Initial Study

Page Street Housing Project

File Numbers: SP17-037 and AT18-012

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

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ACRONYMS AND ABBREVIATIONS

AB 52	Assembly Bill 52
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AIA	Airport influence Area
amsl	above mean sea level
AP	Alquist-Priolo Earthquake Fault Zoning
APN	Assessor's Parcel Number
BCDC	Bay Conservation and Development Commission
BMP	Best Management Practice
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalFIRE	California Department of Forestry and Fire Protection
CalGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CGS	California Geological Survey
CH4	methane
CHRIS	California Historical Resources Information System
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DPF	diesel particulate filters
DPM	diesel particulate matter

DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRMs	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
gpd	gallons per day
GHGs	greenhouse gases
HAPs	Hazardous Air Pollutants
HI	Hazard Index
HMP	Hydromodification Management Plan
HOV	High-Occupancy Vehicle
HRI	Historic Resources Inventory
HSP	Health and Safety Plan
ITE	Institute of Transportation Engineers
IWMP	Integrated Waste Management Plan
LID	Low Impact Development
LOS	Level of Service
MT	metric tons
MTC	Metropolitan Transportation Commission
MND	Mitigated Negative Declaration
NAHC	Native American Heritage Commission
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NOD	Notice of Determination
NOI	Notice of Intent
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OSHA	Occupational Safety and Health Administration
PDA	Priority Development Areas
PDO	Parkland Dedication Ordinance
PIO	Park Impact Ordinance
PM	particulate matter

PM_{10}	respirable particulate matter
$PM_{2.5}$	fine particulate matter
ppm	parts per million
PPV	Peak Particle Velocity
RAW	Removal Action Workplan
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SCVWD	Santa Clara Valley Water District
SHMA	Seismic Hazards Mapping Act
SHPO	State Office of Historic Preservation
SJIA	Norman Y. Mineta San José International Airport
SJFP	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SJWC	San José Water Company
SLF	Sacred Land Files
SMP	Site Management Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TDM	Transportation Demand Management
TIA	Traffic Impact Analysis
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for the proposed Page Street Housing 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 applicant proposes to remove five existing residential buildings and ancillary structures and construct a five-story apartment development with 81 studio units and one three-bedroom unit on a 0.7-acre site, located on 329, 341, and 353 Page Street in the City of San José. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Reema Mahamood, Planner
City of San José
Department of Planning, Building & Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of 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

Page Street Housing Project (File Numbers SP17-037 and AT18-012)

2.2 LEAD AGENCY CONTACT

Reema Mahamood, Planner
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
Phone: (408) 535-3844
Email: reema.mahamood@sanjoseca.gov

2.3 PROJECT APPLICANT

Ms. Sandra Heredia, Project Manager
Charities Housing
1400 Parkmoor Avenue, Suite 190
San José, CA 95126
Phone: (408) 550-8308
Email: sheredia@charitieshousing.org

2.4 PROJECT LOCATION

The project site is located at 329, 341, and 353 Page Street in the City of San José. The site is bordered by Page Street to the east, a single-family residence to the south, a multi-family residence to the west, and a single-family residence to the north. Figures 2.2-1, 2.2-2 and 2.2-3 show the location of the project site and surrounding uses.

2.5 ASSESSOR'S PARCEL NUMBER

The following are the Assessor's Parcel Numbers (APNs) for the project site:

- 329 Page Street: 277-20-044
- 341 Page Street: 277-20-045
- 353 Page Street: 277-20-046

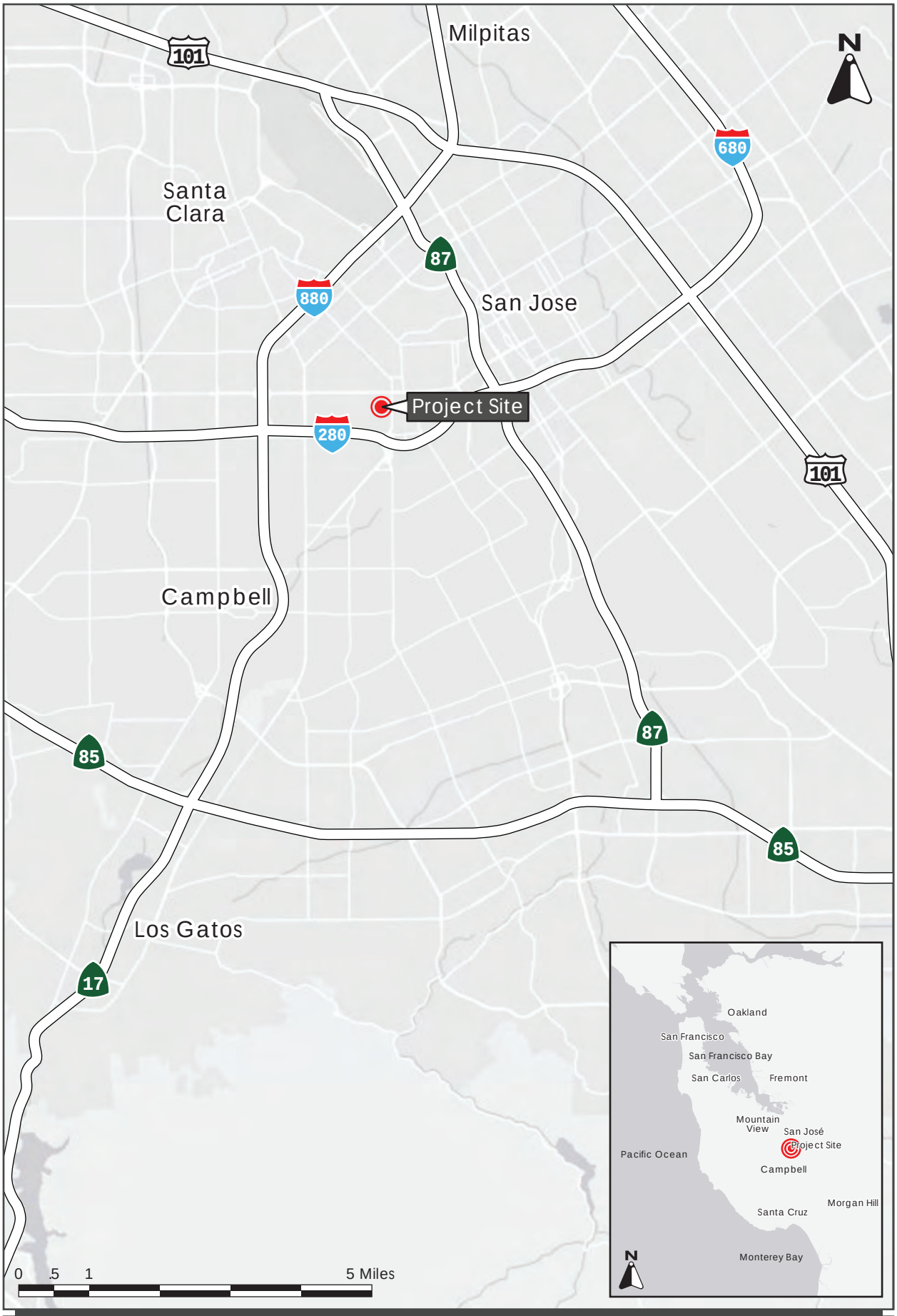
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The site is designated *Urban Village* under the Envision San José 2040 General Plan (General Plan).

The site is zoned *R-M – Multiple Residence District*.

