Initial Study

Blossom Hill Mixed-Use Development

CP18-022 and T18-034

Studio E Architects

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

October 2019

TABLE OF CONTENTS

Section 1.0 Introduction and Purpose 1
1.1 Public Review Period 1
1.2 Consideration of the Initial Study and Project 1
1.3 Notice of Determination 1
Section 2.0 Project Information 2
2.1 Project Title 2
2.2 Lead Agency Contact 2
2.3 Project Applicant 2
2.4 Project Location 2
2.5 Assessor's Parcel Number 2
2.6 General Plan Designation and Zoning District 2
2.7 Habitat Plan Designation 2
2.8 Project-Related Approvals, Agreements, and Permits 6
Section 3.0 Project Description 7
3.1 Project Overview 7
3.2 Description of Proposed Project 7
Section 4.0 Environmental Setting, Checklist, and Impact Discussion 12
4.1 Aesthetics 14
4.2 Agriculture and Forestry Resources 24
4.3 Air Quality 27
4.4 Biological Resources 42
4.5 Cultural Resources 53
4.6 Energy 60
4.7 Geology and Soils 67
4.8 Greenhouse Gas Emissions 76
4.9 Hazards and Hazardous Materials 85
4.10 Hydrology and Water Quality 96
4.11 Land Use and Planning 106
4.12 Mineral Resources 111
4.13 Noise 112
4.14 Population and Housing 127
4.15 Public Services 129
4.16 Recreation 136

TABLE OF CONTENTS

4.17 Transportation 139
4.18 Tribal Cultural Resources 159
4.19 Utilities and Service Systems 162
4.20 Wildfire 170
4.21 Mandatory Findings of Significance 171
Section 5.0 References 179
Section 6.0 Lead Agency and Consultants 184
6.1 Lead Agency 184
6.2 Consultants 184

Figures

Figure 2.4-1: Regional Map 3
Figure 2.4-2: Vicinity Map 4
Figure 2.4-3: Aerial Photograph and Surrounding Land Uses 5
Figure 3.2-1: Site Plan 8
Figure 3.2-2: North and South Building Elevations 9
Figure 3.2-3: East and West Building Elevations 10
Figure 4.1-1: Transit Priority Area 21
Figure 4.4-1: Tree Location Map 45
Figure 4.13-1:Noise Measurement Locations 117
Figure 4.17-1:Existing Bicycle Facilities 143
Figure 4.17-2:Existing Transit Facilities 144
Figure 4.17-3:Site Location and Study Intersections 153
Figure 4.17-4:Potential Pedestrian Crossing Locations 157

Tables

Table 3.3-1: Ambient Air Quality Standards Violations and Highest Concentrations 30
Table 4.3-2: BAAQMD Air Quality Significance Thresholds 32
Table 4.3-3: Bay Area 2017 CAP Applicable Control Measures 33
Table 4.3-4: Summary of Daily Project Construction Emissions 35
Table 4.3-5: Summary of Project Operational Emissions 37
Table 4.3-6: Construction Risk Impacts at the Off-Site Maximally Exposed Individual 38
Table 4.3-7: Mobile and Stationary Source Community Risk Levels 41
Table 4.4-2: Tree Replacement Requirements 50

TABLE OF CONTENTS

Table 4.6-1: Private Sector Green Building Policy Applicable Projects 61
Table 4.6-2: Estimated Annual Energy Use of Existing Development[1] 64
Table 4.6-3: Estimated Operational Annual Energy Use 65
Table 4.7-1: Annual Project GHG Emissions (CO_2e) 82
Table 4.13-1: General Plan Land Use Compatibility Guidelines 115
Table 4.17-1: Existing Bus Service Near the Project 145
Table 4.17-2: Project Trip Generation Estimates 151
Table 4.17-3: Intersection Level of Service Definitions Based on Delay 154
Table 4.17-4: Peak Hour Intersection LOS Summary 155
Table 4.21-1: Cumulative Community Risk at the Residential MEI 174

Appendices

Appendix A: Air Quality and GHG Assessment
Appendix B: Arborist Report
Appendix C: Geotechnical Investigation Report
Appendix D: Phase I and II Environmental Site Assessments
Appendix E: Noise and Vibration Assessment
Appendix F: Transportation Analysis and Transportation Demand Management Plan

SECTION 1.0 INTRODUCTION AND PURPOSE

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

The project proposes demolition of an existing 32,000 square-foot commercial building and construction of a four-story, 100 percent affordable housing development with 145 affordable restricted apartment units (restricted for seniors and adults with special needs) and two units for on-site staff, 16,066 square feet of commercial space, and at-grade parking. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.1 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:

Reema Mahamood, Planner III
City of San José
Planning Division
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113-1905
Email: reema.mahamood@sanjoseca.gov

1.2 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.3 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Blossom Hill Mixed Use Project, File Numbers: CP18-022 and T18-034

2.2 LEAD AGENCY CONTACT

City of San José
Planning Division
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113-1905
Contact: Reema Mahamood, Planner III
408-535-6872; reema.mahamood@sanjoseca.gov

2.3 PROJECT APPLICANT

Charities Housing
1400 Parkmoor Avenue, Suite 190
San José, CA 95126
Contact: Hai Nguyen, Project Manager
408-550-8300; hnguyen@CharitiesHousing.org

2.4 PROJECT LOCATION

The project site is located at 397 Blossom Hill Road (Assessor's Parcel Number APN 690-25-021) in the City of San José. The location of the project site is shown on the following figures:

- Figure 2.4-1 Regional Map
- Figure 2.4-2 Vicinity Map
- Figure 2.4-3 Aerial Photograph and Surrounding Land Uses

2.5 ASSESSOR'S PARCEL NUMBER

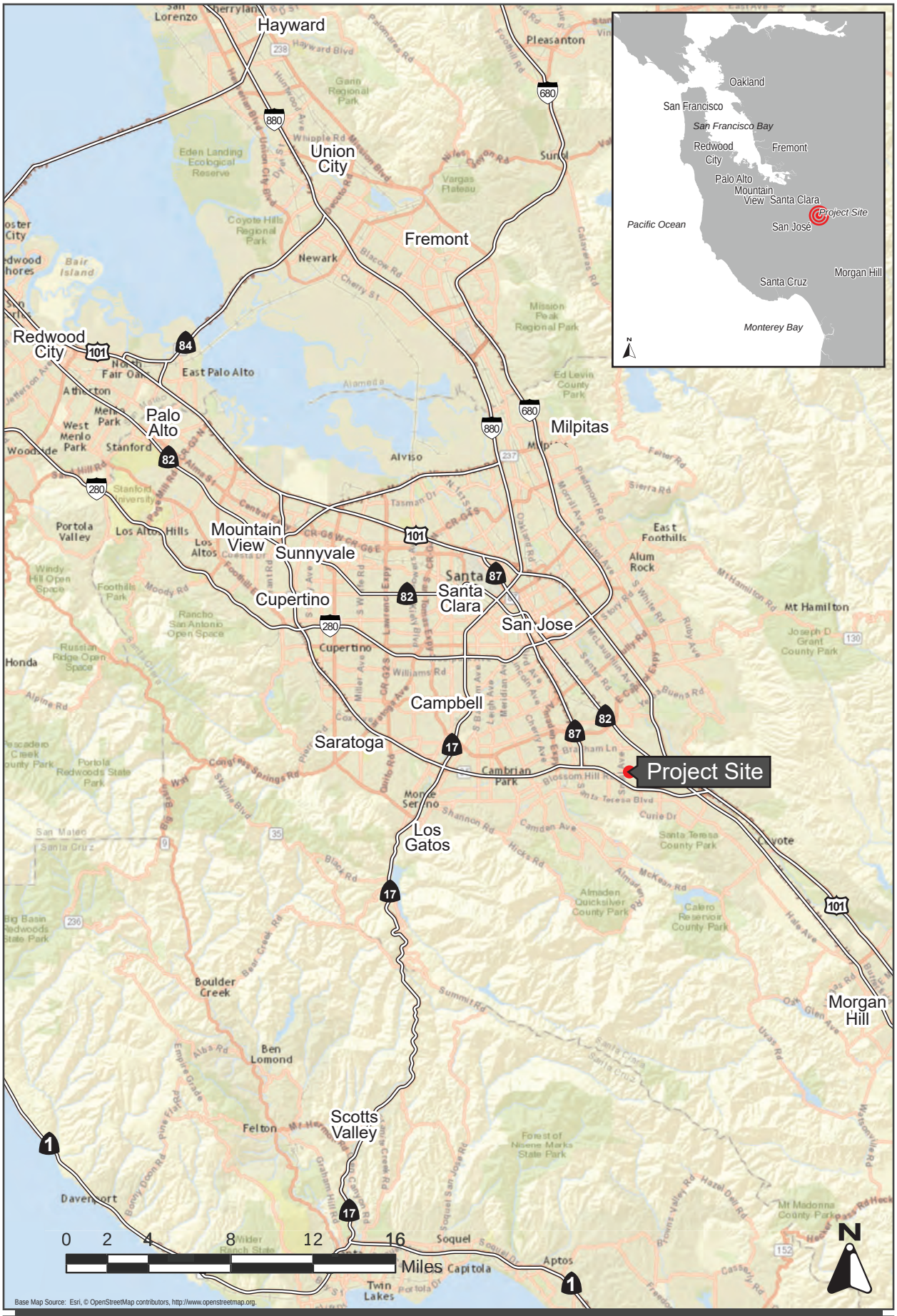
APN: 690-25-021

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

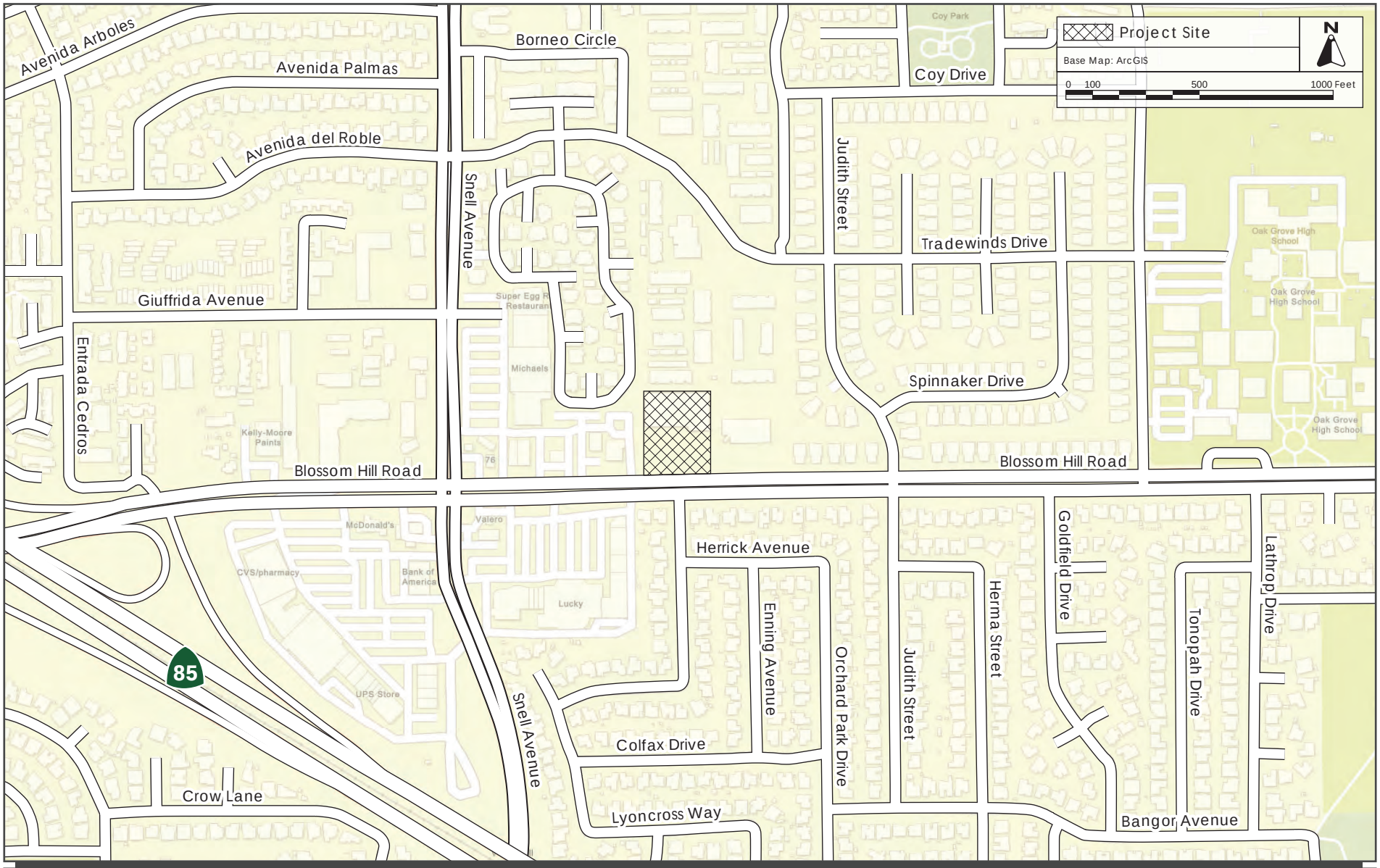
General Plan Land Use Designation: *Neighborhood/Community Commercial*
Zoning District: *Commercial Neighborhood (CN)*

2.7 HABITAT PLAN DESIGNATION

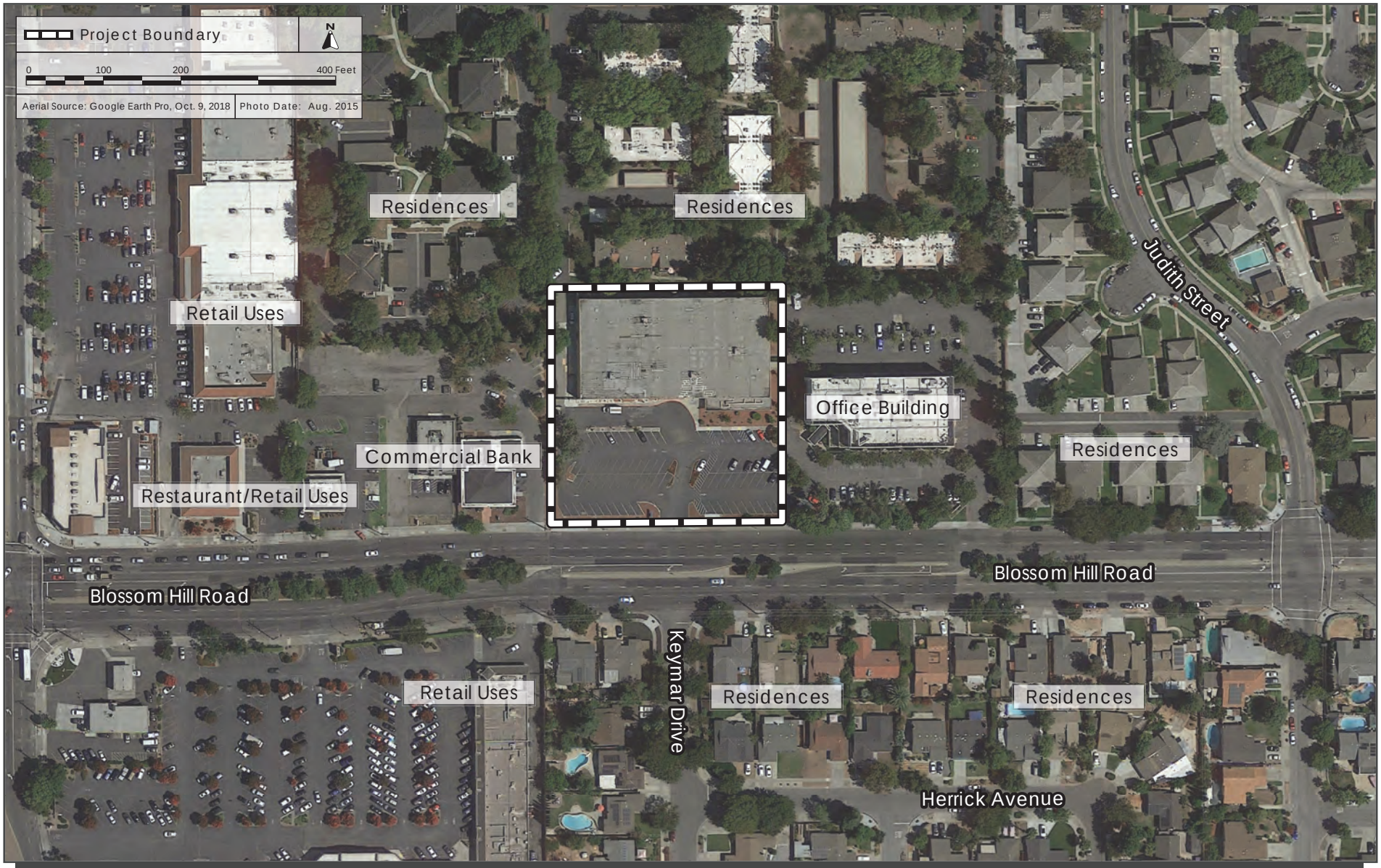
Land Cover: *Urban-Suburban*



REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP | FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require the City's approval of a Conventional Subdivision Vesting Map and Conditional Use Permit. The project would also require a Tree Removal Permit, Demolition Permit, Grading Permit and Building Permit.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The project proposes demolition of an existing 32,000 square-foot commercial building, removal of six ordinance-sized trees and two non-ordinance sized trees, and construction of a four-story, U-shaped 100 percent affordable housing development with 145 affordable restricted apartment units (restricted for seniors and adults with special needs) and two units for on-site staff, 16,066 square feet of commercial space, and at-grade parking. The proposed residential units would serve individuals earning 30 to 50 percent of the County Area Median Income (AMI). The project would require a Conditional Use Permit and a Conventional Subdivision Vesting Map approval to allow for construction of the mixed-use development.

3.1.1 Existing Conditions

The two-acre project site is developed with a 32,000 square foot commercial building, which was previously occupied by a furniture store, and is now temporarily being used by non-profit organizations for office purposes. The property is zoned *Commercial Neighborhood (CN)* and has a designated land use of *Neighborhood/Community Commercial* under the Envision San José General Plan. The project site is surrounded by multi-family residences to the north, a commercial office building to the east, Blossom Hill Road and single-family residences to the south, and commercial buildings and multi-family residences to the west.

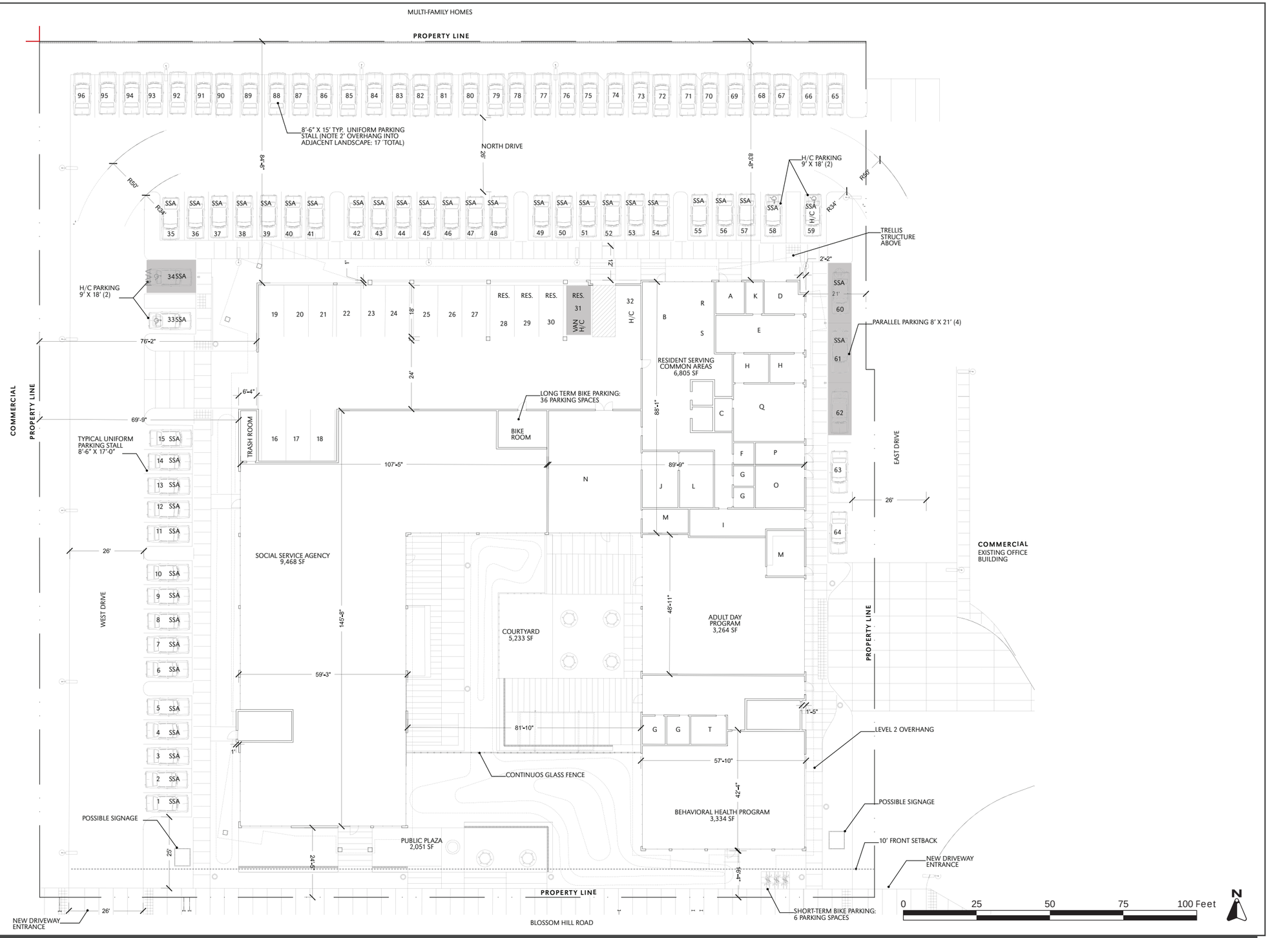
3.2 DESCRIPTION OF PROPOSED PROJECT

3.2.1 Proposed Development

The proposed four-story mixed-use development would include 16,066 square feet of commercial office space, resident-serving common areas, a lobby, and enclosed parking on the first floor, and 147 residential units on the second through fourth floors. The 147 residential units would include 145 restricted affordable units and two on-site staff units (unrestricted units). The residential units would consist of 102 studio units, 15 junior one-bedroom units, 15 one-bedroom units, 13 two-bedroom units, and two three-bedroom units (for on-site staff) on the second through fourth floors.). The maximum height of the proposed building would be 53 feet above ground surface at the top of the roof and 57 feet at the top of the parapet. The site plan and building elevations are shown on Figures 3.2-1, 3.2-2, and 3.2-3.

The proposed building would be set back approximately 10 feet from the edge of the sidewalk on Blossom Hill Road to the south, 70 feet from the commercial property line to the west, 85 feet from the multi-family residential property line to the north, and 21 feet from the commercial office property line to the east.

The development proposes approximately 6,813 square feet of residential common open space areas, including a 3,674 square foot central courtyard area and a 3,139 square foot second level terrace with landscaping, outdoor seating, barbeque and dining areas, exercise, and game areas. New landscaping, including trees, would be planted around the perimeter of the building, in the central courtyard area and along the street frontage. The types of trees proposed to be planted include crape myrtle, date



Source: Studio E Architects, October 2019.

SITE PLAN

FIGURE 3.2-1

NORTH AND SOUTH BUILDING ELEVATIONS | FIGURE 3.2-2

EAST AND WEST BUILDING ELEVATIONS | FIGURE 3.2-3

palm, native California sycamore, Engelmann oak, Chinese evergreen elm, and native coast live oak trees.

3.2.1.1 *Site Access and Parking*

The project would provide 96 vehicular parking spaces at-grade, with 79 surface parking spaces and 17 spaces within an enclosed parking garage. Vehicular access to the site would be provided via two new 26-foot wide two-way driveways off Blossom Hill Road. One of the driveways would be shared with the adjacent commercial office property to the east. The parking garage entrance would be located on the west side of the building.

3.2.1.2 *Utilities*

Stormwater runoff from the site would be directed to new on-site storm drain inlets and would be transported via 6- to 18-inch storm drainpipes to bioretention areas on-site. Stormwater would be treated, then directed to the City's existing 60-inch storm drain line on Blossom Hill Road.

The project would construct new 4- to 6-inch sanitary sewer lines that would connect to existing and new manholes on-site. The wastewater would be directed to the 21-inch sanitary sewer line on Blossom Hill Road. The project would construct 2- to 6-inch water lines that would connect to an existing 8-inch water main on Blossom Hill Road. A new fire hydrant is proposed to be installed along the Blossom Hill Road project frontage.

3.2.2 Construction and Demolition

The duration of demolition and construction of the project would be approximately 17 months, from January 2020 to June 2021. The project would require excavation and off-haul of approximately 500 cubic yards of soil. No soil would be imported to the site. The types of equipment that would be used for construction include excavators, graders, paving equipment, forklifts, backhoes, and air compressors.

