal, state, and local statutes and regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.17.3 **Impact Discussion**

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

Wastewater from both project sites is treated at the San José – Santa Clara Regional Wastewater Facility (RWF). The RWF is the largest tertiary treatment plant in the western United States with a 167 million gallons per day (mgd) treatment capacity. The RWF, however, is currently operating under a 120 mgd (dry weather) flow requirement. This requirement is based upon the State Water Resources Control Board (SWRCB) and the San Francisco Bay Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges from the RWF on saltwater marsh habitat and pollutant loading to the Bay from the RWF. The RWF currently treats an average of 110 mgd. The proposed emergency housing project would generate approximately 7,320 gallons per day (gpd) of wastewater.²⁵ The incremental increase in wastewater generated by the proposed project at either site would not exceed the treatment requirements of the SWRCB or the San Francisco Bay RWQCB. **(Less Than Significant Impact)**

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

As discussed above, wastewater from both project areas is treated at the RWF. The RWF has a 167 mgd treatment capacity. On average, the RWF treats 110 mgd of wastewater. The resulting freshwater is discharged from the RWF into the San Francisco Bay, or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 mgd of dry weather wastewater flow. The City's share of the RWF treatment capacity is 108.6 mgd, leaving the City approximately 38.8 mgd of excess treatment capacity.²⁶ Therefore, the 7,320 gpd net increase of wastewater generated by the proposed project would not cause the RWF to exceed its capacity or discharge limit, and would be within San José's treatment allocation.

²⁵ The General Plan EIR states that average wastewater flow rates are approximately 85 to 95 percent of water use (assuming no internal recycling or reuse programs).

²⁶ San José, City of. *Envision San José General Plan Integrated Final Program EIR*. November 2011.

Currently, neither project site uses any water. The proposed project would increase water usage to 7,320 gpd.²⁷

The project sites are served by San José Water Company (SJWC). SJWC plans to meet future demand through increased groundwater pumping, increased treated water delivery, increased recycled water use, and conservation. SJWC does not anticipate additional storage capacity would be required to meet projected demand from planned development under the Envision San José 2040 General Plan. The marginal demand (7,320 gpd) created by the project occupants would not exceed available water supplies at SJWC. Based on the above, implementation of the proposed project at either site would have not require the construction or expansion of water facilities. **(Less than Significant Impact)**

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

VTA Staging Site

Under existing conditions, the VTA Staging Site is 33 percent pervious. While the development would include landscaping and open space areas, this analysis conservatively assumes that 95 percent of the site would be impervious.

Currently, the existing storm drainage system has sufficient capacity to support the project site in its current state. Implementation of the proposed project would marginally increase the amount of impervious surfaces on-site by about 15,000 square-feet and would have a minimal impact on the existing storm drainage system. The project would also comply with the NPDES Municipal Regional Permit, as discussed in Section 4.9 Hydrology and Water Quality. Therefore, implementation of the proposed project would have a less than significant impact on the capacity of the City's storm drainage system. **(Less Than Significant Impact)**

Felipe Site

Under existing conditions, the Felipe Site is 100 percent pervious. The proposed project would marginally increase the amount of impervious surfaces on the site by about 40,000 square-feet and would have a minimal impact on the existing storm drainage system. Similar to the VTA Staging Site, the project would also comply with the NPDES Municipal Regional Permit for the treatment of stormwater. Therefore, implementation of the proposed project would have a less than significant impact on the capacity of the City's storm drainage system. **(Less Than Significant Impact)**

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

As discussed in checklist question a), the proposed project would increase water usage at either project site by about 7,320 gpd and is served by SJWC. SJWC does not anticipate any additional storage capacity would be required to meet water demand from the full buildout of the General Plan and the proposed project would represent a marginal increase on water demand. For these reasons,

²⁷ The total daily water usage was conservatively based on the multi-family water demand of 183 gpd per unit in the Envision San Jose 2040 WSA (page 5).

water supplies from existing entitlements and resources are sufficient to serve the incremental increase in water demand generated by the project. **(Less than Significant Impact)**

- e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

As discussed above, wastewater from both project areas is treated at the RWF, which has a 167 mgd treatment capacity. The City's share of the RWF treatment capacity is 108.6 mgd. The City generates approximately 69.8 mgd of sewage, which leaves the City with approximately 38.8 mgd of excess treatment capacity.²⁸ For these reasons, the 7,320 gpd net increase of wastewater generated by the proposed emergency housing project would not cause the RWF to exceed its capacity or discharge limit, and would be within San José's treatment allocation. **(Less than Significant Impact)**

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

The proposed project would generate approximately 212 pounds per day of solid waste.²⁹ The solid waste generated by the proposed project at either site would be disposed at the Newby Island Landfill, which has an estimated remaining capacity to operate through 2041.³⁰ Typically, homeless encampments generate trash in areas with no proper trash or recycling facilities that require frequent cleanups. The proposed project would move that trash into a development with readily available waste collections facilities (i.e., trash cans, dumpsters, recycling bins) and subsequently disposed of in a landfill instead of the environment. For these reasons, the incremental increase in solid waste generated by the project would be accommodated by a landfill with sufficient permitted capacity. **(Less than Significant Impact)**

- g) **Complies with federal, state, and local statutes and regulations related to solid waste?**

Per AB 2176, the City has waived compliance with the CalGreen Code and the City's Zero Waste Strategic Plan for the proposed project. Thus the project would not be required to develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris, and other waste reduction measures as outlined in the CalGreen Code. However, neither site involves demolition of structures, and the ESCs would be built off-site and result in minimal construction debris to be diverted. In addition, the project would provide trash receptacles and recycling collection containers on the project site to reduce waste generation. Based on the above, the proposed project would not conflict with any federal, State, or local statutes and regulations related to solid waste. **(Less Than Significant Impact)**

²⁸ San José, City of. *Envision San José General Plan Integrated Final Program EIR*. November 2011.