2.7 HABITAT PLAN DESIGNATION

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



REGIONAL MAP | FIGURE 2.2-1

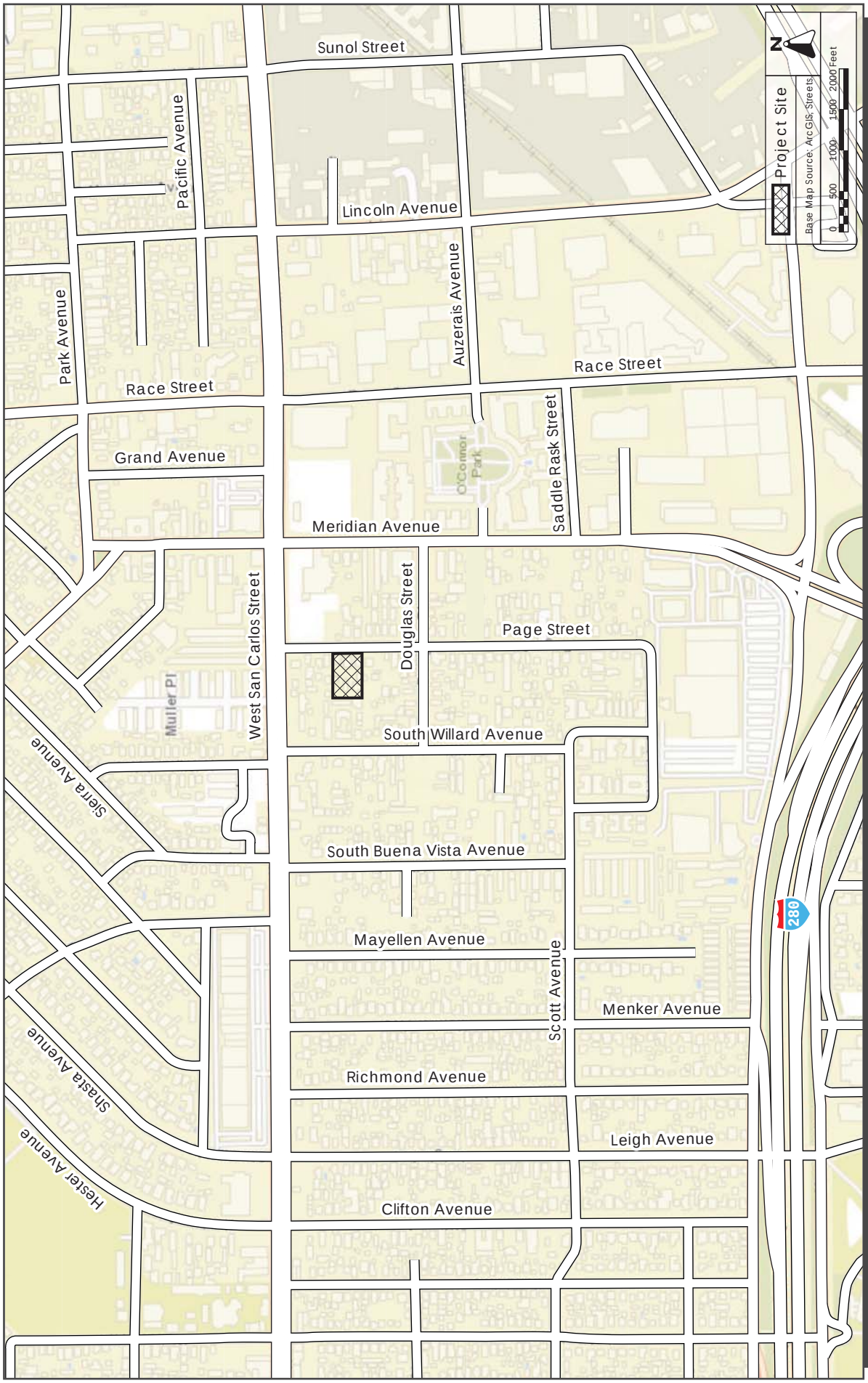
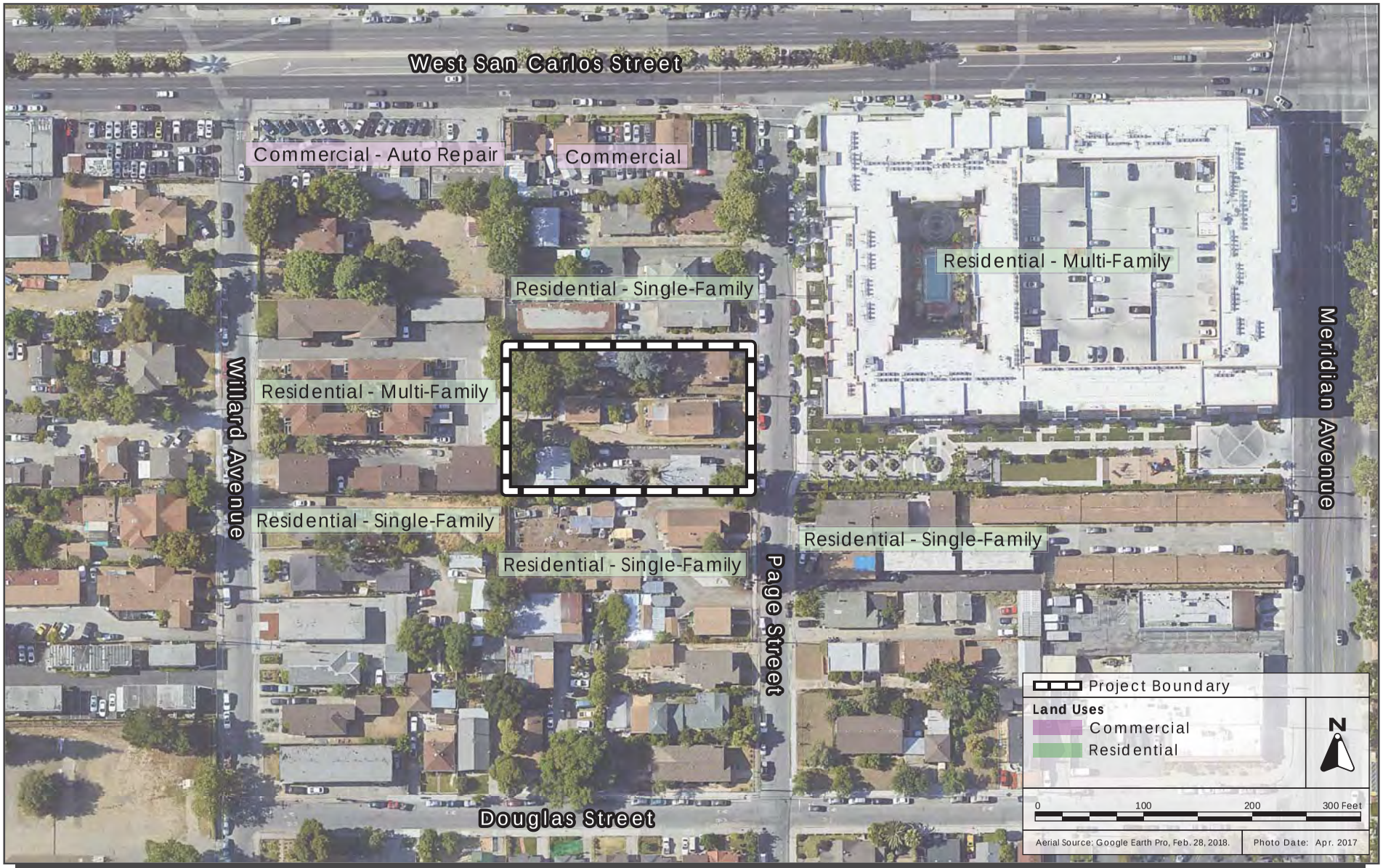


FIGURE 2.2-2

VICINITY MAP



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.2-3

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project applicant would require a *Special Use Permit* to allow the demolition of the five residential buildings and ancillary structures and construction of an 82- unit apartment development with parking lifts. The project applicant would also require a *Lot Line Adjustment* to combine the three existing parcels into one parcel. Under the State Density Bonus law, concessions/waivers will be required to allow the reduced number of motorcycle parking spaces and the rear setback distance from the proposed building to the property line.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

This Initial Study provides project-level CEQA analysis for a *Special Use Permit* to allow the demolition of five residential buildings and ancillary structures, removal of 17 ordinance-sized trees, and construction of a five-story apartment development on a 0.7-acre project site (APNs 277-20-044, -045, and -046) located at 329, 341, 353 Page Street in San José.

3.1.1 Existing Setting

The site is located in a residential and commercial area and is bordered by Page Street and a three- to five-story mixed-use development to the east across Page Street, a single-family residence to the south, multi-family residences to the west, and a single-family residence to the north. The commercial corridor of West San Carlos Street is located approximately 220 feet north of the site. The site is currently developed with a one-story house divided into two residential units (duplex), an unoccupied two-story single-family house and cottage, and a one-story multi-family residence with three residential units and a cottage to the rear of the building, ancillary structures, and landscaping. A total of five residential units are occupied by tenants at the site including the two duplex units, two units in the multi-family residence, and the cottage unit to the rear of the multi-family residence.