3.2.3 Project Approvals

The project applicant is seeking approval of a Conditional Use Permit and a Conventional Subdivision Vesting Map to allow construction of the proposed project.

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	4.11	Land Use and Planning
4.2	Agriculture and Forestry Resources	4.12	Mineral Resources
4.3	Air Quality	4.13	Noise
4.4	Biological Resources	4.14	Population and Housing
4.5	Cultural Resources	4.15	Public Services
4.6	Energy	4.16	Recreation
4.7	Geology and Soils	4.17	Transportation
4.8	Greenhouse Gas Emissions	4.18	Tribal Cultural Resources
4.9	Hazards and Hazardous Materials	4.19	Utilities and Service Systems
4.10	Hydrology and Water Quality	4.20	Wildfire
		4.21	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

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

Important Note to the Reader

The California Supreme Court in a December 2015 opinion (*California Building Industry Association [CBIA] v. Bay Area Air Quality Management District [BAAQMD]*, 62 Cal. 4th 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. One of the exceptions is affordable housing, for which hazardous materials, geotechnical hazards, and flooding are still considered CEQA impacts.

In addition, the City of San José currently has policies that address existing conditions (e.g., air quality and noise) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., Environmental Impact Report [EIR] or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

California Scenic Highway Program

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

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.[1] The nearest State scenic highway is State Route 9, which is approximately eight miles southwest of the project site.

City of San José General Plan

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

Envision San José 2040 General Plan Relevant Aesthetics Policies

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

[1] California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed May 7, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

Envision San José 2040 General Plan Relevant Aesthetics Policies

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

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

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

4.1.1.2 *Existing Conditions*

Project Site

The project site is flat and fronts Blossom Hill Road. The site contains a 40,000 square foot concrete commercial building with tinted windows along the front façade. The building is rectangular shaped with a flat roof. The site consists of mostly paved surfaces, including a parking lot, with minimal landscaping throughout the site. There are eight on-site trees, which are in good or fair condition and include cabbage palm, silver dollar eucalyptus, green ash, Callery pear, queen palm, and Mexican fan palm trees.

Surrounding Area

The project site is in an area developed with a mix of relatively modern and recent commercial and residential buildings. The project site is surrounded by two-story multi-family residences to the north, a three-story concrete medical office building to the east, Blossom Hill Road and one-story single-family residences, a commercial shopping center to the south, and a one-story commercial bank and two-story multi-family residences to the west. The two-story multi-family residences to the north consist of stucco and a combination of flat, gable, and pyramid hip roofs. The one-story commercial bank to the west consists of concrete, brick, and a hip roof. The one-story single-family residences to the south consist of a combination of stucco, brick and wood, two-car garages along the front façade, and gable styled roofs. The shopping center to the south is an L-shaped concrete building with a flat roof. The three-story medical office building to the east consists of concrete and a flat roof. The surrounding commercial businesses and office buildings have paved surface parking lots. The surrounding properties include landscaping that is well-maintained.

The project area is developed with a mix of land uses and architectural styles. As a result, no single design aesthetic is dominant (refer to Photos 1 through 6 for views of the site and surrounding properties).

Scenic Views and Resources

The City has many scenic resources including the hills and mountains that frame the valley floor, the baylands, and the urban skyline itself. The project site is relatively flat and is located in an urban area. There are no baylands visible from the project area. Hillsides visible from the City include the foothills of the Diablo Range and Silver Creek Hills to the east, the Santa Cruz Mountains to the west, and Santa Teresa Hills to the south.

Scenic Corridors

The project site is not located along a State-designated scenic highway. The nearest State-designated highway is State Route (SR) 9, approximately nine miles southwest of the site. The nearest eligible State scenic highways are Interstate 280 (at the Interstate 880 interchange), approximately eight miles northwest of the site and SR 17 (at the SR 9 interchange), approximately eight miles southwest of the site. The designated scenic and eligible State scenic highways are not visible from the project site.[2]

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Urban Throughway to the project site is SR 85, approximately 0.3 mile southwest of the site. Given the distance of the project site from the Urban Throughway and the existing development that blocks views of the site, the site is not visible from the Throughway. The nearest Gateway segment to the site is Blossom Hill Road, from Cahalan Avenue to Snell Avenue, approximately 670 feet west of the site. The project site and the existing commercial building are not visible from this Gateway because the existing building is set back from Blossom Hill Road and the surrounding buildings and landscaping block views of the site.

[2] Caltrans. *California Scenic Highways*. https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a. Accessed August 21, 2019.

Photo 1: View of the project site, looking north from Blossom Hill Road.

Photo 2: View of the commercial office building to the east of the project site.

Photo 3: View of the single-family residences on Blossom Hill Road, to the south of the site.

Photo 4: View of multi-family residences to the north of the site, looking south from Tradewinds Drive

Photo 5: View of the commercial/retail buildings to the west of the site, looking north from Blossom Hill Road.

Photo 6: View of the commercial shopping center southwest of the site on Blossom Hill Road.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) Substantially degrade the existing visual character or quality of public views[3] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

The project site is located within a transit priority area designated by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (refer to Figure 4.1-1).[4] The proposed project would be an infill development since the site is under-utilized and surrounded by urban development.

Pursuant to SB 743, Public Resources Code Section 21099 (d)(1) states (d)(1) aesthetic impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. Given the project would be an infill development and is located within a transit priority area, the project would not result in significant aesthetic impacts. **(No Impact)**

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

Due to surrounding development currently obstructing views of scenic vistas (such as hillsides), the proposed four-story development would not block views of these vistas from the project area.

[3] Public views are those that are experienced from publicly accessible vantage points.
[4] Metropolitan Transportation Commission. *Transit Priority Area (2017): Priority Development Area – Transit Priority Area Overlay (2017).* Accessed May 9, 2019. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-132.646%2C36.246%2C-121.451%2C39.285

TRANSIT PRIORITY AREA | FIGURE 4.1-1

The nearest designated Gateway to the project site is Blossom Hill Road, from Cahalan Avenue to Snell Avenue, approximately 670 feet west of the site. The existing development and landscaping surrounding the site currently blocks views of hillsides to the east of the Gateway. The proposed mixed-use development would be partially visible from the Gateway; however, the development would not substantially block views of these hillsides (when compared to existing views from the Gateway).

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

There are no scenic resources in the vicinity of the project site. The project area is developed, and no natural scenic resources such as rock outcroppings are present on the site or in the project area. There are no existing landmarks that are visible from the project site or its vicinity, due to existing urban development surrounding the area. The project site is not located along a State-designated scenic highway. The nearest State-designated highway is State Route (SR) 9, approximately eight miles southwest of the site (at the SR-17 interchange). SR 9 is not visible from the site.

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality. **(No Impact)**

The project site is developed with a one-story concrete commercial building and a paved surface parking lot. The project applicant proposes to demolish the existing building and develop a four-story, U-shaped mixed-use development with 147 residential units and 16,066 square feet of commercial office space. The maximum height of the proposed building would be 53 feet at the top of the roof and 57 feet at the top of the parapet. The proposed development would be made of stucco, concrete, metal cladding, brick veneer, and wood veneer with vinyl-framed windows and a flat roof.

The project area is developed with residential, office, and commercial land uses that range from one- to three-stories and has a mix of architectural styles. The existing buildings surrounding the site are made of materials similar to the proposed development including concrete, stucco, wood, and brick. Development under the proposed project would be reviewed in accordance with the City's Residential and Commercial Design Guidelines during the Planning Permit stage as part of the City's planning review process. For the above reasons, the proposed project would not substantially degrade the existing visual character of the site or its surroundings nor conflict with applicant regulations governing scenic quality.

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(No Impact)**

The project site is located in an urban area with residential and commercial developments and vehicular traffic. The project site is currently developed with a commercial building and a parking

lot. The existing uses result in minimal light and glare from building security lights and parking lot lights.

The project applicant proposes to construct a four-story mixed-use development with 147 residential units and 16,066 square feet of commercial office space. The project would include security lights and parking garage lights. The project would incrementally increase the amount of nighttime lighting on the project site. San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan design and lighting policies would not create a new source of nighttime light that would adversely affect views.

The design of the proposed project would be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's Residential and Commercial Design Guidelines.

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State Regulations

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

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

City of San José General Plan

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

Envision San José 2040 General Plan Relevant Agricultural Resources Policies

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

4.2.1.2 *Existing Conditions*

The Santa Clara County Important Farmland 2016 Map designates the project site as *Urban and Built-Up Land*.[5] *Urban and Built-Up Land* is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is

[5] California Department of Conservation. "Santa Clara County Important Farmland 2016 Map." Accessed February 19, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf.

currently developed a commercial building and is zoned *Commercial Neighborhood*. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) 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))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) 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?	☐	☐	☐	☒

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is not used for agricultural purposes. The site is not designated by the California Department of Conservation, Farmland Mapping and Monitoring Program as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

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

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

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

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

According to the Santa Clara County Important Farmland 2016 map, the project site and surrounding area are designated as Urban and Built-Up Land. Development of the project site would not result in conversion of any forest or farmlands. **(No Impact)**

4.3 AIR QUALITY

This section is based in part upon an Air Quality and Greenhouse Gas Assessment completed by *Illingworth & Rodkin, Inc.* on March 4, 2019. The report is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal and State 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), including particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), 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.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles

are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[6]

Fine Particulate Matter ($PM_{2.5}$) is a TAC composed of a mix of substances, 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 BAAQMD, $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents. Sources of $PM_{2.5}$ include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

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

2017 Clean Air Plan

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. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how State and federal 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 related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how 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. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[7]

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

Envision San José 2040 General Plan

In connection with the implementation of BAAQMD's Bay Area 2017 Clean Air Plan (CAP), various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air

[6] CARB. "Overview: Diesel Exhaust and Health". Accessed April 16, 2018. https://www.arb.ca.gov/research/diesel/diesel-health.htm.
[7] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

quality impacts from development projects. The proposed project would be subject to the air quality policies listed in the General Plan, including the following:

Envision San José 2040 General Plan Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.3.1.2 *Existing Conditions*

Climate and Topography

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

Regional and Local Air Pollutant Levels

BAAQMD monitors air pollution at various sites within the Bay Area. The nearest official monitoring station to the site is located at 158 East Jackson Street in San José, approximately eight miles northwest of the site. Pollutant monitoring results for the years 2016 to 2018 at the San José monitoring station are shown in Table 4.3-1.

Table 3.3-1: Ambient Air Quality Standards Violations and Highest Concentrations

Pollutant	Standard	Days Exceeding Standard		
		2016	2017	2018
SAN JOSÉ STATION				
Ozone	State 1-hour	0	3	0
	Federal 8-hour	0	4	0
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
	Federal 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	0	6	4
$PM_{2.5}$	Federal 24-hour	0	6	15

Source: BAAQMD. Air Pollution Summaries (2016-2018). Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

The Bay Area does not meet State or federal ambient air quality standards for ground level O_3 and $PM_{2.5}$, nor does it meet State standards for PM_{10}. The Bay Area is considered in attainment or unclassified for all other pollutants.

Local Community Risks/Toxic Air Contaminants

The project area includes both roadway and stationary sources of TAC emissions within 1,000 feet of the site. Roadway TAC sources with traffic volumes of over 10,000 vehicles per day and within 1,000 feet of the site are Blossom Hill Road, less than 10 feet to the south of the site, and Snell Avenue, approximately 670 feet west of the site. There are five stationary sources within 1,000 feet of the site, including one BAAQMD-permitted stationary TAC source. The stationary sources

include four gas stations and one generator at a grocery store (refer to Section 4.3.3, *Non-CEQA Effects* for a description of the stationary TAC sources).

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. The closest sensitive receptors to the project site are multi-family residences approximately 15 feet north of the project. There are additional residences within 300 feet of the project site to the west, south and east of the site.

Odors

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

The project site is in a residential and commercial area and is not surrounded by facilities that produce substantial odors. There are restaurants located on Blossom Hill Road, within 300 feet of the site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in substantial emissions (such as odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(No Impact)**

Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	0.3 µg/m^3	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m3 (average)	

Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.

Consistency with Clean Air Plan

BAAQMD is the agency responsible for assuring the federal and State ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recent adopted plan is the Bay

Area 2017 Clean Air Plan. Determining consistency with the 2017 CAP involves assessing whether applicable control measures in the 2017 Clean Air Plan are implemented. Implementation of control measures improve air quality and protect health. As shown in Table 4.3-3, the project is consistent with applicable control measures and with the San José General Plan by developing a high-density, transit-oriented infill development, installing energy efficient features, and planting to result in a net increase of at least eight trees. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. For these reasons, the project would not conflict with or obstruct implementation of the CAP. **(No Impact)**

Table 4.3-3: Bay Area 2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project applicant proposes residential/mixed-use development at an infill, urban location in proximity to bus routes 27, 66, 122, 304, and 0.3 mile from the Snell Light Rail Station. The project includes 42 bicycle parking spaces to promote automobile-alternative modes of transportation. The project, therefore, is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include 42 bicycle parking spaces. The project vicinity is well equipped with pedestrian facilities including sidewalks and crosswalks. The project, therefore, is consistent with this measure. The nearest crosswalks (which connect to all four corners of the intersection) are located at the Blossom Hill Road and Snell Avenue intersection, approximately 650 feet west of the site. The nearest bicycle route/facility is located on Snell Avenue, approximately 660 feet west of the site.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project applicant proposes a mixed-use development with 147 residential units and 16,066 square feet of commercial office space at an infill, urban location in proximity to bus routes and the Snell Light Rail Station. The project, therefore, is consistent with this measure.
Building Control Measures		
Green Building	Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen), Title 24 statewide building energy code; develop solutions	The project would comply with the City's Green Building Program and CALGreen. The project, therefore, is consistent with this measure.

Table 4.3-3: Bay Area 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	
Decarbonize Buildings	Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	The project would include a solar hot water system. The project, therefore, is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	The project would provide surface parking and enclosed parking at-grade. The project would utilize cool pavement for surface parking to reduce urban heat island effect. In addition, the project would plant new landscaping and trees. These features would reduce the project's heat island effect. The project, therefore, is consistent with this measure.
Waste Management Control Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project shall provide recycling services to project residents as mandated by Assembly Bill 341 and the City's Multi-family Recycling Program. The project, therefore, is consistent with this measure.
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CALGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, would be consistent with this measure.

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

As discussed previously in Section 4.3.1.3, the Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has

established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_x), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts and are summarized in Table 4.3-1.

Regional Emissions

Construction Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit dirt/mud on local streets, which could be an additional source of airborne dust after it dries. BAAQMD considers construction emission impacts that are below the thresholds of significance (such as those of the project) less than significant if Best Management Practices (BMPs) are implemented (refer to the standard permit conditions below). The construction duration for the project would be 17 months, an estimated 435 construction workdays.

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

Construction period emissions were modeled based on construction schedule information provided by the applicant and CalEEMod data. Refer to Appendix A for details about the modeling, data inputs, and assumptions. Table 4.3-4 summarizes the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-4: Summary of Daily Project Construction Emissions

	ROG	**NO_X**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
	(pounds per day)			
Average Daily Emissions	5.0	3.7	0.1	0.02
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**

Note: The above results are based on a project construction duration of 435 workdays.

Based on the construction modeling results for estimated criteria pollutant and ozone precursor emissions, construction criteria pollutant emissions would be below BAAQMD thresholds.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries.

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

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

The project, with the implementation of the above Standard Permit Conditions, would reduce fugitive dust emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing PM_{10} and $PM_{2.5}$ exhaust emissions from construction equipment. The project would, therefore, not result in a cumulatively considerable increase in criteria air pollutants from construction emissions**. (Less Than Significant Impact)**

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by residents of the proposed development. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are other typical emissions from residential uses. CalEEMod was used to estimate emissions from operation of the proposed project. Refer to Appendix B for more details about the modeling, data inputs, and assumptions.

Table 4.3-5 summarizes the project's estimated operational emissions and shows that emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would be below BAAQMD significance thresholds. The project would, therefore, not result in a cumulatively considerable increase in regional criteria air pollutants from operational emissions nor would it violate a regional criteria pollutant or precursor air quality standard. **(Less Than Significant Impact)**

Table 4.3-5: Summary of Project Operational Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2022 Project Operational Emissions (*tons/year*)	0.86 tons	0.80 tons	0.64 tons	0.18 tons
Existing Uses – Operational Emissions (*tons/year*)	0.18 tons	0.14 tons	0.09 tons	0.03 tons
Net Increase	**0.68 tons**	**0.66 tons**	**0.55 tons**	**0.15 tons**
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	**No**	**No**	**No**	**No**
2022 Project Operational Emissions (*pounds [lbs.]/day)*	**3.7 lbs.**	**3.6 lbs.**	**3.0 lbs.**	**0.09 lbs.**
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
Notes: Analysis assumes that there are 365 operational days per year				

Local Criteria Pollutant Emissions

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

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

The project would generate 632 net new daily trips, which would be distributed across roadways in the project area. Based on the traffic volumes at the eight intersections evaluated in the project's traffic impact analysis (see Appendix D), this increase in daily traffic trips would not cause any affected intersections to exceed a total volume of 44,000 vehicles per hour. Therefore, the project would not result in a cumulatively considerable contribution to local criteria air pollutant emissions nor would the project result in an air quality violation for local pollutants. **(Less Than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

Construction TAC Impacts on Off-Site Sensitive Receptors

As discussed in response to Impact AIR-2, construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. With

implementation of the standard permit condition listed, fugitive dust impacts would be less than significant.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As discussed above, these exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions of diesel particulate matter and $PM_{2.5}$ were modeled to assess the community health risks for sensitive receptors such as nearby residents.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors to find the maximally exposed individuals (MEIs). Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified.

Results of this assessment show that the construction MEI was located on the second floor of an apartment development located adjacent to the northern project boundary. The maximum excess residential cancer risks, $PM_{2.5}$ concentration, and hazard from construction do not exceed their respective BAAQMD single-source thresholds. Table 4.3-6 summarizes the maximum cancer risk, $PM_{2.5}$ concentration, and health hazard index for project related construction activities affecting the residential MEI.

Table 4.3-6: Construction Risk Impacts at the Off-Site Maximally Exposed Individual

TAC Source	Cancer Risk (per million)	Annual PM2.5 Concentration ($\mu g/m^3$)	Hazard Index
Project Construction	5.0	3.7	0.02
BAAQMD Single Source Thresholds	*>10*	*>0.3*	*>0.1*
Exceeds Threshold?	**No**	**No**	**No**

As shown in Table 4.3-6, the construction risk impacts do not exceed the BAAQMD single-source thresholds for cancer risk, $PM_{2.5}$ concentrations, or the hazard index. Therefore, project would not expose off-site sensitive receptors to substantial TAC concentrations from construction emissions.

(Less Than Significant Impact)

Operational TAC Impacts on Off-Site Sensitive Receptors

Operational project emissions would include emissions from vehicular traffic. Traffic from residential/mixed use projects are not typically considered sources of TAC or $PM_{2.5}$ emissions that could adversely affect sensitive receptors. The project would generate traffic associated with residential and commercial office uses that would be distributed over various roadways. These are anticipated to consist of mostly passenger vehicles with a low percentage of diesel trucks that would emit TACs. Traffic associated with the project is not anticipated to contribute to community risk

impacts. Maximum community risks based on the results calculated by the BAAQMD Roadway Screening Analysis Calculator would be a lifetime cancer risk of less than 0.5 chances per million, an annual $PM_{2.5}$ concentration of less than 0.01µg/m^3, and a hazard index of less than 0.03, which are below BAAQMD single source thresholds of 10 in one million for cancer risks, 0.3 µg/m^3 for $PM_{2.5}$ concentrations and one for the hazard index. Therefore, the project would not expose off-site sensitive receptors to substantial operational TAC concentrations or emissions.

The combined effect of project-related construction and operational TAC sources would not exceed BAAQMD thresholds, and therefore, would not expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

Impact AIR-4:	The project would not result in substantial emissions (such as odors) adversely affecting a substantial number of people. **(No Impact)**

Odors are generally considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities.

The project would include the demolition of a commercial building and the construction of a four-story mixed-use development. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and would not affect people off-site.

Residential/mixed use developments (with commercial office space), such as the proposed project, do not typically generate objectionable odors. The project would, therefore, not create objectionable odors that would affect the existing residents near the site. (**No Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes, because the City of San José has policies that address existing air quality conditions affecting a proposed project. In accordance with General Plan Policy MS-11.1, an analysis using BAAQMD screening tools was completed to assess the health risk of TAC emissions sources near the proposed residential development. The results of the analysis can be found in the discussion below:

Community Risk Impacts

Increased community risk can occur by introducing a new sensitive receptor, including residential uses, in proximity to an existing source of TACs. BAAQMD recommends a 1,000-foot radius for assessing community risks and hazards from TAC mobile and stationary sources.

A roadway screening analysis was completed for Blossom Hill Road (less than 10 feet south of the site) and Snell Avenue (approximately 670 feet west of the site) since local roadways within 1,000

feet of the site (proposed to have future residents) have average daily traffic (ADT) volumes of over 10,000 vehicles per day. The ADT volumes were based on the peak-hour traffic volumes included in the project's traffic analysis for background plus project conditions. An assessment of BAAQMD-permitted sources of TAC emissions within 1,000 feet of the site was also completed to evaluate potential hazards (if any) to the future residents of the site.

Mobile TAC Sources

Blossom Hill Road

The ADT volume on Blossom Hill Road was estimated to be 32,425 vehicles per day. Blossom Hill Road is an east-west roadway with the project's sensitive receptors north of the roadway. Using the BAAQMD Roadway Screening Analysis Calculator for east-west directional roadways, the future site residents' estimated cancer risk from roadway traffic on Blossom Hill Road would be 2.9 in one million, the estimated $PM_{2.5}$ concentration at the site would be 0.28 $\mu g/m^3$, and the hazard index would be below 0.03. The results were below BAAQMD single-source screening thresholds; therefore, the TAC emissions from traffic on Blossom Hill Road would not have a significant effect on future residents of the site.

Snell Avenue

The ADT volume on Snell Avenue was estimated to be approximately 24,750 vehicles per day. Snell Avenue is a north-south roadway with the project's sensitive receptors east of the roadway. The future residents' estimated cancer risk from the roadway traffic on Snell Avenue would be 0.4 per million, the $PM_{2.5}$ concentration would be 0.05 $\mu g/m^3$, and the hazard index at the proposed residences would be less than 0.03. The results were below BAAQMD screening single-source thresholds; therefore, the TAC emissions from traffic on Snell Avenue would not have a significant effect on future residents of the site.

Stationary Sources

Five permitted stationary sources of TAC emissions within 1,000 feet of the project site were identified using BAAQMD's Stationary Source Risk and Hazard Analysis Tool. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. The screening risk levels for these stationary sources were provided by BAAQMD and adjusted for distance based on BAAQMD's Distance Adjustment Multiplier Tool for Diesel Internal Combustion Engines or Distance Adjustment Multiplier Tool for Gasoline Dispensing Facilities when appropriate. Table 4.3-7 shows the health risk for the project's new residents from exposure to off-site stationary TAC sources. Given the results were below BAAQMD screening single-source screening thresholds, off-site stationary TAC sources would not have a significant effect on future residents of the site.

Combined Community Risk Impacts to Future Sensitive Receptors of the Site

The cumulative effects of off-site TAC sources, within 1,000 feet of the project site, on future project residents were addressed by adding the contributions of each TAC source. A summary of these sources and the community risk levels are shown in Table 4.3-7.

Table 4.3-7: Mobile and Stationary Source Community Risk Levels				
Source	**Location from Project Site**	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ Concentration (µg/m3)**	**Hazard Index**
Roadway TAC Sources				
Blossom Hill Road ADT - 32,425 vehicles	45 feet south of the proposed building	2.9	0.28	<0.03
Snell Avenue ADT - 24,750 vehicles	740 feet east	0.4	0.05	<0.03
Stationary TAC Sources				
Lucky #765 (Generator, Plant #18316)	430 Blossom Hill Road 600 feet south	<0.1	<0.01	<0.01
Shell (Gas Station, Plant #112337)	5599 Snell Avenue 850 feet west	<0.1	-	<0.01
Conoco Phillips (Former Gas Station, Plant #100834)	449 Blossom Hill Road 400 feet west	0.3	-	<0.01
Valero Refining Company (Gas Station, Plant #110366)	448 Blossom Hill Road 590 feet south	0.6	-	0.01
Chevron (Gas Station, Plant #103876)	452 Blossom Hill Road 870 feet southwest	0.4	-	0.01
BAAQMD Threshold – Single Sources		**>10**	**>0.3**	**>1.0**
Single-Source Threshold Exceeded?		*No*	*No*	*No*
Cumulative Total		4.8	0.34	<0.11
BAAQMD Thresholds - Cumulative Sources		**>100**	**>0.8**	**>10.0**
Threshold Exceeded?		*No*	*No*	*No*

Source: Illingworth & Rodkin Inc. *397 Blossom Hill Road Environmental Noise and Vibration Assessment, San José, California*. February 27, 2019.

The individual and combined impacts from the noted sources (in Table 4.3-7) within 1,000 feet of the project site would be below the BAAQMD thresholds of significance and, as a result, implementation of the proposed project would not result in a significant health risk to future residents of the site.