²⁹ Cal Recycle Web Site. <http://www.calrecycle.ca.gov/wastechar/WasteGenRates/Residential.htm> Accessed April 20, 2018. Based on the generation rate of 5.31 pounds per unit per day for multi-family units.

³⁰ City of San José. *Solid Waste Facility Permit. Facility Number: 43-AN-0003*. February 9, 2015.

<http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Document>.

4.18

MANDATORY FINDINGS OF SIGNIFICANCE

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

4.18.1 Impact Discussion

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

The project could result in the removal of trees and impacts to migratory birds if they are present in trees located on or immediately adjacent to the project site. The project could also result in impacts to buried cultural resources, should they be discovered on site. With the implementation of the provisions and conditions in the BHC Ordinance (see Conditions and Provisions to the BHC Ordinance in Appendix A), the proposed project would not result in significant environmental impacts to those resources. **(Less than Significant)**

b) Does the project have impacts 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.”

Both the VTA Staging Site and Felipe Site are infill sites, surrounded by existing industrial, commercial, and residential developments, with limited vacant land for new projects.

The project would not impact agricultural and forestry resources, mineral resources, or population and housing. Therefore, the project would not contribute to cumulative impacts to these resources.

The proposed emergency housing project would result in temporary air quality, biological, cultural, geology and soils, hydrology and water quality, and noise impacts during construction. With implementation of the measures built into the BHC Ordinance (see the BHC Ordinance in Appendix A), the construction impacts would be less than significant level. Because the nature of the identified impacts are temporary and would abide by the measures in the BHC Ordinance, these impacts would not be considered cumulatively considerable.

As discussed in the respective sections, the proposed project would have a less than significant impact on aesthetics, greenhouse gas emissions, hazardous materials, land use, public services, recreation, transportation, and utility and service systems. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan FEIR and accounted for in the City’s long-term infrastructure service planning. The project’s hazardous materials impacts would be less than significant, are specific to the project sites, and would not contribute to cumulative impacts elsewhere. Less than significant impacts related to aesthetics, greenhouse gas emissions, land use, recreation, and transportation would be temporary, as the proposed project is not a permanent development. In addition, the traffic, greenhouse gas emissions, and use of recreation facilities generated by the proposed project would be minimal given the size of the project and the intended project demographics. Thus, the project would not have a cumulatively considerable impact on these resources areas.

The operation of the project would not significantly contribute to a cumulative air quality impact given the project is well below the established BAAQMD cumulative impact thresholds.

Other approved projects in the vicinity of the project sites are required to incorporate similar measures in accordance with the San José General Plan. The project would not result in cumulatively considerable environmental impacts. **(Less Than Significant Cumulative Impact)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction

air quality and noise. However, adherence to the measures in the BHC Ordinance would reduce these impacts to a less than significant level at either project site. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact)**

Checklist Sources

- 1) CEQA Guidelines – Environmental Thresholds (professional judgment and expertise and review of project plans).
- 2) City of San José. *Envision San José 2040 General Plan*.
- 3) City of San José. General Plan PEIR.
- 4) California Department of Land Conservation. *Santa Clara County Important Farmland 2014*. Map. October 2016.
- 5) Bay Area Air Quality Management District. *Air Quality Guidelines*. May 2017.
- 6) Santa Clara County. *Geologic Hazard Zones*. October 2012.
- 7) Natural Resources Conservation Service. “Web Soil Survey”. Accessed: April 10, 2018. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- 8) California Department of Toxic Substances Control. “EviroStor”. Accessed April 11, 2018. <https://www.envirostor.dtsc.ca.gov/public/map/>.
- 9) Santa Clara County. *CLUP Norman Y. Mineta San Jose International Airport*. November 16, 2016.
- 10) Santa Clara Valley Habitat Plan.
- 11) Federal Emergency Management Agency. *Flood Hazard Maps*. 2009.
- 12) Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*.
- 13) Santa Clara Valley Water District. *Dam Failure Inundation Maps*. 2009.
- 14) Holman & Associates. *Cultural Resources Literature Search for Bridge Housing Community Project at VTA Staging Area at Mabury Road, San Jose, Santa Clara County, California*. June 6, 2018.
- 15) Holman & Associates. *Historical Resources Compliance Report for Bridge Housing Community Project at CalTrans Felipe Site*. July 2018.
- 16) Kielty Arborist Services. *Bridge Housing Site Tree Survey*. June 8, 2018.

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<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx>.
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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José

Department of Planning, Building and Code Enforcement

Susan Walsh, Supervising Planner

Reema Mahamood, Planner III

Housing Department

James Stagi, Acting Division Manager

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Akoni Danielsen, Principal Project Manager

Michael Lisenbee, Senior Project Manager

Tyler Rogers, Assistant Project Manager

Zach Dill, Graphic Artist

Kielty Arborist Services, LLC

Kevin Kielty, Certified Arborist

David Beckham, Certified Arborist

Holman & Associates

Archaeological Consultants

Sunshine Psota, Senior Associate