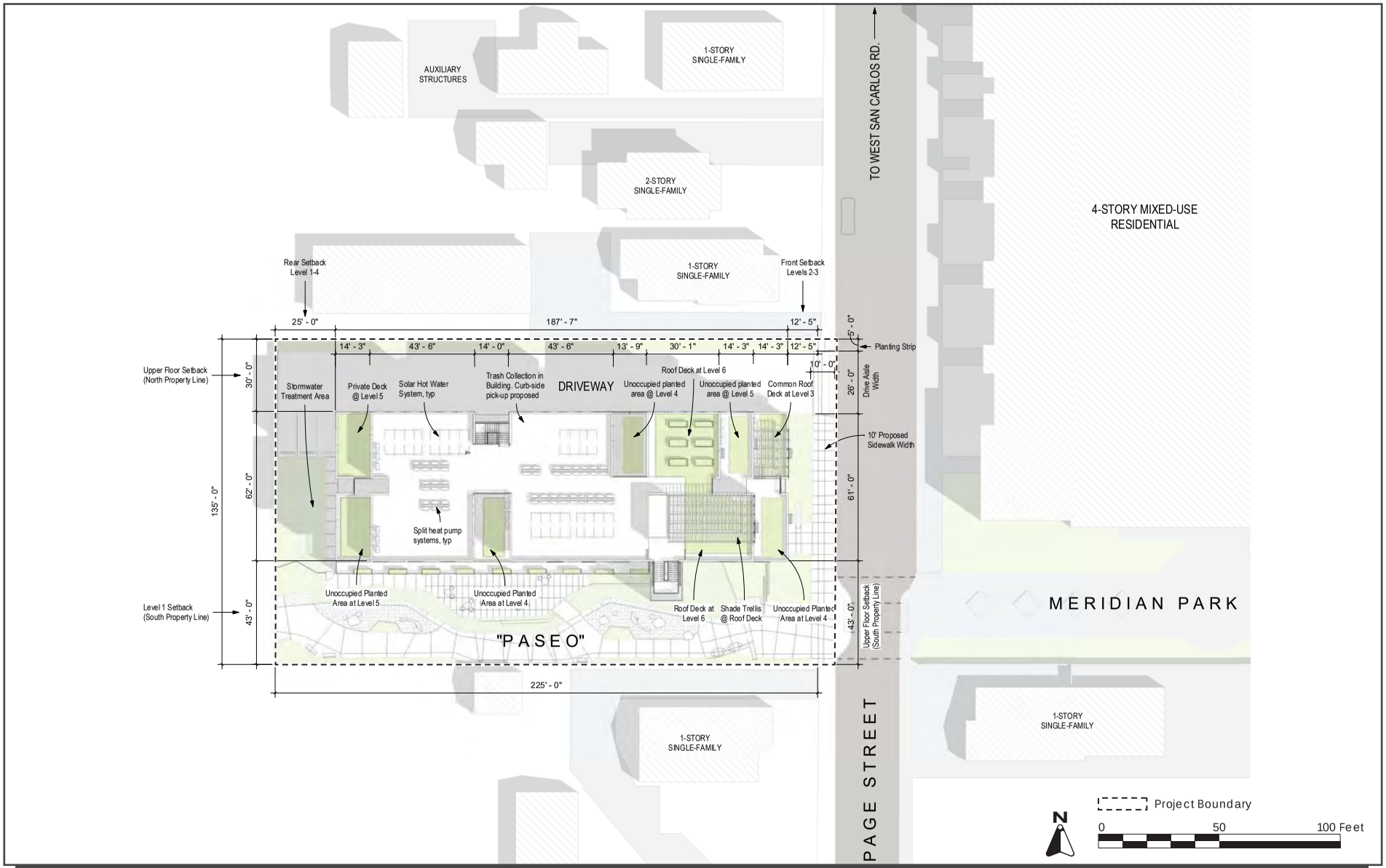
3.1.1.1 *Existing Land Use Designations and Zoning*

The project site is located in the *R-M – Multiple Residence District* zoning district and is designated *Urban Village* under the Envision San José 2040 General Plan (General Plan) and West San Carlos Urban Village Plan (Urban Village Plan). The project site is in the West San Carlos Urban Village Plan area, which is consistent with planned growth established in the General Plan. The Urban Village Plan consists of four character areas: Commercial Gateway, Bascom Commercial, Mixed-Use Commercial and Mixed-Use Residential Character Areas. The site is in the *Mixed-Use Residential Character Area*, which is envisioned for higher-density mixed-use and residential development, ranging from three to seven stories. Designated land uses are included in the character area. The *Urban Village* designation supports mixed-use and residential development on parcels of at least 0.5 acres in size and allows a density of 55 to 250 dwelling units per acre.

3.2 PROPOSED DEVELOPMENT

3.2.1 Site Design

The project applicant proposes to remove the existing residences, pavement, and trees, and construct a five-story apartment development with 81 affordable studio units and one three-bedroom manager's unit. The proposed development would front Page Street and include a lobby, offices, community room, lounge, kitchen, laundry area and parking on the ground floor, studio units on floors two through four, and a three bedroom manager's unit and studio units on the fifth floor. The maximum height of the building would be approximately 60 feet at the top of the roof and 69.5 feet at the top of the penthouse. The proposed building would be stepped back from Page Street, with three stories fronting Page Street stepping up to six stories then down to five stories at the rear of the building (refer to Figures 3.2-1, 3.2-2, and 3.2-3 for the site plan and building elevations).



SITE PLAN

FIGURE 3.2-1

Page Street Elevation (East)

Rear Elevation (West)

BUILDING ELEVATION (EAST AND WEST) | FIGURE 3.2-2

North Elevation

South Elevation

BUILDING ELEVATIONS (NORTH AND SOUTH) | FIGURE 3.2-3

The proposed building would include 2,170 square feet of common roof deck areas on the third floor and top of the roof, a private deck attached to the three-bedroom manager's unit on the fifth floor, and private balconies attached to 51 studio units spread across the second through fifth floors.

The proposed development would include a common 8,844 square foot paseo and park area on the southern section of the site which would have a paved pedestrian walkway, a patio with outdoor seating, landscaping, and children's play areas. The paseo and park area would be available to the public during daytime hours and secured via a sliding gate during the nighttime hours. The proposed paseo would connect to a future paseo to the west of the site and an existing paseo immediately to the east of Page Street, adjacent to the mixed-use development. The landscape plan would include shrubs, groundcover, and approximately 31 new trees that would be situated along the perimeter and in the paseo and park area.

The proposed apartment building (ground floor) would have a front setback of 13.7 feet from Page Street, side setbacks of 30 to 38 feet from the property lines of adjacent residences to the north and south, and a rear setback of 25 feet from the property line to the west.

3.2.1.1 *Site Access and Parking*

Vehicles would access parking via a new 26-foot wide driveway on Page Street at the northeast corner of the site. The proposed development includes 55 lift parking spaces, six surface parking spaces, and 82 bicycle parking spaces on the building's ground floor, and two motorcycle spaces to the rear of the building at the northwest corner of the site.

The parking lift system would be a multi-parking system which would provide independent vehicle parking spaces on two to three levels. Vehicles would enter the parking system via the ground floor. The shifting of parking spaces would be controlled by a resident-operated panel. Parking spaces on the upper floors would move vertically and the ground floor spaces would move horizontally. At the ground floor, there would always be one vacant space to allow the ground floor spaces to shift sideways. This would enable the parking spaces on the upper levels to be lowered to the ground level, allowing vehicles to exit the parking system.

3.2.1.2 *Utilities*

Stormwater runoff from the site would be collected via new six-inch storm drains which would be directed to bio retention areas on the project site. Stormwater from the site would be treated, then directed to a proposed 15-inch storm drain on Page Street, which would connect to the City's existing 15-inch storm drain on West San Carlos Street.

The project would require construction of a new six-inch sanitary sewer line, which would connect to an existing six-inch sewer line on Page Street. A fire service (approximately six-inch diameter water line), a fire hydrant, a drinking water, and irrigation water lines would connect to the existing six-inch water line on Page Street.

Electricity and gas would be provided by Pacific Gas & Electric and solid waste would be collected by Green Team of San José.

3.2.2 Demolition and Construction

The duration of demolition of the existing building and construction of the proposed development would take approximately 20 months.[1] The project would require excavation and off-haul of approximately 3,750 cubic yards of soil (3,500 cubic yards to be removed for garage pits and 250 cubic yards to be removed for remediation). No soil would be imported to the site. Equipment would be staged on-site and at the drive aisles immediately to the north and south of the site. The types of equipment that would be used for construction include bulldozers, loaders, compactors, backhoes, and other small earthmoving equipment.

[1] It is estimated that construction would start in March 2019 and end in November 2020.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

Important Note to the Reader

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

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

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

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.[2] California State Route 9 is approximately 7.5 miles southwest of the project site, and is not visible from the 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-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways .
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and 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.

[2] California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed March 6, 2018. Available at: 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-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

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 0.7-acre project site is flat and is developed with five residential buildings including a one-story house divided into two residential units and a garage structure (APN 277-20-044), a vacant two-story single-family house and a one-story cottage (APN 27-20-045), a one-story house divided into three residential units and a cottage to the rear of the house (APN 27-20-046), and ancillary structures (refer to Photos 1-3 for existing site uses).