4.4 BIOLOGICAL RESOURCES

This discussion is based in part upon an Arborist Report completed by *H.T. Harvey & Associates* on June 11, 2018. A copy of this report is attached to Appendix B of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Special-Status Species

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

Migratory Bird Treaty Act

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

California Fish and Game Code

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

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

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

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

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Biological Resources Policies

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

San José Tree Ordinance

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

4.4.1.2 *Existing Conditions*

The project site is located in an urbanized area and is surrounded by residential and commercial development. The site is mostly paved and is developed with a commercial building and large surface parking lot. Vegetation on-site includes limited areas of trees and shrubs. There are no wetlands or riparian areas on or adjacent to the site. The nearest waterway to the site is Canoas Creek, approximately 0.75 mile west of the site.

Trees

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

There are eight trees located on-site. Trees located on the project site are non-native species in fair to good condition. Table 4.4-1 lists all trees identified on the project site. The location of the trees is shown on Figure 4.4-1.

Source: H.T. Harvey & Associates, June 2018.

TREE LOCATION MAP | FIGURE 4.4-1

Table 4.4-1: Tree Species Observed On-Site			
Tree #	**Common Name**	**Scientific Name**	**Trunk Diameter***
842	Green ash	*Fraxinus pennsylvanica*	16
843	Silver dollar eucalyptus	*Eucalyptus polyanthemos*	28
844	Mexican fan palm	*Washingtonia robusta*	20
845	Silver dollar eucalyptus	*Eucalyptus polyanthemos*	14,11
846	Queen palm	*Syagrus romazoffiana*	8
847	Callery pear	*Pyrus calleryana*	7
848	Cabbage palm	*Cordyline australis*	6,5,5,4
849	Green ash	*Fraxinus pennsylvanica*	29

Notes: *Ordinance sized trees are 12.1+ inches in trunk diameter.
Bold = Ordinance sized tree

Special Status Species

Special-status species are those plants and animals listed under the State and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the CDFW. Additionally, nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. All the trees on-site are non-native and native vegetation of the area is no longer present on-site. Native wildlife species have been supplanted by species that are more compatible with an urbanized area. Given there are six mature trees (greater than 12 inches in diameter) on the project site, there is a potential for birds to nest or forage on the site.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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)?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) 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?	☐	☐	☐	☒
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4) 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?	☐	☒	☐	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(No Impact)**

The existing on-site commercial building and surface parking lot were constructed in the mid-1970s. The site is in an urban area surrounded by residential and commercial development. Given the history of development and disturbance on-site and the urban environment, no natural sensitive habitats which would support endangered, threatened or special status plant or wildlife species would occur on or adjacent to the site. Development of the project site under the proposed project, therefore, would not impact special-status species. **(No Impact)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

The project site is in an urban area and does not contain any riparian habitats or other sensitive natural communities. The nearest riparian corridor to the site is Canoas Creek, approximately 0.75 mile west of the project site. **(No Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

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

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. **(Less than Significant Impact with Mitigation Incorporated)**

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

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

Impact BIO-4: Demolition, grading, and construction activities and tree removal during the nesting season could impact nearby migratory birds and raptors. **(Significant Impact)**

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

MM BIO-4.1: Avoidance. The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 15th (inclusive), as amended.

MM BIO-4.2: Nesting bird surveys. If it is not possible to schedule demolition and construction between August 16th and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-4.3: Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

MM BIO-4.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to issuance of any grading or building permits.

Implementation of mitigation measures **MM BIO-4.1** through **MM BIO-4.4** would reduce potential impacts to migratory birds and raptors to a less than significant level. **(Less Than Significant Impact with Mitigation)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

The City of San José 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 inches in diameter, at a height of 4.5 feet above the ground. 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.

As discussed above, there are eight trees located on the project site. Of the eight trees, six are ordinance-sized trees. All eight trees would be removed from the site to allow for the proposed development. The proposed project would be required to offset the impact to the urban forest through compliance with Standard Permit Conditions below.

Standard Permit Condition: The trees removed by the proposed project would be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance (see replacement ratios provided in Table 4.4-2 below);
- San José Municipal Code Section 13.28; and
- San José General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 4.4-2: Tree Replacement Requirements

Diameter of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
12.1 inches or more[3]	5:1	4:1	3:1	15-gallon container
6.1 – 12.1 inches	3:1	2:1	None	15-gallon container
Less than 6.1 inches	1:1	1:1	None	15-gallon container

[1] As measured 4.5 feet above ground level
[2] x:x = tree replacement to tree loss ratio
[3] Ordinance-sized trees
Notes: Trees greater than or equal to 12.1 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
A 38-inch tree is 12.1 inches in diameter.
One 24-inch box tree = two 15-gallon trees.

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. A total of 30 trees would be required to be planted. Twenty-four (24) trees would replace six trees greater than 12 inches in diameter, and six trees would replace two trees with diameters between six and 12 inches.

Standard Permit Condition: In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.

- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Through compliance with the Standard Permit Conditions above, the project would offset the loss of the existing trees and reduce the impacts of tree removal to a less than significant level. **(Less Than Significant Impact)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

The project will not be subject to any land cover fee given the current developed nature of the site and its designation as Urban-Suburban land in the Santa Clara Valley Habitat Agency's Habitat Conservation Plan, Natural Community Conservation Plan (HCP/NCCP).

Nitrogen Deposition Impacts on Serpentine Habitat

All development covered by the HCP/NCCP is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the HCP/NCCP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the HCP/NCCP area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the HCP/NCCP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition.

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

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

Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. The project would pay nitrogen deposition fees based on the trip generation associated with the proposed uses. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The discussion of cultural resources in this section is based on the Archaeological Literature Search and Initial Native American Consultation and a Presence/Absence Exploration prepared by *Holman & Associates* in January 2019 and March 2019, respectively. The reports are on file with the City of San José Department of Planning, Building and Code Enforcement.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

Historic Resources

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

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

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

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.

Buildings less than 50 years old do not meet the National Register criteria unless they are of exceptional importance, as described in the National Park Service Bulletin No. 22, "Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty

Years."[8] 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 included in the CRHR.[9]

Archaeological Resources and Human Remains

Archaeological sites are protected by several 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 (NAHC) and a "most likely descendant" must also be notified.

Local

Envision San José 2040 General Plan

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

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

[8] U.S. Department of the Interior, National Park Service. *National Register Bulletin*: *Guidelines for Evaluating and Nominating Properties that Have Achieved Significance within the Past Fifty Years*. Originally published 1979 (last revised 1998). https://www.nps.gov/nr/publications/bulletins/nrb22/. Accessed February 19, 2019.
[9] Refer to Public Resources Code Section 5024.1(d)(1)

Policy	Description
	professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.1.2 *Existing Conditions*

Historic Resources

In the 1870s, the project site was part of a 142-acre farm with a house and field to the north of the site. By the 1940s, the project site was vacant with a dirt road/driveway leading to a house to the north of the site. From the early 1950s until the mid-1970s, the project site was used for agricultural purposes (occupied by orchard). The existing commercial building was constructed in 1976 and was occupied by a roller rink until 2014. The building was occupied by a furniture store until April 2018 and is now temporarily being used by non-profit organizations for office purposes. The commercial building is less than 50 years of age and is not considered to be of importance. Therefore, the existing building on-site is not considered to be a historic resource.

The project area of potential effect (APE) for historic/architectural resources would be the immediately adjacent parcels to the north, east, and west.[10] Multi-family residences are located on the parcels to the north at 308 and 310 Tradewinds Drive, a multi-family building at 5493 Sean Circle and commercial bank at 405 Blossom Hill Road are located west of the site, and a commercial office building at 393 Blossom Hill Road is located east of the site. The buildings to the north, east and west were constructed in the 1970s (less than 50 years of age), are not architecturally distinct, and would not eligible to be listed as historic resources.

The single-family residences to the south were constructed in the 1960s. These residences are located at 388, 390, 392, 396, and 398 Blossom Hill Road. The single-family residences are not listed on the California Register of Historic Resources (California Register), National Register or City Historic Resources Inventory. Given that the project site and the single-family residences are separated by Blossom Hill Road (a six-lane roadway), the residences are not a part of the project APE.[11]

Based on the City's Historic Resources Inventory, the nearest historic resource is Cottle Ranch, located at 5285 Snell Avenue, approximately 0.6-mile northwest of the site.

Pre-Historic Archaeological Resources

In December 2018, a records search at the Northwest Information Center of the California Historic Resources Information System (CHRIS) was completed to identify archaeological sites within one half mile of the project area of potential effect (APE), and other cultural resources and archaeological resources reports for projects within 200 meters (i.e., 656 feet) of the project APE. At the time of the

[10] Personal Communication, Franklin Maggi, Archives & Architecture (Historic Resources Consultant). *RE: Scope for 397 Blossom Hill Sr. Housing Project - San Jose*. May 24, 2018.
[11] Ibid.

records search, the project APE had not been surveyed for archaeological potential. The project archaeological APE is limited to the area of potential ground disturbance. Based on the records search, no known cultural resources were identified within the project site/APE. Three large Native American village sites were recorded within one half mile of the project site. The villages were associated with burials; two of the villages contained an array of beads and ornaments associated with the Middle to Late Periods.

In San José, Native American sites have been identified within one-half mile of the two major waterways: Coyote Creek and the Guadalupe River and their tributaries (mainly Canoas, Silver, and Los Gatos Creeks). The nearest creek to the project site is Canoas Creek, approximately 0.75 mile west of the site.

Several nearby Caltrans projects, as a part of the State Route 85 construction and rehabilitation, studied one of the three Native American village sites (within one half mile of the project). Situated near a former marshy slough area that once drained into Canoas Creek, this Native American village site (referred to as SCL-137) was used from the Middle to Late periods. In 1977, burials and other cultural resource deposits were discovered at the SCL-137 site. In 1987, 22 burials were discovered, and four fire pits were documented at the SCL-137 site prior to the construction of the Snell Pipeline partially within a Caltrans right-of-way. An additional 13 burials were identified during the construction of a PG&E gas pipeline in 1988. In 1997, Native American artifacts, chert materials, and dietary remains were discovered at the village site.

Based on the above information and soils in the area, the site was considered to have a moderate potential for buried archaeological sites. Given that Native American burials and other resources have been discovered within one half of the project site, a presence/absence exploration was recommended.

A presence/absence exploration for archaeological deposits was completed at the site in March 2019. Core samples were collected at six locations within the project site's parking lot. Cores were sampled to a maximum depth of 17 feet below the ground surface, which is the deepest point of excavation required for the proposed project. Based on the evaluation of the samples, no archaeological deposits or cultural materials were identified on-site.

Based on the review of historical land use patterns at the project site and as described in this section, there is a low potential for archaeological deposits within the project site/APE.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(No Impact)**

The existing on-site commercial building is less than 50 years of age and is not considered to be of importance. There are no structures listed, determined eligible, or pending on the California Register, National Register, or City Historic Resources Inventory located on or adjacent to the project site; and no significant or potentially significant local, State, or federal cultural resources/historic properties (e.g., landmarks, points of interest, etc.) are located on or adjacent to the project site.[12] For these reasons the proposed project would have no impact on historic resources. **(No Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

A presence/absence exploration for archaeological materials was completed at the site based on the conclusions of the archaeological literature search. No archaeological deposits or cultural resources materials were discovered at the site during the exploration and, therefore, archaeological resources would not likely be discovered during excavation or construction of the project. In the unlikely event archaeological resources (including human remains) are encountered, the following standard permit conditions would be implemented.

[12] Personal Communication, Franklin Maggi, Archives & Architecture. *RE: Scope for 397 Blossom Hill Sr. Housing Project - San Jose*. May 24, 2018.

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

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

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

- If the remains are believed to be Native American, the Coroner will contact the NAHC within 48 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

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

    - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the above Standard Permit Conditions, in accordance with General Plan policies, would ensure that the proposed project would not cause a substantial adverse change in the significance of an archaeological resource. **(Less Than Significant Impact)**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

Based on the presence/absence exploration completed at the site, human remains would not likely be discovered during excavation or construction. In the unlikely event that human remains are discovered on-site, the above standard permit conditions would be implemented. Implementation of the above standard permit conditions would ensure that the proposed project would not result in disturbance to human remains. **(Less Than Significant Impact)**

4.6 ENERGY

The following discussion is based in part on an Air Quality Assessment and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* on March 4, 2019. A copy of this report is included in Appendix A.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030.

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.[13]

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went into effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[14], GreenPoint,[15] or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 4.6-1.

[13] California Building Standards Commission. *California Building Standards Code: 2016 Triennial Edition of Title 24.* Accessed May 7, 2019. https://www.dgs.ca.gov/BSC/Codes.
[14] Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[15] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

Table 4.6-1: Private Sector Green Building Policy Applicable Projects	
Applicable Project*	**Minimum Green Building Rating**
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. "Private Sector Green Building." Accessed February 5, 2019. http://www.sanjoseca.gov/index.aspx?NID=3284.

Climate Smart San José

Climate Smart San José, which was adopted in 2018, is a comprehensive plan to reduce greenhouse gas emissions while creating jobs, preserving the environment, and improving the quality of life for our community. The plan includes several strategies to reduce GHG emissions related to transportation, including creating local jobs to reduce VMT, developing integrated, accessible public transport infrastructure, and creating clean and personalized mobility choices.

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Energy Policies

Policy	Description
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
Policy MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.
Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion British thermal units (Btu) in the year 2016, the most recent year for which this data is available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,854 trillion Btu) for industrial uses, and 40 percent (3,114 trillion Btu) for transportation.[16] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity in Santa Clara County in 2017 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2017, a total of approximately 17,190 GWh of electricity was consumed in Santa Clara County.[17]

San José Clean Energy is the electricity generation service provider for residents and businesses in the City of San José. Beginning February 2019, it will provide over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower.

[16] U.S. Energy Information Administration (EIA). *State Profile and Energy Estimates, 2016.* Accessed: April 19, 2019. Available at: https://www.eia.gov/state/?sid=CA#tabs-2.
[17] CEC. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed: April 19, 2019. Available at: http://ecdms.energy.ca.gov/elecbycounty.aspx.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[18] In 2017, residential and commercial customers in California used 32 percent, power plants used 28 percent, and the industrial sector used 36 percent. Transportation accounted for one percent of natural gas use in California.[19] Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately two percent of the State's total consumption of natural gas.[20] Natural gas is currently used at the site to heat the existing commercial building (refer to Table 4.6-2).

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.[21] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.[22] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.[23,24] In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.[25]

Energy Use of the Existing Building

The existing commercial building is temporarily being used by non-profit organizations for office purposes. The building was occupied by a furniture store until April 2018. The electricity and natural gas used by the existing building on-site is estimated in Table 4.6-2.

[18] CEC. "Staff Final Report 2017 Natural Gas Market Trends and Outlook." Accessed April 19, 2019. Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=222400.
[19] U.S. EIA. "Natural Gas." Accessed: April 19, 2019. Available at: https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[20] CEC. "Natural Gas Consumption by County." Accessed: April 19, 2019. Available at: http://ecdms.energy.ca.gov/gasbycounty.aspx.
[21] California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed: May 7, 2019. Available at: https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.
[22] U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed: May 7, 2019. Available at: https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23.
[23] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed: February 4, 2019. Available at: http://www.afdc.energy.gov/laws/eisa.
[24] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed: February 4, 2019. Available at: http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[25] The White House. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards.* August 28, 2012. Accessed February 4, 2019. https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.

Table 4.6-2: Estimated Annual Energy Use of Existing Development[1]		
Development	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**
Furniture Store/Strip Mall[2]	342,080	75,840

Notes: [1] Illingworth & Rodkin, Inc. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment*. March 4, 2019.
[2] CalEEMod does not have "retail furniture store" land use so "strip mall" was used.

As shown in the table above, the existing building on-site uses approximately 342,080 kWh of electricity and 75,840 kBtu of natural gas. Using the U.S. EPA fuel economy estimates for 2016, the proposed project would result in consumption of approximately 11,402 gallons of gasoline per year.[26]

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☐	☒
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. **(No Impact)**

As proposed, the project would demolish the existing on-site commercial building and construct a four-story, mixed use development with 147 residential units and 16,066 square feet of commercial office space. It is assumed that the project would be built out over a period of 17 months.

Estimated Energy Use of the Proposed Project

Operation of the proposed project would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, cooking, and water heating. Table 4.6-3 summarizes the estimated net energy use of the proposed project.

[26] 250,841 VMT / 22.0 mpg (U.S. EPA fuel economy estimate) = 11,402 gallons of gasoline

Table 4.6-3: Estimated Operational Annual Energy Use		
Land Use	**Electricity Demand (kWh)**	**Natural Gas Demand (kBtu)**
Energy Use		
Proposed Mixed Use Development	908,444	1,533,000
Existing Commercial Building	342,080	75,840
Total Increase	566,364	1,457,160
Source: Illingworth & Rodkin, Inc. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment*. March 4, 2019.		

Implementation of the proposed project would increase electricity use by approximately 566,364 kWh per year, and natural gas usage by approximately 1,457,160 kBtu per year. The energy use increase does not take into account the efficiency measures incorporated into the project. The project would be built to the 2016 CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall project and lower the estimated energy use. Additionally, San José Clean Energy would provide electricity to the project site from renewable sources including solar, wind, and hydropower.

The total annual VMT for the project would be approximately 1,664,577.[27] Using the U.S. EPA fuel economy estimate (22.0 mpg), the proposed project would result in consumption of approximately 75,663 gallons of gasoline per year.[28] Implementation of the project would increase annual gasoline demand by approximately 64,261 gallons. New automobiles used by residents and employees of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. The nearest transit station (Snell Light Rail Station) and bus stops (VTA Lines 27, 66, 122, and 304) are within one quarter mile of the project site. As discussed in Section 4.17, *Transportation*, existing transit services would be able to accommodate the increase in new riders generated by the proposed project. As a result, implementation of the proposed project would not result in a substantial increase of transportation-related energy use.

Energy Efficiency During Construction

The anticipated construction schedule assumes that the project would be built over a period of approximately 17 months (approximately 435 construction workdays). The project would require site preparation, grading, trenching, building construction, paving, and building interior. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Similarly, energy would not be wasted or used inefficiently by construction equipment as the proposed project would include

[27] Illingworth & Rodkin, Inc. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment*. March 4, 2019.
[28] 1,664,577 VMT / 22.0 mpg = 75,663 gallons of gasoline

several measures that would improve the efficiency of the construction process. Implementation of the City's Standard Permit Conditions detailed in Section 4.3, *Air Quality*, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. For these reasons, the construction of the project would not use energy in a wasteful manner.

Energy Efficiency During Operation

Operation of the project would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip generated by future employees and customers.

The proposed project would provide a total of 42 bicycle parking spaces, consistent with the City's bicycle parking requirement. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. The project would not use energy or fuel in a wasteful manner, given the project features that reduce energy use, including the following:

- Developing an infill site;
- Proposing residential and commercial office uses near existing bus transit; and
- Constructing in conformance with the Title 24, CALGreen and Council Policy 6-32 to promote energy and water efficiency.

(No Impact)

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(No Impact)**

The project would be consistent with the regulations described in Section 4.6.1.1 (including General Plan policies) by:

- Complying with Title 24 and CALGreen,
- Complying with the Sustainable City Strategy
- Complying with the Green Vision and Climate Smart San José

The project, therefore, would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. **(No Impact)**

4.7 GEOLOGY AND SOILS

The discussion in this section is based in part on the Geotechnical Investigation prepared by *Silicon Valley Soil Engineering* in February 2018. This report is included in this Initial Study as Appendix C.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive 1971 San Fernando earthquake. The AP Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.[29]

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.

Paleontological Resources

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

[29] California Geological Survey. EQ Zapp: *California Earthquake Hazards Zone Application.* https://www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed February 21, 2019.

30244 requires reasonable mitigation for impacts on paleontological resources that occur as a result of development on public lands.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

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

4.7.1.2 *Existing Conditions*

Regional Geology

The site is located within the Santa Clara Valley, a broad plain with alluvial soils extending several hundred feet below ground surface. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

Project Site

A subsurface exploration, including the advancement of four soil borings, was completed at the site in January 2018 to determine the subsurface soil characteristics. The borings were drilled to depths ranging from 20 feet to 60 feet below ground surface. The surface of the site is mostly covered with pavement with aggregate base (i.e., crushed rock) beneath the pavement to the depth of approximately 0.5 feet below the ground surface. Beneath the pavement were stiff silty clay layers to a depth of 60 feet below ground the ground surface.

Expansive near-surface soils are subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs, and below grade walls. Based on the results of the geotechnical investigation, the native surface soil at the site has a moderate to high expansion potential when subjected to fluctuations in moisture.

Groundwater was encountered at the site at 20 to 25 feet below the ground surface during the subsurface exploration. Fluctuations in the groundwater level may occur due to seasonal variations in rainfall and temperature, nearby water courses, and groundwater recharge.

Seismicity and Seismic Hazards

The San Francisco Bay Area is classified as the most seismically active region in the United States. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[30]

[30] United States Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014–2043*. Revised August 2016. Accessed: February 28, 2018. Available at: https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.

The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trends in the northwesterly direction. The closest active faults, in which horizontal displacement has been recorded in the last 200 years, are the San Andreas fault (approximately 11 miles west of the site) and the Hayward Fault, approximately 17 miles northeast of the site. The San José fault transects the site but has not had horizontal displacement in the past 1.6 million years, and therefore, is not considered active.[31]

Although the project site is within a seismically active region, the site is not located within the Alquist-Priolo Earthquake Fault Zone.[32] There are no known active faults that traverse the site and the potential for earthquake-induced fault rupture across the site is very low. Given the proximity of the site to active faults, however, strong ground shaking could occur at the site and project area during a major earthquake.

Liquefaction and Lateral Spreading

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

According to the California Geological Survey, the project site is located within a State of California Seismic Hazard Zone for liquefaction. Based on a liquefaction analysis completed for the site, there are no liquefiable soils at the site and the potential for liquefaction to occur at the site is low. The project site is not located adjacent to a creek or open body of water. Therefore, the potential for lateral spreading to occur at the site is low.

Landslides

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

Paleontological Resources

The site is located in an area of high paleontological sensitivity at depth but is not within an area of high paleontological sensitivity at the ground surface.[33]

[31] California Geological Survey. *Fault Activity Map of California (2010).* Accessed May 3, 2019. http://maps.conservation.ca.gov/cgs/fam/
[32] California Geological Survey. EQ Zapp: *California Earthquake Hazards Zone Application.* https://www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed February 21, 2019.
[33] City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report.* 2010.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated 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)?	☐	☐	☒	☐
- Strong seismic ground shaking?	☐	☐	☒	☐
- Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
- Landslides?	☐	☐	☐	☒
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) 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?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) 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?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1:	The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. The San Jose fault, which transects the site is not considered an active fault. No known surface expression of active faults is known to cross the site.[34] Therefore, the potential for fault rupture to occur at the site is low.

Seismic Ground Shaking

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas and Hayward faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. All earthwork including, grading, backfilling, foundation excavation will be observed and inspected by a Geotechnical Engineer. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

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

[34] TRC Companies, Inc. *Geotechnical Investigation*. November 2016.

With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions.

Liquefaction

The project site is located within a State of California Liquefaction Hazard Zone. Based on the results of the geotechnical investigation, no liquefiable soils are present on-site. Therefore, the potential for liquefaction to occur at the site is low. With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to liquefaction.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or "free" face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction.

The nearest creek to the site is Canoas Creek, which is located approximately 0.75 mile west of the site. The are no potentially liquefiable soil layers at the site; nor are there open vertical faces. For these reasons, the probability of lateral spreading occurring at the site is low.

Landslides

The project site is not located within a landslide hazard zone. The project site is relatively flat and is not located in the vicinity of any slope that could be affected by a landslide.

(Less Than Significant Impact)

Impact GEO-2:	The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

Construction of the proposed project would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The City's National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (which are discussed in Section 4.10, *Hydrology and Water Quality* of this Initial Study) are the primary means of enforcing erosion control measures. Construction activities would be subject to the requirements of those policies and regulations. The project would not, therefore, result in substantial soil erosion or loss of topsoil. **(Less Than Significant Impact)**

Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

The project would not be located on a geologic unit or soil that would become unstable as a result of the project. Please refer to the analysis under Impact GEO-1. **(Less Than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

The native surface soil at the site has a moderate to high expansion potential when subjected to fluctuations in moisture. The project would be developed consistent with the recommendations provided in the geotechnical investigation report for the site. Consistent with the geotechnical report recommendations, the site's concrete slab will be underlain by a minimum of a 1.5 foot (in depth) non-expansive fill layer including 0.5 feet of rock below the slab or lime treatment. In addition, the project shall implement the following standard permit conditions as a condition of approval.

Standard Permit Conditions:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques in the California Building Code, as adopted by the City of San José. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

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

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

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

- A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance.

These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

Implementation of the above standard permit conditions and adherence to the recommendations in the geotechnical investigation report would ensure that development of the site would not exacerbate existing soil conditions on the project site, and that expansive soils on-site would not exacerbate risks to life and property. **(Less Than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The project site is located within an urbanized area of San José, and the existing sewer system has the capacity to dispose of wastewater from the project site. Therefore, development of the site would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

The project site is located in an area of high paleontological sensitivity at depth, but not high sensitivity at the ground surface. [35] Additionally, soil on the project site has been previously disturbed during construction of the existing building and surface parking lot. Development of the site under the proposed project is not expected to encounter paleontological resources.