The structures on the site were constructed between 1912 and 1932. The one-story house with two units is primarily made of stucco and has a front porch and a gable-styled roof; the garage structure to the rear of this house is dilapidated and has a façade of horizontal wood siding (APN 277-20-044). The vacant two-story house with steps that lead to a front porch and the cottage/secondary dwelling unit (to the rear of the house) have facades of wood siding and gable-styled roofs (APN 277-20-045). The garage structure to the rear of the two-story house is has a façade of vertical wood siding and stucco.

The one-story house divided into three residential units and the cottage/secondary dwelling unit to the rear of the house has a façade of wood and concrete with gable-styled roofs (APN 277-20-046). The garage to the rear of the three unit house has a façade of wood siding and a slanted roof. Each

parcel/property has a graveled or concrete driveway that which allows vehicles to access the units to the rear of the properties.

The site contains landscaping, including front lawn areas and trees. There are a total of 23 trees on-site, including 17 mature trees. Trees on-site include tree of heaven, lemon bottlebrush, Japanese loquat, boxelder, ginkgo, blue atlas cedar, California pepper, avocado, orange, lemon, olive, and cordyline trees. Of the 23 trees, 22 are non-native and one is native (boxelder) to the San José area.

Surrounding Area

The project site is surrounded by one to two-story residences to the north and south, two-story multi-family residences to the west, and a five story mixed-use development (with apartment units and ground floor retail) across Page Street to the east (refer to Photos 2-4 for views of surrounding uses). The facades of the one to two-story residences to the north and south are made of stucco and wood siding, gable and hip roofs. The two-story multi-family residences to the west front Willard Avenue and have facades made of stucco, brick, and wood siding with concrete driveways gable and hip roofs. A modern three to five-story modern mixed-use development immediately to the east fronts Page and West San Carlos Streets with facades primarily of stucco and brick. The portion of the development fronting Page Street has a height of up to four stories. The adjacent mixed-use development includes a paseo with landscaping, a concrete pedestrian path, playground and outdoor seating south of the building.

Scenic Vistas and Resources

Scenic vistas in San José or the San José area include hillsides and mountains that frame the valley floor, the baylands, and the urban skyline, particularly high-rise development. There are no baylands visible from the project area. Hillsides visible from the City include the foothills of the Diablo Range and Silver Creek Hills to the east, the Santa Cruz Mountains to the west, and Santa Teresa Hills to the south.

The project site is relatively level and is located in the Central San José Planning Area/West San Carlos Urban Village area. Prominent views of the mountains are limited because existing buildings, trees, and infrastructure (e.g., utility lines) obscure viewpoints.

The project area is developed, and no natural scenic resources such as rock outcroppings are present on the site or in the project area. Of the 23 trees on-site, 17 are in poor or fair condition with some structural defects, including the native boxelder on-site.

Scenic Corridors

The project site is not located along a state-designated scenic highway. The nearest state-designated highway is State Route 9, approximately 7.5 miles southwest of the site (at the SR 17 interchange).

Photo 1: View of the on-site one-story (with two residential units) units and two-story single-family residence, looking west from Page Street.

Photo 2: View of the on-site one-story residential building with three residential units, looking west from Page Street.

Photo 3: View of multi-family residences adjacent and to the to the west of the site, looking east from Willard Avenue

Photo 4: Views of Page Street from site's frontage looking north toward West San Carlos Street and the four-story mixed-use development across the street from the site.

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 Throughways to the site are Interstate 280, approximately 0.4 mile south of the site, and State Route 87 which is 1.2 miles east of the site. The nearest Gateway segments to the site are Bird Avenue/South Montgomery Street (from Park Avenue to Coe Avenue), approximately 0.8 mile east of the site, and Stevens Creek Boulevard (from South Monroe Street to South Bascom Avenue), approximately 0.9 mile west of the site. Due to the site's flat topography, existing development, elevated landscaped areas that block views from I-280, and distance from the site, the project site is not visible from these Throughways or Gateways.

4.1.2 Checklist and Discussion of Impacts

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

4.1.2.1 *Impacts to Scenic Vistas*
(Checklist Question a)

The project site is developed with residences and ancillary structures and is not considered a scenic vista. The project site is surrounded by residential and commercial development and not adjacent to a scenic vista. Due to surrounding development currently obstructing views of scenic vistas (such as hillsides), the proposed five-story development would not block views of these vistas from residences in the project area. The project is located within a developed urban area, and there are no scenic vistas that would be impacted by the proposed project.

As described above, due to the existing development and distance from the site to the nearest scenic corridors, Gateways, and Urban Throughways, the proposed development would not have a substantial effect on a scenic vista. **(No Impact)**

4.1.2.2 *Impacts to Scenic Resources*
(Checklist Question b)

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

Trees can be considered scenic resources. The project applicant proposes to remove the existing 23 trees on-site. Of the 23 trees on-site, 17 are in poor or fair condition with some structural defects, including the native boxelder on-site. The project applicant proposes to plant new trees to offset the aesthetic impacts resulting from the removal of the existing trees. For these reasons described above, the project would not result in a significant impact to scenic resources. **(Less Than Significant Impact)**

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

The project site is developed with five, one to two story residential buildings. The project applicant proposes to demolish the existing structures and develop a five-story residential development with 82 apartment units. The project site is surrounded by one to two story residential developments to the north, west, and south and a modern five story mixed-used development to the east (with a height of up to four stories fronting Page Street). The maximum height of the proposed building would be 60 feet at the top of the roof and 69.5 feet at the top of the penthouse. The facades of the proposed development would be made up of cement, timber siding, aluminum glass storefront, with aluminum patio doors and windows and metal guiderails on the balconies. The paseo and park area would include a pedestrian pathway with decorative paving, landscaping, outdoor seating and two children's play areas.

The proposed project would be consistent with the West San Carlos Urban Village Plan Policy UD-3.4 which requires the integration of new development into the existing residential neighborhood by providing transitions and a compatible scale. The proposed building would be stepped back from Page Street to ensure the project's scale is compatible with the existing neighborhood, including one to two-story residences and the three to five story mixed use/residential development across Page Street (as shown in Figures 4.1-1, 4.1-2, 4.1-3, and 4.1-4).

The project complies with the building forms and layout guidelines which encourage upper floor stepbacks to have changes in plane. The guidelines also require a minimum 15-foot setback from a common property for buildings next to existing single-family residences. The project would provide adequate setbacks with a front setback of 13.7 feet from Page Street, side setbacks of 30 to 38 feet from the property lines of adjacent residences to the north and south, and a rear setback of 25 feet from the property line to the west. The project would comply with the ground floor interface guidelines in the Plan including the placement of landscaping within setbacks of the proposed development.

SITE PERSPECTIVE LOCATIONS | FIGURE 4.1-1

BUILDING PERSPECTIVE FROM SINGLE-FAMILY RESIDENCES ACROSS PAGE STREET | FIGURE 4.1-2

BUILDING PERSPECTIVE FROM MULTI-FAMILY RESIDENCES ON PAGE STREET | FIGURE 4.1-3

BUILDING PERSPECTIVE LOOKING SOUTHWEST ON PAGE STREET | FIGURE 4.1-4

Given the project's compliance with the Urban Village Plan's design guidelines, the project would be generally compatible with the visual character of the surroundings. Development under the proposed project would be reviewed in accordance with the City's Residential Design Guidelines during the Planning Permit stage as part of the City's planning review process. For this reason and those stated above, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **(Less Than Significant Impact)**

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

The project site is located in an urban area with residential and commercial developments and vehicular traffic. The project site is currently developed with five occupied residential units and three unoccupied units. The existing uses result in minimal light and glare from porch lights and lights within the occupied residences.