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

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

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

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

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

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solutions 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 would be achieved from significant GHG sources.

In 2016, Senate Bill (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 MMTCO2e.

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 seven 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 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.[36]

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 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 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 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.

Post 2020-Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of CO_2e per year or 4.6 MT CO_2e per service population per year. A project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

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

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. The City of San José has developed updated GHG thresholds reflecting statewide goals

[36] CARB. *The Advanced Clean Cars Program*. Accessed March 22, 2019. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program.

beyond 2020. The state's goals detailed in SB 32 EO B-30-15 and EO S-3-05 are to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population. This is calculated for 2030 based on the GHG reduction goals of SB 32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[37]

Local

Envision San José 2040 General Plan

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

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as amended) as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/Substantial

[37] Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.

Progress efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[38]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015 alone. The General Plan FEIR (as amended) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips - especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the Final Supplemental FEIR to the General Plan FEIR (as amended) was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

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

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

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

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

Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

City of San José Municipal Code

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

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

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

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

San José Clean Energy

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

4.8.1.2 *Existing Conditions*

The project site is occupied by commercial building which was occupied by a furniture store until April 2018 and is now temporarily being used by a non-profit organization for office purposes. GHG emissions generated by the current uses primarily result from vehicles traveling to and from the site.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☒

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

BAAQMD adopted thresholds of significance to assist the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD reports GHG emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD are 1,100 MT of CO_2e per year or 4.6 MT CO_2e per service population per year. In addition, a project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact. The numeric thresholds, however, were established to achieve the State's 2020 target of 1990 GHG levels.

The project is anticipated to begin operations in 2022. Although BAAQMD has yet to publish a threshold for 2030, for the purposes of this Initial Study, the 2.6 MT CO_2e per service population/year efficiency threshold for 2030 is utilized.

Greenhouse Gas Emissions Impacts

Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The emissions summary calculations, based on the results from the CalEEmod, show that the project would generate approximately 315 metric tons (MT) of CO_2e during the construction phase (refer to Appendix A).

Because construction would be temporary (approximately 17 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, were used to estimate daily emissions associated with operation of the fully developed site under the proposed project. The model provided long-term operational emissions estimates associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. The proposed project land uses were input into CalEEMod, which included 147 mid-rise apartment units, with 108 parking spaces,[39] and 16,066 square feet of general office space.

As shown in Table 4.7-1, the net annual emissions resulting from operation of the proposed project are predicted to be 721 MT of CO_2e for the year 2022 and 599 MT of CO_2e for the year 2030. The service population for the proposed project would be the number of estimated residents and employees. The estimated number of future residents at the site is 470 and the estimated number of employees for the commercial office space is 48.[40] The GHG emissions for the year 2022 would be 1.9 MT CO_2e/year/service population and 1.6 MT CO_2e/year/service population for the year 2030. The 2022 and 2030 emissions do not exceed the "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population.

Table 4.7-1: Annual Project GHG Emissions (CO_2e)

Source Category	Existing Land Use in 2022	Proposed Project in 2022	Proposed Project in 2030
Area	1	8	8
Energy Consumption	49	203	203
Mobile	96	614	492
Solid Waste Generation	17	42	42
Water Usage	3	20	20
Total (MT CO_{2e}/year)	166	887	765
Net Emissions		721 MT CO_{2e}/year	599 MT CO_{2e}/year
Service Population Emissions (MT CO_2e/year/service population)		1.9	1.6
Significance Threshold			***2.6 in 2030***
Significant (Exceeds both thresholds)?			***No***

Since the project's operational emissions would be below the Substantial Progress efficiency metric for 2030, the project's operational GHG emissions would not result in a significant impact to the environment. **(Less Than Significant Impact)**

[39] Approximately 108 vehicular parking spaces was input into CalEEMod. The project proposes 96 vehicular parking spaces. The model results provide a conservative estimate of emissions since it is assumed that a reduction in parking spaces would result in a decrease in vehicle miles traveled (VMT).

[40] The City's average person's per household was used to estimate the number of residents. 3.2 persons per household x 147 units = 470 residents. The number of employees for the office space is estimated to be 3 employees per 1,000 square feet. The number of office employees was not accounted for in the service population; this results in a conservative estimate for GHG emissions per service population per year.

Impact GHG-2:	The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(No Impact)**

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

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

Mandatory Criteria

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

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

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

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

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

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

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

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

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

- Bicycle parking spaces and a bicycle sharing program
- On-site showers and lockers for employees
- Electrical vehicle charging stations (i.e., preferential parking)
- Ride sharing program for employees
- Special needs Public Transportation Coordinator
- On-site TDM Coordinator and services (including carpool/ride matching assistance and trip planning resources).

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

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

The proposed project is consistent with the existing General Plan land use designation and would comply with the applicable mandatory measures of the GHG Reduction Strategy (Criteria 1, 2 and 3). Therefore, the proposed project is consistent with local policies and programs designed to reduce GHG emissions and impacts would be less than significant. **(No Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part upon a Phase I Environmental Site Assessment prepared in August 2017 and a Phase II Environmental Site Assessment prepared in December 2018 by *SLR International Corporation* (SLR). The reports are included in Appendix D of this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Administration Regulations

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, or which would otherwise stand at least 200 feet in height above ground.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and 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 the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

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 the boundaries of property. 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. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

California Code of Regulations (CCR) Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[41] Municipalities throughout the Bay Area are currently modifying demolition permit processes and

[41] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.

implementing PCB screening protocols to comply with Provision C.12.f. As of July 1, 2019, buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

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

The Norman Y. Mineta San José International Airport (Airport) Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the Airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA). The AIA is a composite of areas surrounding the Airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the Airport's continuing operations.

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Hazardous Material Policies

Policy	Description
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Action EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Action EC-6.9	Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.8	Where an environmental review process identified the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.9.1.2 *Existing and Historic Site Conditions*

In the 1870s, the project site was part of a 142-acre farm with a house and field to the north of the site. By the 1940s, the project site was vacant. From the early 1950s until the mid-1970s, the project site was used for agricultural purposes (occupied by orchards). The existing commercial building was constructed in 1976 and was occupied by a roller rink until 2014. The building was occupied by a furniture store until April 2018 and is now temporarily being used by non-profit organizations for office purposes.

On-Site Contamination

As a part of the Phase I ESA completed for project site, a review of federal, State and local regulatory agency databases was completed to evaluate the likelihood of contamination incidents at and near the project site. The purpose of the records review was to obtain available information to help identify recognized environmental conditions. The project site was listed on the Hazardous Waste Information System (HAZNET) database in 2014 as containing asbestos containing waste. No release of these materials was reported at the site. No records pertaining to the site were found or available at the Santa Clara County Consumer and Environmental Protection Agency, San José Fire Department, or San José Department of Planning, Building and Code Enforcement, Building Division.

Agricultural Chemicals

Given the site was formerly used for agricultural purposes, the Phase I ESA concluded that chemical pesticides and/or insecticides may be present in the soils which was considered a recognized environmental condition.

Lead-Based Paint and Asbestos-Containing Building Materials

The use of lead-based paint was banned by the U.S. Consumer Product Safety Commission in 1978. The building on-site was constructed in 1976 and likely contains lead-based paint. The Phase I ESA identified potential lead contamination in soil around the existing building as a recognized environmental condition. As noted previously, given the age of the existing building on-site, the building materials may also contain asbestos.

On-site Sampling

Soil sampling and analysis was recommended to evaluate potential residual pesticide and insecticide concentrations throughout the site and lead concentrations around the existing building, given the former agricultural uses and age of existing building on-site.

Based on the Phase I ESA recommendations, 15 near-surface samples were collected and analyzed for the chemicals of concern in October 2018 and an additional five samples were collected and analyzed in November 2018.

Of the 15 samples collected during the initial sampling event (in October 2018), eight were collected at randomly selected locations across the site and were analyzed for organochlorine pesticides and arsenic and seven samples were collected and analyzed for lead at locations adjacent to the exterior walls of the existing building. Arsenic was detected in three of the eight samples analyzed for organochlorine pesticides and arsenic. The arsenic concentrations in these samples were below the background levels of arsenic in soils in the City of San José. Dieldrin concentrations were above the regulatory screening levels in one of the samples. In November 2018, five additional samples were collected and analyzed for organochlorine pesticides to further characterize dieldrin concentrations in the site soils. None of the five samples collected showed elevated levels of pesticides (including dieldrin). In addition, an analysis of the samples collected during the initial and second round of sampling showed that the mean concentration of dieldrin was well below the regulatory environmental screening levels. Based on the results of the sampling and analysis, dieldrin concentrations in the site soils is not an environmental concern.

The seven samples analyzed for lead showed very low levels of lead detected. All samples showed lead concentrations below regulatory screening levels.

4.9.1.3 *Surrounding Land Uses*

The project site is surrounded by multi-family residential uses to the north, commercial office building to the east, Blossom Hill Road and single-family residences to the south, and multi-family residences and commercial buildings to the west. The project site was surrounded by agricultural

land from the 1930s to the early 1960s. The area surrounding the site was converted from agricultural uses to the current uses between 1968 and 1993.

A review of the regulatory agency database search was completed for properties within one mile of the project site. Based on the distance from the site, topographic position, nature of recorded incident, and regulatory status (i.e., case closure), none of the surrounding properties are an environmental concern for the project site.

4.9.1.4 *Other Hazards*

Airports

The nearest airports to the site are Reid-Hillview Airport, approximately five (5) miles northeast of the project site, and the Norman Y. Mineta San José International Airport, approximately 8.5 miles northwest of the site. Given the distance of the project site from these airports, the site is not located within the AIA of either airport; nor is the site located in an airport safety zone designated in the Comprehensive Land Use Plans for the airports.[42] The project site would not conflict with the Federal Aviation Administration's Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports.

Wildfire Hazards

The project site is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).[43]

[42] County of Santa Clara, Department of Planning and Development. *Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents*. November 16, 2016. Accessed April 11, 2019. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.
[43] California Department of Forestry and Fire Protection. *Santa Clara County FHSZ Map*. November 6, 2007. Accessed May 7, 2019. http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) 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?	☐	☐	☐	☒
5) 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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

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

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

On-site Soils

The site was formerly used for agricultural purposes and contains a building that could contain lead-based paint. Based on the recommendations included in the Phase I ESA, soil samples were collected at the site in October and November 2018 and were analyzed for organochlorine pesticides, arsenic and lead. Based on the results of the laboratory analyses of the soil samples, the site has low levels of lead, below regulatory environmental screening levels. In October, high levels of dieldrin were found in one sample. November 2018 sampling found dieldrin and other organochlorine pesticide levels were below regulatory screening levels. Given that the chemicals of concerns in the on-site soils were below regulatory screening levels, exposure to the on-site soils would not be hazardous. The project would, therefore, not create a significant hazard to the public or environment through the release of pesticide chemicals or lead into the environment.

Asbestos-Containing Materials, Lead-Based Paint, and Polychlorinated Biphenyl compounds Impacts from Current On-Site Building

Asbestos and Lead-based Paint

Given the age of the existing building on-site, the building likely contains asbestos, lead-based paint, or polychlorinated biphenyl compounds. An asbestos survey would be required by local authorities in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines and Occupational Safety and Health Administration (OSHA) regulations. Demolition of the existing on-site building could expose construction workers and nearby residences to harmful levels of lead or asbestos. The project would be required to implement the following standard permit conditions to reduce impacts due to the presence of ACMs and/or lead-based paint.

Standard Permit Conditions:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the existing staircases to determine the presence of asbestos-containing materials and/or lead-based paint. The visual inspection/pre-demolition survey report shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of a grading permit.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with the California Occupational Safety and Health Administration (Cal/OSHA) Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable asbestos-containing materials (ACMs) shall be removed in accordance with the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With the implementation of the above standard permit conditions, the project would not result in a hazard to construction workers, the public, or environment due to the release of asbestos or lead into the environment during demolition.

Polychlorinated Biphenyl Compounds

During demolition, polychlorinated biphenyls (PCBs) in building materials could be released and exposed to stormwater runoff from the project site during rain events. The PCB-contaminated runoff would eventually enter the municipal storm drain system, from which it would ultimately be discharged to San Francisco Bay. Beginning July 1, 2019, all applicants for a demolition permit or any other permit that involves the complete demolition of a building in San José must submit a PCB Screening Assessment Form with their permit application.[44] The form is designed to help applicants ascertain whether the building targeted for demolition is subject to the PCB Screening Assessment. If it is determined through the assessment process that the building(s) do contain PCBs that exceed the RWQCB threshold limits, the applicant must follow applicable federal and State laws, which may include reporting to such agencies as US EPA, RWQCB, and the California Department of Toxic Substances, who may require additional sampling and abatement of PCBs. The project applicant would be required to implement the following standard permit condition:

Standard Permit Condition: The project applicant shall conform to the City of San José permitting requirements, consistent with RWQCB regulations, by submitting a PCB Screening Assessment Form when applying for a demolition permit to demolish the existing building(s) on the project site and shall comply with any resulting sampling and abatement procedures as directed by federal and State agencies.

Conformance with these regulatory requirements would result in a less than significant impact from the demolition of the existing building on site.

[44] City of San Jose, Planning, Building and Code Enforcement Department. Draft Bulletin #254. May 28, 2019.

Offsite Impacts to Future Site Users

Based on the review of the regulatory database search for properties within one mile of the site, there or no off-site properties that are an environmental concern for the site. As a result, the proposed project would not result in human health or environmental hazards to future users, which is consistent with General Plan Policy EC-7.2.

(Less Than Significant Impact)

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The closest school to the project site is Green Valley Preschool Child Development Center located at 525 Giuffrida Avenue, approximately 0.2 mile west of the site. The project does not propose the use of substantial hazardous materials on-site as discussed under Impact HAZ-1 and the project site does not have hazardous levels of soil contamination as discussed in Impact HAZ-2. The project would comply with the standard permit conditions to reduce fugitive dust emissions during construction (refer to Section 4.3, *Air Quality*). For these reasons, the project would not emit hazardous emissions or handle hazardous materials that would impact the nearby school. **(Less Than Significant Impact)**

Impact HAZ-4:	The project would not 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, create a significant hazard to the public or the environment. **(No Impact)**

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5, and therefore, would not be located on a hazardous site (pursuant Government Code Section 65962.5) that would result in a significant hazard to the public or the environment.[45] **(No Impact)**

Impact HAZ-5:	The project would not be 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

The project site is not located within the AIA of the Reid-Hillview or Norman Y. Mineta San José International Airports and, therefore, is not subject to the policies in the Comprehensive Land Use Plans (CLUPs). The project site is not located within the airport safety zone of either airport and is located outside of the 60 decibels (dB) community noise equivalent level (CNEL) contours in the CLUPs. The project would not be subject to the Federal Aviation Administration's (FAA's) FAR Part 77 height requirements due to the distance of the site from the airports. Therefore, the project

[45] California Department of Toxic Substances Control. DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List). Accessed April 30, 2019. https://www.dtsc.ca.gov/sitecleanup/cortese_list.cfm.

would not result in a safety hazard or excessive noise, due to aircraft operations, for people residing or working in the project area. **(No Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

The project would be constructed in accordance with current building and fire codes to ensure structural stability and safety. In addition, the San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **(No Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

As discussed in Section 4.8.1.1, the project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE.[46] Therefore, the project would not expose people or structures to hazards involving wildfire. **(No Impact)**

[46] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007 Available at: http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php. Accessed April 27, 2018.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

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 in California. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA 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 Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water 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 is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing

waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit (MRP)

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[47] (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[48] (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. Provisions C.3 and C.12 of the MRP are described below.

- *Provision C.3 – New Development and Redevelopment* – Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

  In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious. The project site is an infill project located in a subwatershed or catchment area greater than or equal to 65 percent impervious; therefore, the project is exempt from these requirements.

- *Provision C.12 – PCBs Controls* – Provision C.12 of the MRP requires the co-permittee agencies to implement a control program for polychlorinated biphenyls (PCBs) that reduces PCBs loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[49] The program must include focused implementation of PCBs control measures (source control, treatment control, and pollution prevention strategies) through a

[47] MRP Number CAS612008
[48] MRP Number CAS612008
[49] San Francisco Bay RWQCB, Municipal Regional Stormwater Permit, Provision C.12. November 19, 2015.

collaborative effort. One of the strategies that has been recently adopted by municipalities region-wide is the updating of their building demolition permitting processes to incorporate the management of PCBs in building materials. The goal is to ensure that PCBs are not discharged to storm drains during demolition of buildings that contain PCBs in building materials (such as certain older caulks, paints, and mastics). Buildings constructed between 1955 and 1978 that are proposed for demolition may now be required to be screened for the presence of PCBs prior to the issuance of a demolition permit.

Santa Clara Valley Water District

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

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

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.[50]

[50] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management Applicability Map: San José*. Accessed May 4, 2019. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf. City of San José. *Post-Construction Hydromodification Management, Policy Number 8-14*. Effective Date October 18, 2005. Revised Date: February 23, 2010. Accessed May 4, 2019. https://www.sanjoseca.gov/DocumentCenter/Home/View/369.

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The two-acre project site is located in the Guadalupe River watershed. The Guadalupe River watershed is a 171-square-mile area with headwaters that drain from the eastern Santa Cruz Mountains. The river traverses through the town of Los Gatos, and the Cities of San José, Campbell, and Santa Clara, and is joined by three other tributaries: Los Gatos, Ross, and Canoas Creeks. The Guadalupe River begins on the valley floor at the confluence of Alamitos Creek and Guadalupe Creek and from here flows north, approximately 14 miles until it discharges to the Lower South San Francisco Bay via Alviso Slough.[51]

[51] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Guadalupe Watershed*. Accessed April 16, 2019. http://www.scvurppp-w2k.com/ws_guadalupe.shtml.

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Canoas Creek, located approximately 0.75 mile west of the site. The project site is developed with a commercial building and is covered with paved surfaces and landscaping. The site has 89,688 square feet of impervious surfaces (i.e., the site is 93 percent impervious).

Flooding and Other Hazards

The project site is not located in a 100-year floodplain. According to the FEMA Flood Insurance Rate Map, the project site is designated as Zone D, which is defined as areas which flood hazards are undetermined but possible.[52] There are no City floodplain requirements for Zone D.

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

A seiche is the oscillation of water in an enclosed body of water and a tsunami a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. Areas subject to mudflows are typically located on or adjacent to hillsides. The project site is located on the valley floor and is not adjacent to hillside, and, therefore, the site is not subject to mudflows.

Water Quality

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

Under existing conditions, the project site developed with a commercial building and a paved surface parking lot. Runoff from the site vicinity contains sediment, metals, trash, oils and grease from paved areas. Runoff from the project site currently flows directly into the City's storm drainage system, untreated for the removal of pollutants.

Groundwater

Groundwater levels fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. Groundwater was encountered was encountered at the site at levels ranging from 20 to 25 feet below the ground surface.

[52] Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No. 06085C0223H*. Effective Date: May 18, 2009.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

The project site is currently developed with a commercial building and a paved surface parking lot. Runoff from the site and vicinity contains sediment, metals, trash, oils, and grease from paved areas.

Construction-Related Water Quality Impacts

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the proposed project would disturb approximately two acres of soil, replace approximately 76,837 square feet of and add 10,976 square feet of impervious surfaces to the site. Since construction of the proposed project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities. Because the project would replace more than 10,000 square feet of impervious surfaces, the project is subject to the requirements of the RWQCB MRP.

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

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

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

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

Construction of the proposed project, with the implementation of the above measures, would not result in significant construction-related water quality impacts.

PCBs in Demolition Materials

During demolition, polychlorinated biphenyls (PCBs) in building materials could be released and exposed to stormwater runoff from the project site during rain events. The project would comply with the regulatory requirements in the Standard Permit Condition, discussed in Section 4.9, *Hazards and Hazardous Materials*, to reduce the impacts of PCBs on water quality.

Post-Construction Water Quality Impacts

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit, as applicable. Stormwater runoff from the proposed development would drain into treatment areas, including bioretention areas, prior to entering the storm drainage system. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008) would be included in the project design, to the satisfaction of the Director of Planning, Building, and Code Enforcement.

The project site is currently developed, with approximately 89,688 square feet of impervious surfaces and 6,372 square feet of pervious surfaces. The proposed project would decrease the impervious area, resulting in 78,712 square feet of impervious surfaces and 17,848 square feet of pervious surfaces. Given the project would result in the reduction in the amount of runoff generated from the

site, treatment facilities would have sufficient capacity to treat the runoff prior entering the storm drainage system consistent with the NPDES requirements.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With the implementation of a stormwater control plan consistent with RWQCB requirements and in compliance with the City's regulatory policies pertaining to stormwater runoff, the proposed project would have a less than significant water quality impact post-construction.

(Less Than Significant Impact)

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The proposed project does not include installation of new groundwater wells and would not deplete groundwater supplies. The project site is located within the Santa Clara Plan Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[54] The site is not, however, within or adjacent to a SCVWD groundwater recharge facility. The maximum depth of excavation required to construct the proposed development is five feet below the ground surface for most of the site, with the exception of certain areas of the site where storm drain and sanitary sewer manholes would be installed. The maximum depth of excavation to install the manholes would be 17 feet below ground surface. Groundwater levels at the site range from 20 to 25 feet below ground surface. Given the depth of groundwater at the site, it is not likely that groundwater would be encountered at the site during excavation or construction of the project. For these reasons, development of the proposed project would not result in the need to pump groundwater from the site, nor interfere with groundwater recharge. **(Less Than Significant Impact)**

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

Construction of the proposed project would not substantially alter the drainage pattern of the site or surrounding area. The project would decrease the total impervious surface area of the project site by approximately 11,000 square feet. Stormwater runoff from the site would be directed to new on-site storm drain inlets and would be transported via 6- to 18-inch storm drain pipes to bioretention areas

[54] Santa Clara Valley Water District. *Groundwater Management*. Accessed April 17, 2019. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.

on-site. Stormwater would be treated, then directed to the City's existing 60-inch storm drain line on Blossom Hill Road.

The project would also comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on and off the site. Construction of the proposed project would reduce runoff from the site (when compared to existing conditions), and therefore, would not contribute runoff water that would exceed the capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff, or impede/redirect flood flows. **(Less Than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

The project site is designated by FEMA as Zone D, which is an area in which flood hazards are undetermined but possible. The project would comply with Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements to reduce the impacts of stormwater runoff on post construction water quality.

The project site is not in proximity to a large body of water and is not located within a designated tsunami or seiche inundation zone.[55] The proposed project would, therefore, not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less Than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

As discussed in Impact HYD-1 and HYD-2, the proposed project would implement standard permit conditions, and would be required to comply with the Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements. The project would not impact groundwater recharge, consistent with the SCVWD's 2016 Groundwater Management Plan. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less Than Significant Impact)**

[55] California Department of Conservation. *Santa Clara County Tsunami Inundation USGS 24K Quads.* Accessed May 4, 2019. https://www.conservation.ca.gov/cgs/tsunami/maps.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy IP-5.12	Residential projects that are 100% affordable to low (up to 60% AMI), very low (30-50% AMI) and extremely low income (up to 30% AMI), can proceed within an Urban Village ahead of a Growth Horizon, or in a Village in a current Horizon that does not have a Council approved Plan, if the project meets the following criteria: 1. The project does not result in more than 25% of the total residential capacity of a given Urban Village being developed with affordable housing ahead of that Village's Growth Horizon. For Villages with less than a total housing capacity of 500 units, up to 125 affordable units could be developed, however the total number of affordable units cannot exceed the total planned housing capacity of the given Village. 2. The development is consistent with the Urban Village Plan for a given Village, if one has been approved by the City Council. 3. Development that demolishes and does not adaptively reuse existing commercial buildings should substantially replace the existing commercial square footage. 4. The project is not located on identified key employment opportunity sites, which are sites generally 2 acres or larger, located at major intersections and for which there is anticipated market demand for commercial uses within the next 10 to 15 years. 5. Affordable housing projects built in Villages under this policy would not pull

from the residential Pool capacity.

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

San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

4.11.1.2 *Existing Conditions*

The two-acre project site (APN 690-25-021) is developed with a 40,000 square foot commercial building, which was previously a furniture store and is now temporarily being used by non-profit organizations as office space, and a paved parking lot. The project site is zoned *Commercial Neighborhood (CN)* and has a designated land use of *Neighborhood/Community Commercial* under the Envision San José General Plan.

The project site is surrounded by multi-family residences to the north, a commercial office building to the east, Blossom Hill Road and single-family residences to the south, and commercial buildings and multi-family residences to the west. The nearest airports are Reid-Hillview Airport, approximately five miles northeast of the project site, and the Norman Y. Mineta San José International Airport, approximately 8.5 miles northwest of the site. Given the distance of the project site from these airports, the site is not located within the Airport Influence Area (AIA) of either airport.[56]

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1: The project would not physically divide an established community **(No Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes to construct a mixed-use development with 147 residential units and 16,066 square feet of commercial office space under the existing *Neighborhood/Community Commercial* General Plan land use designation, would not include construction of dividing infrastructure. The project site is located in a neighborhood with similar uses, and, therefore, implementation of the project would not physically divide an established community. **(No Impact)**

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

The project site's *Neighborhood/Community Commercial* General Plan land use designation is intended for a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail services and commercial/professional office development. These developments are typically one to five stories with a floor area ratio (FAR) up to 3.5. The proposed project is a four story, mixed-use development with a FAR of 1.37. The proposed development would be located within a growth area designated by

[56] County of Santa Clara, Department of Planning and Development. *Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents*. November 16, 2016. Accessed April 11, 2019. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

the General Plan and in proximity to transit, jobs, amenities and other services. The housing density at the site would be 74 dwelling units per acre. The residential units would be affordable and designated for seniors and seniors with special needs who earn between 30 and 50 percent of the Area Median Income (AMI). The project site is within the Blossom Hill/Snell Urban Village Plan area. The Blossom Hill/Snell Urban Village Plan has not been adopted.

Based on General Plan Policy IP-5.12, residential projects that are 100 percent affordable deed restricted by a public entity for a period not less than 55 years to low income residents (earning 80 percent or less of the Area Median Income), can proceed within an Urban Village ahead of a Growth Horizon, or in a Village in a current Horizon that does not have a Council approved Plan, if the project meets the following criteria[57]:

- The project does not result in more than 25 percent of the total residential capacity of a given Urban Village being developed with affordable housing ahead of that Urban Village's Growth Horizon. For Urban Villages with less than a total housing capacity of 500 units, up to 125 affordable units could be developed, however the total number of affordable units cannot exceed the total planned housing capacity of the given Village.

- The development is consistent with the Urban Village Plan for a given Village, if one has been approved by the City Council.

- Development that demolishes and does not adaptively reuse existing commercial buildings should substantially replace the existing commercial square footage.

- The project is not located on identified key employment opportunity sites, which are sites generally two acres or larger, located at major intersections and for which there is anticipated market demand for commercial uses within the next 10 to 15 years.

- Affordable housing projects built in Urban Villages under this policy would not pull from the residential pool capacity.

The proposed project is a 100 percent affordable housing development with 145 restricted units and two on-site staff units. The proposed project would replace the existing commercial building with 16,066 square feet of commercial office space. The project site is not a key employment site and would not cause the City to exceed its residential pool capacity. The project would be consistent with the above criteria, and, therefore, would not conflict with the General Plan

The project site is zoned *Commercial Neighborhood (CN)*. This zoning district is intended to provide neighborhood serving commercial uses. Based on Table 20-90 in Chapter 20.40 - Commercial Zoning District of the City's Municipal Code, mixed-use residential/commercial developments are allowed in a CN Zoning District with a Conditional Use Permit. The project applicant would request City approval of a Conditional Use Permit. With the approval of the Conditional Use Permit, the project would not conflict with the existing zoning code.

[57] City of San José. Envision San José 2040 General Plan, Chapter 7, page 20.

With the implementation of applicable General Plan policies and mitigation measures and standard permit conditions in Section 4.3, *Air Quality*, Section 4.4, *Biological Resources*, Section 4.4, *Cultural Resources*, Section 4.7, *Geology and Soils*, Section 4.9, *Hazards and Hazardous Materials*, and Section 4.13, *Noise*, the project would not result in a significant environmental effect due to a conflict with a land use plan or policy. **(Less Than Significant Impact)**

The project is located outside of the AIAs of Norman Y. Mineta San Jose International and Reid-Hillview airports, and therefore, the project would not conflict with an Airport Comprehensive Land Use Plan. For the reasons described above, the proposed project would not conflict with an adopted land use plan, policy, or regulation adopted for avoiding or mitigating an environmental effect. **(No Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Existing Conditions*

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

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) 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?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is 2.3 miles southeast of Communications Hill. Given the distance of the site from designated mineral resources, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Impact MIN-2:	The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

The project site is not included in the General Plan or other land use plan as a locally important mineral resource recovery site. For this reason, the project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

4.13 NOISE

The following discussion is based in part upon a Noise and Vibration Assessment completed by *Illingworth & Rodkin, Inc.* on February 27, 2019. The report is attached to Appendix E of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

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.[58] 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.

4.13.1.2 *Vibration Overview*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

4.13.1.3 *Regulatory Framework*

State

California Green Building Standards Code

The current version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room.

[58] 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. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Cal Green Code, Section 5.507.4.1 and 5.507.4.2). Section 5.507 states that either the prescriptive (Section 5.507.4.1) or the performance method (Section 5.507.4.2) shall be used to determine environmental control at indoor areas. The prescriptive method is very conservative and not practical in most cases; however, the performance method can be quantitatively verified using exterior-to-interior calculations. For the purposes of this Initial Study, the performance method is utilized to determine consistency with the Cal Green Code. The sections that pertain to this project are as follows:

- *5.507.4.2 Performance method*. For buildings with wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (L_{eq} (one-hour)) of 50 dBA in occupied areas during any hour of operation.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.13-1.

Envision San José 2040 Relevant Noise Policies

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 3.13-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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

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

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

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

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

Table 4.13-1: General Plan Land Use Compatibility Guidelines

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

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

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

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

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

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[59]

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

4.13.1.4 *Existing Conditions*

The project site is surrounded by multi-family residences to the north, a commercial office building to the east, Blossom Hill Road to the south, and commercial and multi-family residences to the west.

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

The site is developed with a commercial building, which was formerly a furniture store, and is now temporarily being occupied by non-profit organizations.

A noise monitoring survey was completed to quantify and characterize ambient noise levels at the site and in the project vicinity beginning on Friday, October 5, 2018 and ending on Wednesday, October 10, 2018. The monitoring survey included one long-term measurement (LT-1) and one short-term measurement (ST-1), as shown on Figure 4.13-1.

Long-term noise measurement LT-1 was completed 65 feet north of the centerline of Blossom Hill Road. The primary noise source at this location was traffic along Blossom Hill Road. Hourly average noise levels ranged from 63 to 72 dBA L_{eq} during daytime hours, and from 58 to 70 dBA L_{eq} at night. The day-night average noise level at LT-1 ranged from 72 to 73 dBA DNL.

Short-term noise measurement ST-1 was completed at the northwest corner of the site, approximately 350 feet from the center of Blossom Hill Road. The primary noise source at this location was distant traffic along Blossom Hill Road. Occasional aircraft overflights also affected the noise environment at the site. The 10-minute average noise level measured between 1:10 PM and 1:20 PM on Wednesday, October 10, 2018, was 53 dBA L_{eq}. A summary of the short-term measurement results is shown in Table 4.13-2.

Table 4.13-2: Short-Term Noise Measurement Data

Noise Measurement Location	Measured Noise Levels, dBA				Primary noise source
	L_{10}	L_{50}	L_{90}	L_{eq}	
ST-1: Northeast corner of the project site. (October 10, 2018, 1:10 PM - 1:20 PM)	56	48	45	53	Traffic on Blossom Hill Road

Reid-Hillview Airport is a public-use airport located approximately five miles northeast and the Norman Y. Mineta San José International Airport is eight miles northwest of the project site. The project site lies outside the 65 dBA CNEL 2022 noise contours for the San José airport and 60 dBA CNEL noise contours for the Reid-Hillview airport, based on the airports' Comprehensive Land Use Plans.[60] Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft do not substantially contribute to ambient noise levels.

[60] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Santa Clara County. Norman Y. Mineta San José International Airport and Reid-Hillview Airport.* Figure 5. amended November 16, 2016. Accessed May 5, 2019. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

NOISE MEASUREMENT LOCATIONS | FIGURE 4.13-1

4.13.1.5 *Future Noise Environment*

The primary noise source for the future noise environment at the site would continue to be traffic on Blossom Hill Road. Future traffic noise levels at the site were calculated using the results of the noise monitoring survey and future increase in traffic noise on Blossom Hill Road. Based on a comparison between existing and future traffic volumes and the trip generation data for the project, future traffic noise levels on Blossom Hill Road are estimated to increase 1 dB over existing levels. Using the above methodology, future noise exposures at the southern project bordering Blossom Hill Road are estimated to reach up to 74 dBA DNL.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation)**

Significance Criteria

Temporary or Permanent Noise Increases in Excess of Established Standards

A significant impact would be identified if project construction or operations would result in a substantial temporary or permanent increase in ambient noise levels at sensitive receivers in excess of the local noise standards contained in the San José General Plan or Municipal Code, as follows:

- **Operational Noise in Excess of Standards**: A significant noise impact would be identified if on-site project operations (i.e., mechanical equipment or parking) would exceed 55 dBA

DNL at adjacent residential property lines or 60 dBA DNL at adjacent commercial property lines.

- **Permanent Noise Increase:** A significant permanent noise increase would occur if project traffic resulted in an increase of 3 dBA DNL or greater at noise-sensitive land uses where existing or projected noise levels would equal or exceed the noise level considered satisfactory for the affected land use (60 dBA DNL for single-family residential areas) and/or an increase of 5 dBA DNL or greater at noise-sensitive land uses where noise levels would continue to be below those considered satisfactory for the affected land use.

- **Temporary Noise Increase:** A significant temporary noise impact would be identified if construction would occur outside of the hours specified in the City's Municipal Code or if construction noise levels were to exceed the City's construction noise limits at adjacent noise sensitive land uses.

Generation of Excessive Groundborne Vibration

A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to buildings.

Permanent Noise Increase from On-site Operational Noise

Parking Lot Noise

Parking would be provided in an enclosed garage on the ground floor and a surface parking lot with 79 surface parking spaces, located to the west and north of the proposed building. Access to the site and parking areas would be provided via Blossom Hill Road, on the west side of the proposed building. Parking activities occurring in the enclosed garage would not be anticipated to be audible outside of the proposed building. Noise sources associated with on-site circulation and the use of the surface parking lot would include vehicular circulation, louder engines, car alarms, squealing tires, door slams and human voices. The typical sound of a passing car at 15 miles per hour would range from 50 to 60 dBA L_{max} at a distance of 50 feet. The noise of an engine start would have a similar noise level range at a distance of 50 feet. Door slams typically produce noise levels lower than engine starts. The hourly average noise level resulting from the combined noise generating activities at the surface parking lot would reach 40 dBA L_{eq} at a distance of 50 feet from the parking area.

The nearest residential land use is located 25 feet to the north of the proposed northern-most parking lot. The adjacent residences would be exposed to hourly average noise levels of 46 dBA L_{eq} from parking activities. Parking lot activity noise levels would be similar to or below levels generated by traffic along Blossom Hill Road, would not exceed the City's 55 dBA DNL limit at adjacent residences or the 60 dBA DNL limit at commercial uses, and would not measurably contribute to the existing ambient noise environment. For the above reasons, the project would not result in a substantial permanent increase in ambient noise levels at adjacent properties from the on-site parking lot activities.

Mechanical Equipment

The proposed project would include mechanical equipment such as heating, ventilation, and air conditioning systems. Equipment, such as the air conditioning units, located inside or in a fully enclosed room with a roof would not be audible at off-site locations. Typical residential rooftop exhaust fans would generate noise levels of 50 to 60 dBA at 50 feet from the equipment, depending on the equipment selected. Shielding from equipment enclosures and surrounding structures would provide 10 to 15 dBA of reduction.

The closest residences are located approximately 80 feet from the northern edge of the proposed building's roof. If unshielded equipment was placed approximately 10 feet from the northern edge of the building, rooftop equipment noise could reach noise levels as high as 45 to 55 dBA L_{eq} at residences to the north, resulting in day-night average noise levels of 51 to 61 dBA DNL. These noise levels would exceed the 55 dBA DNL limit at the property line. Mechanical equipment located 180 feet or further from residential property lines or in an enclosed area would meet the 55 dBA DNL limit.

Impact NOI-1: Unshielded mechanical equipment proposed to be located on the building's roof could generate noise levels that exceed the City's limit of 55 dBA DNL at the adjacent residential property line to the north.

Mitigation Measures: Implementation of the below mitigation measure would reduce mechanical equipment noise impacts on nearby residences to a less than significant level.

MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and that is designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise specifications as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA DNL residential noise limit. Noise reduction measures could include, but are not limited to, a selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

Implementation of the above described mitigation measure would reduce noise impacts from mechanical equipment to noise levels that would meet the City's standards for operational noise at adjacent residential property lines. The impact would be less than significant.

Permanent Noise Increase from Project Traffic

A significant permanent noise increase would be identified if traffic noise generated by the project would substantially increase noise levels at noise-sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is five (5) dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is three (3) dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

To calculate the noise increases attributable to project-generated traffic at nearby noise sensitive areas, AM and PM peak hour traffic volumes for the existing plus project conditions were compared to existing traffic volumes. Based on the traffic data, project traffic volumes would result in traffic noise increases of less than one (1) dBA L_{eq} along the roadway network. DNL noise level increases in traffic noise would be similar. The addition of project traffic would not result in a noticeable traffic noise increase; the noise increase (from project traffic) at nearby noise-sensitive receptors (i.e., residences) would be below the three (3) dBA. As a result, the permanent noise increase from project traffic would comply with the City's standards. **(Less Than Significant Impact)**

Temporary Noise Increase from Project Construction

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

The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. Project construction would have a duration of 17 months and would include demolition of the existing building and pavement, site preparation, grading and excavation, trenching, new building construction, and paving.

Noise sensitive uses surrounding the site include residences, located 25 feet to the north and 150 feet to the south, and commercial buildings, located 40 feet to the west and 40 feet to the east of the project site. The multi-family residential building to the north would be exposed to a maximum noise level of 96 dBA L_{max} during demolition phase and maximum noise levels of 84 to 91 dBA L_{max} during other phases of construction. Typical hourly average noise levels of 91 dBA L_{eq} would occur during demolition and site preparation and 80 to 87 dBA L_{eq} would occur during other phases of construction.

The single-family residences to the south would be exposed to a maximum noise level of 81 dBA L_{max} during the demolition phase and maximum noise levels of 69 to 76 dBA L_{max} during other phases of construction. Typical hourly average noise levels of 76 dBA L_{eq} during demolition and site preparation and 65 to 73 dBA L_{eq} would occur during other phases of construction. At commercial sites to the east and west, at 40 feet from the project site, hourly average noise levels due to construction would range from 76 to 87 dBA L_{eq}.

Project construction would be completed in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work within 500 feet of residential land uses to between the hours of 7:00 AM and 7:00 PM Monday through Friday. Construction is prohibited on weekends. Further, the City shall require the construction crew to adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Impact NOI-2: Project construction would be located within 500 feet of residences and within 200 feet of commercial uses for a duration of more than 12 months, which could result in excessive noise levels at the adjacent residential and commercial properties.

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

MM NOI-2.1: Construction Best Management Practices - Prior to the issuance of any demolition or grading permits, the project applicant shall implement noise minimization measures that can include, but are not limited to, the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

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

- Prohibit unnecessary idling of internal combustion engines.

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

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

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

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket

barrier along surrounding building facades that face the construction sites.

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

- Limit construction to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Implementation of **MM NOI-2.1** would reduce construction noise levels generated at the site, limit construction hours, and minimize disruption and annoyance. With the inclusion of this mitigation measure and recognizing that noise generated by construction activities would occur over a finite period, the temporary increase in ambient noise levels would be reduced to a less than significant level.

(Less Than Significant Impact with Mitigation)

Impact NOI-2:	The project would not result in generation of, excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses. As discussed in the response to Impact NOI-1, construction activities would include site demolition work, preparation work, excavation, foundation work, and new building framing and finishing. Impact pile driving (which generates substantial vibration) is not anticipated as a method of construction.

General Plan Policy EC-2.3 of the City of San José General Plan limits construction vibration to 0.08 in/sec PPV at sensitive historical structures and to 0.2 in/sec PPV at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

Construction Vibration levels would vary depending on soil conditions, construction methods, and equipment use. Calculations were made to estimate vibration levels at 25, 50, 100, and 150 feet from the site to represent other nearby buildings. Existing structures of normal construction in the vicinity

of the site include residential buildings located 25 feet to the north and 150 feet to the south, and commercial buildings located 40 feet to the east and 40 feet to the west. Based on the vibration level calculations at the respective distances, construction vibration levels would not exceed 0.2 in/sec PPV at distances of 25 feet or greater. Based on the City of San José's Historic Resources Inventory, there are no historic structures within 300 feet of the project site and, therefore, the project would not generate excessive levels at a historic structure. For these reasons, the project would not result in the generation of excessive groundborne vibration levels. With the implementation of MM NOI-2.1, the project would not generate excessive groundborne noise levels at nearby sensitive receptors. **(Less Than Significant Impact)**

Impact NOI-3:	The project would not be located within the vicinity of a private airstrip or 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. The project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

The nearest airports to the site are the Reid-Hillview Airport, located approximately five miles northeast of the project site, and the Norman Y. Mineta San José International Airport, approximately eight miles northwest of the site. The project site is no located within an adopted AIA and is not located within two miles of an airport. The project would be located outside the noise contour levels of 60 and 65 dBA CNEL for the Reid-Hillview and San José airports, respectively. As a result, the project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José's General Plan Policy EC-1.1 addresses existing noise conditions affecting a proposed project. General Plan EC-1.1 states that the City's acceptable noise level standard is 60 dBA DNL or less for proposed residential uses, and the exterior noise level standard is 70 dBA DNL for the proposed commercial uses. This policy also states that the City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL.

4.13.3.1 *Exterior Noise*

The proposed development would be located in an urban area along a major thoroughfare (i.e., Blossom Hill Road). Exterior use areas would include a courtyard and outdoor patio on Level 1 and a terrace on Level 2. The Level 1 courtyard would include outdoor seating, a lawn, a garden, and an outdoor grill area.

As discussed in Section 4.13.1.3, the primary noise source for the proposed exterior use areas would be traffic on Blossom Hill Road. The Level 1 courtyard area opens up to Blossom Hill Road and would be exposed to noise levels as high as 72 dBA DNL in areas closest to Blossom Hill Road. Interior portions of the courtyard would be exposed to 66 dBA DNL. The outdoor patio on northwestern side of the building, located approximately 200 feet from the center of and partially

shielded from Blossom Hill Road, would be exposed to up to 62 dBA DNL. The Level 2 terrace would be exposed to noise levels up to 62 dBA DNL. Noise levels at outdoor use areas throughout the site would exceed the City's acceptable exterior noise level criteria of 60 dBA DNL for residential use. Although exterior noise levels would exceed the criteria outlined in General Plan EC-1.1, the project applicant will implement permit conditions to reduce interior noise in the residential units to acceptable levels (refer to Section 4.13.3.2).

4.13.3.2 *Interior Noise*

The project proposes to construct a four-level mixed use building with 147 residential units on Levels 2 through 4 and 16,066 square feet of commercial space on Level 1. South facing building façades would be located as close as 70 feet from the center of Blossom Hill Road.

Interior noise levels vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels are 60 dBA DNL or less, interior noise levels would be considered acceptable with standard construction and windows in the open or closed position. Where exterior noise levels range from 60 to 70 dBA DNL, the inclusion of forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to control noise. In noise environments of 70 dBA DNL or greater, a combination of forced-air mechanical ventilation systems and sound-rated construction methods is often required to meet the interior noise level limit. Such methods or materials may include a combination of smaller window and door sizes for the façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

Based on the assessment of interior noise levels for the proposed building, north facing residential units would achieve the 45 dBA DNL threshold with standard construction and windows partially open for ventilation. Northern units facing the courtyard and western and eastern units facing the exterior of the site or the courtyard would achieve the City's interior threshold with standard construction and inclusion of forced air mechanical ventilation to allow occupants the option of keeping windows closed to control noise. Residential units with south facing façades adjacent to Blossom Hill Road would achieve the interior standard with the inclusion of forced-air mechanical ventilation and windows and exterior doors with STC ratings of 32 or higher.

The commercial office space on Level 1 of the proposed building would have standard commercial construction and forced air mechanical ventilation. Commercial-use construction with closed windows would provide approximately 25 dBA of noise reduction from exterior noise sources, resulting in interior noise levels up to 49 dBA L_{eq} (one-hour). These levels would comply with the acceptable interior limit of 50 dBA L_{eq} (one-hour) specified by the Cal Green Code.

Permit Condition: The following noise-related conditions of approval shall be implemented for the proposed project

- The applicant shall provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, so that windows can be kept closed to control noise at the east and west facing residential façades.

- The applicant shall install sound rated windows to south facing residential façades adjacent to Blossom Hill Road to maintain interior noise levels at acceptable levels. Sound-rated windows with minimum STC Ratings of 32 or higher would be satisfactory for units to achieve acceptable interior noise levels, assuming there would be a window-to-wall ratio of 40 percent or less. The specific determination of what noise insulation treatments are necessary shall be completed on a room-by-room basis during final design of the project.

- The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

With the implementation of the above conditions of approval, the project would be consistent with General Plan Policy EC-1.1.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

The project site is located in an urbanized area of the City of San José. The City of San José population was estimated to be 1,051,316 in January 2018.[62] The City has approximately 335,165 housing units, resulting in an average of 3.2 persons per household. Association of Bay Area Governments (ABAG) projects that there will be an approximate City population of 1,334,100 and 432,030 households by the year 2040.[63]

The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.[64] To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

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

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned 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)?	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

[62] California Department of Finance. *Table 2: E-5 City/County Population and Housing Estimates for Cities, Counties and the State, January 2011-2019, with 2010 Benchmark.* Accessed May 7, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[63] Association of Bay Area Governments. *Projections 2013.* August 2013.
[64] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Less than Significant Impact)**

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

The project proposes to construct a mixed-use development with 147 residential units and 16,066 square feet of commercial office space. The proposed project would accommodate 3.2 persons per household which would result in a maximum of 470 residents. The project is consistent with the existing Neighborhood/Commercial General Plan land use designation which allows mixed-use residential development with the approval of a Conditional Use Permit. The existing 32,000 square foot building on-site was a former furniture store with at least 10 employees. The project's incremental increase in residential and employment density is not considered a substantial increase in the City's current or projected population. The project would not extend a road or other infrastructure that would indirectly induce growth. **(Less Than Significant Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project site contains a former commercial building and no residences are located on the project site. As a result, the project would not displace people or housing and would not require the construction of replacement housing elsewhere. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

California Government Code Section 65996

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

Quimby Act – California Code Sections 66475-66478

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

Parkland Dedication Ordinance and Park Impact Ordinance

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

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

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is San José Fire Department Station Number 35, located at 135 Poughkeepsie Road, 1.2 miles east of the project site.[65]

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately eight miles northwest of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Southern Division.[66] Patrols are dispatched from police headquarters, and the patrol districts consist of 83 patrol beats.[67] For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

Schools

The project site is located within the attendance boundaries of the Oak Grove School District (which serves students from pre-Kindergarten through eighth grade) and East Side Union High School District (which primarily serves students from the ninth grade through 12th grade).[68] Students in the project area attend Del Roble Elementary School (grades kindergarten through sixth grade), located at 5345 Avenida Almendros approximately 0.5 mile northwest of the site, Leonard Herman Intermediate (sixth through eighth grades), located at 5955 Blossom Avenue approximately 0.8 mile southwest of the site, and Oak Grove High School (ninth through 12th grades), located at 285 Blossom Hill Road approximately 0.3 east of the site. [69] The enrollment of Del Roble Elementary in Fall 2018/Spring 2019 was 556 students, and the enrollment of Leonard Herman Intermediate School was 871. In Fall 2018/Spring 2019 Oak Grove High had an enrollment of 1,766 students.[70]

The Envision San José 2040 General Plan FEIR found that East Side Union High School District was operating above capacity by 210 students and that the overall Oak Grove High School District had an available capacity of 2,309 students.[71]

---

[65] San José Fire Department. *Stations.* Accessed April 11, 2019. http://www.sanjoseca.gov/index.aspx?NID=755.
[66] San José Police Department. *Bureau of Field Operations*. Accessed April 11, 2019. http://www.sjpd.org/bfo/.
[67] San José Police Department. *My Neighborhood Update FAQs.* Accessed April 11, 2019. http://www.sjpd.org/crimestats/policedatafaq.html.
[68] City of San José. *San José Area School Districts*. Accessed April 11, 2019. https://www.sanjoseca.gov/DocumentCenter/View/1351.
[69] East Side Union High School District. School Boundaries. Accessed April 11, 2019. http://www.esuhsd.org/Community/School-Boundaries/.
Oak Grove School District. *Schools.* Accessed April 11, 2019. https://www.ogsd.net/apps/pages/index.jsp?uREC_ID=586611&type=d&pREC_ID=1248441.
[70] California Department of Education. *DataQuest*. Accessed April 11, 2019. https://dq.cde.ca.gov/dataquest/.
[71] San José, City of. *Envision San José 2040 General Plan EIR.* December 2011.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[72] The City also manages 51 community centers, 17 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 57.5 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest public park is the 4.5-acre Coy Park located at Judith Street and Coy Drive, approximately 0.3-mile northeast of the site. The park includes a playground, picnic benches, outdoor seating, and an open area with landscaping.