The project applicant proposes to construct six stories of residential development. The project would include security lights, parking garage lights, and decorative outdoor lighting. 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 Design Guidelines. As a result, the project would not significantly impact adjacent uses with daytime glare from building materials. **(Less Than Significant Impact)**

4.1.3 Conclusion

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

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State Regulations

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

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

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 2014 Map designates the project site as *Urban and Built-Up Land*.[3] *Urban and Built-Up Land* is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site

[3] California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed: November 20, 2017. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

is currently developed with five residences and is zoned *R-M, Multiple Residence District*. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

4.2.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1, 6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 3
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	1, 7
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 3, 6

4.2.2.1 *Impacts to Agricultural and Forestry Resources*
(Checklist Questions a, b, c, d, and e)

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

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. According to the *Santa Clara County Important Farmland 2014* map, the project site and surrounding area are designated as Urban and Built-Up Land. Development of

the project site would not result in conversion of any forest or farmlands. For these reasons, the project would have no impact on agricultural and forestry resources. **(No Impact)**

4.2.3 Conclusion

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

4.3 AIR QUALITY

This section is based in part upon the Page Street Housing Toxic Air Contaminant (TAC) Assessment and the Page Street Housing Air Quality and GHG Assessment completed by *Illingworth & Rodkin, Inc.* in August 2018, respectively. The reports are included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

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

Regional

Regional and Local Criteria Pollutants

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

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

Particulate matter is pollutant that exceeds state Air Quality Standards in the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels

aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

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

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

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

Clean Air Plan

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

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

Envision San José 2040 General Plan

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

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-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.3.1.2 *Existing Conditions*

Climate and Topography

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

Regional and Local Air Pollutant Levels

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

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 West San Carlos Street, approximately 220 feet north of the site, and Meridian Avenue, 500 feet east of the site. One BAAQMD-permitted stationary TAC source is within 1,000 feet of the site. The stationary TAC source is an emergency generator with a diesel generator operated by San José Water Company, located at 420 Buena Vista Avenue, approximately 930 feet southwest of the site.

Sensitive Receptors

The Bay Area Air Quality Management District 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 nearest sensitive receptors are residences within 25 feet to the north, west, and south of the site.

Odors

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

The project site is in a residential and commercial area and is not surrounded by facilities that produce substantial odors. An automobile repair center is located on 1470 West San Carlos Street, approximately 135 feet northwest of the site. The localized exhaust from automobiles results from operations of the repair center but does not produce substantial odors.

4.3.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1, 8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1, 9, 10
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1, 10
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, 10
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1, 3

BAAQMD adopted thresholds of significance to assist the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD reports air pollution emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 4.3-1.

As previously discussed in *Section 3.0*, in December 2015, the California Supreme Court issued an opinion in *CBIA v. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies (refer to *Section 3.3.1.2*) that address existing conditions affecting a proposed project, which are discussed below as operational issues.

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

4.3.2.1 *Consistency with Clean Air Plan*

(Checklist Question a)

BAAQMD is the agency primarily responsible for assuring the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recent adopted plan is the Bay Area 2017 Clean Air Plan. Determining consistency with the 2017 CAP involves assessing whether applicable control measures in the 2017 Clean Air Plan are implemented. Implementation of control measures improve air quality and protect health. As shown in Table 4.3-2, 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.
(Less Than Significant Impact)

Table 4.3-2: Bay Area 2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project applicant proposes multi-family residential development at an infill, urban location in proximity to bus routes 23, 63, 65, 81, 323, and 902, and 0.4 mile from the Race Street Light Rail Station. The project includes 82 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 82 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 crosswalk is located at the corner of Page Street and West San Carlos Street, approximately 200 feet north of the site. The nearest bicycle route/facility is located on Douglas Street, approximately 270 feet south 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 residential development of multi-family residential units at an infill, urban location in proximity to bus routes and the Race Street Light Rail Station. The project, therefore, is consistent with this measure.
Building Control Measures		
Green Building	Identify barriers to effective local implementation of the CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Program and the California Green Building Standards Code (CalGreen). The project, therefore, is consistent with this measure.
Decarbonize Buildings	Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	The project would include a solar hot water system. The project, therefore, is consistent with this measure.

Table 4.3-2: Bay Area 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	The project would locate vehicle parking for the residents in parking garages on the below-grade and first floors of the proposed building. In addition, the project would plant new landscaping and trees. These features would minimize surface parking and reduce the project's heat island effect. The project, therefore, is consistent with this measure.
Waste Management Control Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The 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.

4.3.2.2 *Impacts Related to Criteria Air Pollutants Emissions*

(Checklist Questions b and c)

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.

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 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 3.3-3 summarizes the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-3: Summary of Daily Project Construction Emissions

	ROG	**NO_X**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
	(pounds per day)			
Average Daily Emissions	5.0	19.6	1.0	1.0
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Exceeds Threshold?	**No**	**No**	**No**	**No**

Note:
It is assumed construction duration of the project would be 400 work days.

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by residents of the proposed development. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are other typical emissions from residential of 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 4.3-4 summarizes the project's estimated operational emissions and shows that emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would be below BAAQMD significance thresholds. The project would, therefore, not result in a cumulatively considerable increase in criteria air pollutants from operational emissions**. (Less Than Significant Impact)**

Table 4.3-4: Summary of Project Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2021 Project Operational Emissions (*tons/year*)	0.34 tons	0.50 tons	0.38 tons	0.11 tons
Existing Uses	0.05 tons	0.04 tons	0.03 tons	0.01 tons
Net Increase	**0.29 tons**	**0.46 tons**	**0.35 tons**	**0.10 tons**
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	**No**	**No**	**No**	**No**
2021 Project Operational Emissions (*lbs/day*)	**1.59 lbs.**	**2.52 lbs.**	**1.92 lbs.**	**0.55 lbs.**
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**

Effects on Air Quality Standards

As discussed above, the project would have emissions below the BAAQMD thresholds for ozone precursors and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. 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 highly localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at levels that are below state and federal standards in the Bay Area since

the early 1990s. As a result, the region has been designated as in attainment for the carbon monoxide standard.

The highest measured level of carbon monoxide over any eight-hour period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes below the BAAQMD screening criteria[4] and, therefore, the project would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. **(Less Than Significant Impact)**

4.3.2.3 *Impacts Related to Nearby Sensitive Receptors*

(Checklist Question d)

The project would introduce a new source of temporary TACs during project construction (e.g., diesel-operated construction equipment) near existing sensitive receptors.[5] 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 previously, 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, however, may still pose community health risks for sensitive receptors such as nearby residents. The closest sensitive receptors to the project site are residences located to the north, west and south. Other nearby receptors are existing residences to the east, across Page Street.

The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Given there are existing residences immediately adjacent to the project site, diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

Impact AIR-1: The project would result in a maximum residential cancer risk during construction activities that would exceed the BAAQMD significance threshold. **(Significant Impact)**

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

MM AIR-1.1: Exhaust emissions reduction: Prior to issuance of any grading or demolition permits, the project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would reduce diesel particulate matter (DPM) emissions. One feasible plan to achieve this reduction would include the following measures:

[4] For a land-use project type, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

[5] The project would not be introducing a substantial source of operational-related, localized TACs. No stationary sources of TACs, such as generators, are proposed as part of the project.

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, USEPA particulate matter emissions standards for Tier 4 engines or equivalent.

- Other measures could be used to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. The use of equipment that includes Tier 2 engines and CARB-certified Level 3 Diesel Particulate Filters (DPF), or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.

- Other measures may include the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level.

- The project applicant shall include these DPM reduction measures in the construction contract documents. A copy of the relevant pages shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of any grading or demolition permits.

Implementation of standard permit conditions and **MM AIR-1.1** would reduce on-site diesel exhaust emissions and would result in a less than significant impact on nearby sensitive receptors.[6] **(Less Than Significant Impact with Mitigation)**

4.3.2.4 *Impacts from Odors*
(Checklist Question e)

Odors are general 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. Residential developments, 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)**

4.3.2.5 *Existing Air Quality Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g., air

[6] Construction equipment with Tier 4 engines or the equivalent uses engine technology that has the least diesel-exhaust when compared to other engines (Tier 2 or Tier 3). Based on email correspondence with Illingworth & Rodkin, Inc. (with James Reyff on February 9, 2018), the use of Tier 4 equipment is assumed to reduce construction equipment diesel emissions at the site to a less than significant level.

quality) affecting a proposed project, which are addressed below. In accordance with General Plan Policy MS-11.1, an analysis using BAAQMD screening tools was completed to assess the health risk of TAC emissions sources near the proposed residential development. 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 West San Carlos Street (220 feet north of the site) and Meridian Avenue (approximately 500 feet east of the site) since local roadways with traffic volumes over 10,000 vehicles per day and within 1,000 feet of the site could have a significant effect on future residents of the site. 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

West San Carlos Street

The average daily traffic (ADT) volume on West San Carlos Street, west of Meridian Avenue, is estimated to be approximately 23,095 vehicles. This estimate was based on the peak-hour traffic volumes included in the project's traffic analysis for background plus project conditions. Using the BAAQMD Roadway Screening Analysis Calculator for east-west directional roadways, estimated cancer risk from roadway traffic would be 3.61 per million and $PM_{2.5}$ concentration would be 0.132 $\mu g/m^3$. The chronic or acute Hazard Index (HI) for the roadway would be below 0.01. The results were below BAAQMD screening thresholds; therefore, the TAC emissions from traffic on West San Carlos Street would not have a significant effect on future residents of the site.