Library and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Edenvale Branch Library, located at 101 Branham Lane East approximately one mile northeast of the project site.[73] The nearest community center is Southside Community Center, located at 5585 Cottle Road, 1.2 miles east of the site.[74]

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project 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:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☒	☐
4) Parks?	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☒	☐

[72] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report.* Accessed May 7, 2019. http://sanjoseca.gov/DocumentCenter/View/66219.
[73] San José Public Library. Location and Hours. Accessed April 11, 2019. https://www.sjpl.org/locations.
[74] City of San José. *Community Center Activity Brochures.* Accessed April 11, 2019. http://www.sanjoseca.gov/index.aspx?NID=3058.

Impact PS-1:	The project would not 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 fire protection services. **(Less than Significant Impact)**

The proposed project would develop the project site with residential and commercial uses and would incrementally increase the demand for fire protection services compared to existing conditions. The project would not, by itself, preclude the SJFD from meeting their response time goals and would not require the construction of new or expanded fire facilities. The proposed development would be constructed in accordance with current building codes and SJFD would review project plans to ensure appropriate safety features are incorporated to reduce fire hazards. In accordance with General Plan Policy ES-3.11, the project would provide adequate fire suppression infrastructure, including a new fire hydrant and water lines that connect to the site. For these reasons, the proposed project would not result in a significant impact on fire protection services. **(Less Than Significant Impact)**

Impact PS-2:	The project would not 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 police protection services. **(Less than Significant Impact)**

The project site is currently served by SJPD. Like with fire protection services, the proposed development could incrementally increase the demand for police protection services to the site. The incremental increase in police protection services would not require new or expanded police protection facilities (the construction of which could cause significant environmental impacts) in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. In addition, SJPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. For the reasons discussed above, the proposed project would not result in a significant impact on police protection services. **(Less than Significant Impact)**

Impact PS-3:	The project would not 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 schools. **(Less than Significant Impact)**

The project applicant proposes to construct a mixed-use development with 145 affordable apartment units and two three-bedroom on-site staff units. The student generation rate for the multi-family attached units is 0.0828 for schools for the East Side Union High School District.[75] Given that the 96 of the 145 affordable units are restricted for seniors, the generation rate for the proposed development would be lower than the standard generation rate for this district; therefore, the project would accommodate fewer than 12 students that attend Oak Grove High School. Based on the City's General Plan EIR, projects under the General Plan would generate a total of 500 new students for the Oak Grove School District; the District had an available student capacity of 2,309. The project is consistent with the General Plan and would not cause an exceedance of student attendee projections in the Oak Grove School District (including Del Roble Elementary and Leonard Herman Intermediate Schools)

The incremental increase of students attending local schools would not require construction of a new school. The project shall implement the following standard permit condition as a condition of approval for the project.

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

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

Impact PS-4:	The project would not 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 parks. **(Less than Significant Impact)**

New residents of the site would use existing recreational facilities in the area, including Coy Park. The project could generate up to 470 new residents (refer to Section 4.14, *Population and Housing* of this Initial Study). The new residents would incrementally increase the use of existing recreational facilities in the project area. The proposed development would include a central courtyard area with

[75] Personal Communication: Jew, Chris, East Side Union High School District. *Re: Student Generation Rates for Multi-Family Affordable Housing Projects.* April 12, 2019.

picnic tables, an outdoor grill, and seating which would reduce the use of existing parks by residents of the proposed development. The project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance and the project applicant would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities. The project applicant shall implement the following standard permit condition as a condition of approval for the project.

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

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

Impact PS-5:	The project would not 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 other public facilities. **(Less than Significant Impact)**

Libraries and Community Centers

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

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or provide a combination of the two. As described in Section 4.15, *Public Services* of this Initial Study, the City of San José has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

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

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[76] The City also manages 51 community centers, 17

[76] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: https://www.sanjoseca.gov/index.aspx?NID=204

community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 57.5 miles of interconnected trails.

The project site is located within the Edenvale Planning Area of San José, which is currently underserved with respect to parklands for the population. The area needs an additional 98 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.[77] The project area is not considered underserved with respect to parklands or community centers for the population.

The nearest public park is the 4.5-acre Coy Park located at Judith Street and Coy Drive, approximately 0.3-mile northeast of the site. The park includes a playground, picnic benches, outdoor seating, and an open area with landscaping. The nearest community center is Southside Community Center, located at 5585 Cottle Road, 1.2 miles east of the site

4.16.2 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1)	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?	☐	☐	☒	☐
2)	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?	☐	☐	☒	☐

Impact REC-1: The project would not increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

The proposed mixed-use development would result in a maximum of 147 residential units that consists of restricted studio, junior one bedroom, one bedroom, and two-bedroom units, and two three-bedroom on-site staff units. This development and population growth are anticipated under the General Plan, as the site is a designated growth area. As described in Section 4.15, *Public Services* of this Initial Study, the project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance to ensure that the development would not significantly impact neighborhood and regional park facilities. **(Less Than Significant Impact)**

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

Impact REC-2:	The project would not include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The proposed project would pay in-lieu fees to meet City open space requirements. No new off-site recreational facilities would be required to serve the population increase that would result from the project. The proposed development would include a central courtyard area on the ground floor and a second level terrace with outdoor seating, picnic tables, and a barbeque grill. According to the *Greenprint 2009 Update*, the project area is adequately served by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including Coy Park, which is located 0.3-mile northeast of the project site. The proposed project would not require the construction of new recreational facilities with the potential to adversely affect the environment. **(Less Than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based upon a Transportation Analysis and Transportation Demand Management Plan prepared by *Hexagon Transportation Consultants, Inc.* on April 9, 2019. A copy of this report is included in Appendix F of this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Planning

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

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize.

Congestion Management Program

The VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts from planned development in the City. The policies below are specific to transportation and are applicable to the proposed project.

Policy	Description
Transportation	
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

City Council Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy," the City of San José uses VMT as the metric to assess transportation impacts from new development. If a project's VMT does not meet the established VMT thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, site access and circulation, 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 a have a less than significant VMT impact.

San José Bike Plan 2020

The San José Bike Plan 2020 establishes goals, policies, and actions to facilitate bicycling as a daily part of life in San José. The plan includes and describes designated bike lanes along many City streets, as well as designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities are encouraged with new development projects.

4.17.1.2 *Existing Conditions*

Regional access to the project site is provided by US 101 and State Route (SR) 85. Direct access to the site is provided via Blossom Hill Road. Other roadways in the project vicinity include Snell Avenue and Lean Avenue. These facilities are described below.

- *US 101* is an eight-lane freeway, with three mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction, in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. The full interchanges at Blossom Hill Road/Silver Creek Valley Road and SR 85 provide access to and from the site.

- *SR 85* is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project site. It extends from Mountain View to south San José, terminating at US 101. SR 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to I-280, SR 17, SR 87, and US 101. SR 85 provides access to the project site via an interchange at Blossom Hill Road.

- *Blossom Hill Road* is a six-lane divided arterial that runs in an east-west direction in the vicinity of the site. Blossom Hill Road extends westward to Los Gatos and eastward to US 101, where it transitions into Silver Creek Valley Road. Bicycle lanes are located west of Snell Avenue; there are no bike lanes adjacent to the project site. This roadway includes full interchanges at US 101 and SR 85.

- *Snell Avenue* is a north/south undivided roadway. It extends from Hillsdale Avenue in the north to the Santa Teresa foothills, south of Santa Teresa Boulevard. Snell Avenue has four lanes in the project study area (between Branham Lane and Santa Teresa Boulevard), has six lanes between Branham Lane and south of Capitol Expressway, and has four lanes north of Capitol Expressway. South of Santa Teresa Boulevard, it is a two-lane residential street. Snell Avenue provides access to the project site via its intersection with Blossom Hill Road. Snell Avenue has sidewalks and bike lanes on both sides of the street.

- *Lean Avenue* is a two-lane, north/south undivided roadway that extends from Chynoweth Avenue in the north to the Santa Teresa foothills, south of Santa Teresa Boulevard. Lean Avenue provides access to the project site via its intersection with Blossom Hill Road. Sidewalks are provided on both sides of the street; however, bicycle lanes are only provided between Blossom Hill Road and Chynoweth Avenue.

Pedestrian Facilities

Pedestrian facilities in the project area include sidewalks along the network of public streets. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections, including the Blossom Hill Road and Snell Avenue intersection, in the project area. The existing network of sidewalks, including the sidewalks on both sides of Blossom Hill Road, provides good connectivity for pedestrians.

Bicycle Facilities

Bicycle facilities are divided into three classes. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel. Class II bikeways are striped bicycle lanes marked by signage and/or shared-lane markings known as “sharrows”. Class III bikeways are bike routes and only have signs and/or sharrows. There are a number of roadways in the project area that have Class II bicycle lanes. Existing bicycle facilities in the project vicinity are shown on Figure 4.17-1. These bicycle lanes are located on the following roadway segments:

- Blossom Hill Road, between Snell Avenue and Almaden Expressway
- Snell Avenue, between Ariel Drive (south of SR 85) and Capitol Expressway
- Lean Avenue, between Blossom Hill Road and Chynoweth Avenue
- Monterey Road
- Beswick Drive, between Blossom Hill Road and Cottle Road
- Cottle Road, south of Blossom Hill Road
- Blossom Avenue, between Blossom Hill Road and Santa Teresa Boulevard
- Cahalan Avenue, between Blossom Hill Road and Santa Teresa Boulevard
- Branham Lane, between Monterey Road and Cherry Avenue
- Chynoweth Avenue, between Barron Park Drive and Coleman Road
- Calero Avenue, between Lean Avenue and Allen Avenue
- Santa Teresa Boulevard

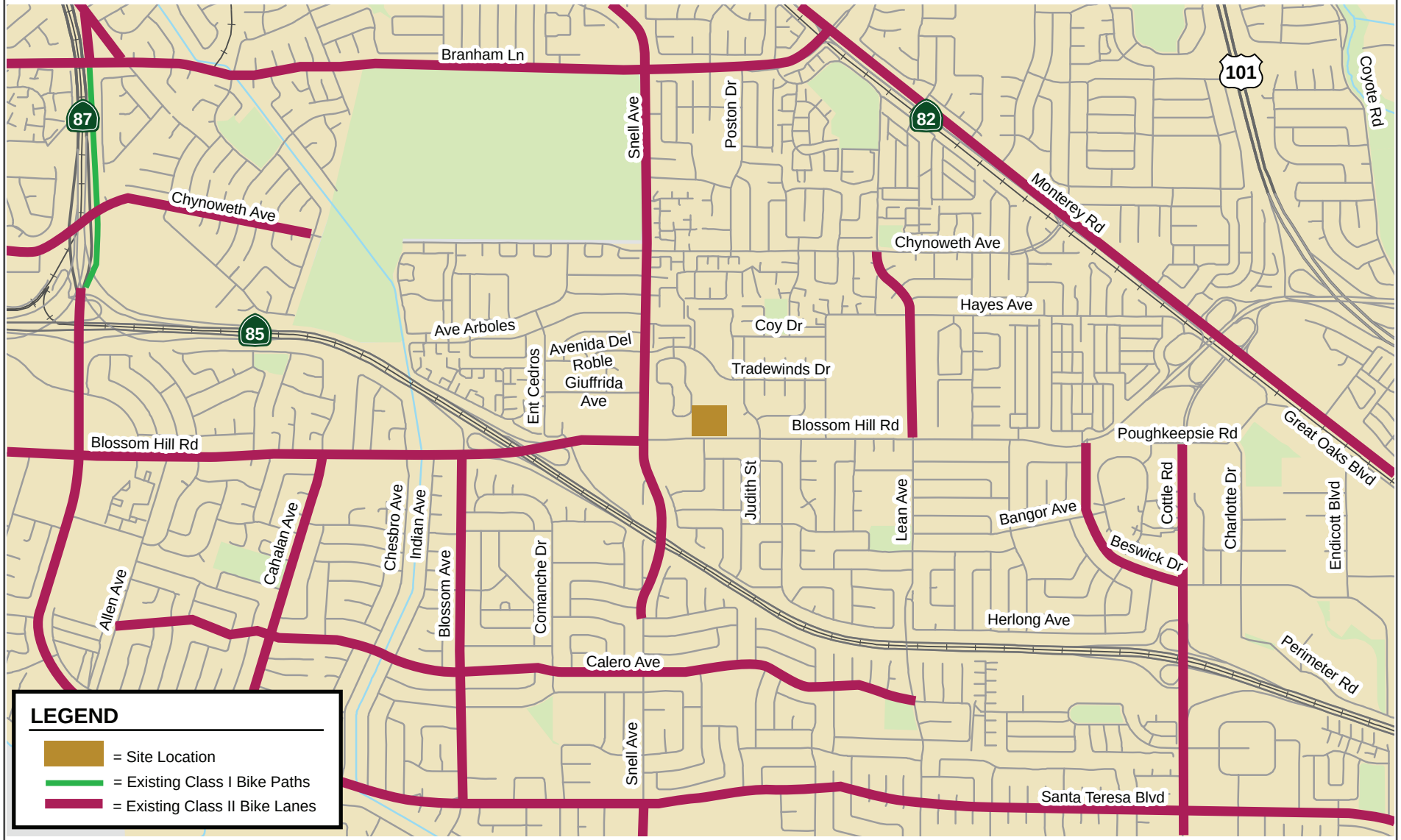
Transit Facilities

Existing transit services near the project site are provided by VTA and Caltrain and are shown in Figure 4.17-2.

VTA Light Rail Transit System

The VTA currently operates a light rail system (LRT) system which extends from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale and serves approximately 30,000 riders per day. The service operates nearly 24 hours a day with 15-minute headways during much of the day.

The Alum Rock-Santa Teresa LRT line (901) provides service to the Snell LRT station. The Snell LRT station is located on Snell Avenue south of Blossom Hill Road and is one quarter mile southwest (and approximately one-half mile walking distance) from the project site. This is the closest LRT station to the project site.



Source: Hexagon Transportation Consultants, Inc.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

Source: Hexagon Transportation Consultants, Inc.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-2

VTA Bus Service

Existing area bus routes are shown in Table 4.17-1 below:

Table 4.17-1: Existing Bus Service Near the Project

Bus Route	Route Description	Closest Stop and Distance to Project	Peak Hour Headway
Local Bus 27	Good Samaritan Hospital to Kaiser Hospital San José	Blossom Hill Road, 425 feet southwest	30 min
Local Bus 66	Kaiser San José Hospital to Evergreen Valley College	Snell Avenue, 700 feet west	15 min
Express Route 102	Santa Teresa LRT Station to Hansen Way and Page Mill Road in Palo Alto	Snell Avenue; 1,260 feet southwest	20-30 min
Express Route 122	Santa Teresa LRT Station to Lockheed Transit Center	Snell Avenue, 700 feet west	--[1]
Limited Stop 304	South San José to Sunnyvale Transit Center	Snell Avenue, 700 feet west	30 min

Notes:

1. Express Route 122 operates one bus between 5:50 AM and 6:45 AM in the northbound direction, and one bus between 4:50 PM and 6:00 PM in the southbound direction.

Train Services

The Blossom Hill Station is the closest station served by Caltrain. Caltrain provides frequent commuter rail service between San Francisco and Gilroy. Trains stop at Blossom Hill Station during commute hours, seven days per week. The Blossom Hill Station is located at 5560 Monterey Road, approximately 1.6 miles east of the project site.

4.17.1.3 *VMT Methodology*

The City has developed a VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects with local traffic. For non-residential or non-office projects, large projects or projects that can potentially shift travel patterns, the City's Travel Forecasting Model can be used to determine project VMT. Because the proposed project is a relatively small residential mixed-use development that would generate local traffic, the evaluation tool is used to estimate the project VMT and determine whether the project would result in a significant VMT impact.

Based on the project location, type of development, project description, and proposed trip reduction measures, the evaluation tool calculates the project VMT. Projects located in areas where the existing VMT is above the established threshold are referred to as being in "high-VMT areas." Projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible.

The evaluation tool accounts for a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the evaluation tool:

1. Project characteristics (e.g., density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
3. Parking measures that discourage personal motorized vehicle-trips, and
4. Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

The first three strategies are physical design strategies that can be incorporated into the project design. TDM include programmatic measures that aim to reduce VMT by decreasing personal motorized vehicle mode share and by encouraging more walking, biking, and riding transit. TDM measures are enforced through annual trip monitoring to assess the project's status in meeting the VMT reduction goals.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☒	☐
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒
4) Result in inadequate emergency access?	☐	☐	☐	☒

Impact TRN-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **(Less than Significant Impact)**

New development projects in San José should encourage multi-modal travel, consistent with the goals and policies of the City's General Plan to reduce vehicle trip generation and VMT. In addition, the adopted San José Bike Plan 2020 establishes goals, policies, and actions to facilitate bicycling and designates bike lanes along many City streets. The project's consistency with these plans is described below.

Transit

The Snell LRT station is located on Snell Avenue south of Blossom Hill Road and is one-half mile walking distance from the project site. Sidewalks are present, as well as striped bicycle lanes, on both sides of Snell Avenue between Blossom Hill Road and the LRT station. Local bus route 27 operates along Blossom Hill Road with bus stops within 600 feet of the project site.

Due to the project site's proximity to transit stops, some residents may utilize the transit services provided. The City's General Plan identifies the transit commute mode split target as 20 percent or more for the year 2040 (i.e., at least 20 percent of San Jose's commuters would utilize transit by 2040). The increased transit demand generated by the proposed project could be accommodated by the current available ridership capacities of the transit services in the project area. Based on General Plan Policy TR-3.3, the City requires that new development is designed to accommodate and to provide direct access to transit facilities. Given the project's proximity to transit, the project is consistent with General Plan goals and policies that encourage multi-modal travel to reduce VMT. The project would, therefore, not conflict with a program plan or policy addressing the transit.

Bicycles

The project would include six short-term bicycle parking spaces (bike racks) along the project frontage on Blossom Hill Road, and a centrally located bicycle room contain 36 long-term bicycle parking spaces. Providing adequate and convenient bike parking would help to create a bicycle-friendly environment and encourage bicycling by residents and employees of the project. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities.

(**Less than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

Project-Level VMT Impact Analysis

The proposed project is located within a high-VMT area. A project-level VMT analysis using the City's VMT Evaluation Tool was used to estimate the project VMT based on the project location, type of development, project description, and proposed trip reduction measures. The thresholds of significance for residential and general employment uses were used for the VMT analysis. The VMT threshold for residential uses is the existing citywide average VMT level (11.91 per capita) minus 15 percent, which is 10.12 VMT per capita. The VMT threshold for general employment uses is the existing Countywide average VMT level (14.37 per capita) minus 15 percent, which is 12.22 VMT per employee.

The City of San José's 2018 Transportation Analysis Handbook includes screening criteria for projects that are expected to result in less than significant VMT impacts based on the project description, characteristics, and/or location.

The screening criteria for Restricted Affordable Residential Projects is as follows:

- **Affordability**: The development must consist of 100 percent restricted affordable units, excluding unrestricted manager units; affordability must extend for a minimum of 55 years for rental homes or 45 years for for-sale homes
- **Planned Growth Areas**: The project site shall be located within a Planned Growth Area as defined in the Envision San José 2040 General Plan
- **High-Quality Transit**: The project site shall be located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor
- **Transit-Supporting Project Density**:
    - The development must have a minimum of 35 units per acre for residential projects or components;
    - If located in a Planned Growth Area with a maximum density below 35 units per acre, the maximum density allowed in the Planned Growth Area must be met
- **Transportation Demand Management (TDM)**: If located in an area in which the per capita VMT is higher than the CEQA significance threshold, a robust TDM Plan must be included; and
- **Parking**:
    - No more than the minimum number of parking spaces required
    - If located in Urban Villages or Downtown, the number of parking spaces must be adjusted to the lowest amount allowed; however, if the parking is shared, publicly available, and/or "unbundled", the number of parking spaces can be up to the zoned minimum; and
- **Active Transportation**: The project must not negatively impact transit, bike or pedestrian infrastructure.

As stated above, since the proposed project is located in a high-VMT area, for the project to meet the City's screening criteria for Restricted Affordable Residential Projects, it is required to implement a Transportation Demand Management (TDM) Plan.

The proposed project includes a TDM Plan and the following TDM measures would be implemented as conditions of approval:

- Bicycle parking spaces and a bicycle sharing program
- On-site showers and lockers for employees
- Electrical vehicle charging stations (i.e., preferential parking)
- Ride sharing program for employees
- Special needs Public Transportation Coordinator
- On-site TDM Coordinator and services (including carpool/ride matching assistance and trip planning resources).

The proposed project consists of 145 restricted affordable residential units and two unrestricted on-site staff units located within a planned growth area (Blossom Hill and Snell Urban Village area). The project site is within 0.5 mile of high-quality transit, including the Snell LRT station. The proposed development would result in a residential density of 73 dwelling units per acre, which complies with the transit-supporting project density requirements. The project would implement a

TDM plan and provide the minimum number of parking spaces required. The project's residential component meets the screening criteria for restricted affordable residential projects and a quantitative VMT analysis was not required for the residential units.

The office component (16,066 square feet of commercial office space) of the project does not meet the screening criteria outlined in the Transportation Analysis Handbook, therefore, the VMT was calculated using the City's VMT Evaluation Tool. The VMT for the project's office component was estimated to be 13.68 VMT per employee. The project VMT for the office space exceeds the threshold of 12.22 VMT per employee which would result in a significant transportation impact on VMT. As discussed in Section 4.17.1.3, projects located in areas where the existing VMT is above the established threshold are referred to as "high-VMT areas," and projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible.

The project would implement the following ridesharing program, included in the project's TDM plan, to reduce the project's impacts on VMT to a less than significant level:

- Based on the four VMT reduction strategy tiers included in the VMT Evaluation Tool, the project shall implement a TDM plan, including a ride-sharing program for 100 percent of the office employees that would occupy the site, to reduce the significant VMT impact. The goal of a ride-sharing program is to match individuals interested in carpooling who have similar commute patterns, thereby reducing the number of single-occupant vehicle trips and associated VMT per employee. Providing a ride-sharing program for the office employees of the project would reduce the project VMT to 11.19, which is below the threshold of 12.22 VMT per employee and is the maximum VMT reduction possible.

With the implementation of the ride-sharing program included in the project's TDM plan, the project would be consistent CEQA Guidelines regarding VMT and would not result in a significant impact to Citywide VMT. **(Less Than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(No Impact)**

Based on the proposed site design, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. Vehicular access to the project site would be provided via two driveways on Blossom Hill Road, one on the west end and one on the east end of the property. The new eastern project driveway would share an easement with the adjacent commercial office property. The driveways would provide access to the drive aisle that would encircle the building. Both driveways would be 26-feet wide, which would provide an adequate width for circulation and meet the City of San José Department of Transportation Geometric Design Guidelines.

Both driveways would be restricted to right-turn only movements due to the raised median island along Blossom Hill Road. The project would comply with City design standards and project would not increase hazards due to geometric design or incompatible uses. **(No Impact)**

Impact TRN-4: The project would not result in inadequate emergency access. **(No Impact)**

The City of San José Fire Department (SJFD) requires that all portions of proposed buildings are within 150 feet of a fire department access road and requires a minimum of a six-foot setback from all sides of the building to the property line.

The proposed building is within 35 feet of the driveways that would be used for SJFD access and the proposed building is set back at least 21 feet from the residential and commercial property lines located to the east, north, and west. The project would, therefore, not result in inadequate emergency access and would comply with City guidelines for emergency access. **(No Impact)**

4.17.3 Operational Issues Not Required Under CEQA

Local Transportation Analysis

As stated previously, San José City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT instead of LOS. Therefore, the following Local Transportation Analysis (LTA) discussion is provided for informational purposes only. The LTA was completed for the project to identify potential adverse operational effects that may result from the implementation of the proposed project. As part of the LTA, a project is required to complete an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to a signalized intersection that is located within 0.5 mile of the project site and is currently operating at LOS D or worse.

Trip Generation

Trips that would be generated by the proposed residential apartment units were estimated using the Institute of Transportation Engineers (ITE) trip rates for "Multifamily Housing Mid-Rise" (ITE Land Use 221) located in a General Urban/Suburban setting. Trips that would be generated by the proposed office space were estimated using the ITE trip rates for "General Office Building" (ITE Land Use 710).

The project site contains a commercial building which was previously occupied by a furniture store (until April 2018). Trips that are generated by existing or recent uses can be subtracted from the gross project trip generation estimates. Trips generated by the furniture store were calculated based on applying the average rates contained in the ITE Trip Generation Manual, 10th Edition, for a "Furniture Store" (Land Use 890). The trip credits were adjusted to account for the location-based vehicle mode share percentage outputs produced from the San José Travel Demand Model, as well as the pass-by trip reduction percentages for Furniture Store contained in the ITE Trip Generation Handbook (Third Edition), as described below. The net project trips, which account for pass-by trips and trip adjustments, are shown in Table 4.17-2.