Meridian Avenue

The ADT volume on Meridian Avenue, south of West San Carlos Street, is estimated to be approximately 17,755 vehicles. Using the BAAQMD Roadway Screening Analysis Calculator for north-south directional roadways estimated cancer risk from the roadway traffic would be 0.95 per million and $PM_{2.5}$ concentration would be 0.028 $\mu g/m^3$. The chronic or acute HI for the roadway would be below 0.01. The results were below BAAQMD screening thresholds; therefore, the TAC emissions from traffic on Meridian Avenue would not have a significant effect on future residents of the site.

Stationary Sources

One permitted stationary source of TAC emissions within 1,000 feet of the project site was identified using BAAQMD's Stationary Source Risk & Hazard Analysis Tool.

The stationary source is referred to as the *Plant 19794,* a nearby emergency generator with a diesel engine operated by San José Water Company located at 420 Buena Vista Avenue. Based on

inspection of aerial views, this source is estimated to be approximately 900 feet from the nearest residential locations at the site. The estimated adjusted cancer risk from this stationary source would be 3.04 per million and adjusted PM2.5 concentration would be below 0.01 µg/m3. The adjusted chronic or acute HI for the stationary source would be below 0.01. The results were below BAAQMD screening threshold for single stationary sources; therefore, the TAC emissions from this source 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 the sources within 1,000 feet of the project site were also addressed by summing the contributions of each upon the site. This includes emissions from W. San Carlos Street, Meridian Avenue, and a nearby emergency generator with diesel engine. A summary of these sources and the community risk levels are shown in Table 4.3-4.

Table 4.3-4: 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
West San Carlos St. at 200 feet (at the second-story of the proposed development)	220 feet	3.61	0.132	<0.01
Meridian Avenue at approximately 500 feet (at the second-story of the proposed development),	500 feet	0.95	0.028	<0.01
Plant 19794, San José Water Company diesel generator at 420 Buena Vista Avenue	900 feet	3.04	<0.01	<0.01
Total		<7.6	<0.17	<0.03
BAAQMD Threshold – Single Sources		>10	>0.3	>1.0
BAAQMD Threshold – Cumulative Sources		>100	>0.8	>10.0
Threshold Exceeded?		**No**	**No**	**No**

Source: *Illingworth & Rodkin Inc., Page Street Housing TAC Assessment, San José, California. April 20, 2018.*

The individual and combined impacts from the noted sources (West San Carlos Street, Meridian Avenue, and diesel-operated emergency generator) 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 health risk to future site occupants.

4.3.3 Conclusion

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

4.4 BIOLOGICAL RESOURCES

The following section is based in part upon a Tree Report prepared by *HortScience, Inc.* in July 2017. This report is included in Appendix B of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protections

Federal and state laws also protect most bird species. The federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

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

Sensitive Habitats

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

Regional and City of San José

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was approved in 2013 and covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), US Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

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

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree, regardless of tree size or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

City of San José Riparian Corridor Policy Study

The City of San José's Riparian Corridor defines a riparian corridor as any stream channel, including the area up to the bank full-flow line, as well as all riparian (streamside vegetation) in contiguous adjacent uplands. The policy states that riparian setbacks should be measured 100 feet from the

outside edges of riparian habitat or the top of bank, whichever is greater. The project site does not fall within a riparian setback.

The nearest riparian corridor is Los Gatos Creek, approximately 0.7 mile east of the project site.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Biological Resources	
Migratory Birds	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Urban Natural Interface	
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
Community Forest	
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.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

4.4.1.2 *Existing Conditions*

The project site is located in an urbanized area near downtown San José. The site is currently developed with five residential buildings, ancillary structures, and paved and graveled driveways. Vegetation on-site includes limited areas of grasses, trees, and shrubs. There are no wetlands or riparian areas on or adjacent to the site. The nearest waterway to the site is Los Gatos Creek, approximately 0.7 mile to the east.

Trees

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

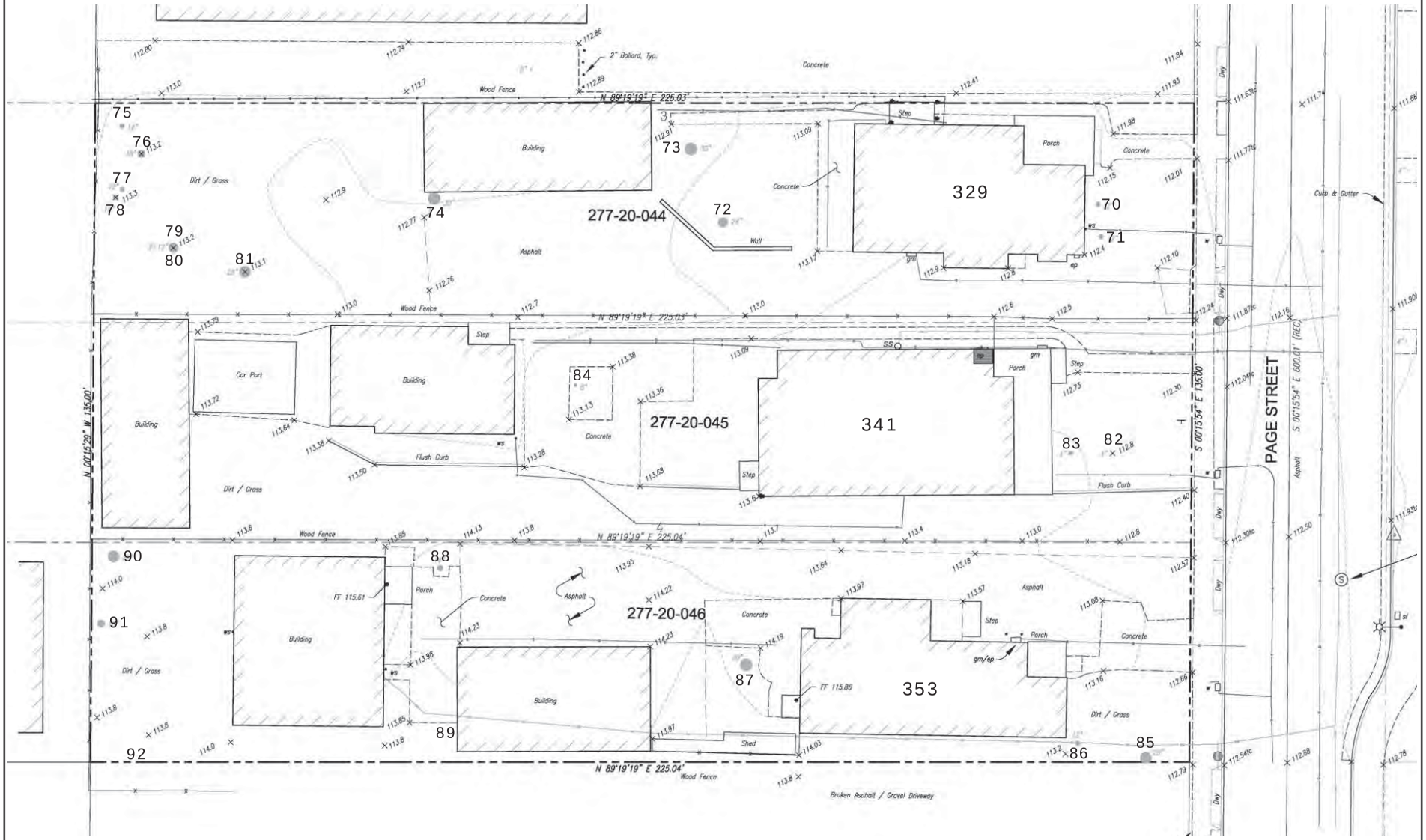
There are a total of 23 trees located on-site. Trees located on the project site are primarily non-native species that vary in size and levels of health. There is one native tree present on-site (Tree No. 87, Boxelder tree[7]). Table 4.4-1 lists all trees identified on the project site. The location of the trees is shown on Figure 4.4-1.

Table 4.4-1: Tree Species Observed On-Site

Tree #	Common Name	Scientific Name	Trunk Diameter*
70	**Lemon bottlebrush**	***Melaleuca citrina***	**13**
71	Lemon bottlebrush	*Melaleuca citrina*	10
72	**Ginkgo**	***Ginkgo biloba***	**24**
73	**Blue Atlas cedar**	***Cedrus atlantica 'Glauca'***	**30**
74	**Tree of heaven**	***Ailanthus altissima***	**16, 13, 11**
75	**Tree of heaven**	***Ailanthus altissima***	**20**
76	**Tree of heaven**	***Ailanthus altissima***	**13, 11**
77	Tree of heaven	*Ailanthus altissima*	11
78	**Tree of heaven**	***Ailanthus altissima***	**13**
79	**Tree of heaven**	***Ailanthus altissima***	**15**
80	**Tree of heaven**	***Ailanthus altissima***	**14**
81	**Tree of heaven**	***Ailanthus altissima***	**24**
82	Avocado	*Persea americana*	4
83	Orange	*Citrus sinensis*	3, 3, 2
84	Lemon	*Citrus limon*	8
85	**California pepper**	***Schinus molle***	**24**
86	**Cordyline**	***Cordyline australis***	**12, 9, 6**
87	**Boxelder[1]**	***Acer negundo***	**30**
88	**Japanese loquat**	***Eriobotrya japonica***	**16**
89	**Japanese loquat**	***Eriobotrya japonica***	**13, 10**
90	**Tree of heaven**	***Ailanthus altissima***	**16, 14, 13, 11**
91	**Olive**	***Olea europaea***	**20**
92	Tree of heaven	*Ailanthus altissima*	6

Notes: *Ordinance sized trees are 12.1+ inches in trunk diameter.
Bold = Ordinance sized tree
[1] The boxelder tree is native to San José but not indigenous to the site.

[7] The Boxelder tree is native to the San José area but not indigenous to the project site.



Source: Hort Science.

TREE LOCATION MAP | FIGURE 4.4-1

Special Status Species

Special-status species are those plants and animals listed under the state and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the CDFW. Additionally, nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Since the native vegetation of the area is no longer present on-site, with the exception of the Boxelder tree,[8] native wildlife species have been supplanted by species that are more compatible with an urbanized area. Given there are 17 mature trees on the project site, there is a potential for birds to nest or forage on the site.

4.4.2 Checklist and Discussion of Impacts

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

[8] The existing Boxelder tree on-site is native to the San José area but not indigenous to the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1, 12

4.4.2.1 *Impacts to Special Status and Protected Species*
(Checklist Questions a and d)

The project site is developed with five residential buildings and has been developed since at least the 1930s. The site is 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 directly impact special-status species. **(Less Than Significant Impact)**

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

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

4.4.2.3 *Impacts to Wildlife Movement*
(Checklist Question d)

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

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

The project applicant proposes to remove the 23 existing trees on the project site, including 17 mature/ ordinance-sized trees. The project would plant 31 replacement trees to offset the impacts of tree removal on nesting birds.

Construction activities such as site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact. The project shall implement the following mitigation measure as a condition of approval for the project.

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

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

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

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

MM BIO-1.3: Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction activities, the biologist, 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 on active bird nests that may be present.

MM BIO-1.4: Reporting: The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner of Planning, Building and Code Enforcement prior to issuance of any grading or building permits.

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

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

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

As mentioned previously, there are 23 trees on-site. Of the 23 live trees, there are 17 ordinance-sized trees. All 23 trees on-site would be removed from the site. As part of the project's Standard Permit Conditions, all trees removed as a result of the project would be required to be replaced in accordance with applicable laws, policies, or guidelines, including:

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

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

Table 4.4-2: Tree Replacement Ratios

Circumference of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more[3]	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

[1] As measured 4.5 feet above ground level

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

[3] Ordinance-sized tree

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

A 38-inch tree equals 12.1 inches in diameter.

A 19-inch tree equals 6.1 inches in diameter.

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

In accordance with City policy, tree replacement would be implemented as shown on Table 4.4-2. The total number of trees required to be planted on-site would be 80. The species to be planted

would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

If the project cannot replace removed trees according to Table 4.4-2, one or more of the following measures will be implemented, to the satisfaction of the City's Supervising Environmental Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation may be made to Our City Forest or similar organization for in-lieu tree planting in the community. Such donation will be equal to the cost of the required replacement trees, including associated installation costs, for off-site tree planting in the local community. A receipt for any such donation will be provided to the City of San José Planning Project Manager prior to issuance of a grading permit.

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

4.4.2.5 *Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)*

(Checklist Question f)

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

Nitrogen Deposition Impacts on Serpentine Habitat

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

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative

habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the HCP/NCCP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following standard permit condition.

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

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

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

4.4.3 Conclusion

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

4.5 CULTURAL RESOURCES

A historic evaluation of the site was completed by Archives & Architecture in April 2018, which is included in Appendix C of this Initial Study. A cultural resources literature search and Native American consultation was completed by *Holman & Associates, Inc.* in April 2018, in compliance with CEQA and the Section 106 process of the National Historic Preservation Act as amended (NHPA). The literature review is on file at the City of San José's Planning, Building and Coding Department.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

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

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

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

State

California Register of Historical Resources

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

used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and state significance. They are:

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

State Regulations Regarding Cultural and Paleontological Resources

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

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

Assembly Bill 52 - Tribal Cultural Resources

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

Paleontological Resources Regulations

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

paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José Municipal Code – Historic Preservation Ordinance

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

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

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

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

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

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

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

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

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

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Cultural Resources Policies

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

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

4.5.1.2 *Existing Conditions*

Historic Resources

The 0.7-acre project site is developed with five residential buildings including a one-story house divided into two residential units and a garage structure (APN 277-20-044), a vacant two-story single-family house and a one-story cottage (APN 27-20-045), a one-story house divided into three residential units and a cottage to the rear of the house (APN 27-20-046), and ancillary structures.

The project site was a part of the Maypark Half Acres Subdivision, which was established in 1908. The lots in this subdivision averaged 90 feet wide and 225 feet deep in size. At the time, the project area was considered the Burbank Community (annexed into the City of San José in November 2008). The residences on the site were constructed or relocated to the site between 1912 and 1932. The site was developed during a period when land developers attempted to market rural subdivisions (with their own gardens and chickens) within proximity to local urban employment areas. This type of development was popularized during the first and second decades of the twentieth century and during the World War II era (to a less extent). Most of the half acres lots in the area were later re-subdivided into small lots. Many of the remnant large lots were redeveloped into commercial and multi-family uses during the post-war period. The subdivision, as it exists today, no longer represents the early phase of development that occurred during the decades subsequent to 1908.

Given the age of the on-site structures, a historic evaluation was completed for each of the three parcels to assess the historic significance of the residences in accordance with the California Register of Historical Resources and City of San José policies and regulations related to historic resources. Based on the evaluation of the three parcels, none of the residents associated with the property are known to be historically significant personages during their occupancy. Most of the men were artisans or laborers, and the directories do not list occupations associated with female tenants.

The three properties do not qualify for a Structure of Merit listing on the City's Historic Resources Inventory, and, therefore, would not meet the minimum qualifications for designation as a City Landmark. None of the properties were considered eligible for the California Register of Historical Resources under any of the criteria.

<u>329 Page Street (APN 277-20-044)</u>

The one story-house wood-framed house with two residential units at 329 Page Street (APN 277-20-044) is a Craftsman-styled house that was constructed in 1915. The house is rectangular in shape, covered by an asphalt shingled, front-gabled roof. The wood-wall framing sits on a concrete foundation and is covered with stucco. The house has a front porch and a patio comprised of concrete at grade, and basement access doors. The property includes a dilapidated garage structure to the rear of the house. Based on the historic evaluation of the 329 Page Street house, the design of the house's front façade has detailing that defines its character in the context of the early twentieth century Craftsman houses.

The 329 Page Street property was the southern half of the residential lot to the north established in 1908. The single-family residence on this property was built around 1915 and the lot was split off from the house lot to the north.

Based on the historic evaluation completed for the 329 Page Street property, the property is not eligible for the California Register of Historical Resources under any of the criteria, since it does not represent adequately a significant pattern of development of the City nor is associated with important events and is not associated in a primary or secondary way with people important to our past. Although the house can be distinguished as a 1915 Craftsman house for its sensitive design and good condition, it is not a distinctive representation of Craftsman residential architecture that was spread throughout the region in the first quarter of the twentieth century.

The property does not qualify for a Structure of Merit listing on the San José Historic Resources Inventory, and, therefore, would not meet the minimum qualifications for designation as a City Landmark.

341 Page Street (APN 277-20-045)

The vacant two-story house with steps that lead to the front porch and cottage/secondary dwelling unit are comprised of wood siding and gable-styled roofs (APN 277-20-045). The wood-framed two story house is a National style building, constructed sometime in the nineteenth century and relocated to the site in 1912. The garage structure to the rear of the two-story house is comprised of vertical wood siding and stucco.