Table 4.17-2: Project Trip Generation Estimates							
Land Use	**Daily Trips**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Land Use							
Apartments (147 units)[1]	800	14	39	53	40	25	65
Location-Based Vehicle Mode Share (12%)[3]	*96*	*2*	*5*	*4*	*5*	*3*	*8*
Project-Specific Trip Reduction (10%)[4]	*70*	*1*	*4*	*5*	*4*	*2*	*6*
Residential Subtotal	634	11	30	41	31	20	51
Office	156	16	3	19	3	15	18
Location-Based Vehicle Mode Share (8%)[3]	*13*	*1*	*0*	*1*	*0*	*1*	*1*
Project-Specific Trip Reduction (10%)[4]	*14*	*2*	*0*	*2*	*0*	*2*	*2*
Office Subtotal	129	13	3	16	3	12	15
Recent Land Use							
Furniture Store	202	6	2	8	8	9	17
Furniture Store Subtotal	(131)	(5)	(2)	(7)	(3)	(4)	(7)
Total Proposed Project Trips:	**632**	**19**	**31**	**50**	**31**	**28**	**59**

Notes:
1. Trip generation based on average rates contained in the ITE Trip Generation Manual, 10th Edition, for Multifamily Housing Mid-Rise (Land Use 221) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit.
2. Trip generation based on average rates contained in the ITE Trip Generation Manual, 10th Edition, for General Office Building (Land Use 710). Rates are expressed in trips per 1,000 square feet.
3. A 12 percent reduction for the residential component and an 8 percent reduction for the office component were applied based on the location-based vehicle mode share percentage outputs (Table 6 of TA Handbook) produced from the San Jose Travel Demand Model for the place type Suburban with Multifamily Homes.
4. A 10 percent reduction for both the residential and office components was applied based on the external trip adjustments obtained from the City's VMT sketch tool.

Intersections

Consistent with City LTA requirements, a level of service (LOS) analysis was completed for eight signalized intersections in the project area. The traffic study analyzed AM and PM peak hour traffic conditions for the eight signalized San José study intersections shown in Table 4.17-3 and Figure 4.17-3. The AM peak hour is defined as 7:00 AM to 9:00 AM and the PM peak hour is defined as 4:00 PM to 6:00 PM. The peak hours represent the periods of greatest traffic congestion on a typical weekday.

Traffic conditions were evaluated for the following scenarios to determine if the LOS of the local intersections in the project area would be adversely affected by project generated traffic:

Scenario 1: *Existing Conditions* - Existing AM and PM peak hour traffic volumes were obtained from the 2016 CMP Annual Monitoring Report and new manual turning-movement counts completed in February 2019.

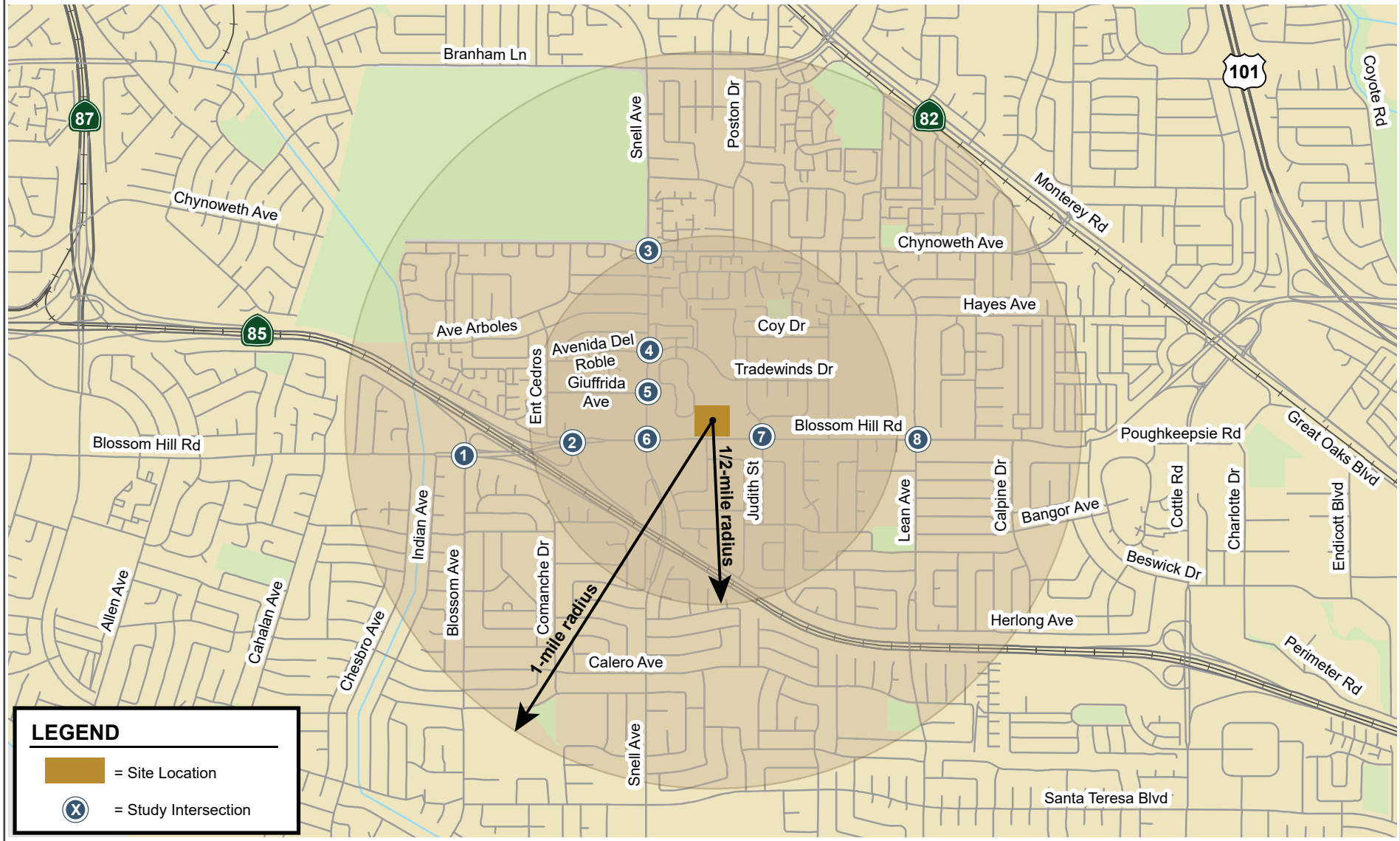
Scenario 2: *Background Conditions* – Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments. Background conditions represent the baseline conditions to which project conditions are compared for the purpose of determining potential adverse operational effects of the project.

Scenario 3: *Background Plus Project Conditions* – Background plus project traffic volumes were estimated by adding the additional traffic generated by the project to the background traffic volumes.

Analysis Methodologies and Level of Service Standard for Signalized Intersections

City of San José LOS Methodology

The eight signalized study intersections are subject to the City of San José's LOS standards. The City of San José's level of service methodology is TRAFFIX, which is based on the 2000 Highway Capacity Manual (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersections operations on the basis of average delay time for all vehicles at the intersection. The City of San José LOS standard for intersections is LOS D or better. This LOS standard is also applicable to CMP intersections in San José. The correlation between average delay and level of service is shown in Table 4.17-3.



Source: Hexagon Transportation Consultants, Inc.

STUDY INTERSECTIONS | FIGURE 4.17-3

Table 4.17-3: Intersection Level of Service Definitions Based on Delay		
Level of Service	**Description**	**Average Control Delay per Vehicle**[78]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 12.0 12.1 to 18.0 18.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 23.0 23.1 to 32.0 32.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0 39.1 to 51.0 51.1 to 55.0
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 60.0 60.1 to 75.0 75.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Intersection Operations Evaluation Criteria

Based on the City of San José's Transportation Analysis Handbook, 2018, an adverse effect on intersection operations would occur if for either peak hour:

1. The level of service at the intersection degrades from an acceptable level (LOS D or better) under background conditions to an unacceptable level under background plus project conditions, or

2. The level of service at the intersection is an unacceptable level (LOS E or F) under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements are negative. In this case, the threshold is when the project increases the critical V/C value by 0.01 or more.

[78] Measured in seconds.

Adverse effects at signalized intersections can be addressed by one of the following approaches:

- Construct improvements to the subject intersection or other roadway segments of the citywide transportation system to increase overall capacity, or

- Reduce project-generated vehicle trips (e.g., implement a "trip cap") to eliminate the adverse operational effects and restore intersection operations to background conditions. The extent of trip reduction should be set at a level that is realistically attainable through proven methods of reducing trips.

Intersection Traffic Operations

Intersection LOS was evaluated against the standards of the City of San José. The results of the analysis show that all the signalized study intersections are currently operating at acceptable levels of service (LOS D or better) during the AM and PM peak hours of traffic, and all but one study intersection would continue to operate acceptably under background and background plus project conditions. The results of this analysis are shown in Table 4.17-4.

Table 4.17-4: Peak Hour Intersection LOS Summary

Intersection	Peak Hour	Existing		Background		Background Plus Project			
		Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Del.	Incr. In Crit. V/C
1. SR 85 SB Ramps and Blossom Hill Road*	AM	48.8	D	51.2	D	51.4	D	0.2	0.003
	PM	52.2	D	**57.0**	**E**	**57.2**	**E**	0.2	0.005
2. SR 85 NB Ramps and Blossom Hill Road *	AM	30.3	C	29.8	C	29.7	C	-0.1	0.004
	PM	30.4	C	28.8	C	28.9	C	0.1	0.005
3. Snell Avenue and Chynoweth Avenue	AM	31.9	C	32.1	C	32.1	C	0.0	0.001
	PM	29.4	C	29.5	C	29.4	C	0.0	0.001
4. Snell Avenue and Tradewinds Drive/ Avenida del Roble	AM	20.2	C	20.5	C	20.5	C	0.0	0.002
	PM	12.9	B	12.2	B	12.2	B	0.0	0.001
5. Snell Avenue and Giuffrida Avenue	AM	11.5	B	11.3	B	11.3	B	0.0	0.000
	PM	19.8	B	19.4	B	19.4	B	0.0	0.001
6. Snell Avenue and Blossom Hill Road*	AM	40.7	D	42.1	D	42.2	D	0.1	0.004
	PM	44.7	D	46.9	D	47.0	D	0.1	0.003
7. Judith Street and Blossom Hill Road	AM	23.1	C	22.4	C	22.4	C	0.0	0.001
	PM	18.1	B	18.3	B	18.4	B	0.0	0.002

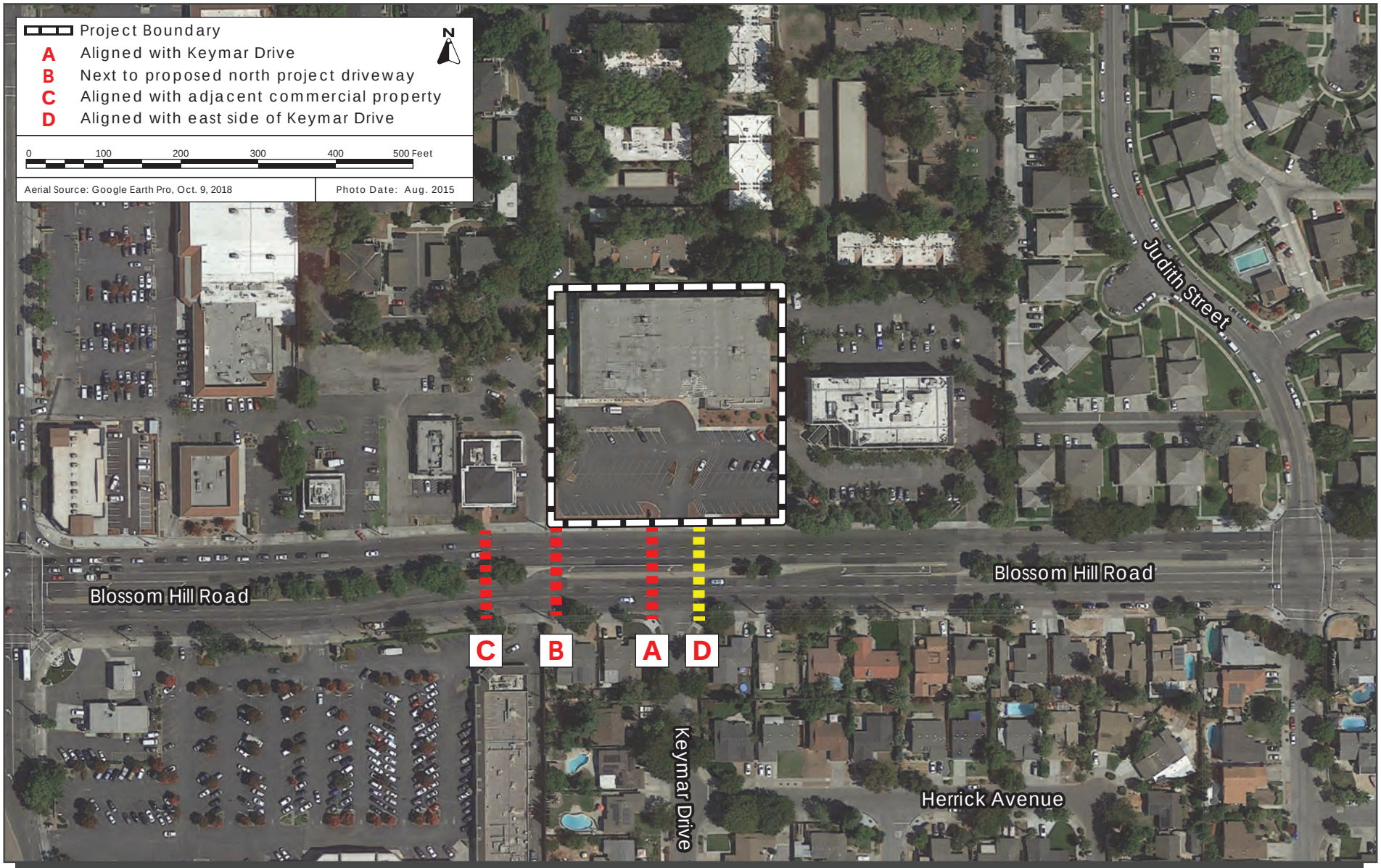
Table 4.17-4: Peak Hour Intersection LOS Summary										
Intersection		**Peak Hour**	**Existing**		**Background**		**Background Plus Project**			
			Avg. Delay (sec)	**LOS**	**Avg. Delay (sec)**	**LOS**	**Avg. Delay (sec)**	**LOS**	**Incr. In Crit. Del.**	**Incr. In Crit. V/C**
8.	Lean Avenue and Blossom Hill Road	AM	37.0	D	35.4	D	35.4	D	0.0	0.001
		PM	33.2	C	31.3	C	31.2	C	0.0	0.001
Notes: * Denotes VTA Congestion Management Program intersection. **Bold** indicates a substandard LOS. NB = Northbound; SB = Southbound										

The results of the intersection level of service analysis under background conditions show that the intersection of SR 85 Southbound Ramps and Blossom Hill Road would operate at an unacceptable LOS E during the PM peak hour as a result of approved projects in the study area. This intersection would continue to operate at LOS E under background plus project conditions and the project would not cause the intersection critical-movement delay to increase by four or more seconds or the V/C to increase by 0.01 or more. Therefore, the addition of project traffic would not conflict with the City's LOS policy.

Signalized Pedestrian Crosswalk Analysis

The project applicant is proposing to install a signalized pedestrian crossing along or near the project frontage on Blossom Hill Road to improve pedestrian safety in the project area. The Traffic Analysis n Appendix F includes an evaluation of the proposed signalized pedestrian crossing on Blossom Hill Road, approximately midway between Snell Avenue and Judith Street. The Traffic Analysis also provides a recommendation for the most suitable location for the pedestrian crossing based on vehicular sight distance, the effects of the crosswalk on the channelized westbound left-turn pocket on Blossom Hill Road, the potential for issues associated with vehicle queuing along westbound Blossom Hill Road, and the position of the crosswalk in relation to nearby intersections and driveways. The following four potential locations have been identified (as shown on Figure 4.17-4):

- Location A: Pedestrian signal crossing that aligns with the west side of Keymar Drive;
- Location B: Pedestrian signal crossing that aligns with the west property line; and
- Location C: Pedestrian signal crossing that aligns with the adjacent commercial property.
- Location D: Pedestrian signal crossing that aligns with the east side of Keymar Drive (Recommended Location)



POTENTIAL PEDESTRIAN CROSSING LOCATIONS | FIGURE 4.17-4

Evaluation of Crosswalk Locations

Field observations of traffic conditions at the westbound Blossom Hill Road and the westbound left-turn pocket serving the Downing Square Shopping Center were made on Tuesday, September 24, 2019 between 5:00 PM and 6:00 PM and on Wednesday September 25, 2019 between 7:30 AM and 8:30 AM. Based on field observations, the AM peak hour westbound vehicle queue occasionally extends past Crosswalk Locations A, B, and C (see below discussion). While most drivers likely would not block the crosswalk, the crosswalk could be blocked on occasion during the AM peak hour when the westbound vehicle queues are longest on Blossom Hill Road, regardless of the crosswalk location. Since Blossom Hill Road (from the site's frontage to Snell Avenue) has no vertical curve and the horizontal s-curve between the project site and Snell Avenue is only minor, all of the pedestrian signal locations would be highly visible to vehicles traveling in either direction on Blossom Hill Road.

Crosswalk Location A

At crosswalk Location A, a pedestrian signal crossing that aligns with the west side of Keymar Drive would cross the westbound left-turn pocket that serves the nearby shopping center. Based on field observations, this left-turn pocket nearly fills during the PM peak hour on occasion. As a result, a crosswalk at this location would affect the vehicle storage and operation of the unsignalized westbound left-turn movement.

Crosswalk Location B

A pedestrian signal crossing that aligns with the western property line is not feasible because the crosswalk would line up with an existing residential driveway on the south side of Blossom Hill Road. In general, a signalized crosswalk located between the western property line and Keymar Drive would not be feasible due to the presence of residential properties and driveways along the south side of Blossom Hill Road.

Crosswalk Location C

A pedestrian signal crossing that aligns with the adjacent commercial property (Chase Bank) and Downer Square Shopping Center is feasible but may require relocating an existing streetlight and removing existing street trees. This location would be most affected by vehicle queues along westbound Blossom Hill Road since it is closest to Snell Avenue. This location would, however, have no effect on the operation of the westbound left-turn pocket serving the shopping center.

Crosswalk Location D (Recommended Location)

At Location D, a pedestrian signal crossing that aligns with the east side of Keymar Drive would have little effect on the westbound left-turn pocket storage length and operations, and is less likely to be blocked by vehicle queues along westbound Blossom Hill Road given it is the furthest from Snell Avenue (in comparison to the previously discussed locations). A signalized crossing at this location would have the least effect on traffic operations along Blossom Hill Road. To implement this option, the westbound left-turn pocket taper would need to be shifted approximately 50 feet to the west. Location D is the recommended location for the proposed crosswalk.

4.18 TRIBAL CULTURAL RESOURCES

The discussion of tribal cultural resources in this section is based on the Archaeological Literature Search and Initial Native American Consultation and a Presence/Absence Exploration prepared by *Holman & Associates* in January 2019 and March 2019, respectively. The report is on file with the City of San José Department of Planning, Building and Code Enforcement (PBCE).

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). 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.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[79]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

In accordance with AB 52 requirements, *Holman & Associates* contacted the Native American Heritage Commission to request a review of the Sacred Lands File (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project APE (i.e., project site). No Native American resources were identified based on the SLF search. The NAHC provided a list of seven local Native American individuals/organizations who could know of cultural resources in the project area or have specific concerns about the project. These seven individual/organizations were contacted in effort to identify any cultural resources concerns at the site.

[79] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

The project APE is beyond the tribal territory of the Amah Mutsun Tribal Band and the representatives from this tribe had no concerns regarding the project. One individual requested that a Native American monitor be present during the presence/absence exploration completed in March 2019 (refer to Section 4.5, *Cultural Resources* for more details about presence/absence exploration completed at the site). Given that no known cultural resources were located within the project site (based on the archaeological literature search), the presence of an archaeological monitor during the presence/absence exploration was not deemed necessary. In addition, no tribal cultural resources were identified during the March 2019 site exploration. Another individual requested a summary of the recommendations from the archaeological literature search. *Holman & Associates* provided a summary of recommendations based on the archaeological literature search results (which included the March 2019 presence/absence exploration) to this individual. An attempt was made to contact the three other individuals which was unsuccessful.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project 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)?	☐	☐	☐	☒
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.	☐	☐	☐	☒

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). **(No Impact)**

Tribal consultation was completed for the project in an effort to identify any known tribal cultural resources present on the site. Based the consultation with Native American individuals/organization recommended by the NAHC, no known tribal cultural resources are present on-site. In addition, there were no tribal cultural resources discovered during the March 2019 exploration of the site. For these

reasons, the project would not cause an adverse change in the significance of tribal cultural resources listed on the California Register or City of San José Historic Resources Inventory. **(No Impact)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. **(No Impact)**

As discussed in the response to Impact TCR-1, there are no known tribal cultural resources on-site. The project would, therefore, not cause an adverse change in the significance of a tribal cultural resource. **(No Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

Assembly Bill 939

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

California Green Building Standards Code

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

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Utilities and Service Systems Policies

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

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

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

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

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

4.19.1.2 *Existing Conditions*

Water Supply

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

to the project site would be supplied by Great Oaks Water Company (GOWC).[80] An existing eight-inch water line is located on Blossom Hill Road. Water was used by tenants and customers at the former furniture store and is currently used for irrigation. There are currently no recycled water lines in the immediate site vicinity.[81]

The existing commercial building is currently being used by non-profit organizations for office purposes. The indoor water use estimated at the building is approximately 6,495 gallons/water per day (gpd). The estimated water use for irrigation is 3,980 gpd.[82]

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José. A 21-inch vitrified clay pipe (VCP) sanitary sewer main located on Blossom Hill Road serves the site.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant, in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[83] In 2018, the RWF's average dry weather effluent flow was 79.4 million gallons per day.[84] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[85]

For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total indoor water use due to the limited landscaping. The existing commercial building on-site is estimated to generate approximately 6,170 gpd of wastewater.

Stormwater Drainage

The project site is located in a developed area served by storm drainage systems. The project site is currently occupied by a commercial building, a paved parking lot, and landscaping with 89,688 square feet of impervious surfaces (i.e., 93 percent of the site's surfaces are impervious). Storm drainage lines in the project area are owned and maintained by the City of San José. A 60-inch reinforced concrete pipe (RCP) storm drain main located on Blossom Hill Road serves the site.

---

[80] City of San José. *Water Retailer Service Area Map*. January 26, 2011. Accessed April 18, 2019. https://www.sanjoseca.gov/DocumentCenter/View/6252.
[81] South Bay Water Recycling. *Recycled Water Pipeline System*. June 28, 2011. Accessed April 18, 2019. https://www.sanjoseca.gov/DocumentCenter/View/4692.
[82] Illingworth & Rodkin. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment, San José, California*. Attachment 2: CalEEMod Modeling Output. March 4, 2019.
[83] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed February 6, 2018. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.
[84] San José – Santa Clara Regional Wastewater Facility. *2018 Annual Self-Monitoring Report*. Accessed April 18, 2019. http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/3507.
[85] City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 648.

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Canoas Creek (a tributary of the Guadalupe River), located approximately 0.75 mile west of the site. The creek flows north, merges with the Guadalupe River, carrying effluent from the storm drains into the San Francisco Bay.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the County has a diversion requirement of 50 percent. According to the IWMP, the County has adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. Approximately 197 pounds of solid waste per day are generated by the existing site uses.[86]

Other Utilities

San José Clean Energy supplies the electricity to the project site and Pacific Gas & Electric Company (PG&E) natural gas services to the site. Section 4.6, *Energy* includes a discussion of electricity and natural gas use at the site.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

[86] Illingworth & Rodkin. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment, San José, California*. Attachment 2: CalEEMod Modeling Output. March 4, 2019.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
6) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The proposed mixed-use development would utilize existing water infrastructure, dispose of wastewater at the RWF using existing sewer mains, convey stormwater via the City's existing drainage system, and connect to existing utility lines on Blossom Hill Road for electricity, natural gas, and telecommunication services.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system. The proposed project's sanitary sewer lines would connect to the sewer lines on Blossom Hill Road and the project would not require the relocation of these lines.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the proposed development. The RWF would not need to be expanded or relocated to accommodate the incremental increase in wastewater created by proposed development (refer to the response to Impact UTL-4).

Storm Drainage

Runoff from the project site directly enters the storm drainage system untreated and unimpeded. The proposed project would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. The proposed project proposes new landscaping which would decrease the total impervious surface area of the project site by approximately 10,976 square feet. For this reason, the project would reduce the amount of runoff generated from the site. The project's storm drain lines would connect to the existing line on Blossom Hill Road. The City's existing storm

drainage system has the capacity to serve the site. The proposed project would not require expansion of the City's existing storm drainage system.

Electric Power, Natural Gas, and Telecommunications

Existing natural gas, electricity, and telecommunication utilities currently serve the project site. The project site would continue to be served by the existing utilities. No improvements or relocation are proposed for these utilities, and therefore, the project would not result in a significant environmental effect from the construction or relocation of natural gas, electricity or telecommunication utilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The proposed project would demolish the existing one-story commercial building and construct a four-story mixed-use development with 147 residential units and 16,066 square feet of commercial office space. The proposed project would use approximately 33,258 gallons of water per day for indoor use (26,240 and 7,018 gallons of water per day for the residential units and office space, respectively) and 21,339 gallons of water per day of outdoor use (16,543 and 4,796 gallons of water per day of the residences and office space, respectively).[87] The net increase in water demand for the project for indoor water use would be 26,763 gallons of water per day and 17,359 gallons of water per day for outdoor use. The water lines on-site would connect to an existing eight-inch water line in Blossom Hill Road.

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

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan EIR. Water service would be provided by GOWC and there would be sufficient water supplies to serve the project. The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development. **(Less Than Significant Impact)]**

[87] Illingworth & Rodkin. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment, San José, California*. Attachment 2: CalEEMod Modeling Output. March 4, 2019. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

The proposed project would generate approximately 31,595 gpd of wastewater, a net increase of 25,425 gpd compared to existing site conditions.[88] The City currently has approximately 38.8 million gallons per day (mgd) of excess wastewater treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, SEIR, and Addenda thereto, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **(Less Than Significant Impact)**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[89]

Operations of the proposed project would generate 452 pounds of waste per day (370 pounds of waste per day from the residences and 82 pounds per day from the commercial office uses).[90] This would result in an increase in 255 pounds of waste per day, when compared to the site's existing commercial uses. The proposed project would conform to City plans and policies to reduce solid waste generation and would be served by a landfill with adequate capacity. Therefore, the proposed project would not exceed the capacity of existing landfills or solid waste disposal infrastructure. **(Less than Significant Impact)**

Impact UTL-5:	The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The project would conform to City plans and policies to reduce solid waste generation, including the City's Zero Waste Strategic Plan and 75 percent diversion goal. By conforming to the standards set forth by City policies and plans, the proposed project would not prevent solid waste reduction goals

[88] Assumes wastewater is equal to 95 percent of the potable water use on-site.
[89] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[90] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Apartments Low Rise.

from being reached or interfere with the provision of solid waste services. The project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, and City of San José policies on waste diversion. **(Less than Significant Impact)**

Impact UTL-6:	The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(No Impact)**

See discussion under Impact UTL-5, the project would comply with regulations related to solid waste. **(No Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The California Department of Forestry and Fire Protection (Cal Fire) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is surrounded by urban development and is not located within a fire hazard severity zone.

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. [91] **(No Impact)**

[91] California Department of Forestry and Fire Protection (CAL FIRE). *Fire Hazard Severity Zone Viewer*. Accessed April 2, 2019. http://egis.fire.ca.gov/FHSZ/.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 Impact Discussion

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1)	Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
3)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Impact MFS-1: The project does not have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, *Biological Resources*, with implementation of the identified Standard Permit Conditions and mitigation measures (**MM BIO-4.1** through **MM BIO-4.4**), the project would not significantly impact sensitive habitats or species. As discussed in Section 4.5, *Cultural Resources*, with implementation of the identified Standard Permit Conditions, the project would result in a less than significant impact on archaeological and historic resources. The project would have no impact on tribal cultural resources. The project would not result in new or

more significant impacts than identified in the General Plan EIR. **(Less Than Significant Impact with Mitigation)**

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." This Initial Study evaluates the environmental impacts of the proposed mixed-use development project. This Initial Study also takes into account other past, pending, and probable future projects whose impacts could combine to produce cumulative impacts.

Based on the City's development projections for the Edenvale Planning Area, there are no current or future projects within the vicinity of the project site.[92] The nearest projects to the site are a pending project, approved projects, and approved projects under construction approximately two miles from the project site. These projects include the 231 Capitol Expressway Public Storage project which has a pending application on file with the City and would be approximately 359,235 square feet (File Numbers: C18-010 and H18-048) and the iStar/Great Oaks 301-unit Multi-Family Residential project (File Number: PD16-005) which is under construction and located on the west side of Great Oaks Boulevard (APN 706-08-008).

Another approved project, the 386,000 square foot Equinox Data Center project (File Number: PD15-031), would be located at 7 Great Oaks Boulevard. The Communications Hill Residential, Retail and Industrial project (PDC13-009) which allows for 2,200 residential units (i.e., townhouses, row houses, condominiums and apartments), up to 67,500 square feet of commercial/retail development, and 1.4 million square feet of industrial park uses is located to the northwest of the site. The Communications Hill area is bounded by Curtner Avenue to the north, Monterey Road to the east, Capitol Expressway, Snell Avenue, and Hillside Avenue to the south, and Guadalupe Freeway (SR 87) to the west. Approximately 314 of these residences are under construction, 976 residences have been approved but construction has not yet commenced, and 910 residences have already been constructed. The retail component is approved and not yet constructed. No details are available for the industrial component.

Resource Topics not Impacted by the Project

The project would result in no wildfire hazards and would have no impact on aesthetic, agricultural, tribal cultural, or mineral resources; therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources.

[92] City of San José, Department of Planning, Building and Code Enforcement. *Development Activity Highlights and Five-Year Forecast (2020-2024).* February 2010.

Cumulative Traffic Impacts

The project site is located in high VMT area, which includes areas of north, east and south San José (refer to Appendix F, Figure 3). No VMT impact analysis was required for the proposed residential units given that they meet the screening criteria for restricted affordable residential projects. The project applicant would implement a ride-sharing program for the proposed office space, which would reduce the project VMT from 13.68 per employee to 11.82 VMT per employee, below the 12.22 VMT project-level threshold for general employment uses. The proposed project would not increase VMT in the area. Therefore, the project would result in a less than cumulatively considerable contribution to a significant VMT impact.

Cumulative Air Quality Impacts

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3, *Air Quality*) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. The project's construction and operational criteria air pollutant emissions would be below BAAQMD thresholds for these pollutants; therefore, the project would result in a less than cumulatively considerable contribution to significant regional air quality impact.

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project site. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. A review of the area surrounding the project site identified several stationary sources and roadways that would be sources of TACs. Traffic on Blossom Hill Road and Snell Avenue both have average daily traffic of over 10,000 vehicles. Other nearby streets all have ADTs less than 10,000 vehicles per day and are not considered sources of TACs. Five stationary sources were identified. Additionally, construction from a nearby projects would also have a risk impact.

Table 4.21-1 shows both the project and cumulative community risk impacts at the construction MEI (a multi-family residential development immediately to the north of the site). As shown in Table 4.21-1, the combined effects of all TAC sources within 1,000 feet of the construction MEI would be less than significant. The combined annual cancer risk, $PM_{2.5}$ concentration, and hazard risk values would not exceed the cumulative threshold. Therefore, the project, combined with the other TAC sources in the area, would not result in a significant cumulative impact due to TAC emissions.

Table 4.21-1: Cumulative Community Risk at the Residential MEI			
Sources	**Maximum Cancer Risk** (per million)	**$PM_{2.5}$ Concentration** ($\mu g/m^3$)	**Hazard Index**
Project Construction (unmitigated)	6.3 (infant)	0.03	<0.01
Blossom Hill Road at 345 feet north, ADT 32,425 vehicles	3.4	0.09	<0.03
Snell Avenue at 770 feet east, ADT 24,750 vehicles	1.3	0.04	<0.03
Lucky #765 (Generator, Plant #18316) at 830 feet	<0.1	<0.01	<0.01
Blossom Shell (Gas Station, Plant #112337) at 940 feet	<0.1	-	<0.01
Conoco Phillips (Gas Station, Plant #100834) at 560 feet	1.2	-	0.01
Valero Refining (Gas Station, Plant #110366) at 800 feet	1.5	-	0.01
Chevron (Gas Station, Plant #103876) at 1,000 feet	1.4	-	0.01
Combined Sources	15.3 (infant)	0.17	0.12
BAAQMD Threshold – Combined Sources	*>100*	*>0.8*	*>10.0*
Exceed Threshold?	**No**	**No**	**No**

Cumulative GHG Impacts

The proposed project and past, present, present and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in Section 4.8, *Greenhouse Gas Emissions,* the project's operational emissions would be below the 2.6 MT CO_2e/per service population/year efficiency metric (for 2030); the project would, therefore, not result in significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact.

Cumulative Cultural Resources and Geology Impacts

The project would have no impact on historic or tribal cultural resources and, therefore, would not combine impacts to these resources with other projects or contribute to any cumulative impacts to these resources.

The geographic area for archaeological resources and human remains is the project area of potential effect (APE) identified by the archaeological literature search completed by *Holman & Associates*. The project APE is limited to the project site. The current and future projects identified in this section are approximately two miles away from the site and would not have the potential to combine impacts to archaeological resources and human remains with the proposed project.

The geographic area for cumulative geological impacts would be locations within the immediate vicinity of the site, since geological impacts are limited to the project site and nearby properties.

There are no other current or future projects within the vicinity of the project site. Therefore, the project has no potential to combine impacts to geological resources or soils with other projects.

Cumulative Hydrology and Utilities Impacts

The geographic area for cumulative hydrology and water quality impacts is the Guadalupe River watershed. Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions. All projects occurring within San José would be required to implement the same standard permit conditions related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance if greater than one acre). In addition, all current and probable future projects identified in this section would be required to meet applicable MRP, City Council Policy 6-24, and City Council Policy 8-14 requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts.

The geographic area for cumulative utility and service systems is the City boundaries. The project would incrementally contribute to cumulative demands on utilities and service systems (water, sewer, solid waste, storm drainage). Implementation of the proposed project would not cause the City to exceed water demand projections, which are primarily based on population and employment growth disclosed in the City's most recent Urban Water Management Plan. The proposed project and identified current and probable projects are consistent with the growth assumptions in the San José - Santa Clara Regional Wastewater Facility Plant Master Plan. For this reason, the implementation of the project's combined impacts to the wastewater plant would not result in the need for construction of new wastewater treatment facilities or expansion of existing facilities beyond the improvements assumed in the Plant Master Plan. The proposed mixed-use development and other current and probable projects in the City that are consistent with the General Plan would, therefore, not result in significant cumulative wastewater utility impacts.

The final drainage system design for each of the cumulative projects would be subject to review and approval by the City of San José Public Works Department, who would confirm that the proposed drainage system for each project is consistent with the City's stormwater-related conditions of approval and NPDES regulations. Therefore, the combined projects would not result in a significant cumulative impact to storm drainage systems.

As discussed in the Section 4.19, *Utilities and Service Systems*, the landfills serving the project site and the City as a whole, have remaining capacity to serve the region through 2030. Based on the above reasons, the combined projects would not result in significant cumulative impacts to the City's water, sewer, solid waste and storm drainage facilities.

The project would not impact relocate natural gas, electricity or telecommunications lines, which would result in no cumulative impact since the project has no potential to combine impacts to these lines with other projects in the City.

Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to trees includes the project site and adjacent parcels. There are no current or reasonably foreseeable projects adjacent to the project site. Therefore, the project would not have the potential to result in combined impacts to trees.

The geographic area for cumulative impacts to sensitive habitats such as wetland, riparian habitats, and serpentine habitats, and special-status species would be Santa Clara County. The project would have no impact on riparian, wetland habitats or special-status species, and therefore, would not combine impacts to these habitats with other projects elsewhere.

The project applicant will pay applicable Habitat Plan fees to offset the cumulative effects of nitrogen deposition from new vehicle trips to serpentine habitats protected by the Habitat Plan.

The geographic area for cumulative impacts to migratory wildlife would be Santa Clara County. Construction of projects throughout the County, including the proposed project, could result in a significant cumulative impact on nesting birds. Each project is subject to federal, state, and local regulations (including the MBTA, Fish and Game Code, and CEQA), which would avoid and/or minimize impacts to nesting birds. The project, with the implementation of mitigation measure MM BIO-1.1- MM BIO-1.4 to comply with the MBTA and Fish and Game Code, would not result in a cumulatively considerable contribution to a significant cumulative impact to nesting birds.

Cumulative Population and Housing Impacts

The geographic area for cumulative population and housing impacts is defined as the City of San José. The proposed project would a construct 147 apartment units which would accommodate approximately 470 residents. The iStar/Great Oaks residential project, in which 301 multi-family units are being constructed, will accommodate up to 963 residents.[93] The Communications Hill residential component (approved and/or under construction) would accommodate a maximum of 7,040 residents. All three projects are consistent with planned growth and assumptions established in the General Plan. The combined project, as well as other projects consistent with the City's General Plan, would not cause the City to exceed General Plan or planned growth projections.

The project site contains a commercial building and no existing residences. Therefore, the project would not result in combined impacts to the displacement of people housing.

Cumulative Public Services and Recreation Impacts

The geographic area for cumulative public services and recreation facilities is the City's boundaries. The proposed project would be a mixed-use development with 470 residents and approximately 50 employees. The increase in the resident population and employees could increase the demand for fire protection services. The projects would be built to applicable Fire Code standards. Based on the General Plan EIR conclusions, new SCFD and SCPD facilities or expansion of current facilities would not be required to provide adequate fire protection services for projects under the General Plan. For these reasons, the combined effects of police and fire service demands of the proposed project, and other projects in the City, would result in a less than significant cumulative impact on

[93] The number of residents is estimated using the City's average persons per household, which is 3.2.

police and fire services and facilities. The project applicant for the proposed project, and other cumulative residential projects in the City result in an increase in students at the Oak Grove School District and East Side Union High School Districts, and would pay the school impacts fees pursuant to California Government Code Section 65996 to offset the increased demands on school facilities caused by the individual projects. The combined projects would not result in an exceedance of student projections in these districts beyond what was assumed in the General Plan. For these reasons, the combined projects would result in a less than significant cumulative impact to public services.

The proposed projects, and other current or probable future residential projects within the City would generate new residents. All projects generating new residents are required to comply with the City's requirements for parkland dedication, provisions of public space, and/or payment of in-lieu fees to minimize impacts of new residents on existing park and recreation facilities. The combined projects would, therefore, not result in cumulative impacts to recreational services or facilities.

Cumulative Land Use Impacts

The geographic area for cumulative land use impacts is the project's immediate vicinity. Since there are no current or probable future projects within the project site's immediate vicinity, the project would not result in cumulative land use impacts.

Cumulative Hazards and Hazardous Materials and Impacts

The geographic area for cumulative hazardous materials impacts would be the immediate vicinity of the site. There are no current or future projects located within the vicinity of the project site. Based on soil sampling results, the soils on-site do not contain hazardous levels of organochlorine pesticides, arsenic or lead. With the implementation of standard permit conditions, demolition of the existing on-site building would not result in the exposure of lead and asbestos at adjacent properties. Given the distance of the nearest probable/current project from the proposed project, the project would not have a potential to combine hazardous materials impacts with other projects in the area.

The project would not result in an aircraft hazard given the project site is not located within an AIA of a Comprehensive Land Use Plan and is not located within an FAA height restriction area for new structures. The project would, therefore, not result in cumulative impacts due to aircraft hazards when combined with the impacts of other projects.

(Less than Significant with Mitigation)

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project applicant proposes to redevelop an infill location in San José, and it is anticipated that short-term effects resulting from construction would be substantially offset by meeting the long-term environmental

goals (such as increased building energy efficiency) for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the CBC. The proposed project would be designed to achieve minimum Green Point certification consistent with San José's Green Building Policies. The project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water.

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

SECTION 5.0 REFERENCES

Association of Bay Area Governments. *Projections 2013.* August 2013.

Association of Bay Area Governments. *Regional Housing Need Allocation (2014 – 2022)*. July 19, 2012.

Association of Environmental Professionals. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. October 2016.

BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. Accessed May 7, 2019. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Apartments Low Rise.

California Air Resources Board (CARB). *Overview: Diesel Exhaust and Health*. Accessed May 7, 2019. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

California Building Standards Commission. *California Building Standards Code: 2016 Triennial Edition of Title 24*. Accessed May 7, 2019. https://www.dgs.ca.gov/BSC/Codes.

California Department of Conservation. *Santa Clara County Important Farmland 2016 Map*. Published September 2018. Accessed February 19, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf.

California Department of Conservation. *Santa Clara County Tsunami Inundation USGS 24K Quads*. Accessed May 4, 2019. https://www.conservation.ca.gov/cgs/tsunami/maps.

California Department of Education. *DataQuest*. Accessed April 11, 2019. https://dq.cde.ca.gov/dataquest/.

California Department of Finance. *Table 2: E-5 City/County Population and Housing Estimates for Cities, Counties and the State, January 2011-2019, with 2010 Benchmark.* Accessed May 7, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

California Department of Forestry and Fire Protection. *Santa Clara County FHSZ Map*. November 6, 2007. Accessed May 7, 2019. http://calfire.ca.gov/fire_prevention/fhsz_maps_santaclara.php.

California Department of Forestry and Fire Protection (CAL FIRE). *Fire Hazard Severity Zone Viewer*. Accessed April 2, 2019. http://egis.fire.ca.gov/FHSZ/.

California Department of Tax and Fee Administration. *Net Taxable Gasoline Gallons*. Accessed: May 7, 2019. Available at: https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.

California Department of Toxic Substances Control. DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List). Accessed April 30, 2019. https://www.dtsc.ca.gov/sitecleanup/cortese_list.cfm.

California Department of Transportation. *California Scenic Highway Mapping System: Santa Clara County.* Accessed May 7, 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

California Energy Commission. *Energy Consumption Data Management System*. "Electricity Consumption by County." Accessed: April 19, 2019. Available at: http://ecdms.energy.ca.gov/elecbycounty.aspx.

California Energy Commission. *Natural Gas Consumption by County*. Accessed: April 19, 2019. Available at: http://ecdms.energy.ca.gov/gasbycounty.aspx.

California Energy Commission. *Staff Final Report 2017 Natural Gas Market Trends and Outlook*. Accessed April 19, 2019. Available at: https://efiling.energy.ca.gov/getdocument.aspx?tn=222400.

California Geological Survey. EQ Zapp: *California Earthquake Hazards Zone Application*. https://www.conservation.ca.gov/cgs/geohazards/eq-zapp. Accessed February 21, 2019.

California Geological Survey. *Fault Activity Map of California (2010)*. Accessed May 3, 2019. http://maps.conservation.ca.gov/cgs/fam/.

California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* Order No. Re-2015-0049, NPDES Permit No. CAS612008. Adopted November 19, 2015. Accessed May 7, 2019. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/.

City of San José. *Affordable Housing Investment Plan (FY 2017/18 – FY 2021/22)*. May 8, 2017.

City of San José. *Envision San José 2040 General Plan.* November 2011.

- *Envision San José 2040 General Plan Final Program Environmental Impact Report.* November 2011.

City of San José. *Community Center Activity Brochures.* Accessed April 11, 2019. http://www.sanjoseca.gov/index.aspx?NID=3058.

City of San José. *Greenprint 2009 Update*. Page 104. December 8, 2009.
City of San José. *Historic Resources Inventory*. Accessed May 7, 2019. Available at: http://www.sanjoseca.gov/DocumentCenter/View/35475.

City of San José. *Municipal Code*. Last Updated April 5, 2019. https://library.municode.com/ca/san_jose/codes/code_of_ordinances.

City of San José. *Post-Construction Hydromodification Management, Policy Number 8-14.* Effective Date October 18, 2005. Revised Date: February 23, 2010. Accessed May 4, 2019. https://www.sanjoseca.gov/DocumentCenter/Home/View/369.

City of San José. File No. PRE17-145: *Mixed-use development with 160-170, 100% Affordable Housing Units and 18,060 SF of Commercial Space on a 2-acre site: 397 Blossom Hill Road, San José. 30-day Review Letter.* September 8, 2017.

City of San José. *San José Area School Districts.* Accessed April 11, 2019. https://www.sanjoseca.gov/DocumentCenter/View/1351.

City of San José. *Water Retailer Service Area Map*. January 26, 2011. Accessed April 18, 2019. https://www.sanjoseca.gov/DocumentCenter/View/6252.

City of San José, Department of Planning, Building and Code Enforcement. *Development Activity Highlights and Five-Year Forecast (2020-2024).* February 2010.

City of San José, Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Accessed May 7, 2019. http://sanjoseca.gov/DocumentCenter/View/66219.

County of Santa Clara, Department of Planning and Development. *Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents*. November 16, 2016. Accessed April 11, 2019. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

East Side Union High School District. School Boundaries. Accessed April 11, 2019. http://www.esuhsd.org/Community/School-Boundaries/.

Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No. 06085C0223H*. Effective Date: May 18, 2009.

Great Oaks Water Company. *2015 Urban Water Management Plan.* 2015.

Hexagon Transportation Consultants. *397 Blossom Hill Road Affordable Housing Development: Transportation Analysis*. October 23, 2019.

Holman & Associates. *Results of Presence/Absence Exploration of 397 Blossom Hill Senior Housing Project, San José, Santa Clara County*. March 15, 2019.

- *Results of a Section 106 Archaeological Literature Search and Initial Native American Consultation for 397 Blossom Hill Senior Housing Project, San José, Santa Clara County.* January 10, 2019.

H.T. Harvey & Associates. *397 Blossom Hill Road Arborist Report.* June 11, 2018.

Illingworth & Rodkin, Inc. *397 Blossom Hill Road Air Quality and Greenhouse Gas Assessment*. March 4, 2019.

Illingworth & Rodkin, Inc. *397 Blossom Hill Road Environmental Noise and Vibration Assessment.* February 27, 2019

Oak Grove School District. *Schools.* Accessed April 11, 2019. https://www.ogsd.net/apps/pages/index.jsp?uREC_ID=586611&type=d&pREC_ID=1248441

Running Moose Environmental Consulting. *HUD Explosive and Fire Hazards Review, 397 Blossom Hill Senior Housing Development*. September 14, 2018.

San José Fire Department. *Stations.* Accessed April 11, 2019. http://www.sanjoseca.gov/index.aspx?NID=755.

San José Police Department. *Bureau of Field Operations.* Accessed April 11, 2019. http://www.sjpd.org/bfo/.

San José Police Department. *My Neighborhood Update FAQs.* Accessed April 11, 2019. http://www.sjpd.org/crimestats/policedatafaq.html.

San José Public Library. Location and Hours. Accessed April 11, 2019. https://www.sjpl.org/locations.

San José – Santa Clara Regional Wastewater Facility. *2018 Annual Self-Monitoring Report*. Accessed April 18, 2019. http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/3507.

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

Santa Clara County Department of Planning and Development. *Williamson Act and Open Space Easement*. Map. Accessed May 7, 2019. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012.

Santa Clara Valley Urban Runoff Pollution Prevention Program. *Guadalupe Watershed*. Accessed April 16, 2019. http://www.scvurppp-w2k.com/ws_guadalupe.shtml.

Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management Applicability Map: San José*. Accessed May 4, 2019. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

Santa Clara Valley Water District. *Groundwater Management*. Accessed April 17, 2019. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.

SLR. *Phase I Environmental Site Assessment: 397 Blossom Hill Road, San José, California.* August 2017.

- *Phase II Environmental Site Assessment Report: 397 Blossom Hill Road, San José, California.* December 2018.

South Bay Water Recycling. *Recycled Water Pipeline System*. June 28, 2011. Accessed April 18, 2019. https://www.sanjoseca.gov/DocumentCenter/View/4692.

The White House. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards.* August 28, 2012. Accessed May 7, 2019. https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.

TRC Companies, Inc. *Geotechnical Investigation*. November 2016.

U.S. Department of Energy. *Energy Independence & Security Act of 2007*. Accessed: May 7, 2019. Available at: http://www.afdc.energy.gov/laws/eisa.

U.S. Department of the Interior, National Park Service. *National Register Bulletin*: *Guidelines for Evaluating and Nominating Properties that Have Achieved Significance within the Past Fifty Years*. Originally published 1979 (last revised 1998). https://www.nps.gov/nr/publications/bulletins/nrb22/. Accessed February 19, 2019.

U.S. Energy Information Administration. *Natural Gas*. Accessed: April 19, 2019. Available at: https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

U.S. Energy Information Administration. *State Profile and Energy Estimates, 2016.* Accessed: April 19, 2019. Available at: https://www.eia.gov/state/?sid=CA#tabs-2.

U.S. Environmental Protection Agency. *Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007.* Accessed: May 7, 2019. Available at: http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

U.S. Environmental Protection Agency. *Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles*. Accessed: May 7, 2019. Available at: https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23.

U.S. Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014–2043*. Revised August 2016. Accessed: May 7, 2019. Available at: https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.

Personal Communications

Personal Communication: Jew, Chris, East Side Union High School District. *Re: Student Generation Rates for Multi-Family Affordable Housing Projects*. April 12, 2019.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building and Code Enforcement
Cassandra van der Zweep, Supervising Environmental Planner
Reema Mahamood, Planner III

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Judy Shanley, President and Principal Project Manager
Amber Sharpe, Project Manager
Zach Dill, Graphic Artist

Hexagon Transportation Consultants
Transportation Consultants
Brian Jackson, Senior Associate

Holman & Associates
Cultural/Archaeological Resources Consultants
Sunshine Psota, Senior Associate

H.T. Harvey & Associates
Ecological Consultants/Arborists
Matt Pollock, Arborist

Illingworth & Rodkin
Air Quality and GHG Consultants, Noise Consultants
James Reyff, Principal (Air Quality)
Mimi McNamara, Staff Consultant (Air Quality)
Dana M. Lodico, PE, Senior Consultant (Noise)

Silicon Valley Soil Engineering
Geotechnical Consultants
Sean Deivert, Project Manager

SLR International Corporation
Hazardous Materials Consultants
Hugo Vasquez, Project Engineer
Mark Trevor, Senior Geologist
Julia Hamilton, Staff Scientist