The site was developed within the first four years after establishment of the Maypark Half Acres subdivision in the community of Burbank. The house is generally rectangular in shape, covered by an asphalt shingled, front-and-rear gabled steeply pitched roof.

The single-family residence on the front portion of this property was likely relocated onto the site around 1912 and was cited on the north half of what was then a larger half-acre parcel. The south half of this parcel, that now contains residences at 349 and 353 Page Street, was later split off from the house 341 Page Street lot and is no longer part of the property's parcel. The owner of the original half acre lot at the time of development was Louis Brimhall, a carpenter.

The designs of the residences on-site are simple in form, and the primary house has been modified and is no longer representative of its nineteenth century origins. The property is not eligible for the California Register of Historical Resources under any of the Criteria, as the property does not represent adequately a significant pattern of development of the city nor is associated with important events and is not associated in a primary or secondary way with people important to our past. Although these two houses can be identified from their era of construction, they lack sensitive residential design and are not in good condition. They are not distinctive representations of their time and period in architecture.

353 Page Street (APN 277-20-046)

The one-story house divided into three residential units and a cottage/secondary dwelling unit to the rear of the house are comprised of wood and concrete with gable-styled roofs (APN 277-20-046). The garage to the rear of the three unit house is comprised of wood siding and a slanted roof. The three-unit house was constructed or relocated to the site in 1924. The residence served as an owner-occupied residence from 1924 to mid-century. The rear secondary unit was constructed or relocated to the site between 1924 and 1932.

The wood wall-framing of the primary house sits on a concrete foundation, and the porches both have concrete bases. The front wing may have been the original front porch. The one-story house has modern replacements including the front doors to the units.

The 353 Page Street property was the southern half of a larger lot that included 341 Page Street. The larger lot was split by H.W. Linn in 1924 and sold to Robert E. Donovan. The primary house has been modified substantially with early additions to the front and side. The houses have been occupied by a number of residents over the years and have mostly been used as residential rental units except for the front house which was owner-occupied for approximately 25 years before being split into two units, and eventually split into three units.

The property is not eligible for the California Register of Historical Resources under any of the criteria since the property does not represent adequately a significant pattern of development of the City nor is associated with important events and is not associated in a primary or secondary way with people important to our past. Both buildings may have been relocated onto the site in the 1920s and 1930s, and their original form and use could not be determined. They are not distinctive representations of their time and period in architecture.

Archaeological Resources

Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources. In March 2018, *Holman & Associates* completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS).

Prehistoric Resources

The potential for accidental discovery of archaeological materials is considered moderate to high due to the historical development of the project footprint and the proximity to a waterway. The nearest waterway is Los Gatos Creek, approximately 0.7 mile east of the project site. Based on the cultural resources records search, no archaeological resources were recorded at the site or within one quarter mile of the site.

Historic Archaeological Resources

Historic-era maps for the project area were reviewed to identify the potential for archaeological resources in the project area. Based on the review of historical land use patterns, there is a low potential for historic archaeological deposits within the current project area.

Tribal Cultural Resources

As part of the archeological review, *Holman & Associates* contacted the Native American Heritage Commission (NAHC) in March 2018 to request a review of the Sacred Land Files (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 site. The NAHC provided a contact list of six Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. These tribal individuals/organizations were requested to provide their specific concerns about potential tribal resources in the area (if any). Based on the responses from the tribal representatives, no known tribal resources are located at or adjacent to the project site.

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 or near the ground surface.[9]

4.5.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 13
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 14
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1, 3
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1, 3, 7
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					1, 14

[9] City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report.* 2010.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☒	☐	1, 14
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1, 14

4.5.2.1 *Historic Resources (Structures)*
(Checklist Question a)

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

Based on the historical evaluation of the three parcels that make up the site (APN 277-20-044, -045, and -046), the properties are not listed nor are they eligible to be listed on the California Register, National Register or the City's Historic Resources Inventory.

Based on the cultural resources literature search, the nearest designated historic property to the site is a residence constructed in 1910 located at 319 Page Street, approximately 50 feet north of the site. The 329 Page Street residence and the historic residence (listed on the City's HRI) to the north are separated by another residential property. The project would not directly impact or require construction equipment that generates high vibration (such as pile driving) that would cause physical damage to the 319 Page Street residence.

For these reasons, the project would not result in a significant impact to historic resources on-site or in the area. **(Less than Significant Impact)]**

4.5.2.2 *Impacts to Archaeological Resources and Human Remains*
(Checklist Questions b and d)

Based on the cultural resources records search completed for the project, no pre-historic archaeological sites have been recorded within a quarter mile of the project site. The site was developed after the turn of the 19th century, and therefore, has a low potential for historic archaeological features. In the unlikely event archaeological resources (including human remains)

are encountered during excavation and construction, the following standard permit conditions would be implemented.

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

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, the project applicant shall ensure that all activity within a 50-foot radius of the find is stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement is notified, and a qualified archaeologist examines the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource pursuant to established guidelines; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then project activities shall avoid the find. Project personnel shall collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

- If construction activities cannot avoid the historical or archaeological resource, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center at Sonoma State University prior to issuance of occupancy permits.

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

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

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

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

4.5.2.3 *Impacts to Paleontological Resources*
(Checklist Question c)

The project site is located in an area of high paleontological sensitivity at depth, but not high sensitivity at the ground surface. [10] Additionally, soil on the project site has been previously disturbed during construction of the existing buildings. Development of the site under the proposed project is not expected to encounter paleontological resources.

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

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

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

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

4.5.2.4 *Impacts to Tribal Cultural Resources*
(Checklist Question e)

Based on consultation with the NAHC and tribal individuals/organizations, there are no known tribal cultural resources on the project site. None of the Native Americans tribes contacted expressed any concerns about the proposed project. The project, therefore, would not have a significant impact on tribal cultural resources. **(Less Than Significant Impact)**

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

4.5.3 Conclusion

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

4.6 GEOLOGY AND SOILS

This discussion is based in part upon a Geotechnical Report completed by *AMSO Consulting Engineers* in February 2017. A copy of this report is included in Appendix D of this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Code

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

Envision San José 2040 General Plan

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

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

City of San José Municipal Code

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

4.6.1.2 *Existing Conditions*

Regional Geology

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

On-Site Soils and Groundwater

The project site has an elevation that ranges from approximately 115 feet to 118 feet above mean sea level (amsl). Based on a subsurface investigation of the site in January 2017, native soils consist of clay, silt, and sand to depths of approximately 50 feet below ground surface. A surface layer of fill consisting of sandy silty clay with debris and remnants of bricks and concrete was found to approximately three feet. Below this layer of fill, the surface soils at the site consist of very sandy silty clay, which extended to approximately eight feet below ground surface. Below this layer of clay, very silty clayey fine sand, medium stiff silty clay, very stiff gravelly sandy clay interbedded with silty fine sand extended to the maximum depth of exploration of 50 feet below existing ground surface.

Based on the geotechnical exploration, very sandy silty clay soils to depths of approximately eight feet below ground surface have low plasticity and very low potential for expansion.

Groundwater was encountered during subsurface explorations at an average depth of 35 feet below ground surface. 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 Zone 4 for seismic activity, 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.[11]

Although the project site is within a seismically active region, the site is not located within the Alquist-Priolo Earthquake Fault Zone.[12] There are no known active faults that traverse the site and, therefore, the potential for earthquake-induced fault rupture across the site is very low. The closest active faults to the site are shown in Table 4.6-1. Given the proximity of the site to active faults, strong ground shaking could occur at the site and project area during a major earthquake.

[11] 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.
[12] California Department of Conservation. *CGS Information Warehouse: Regulatory Maps.* Accessed: February 23, 2018. Available at: http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

Table 4.6-1: Active Faults Near the Project Site		
Fault	Distance from the Site (in miles)	Maximum Magnitude
Monte Vista – Shannon	5.8	6.8
San Andreas	10.6	7.9
Hayward (total length)	10.6	7.1
Hayward (SE Extension)	7.5	6.4
Calaveras	10.6	6.8
Sargent	12.4	6.8
Zayante – Vergeles	16.1	6.8

Liquefaction

Liquefaction is the process by which saturated, non-cohesive soil (sand and silt) loses shear strength during seismic shaking. Liquefaction occurs when a saturated sand formation is subject to cyclic shaking. The shaking causes increased pore water pressure which reduces the effective stress, and therefore reduces the shear strength of the sand. Soils most susceptible to liquefaction are loose sands between layers of lower permeability soil.

The potential for liquefaction at the site was analyzed as a part of the geotechnical investigation. Based on the results of the liquefaction analysis, soils which underlie the site would not liquefy under the influence of a maximum credible earthquake and a ground water table as high as 35 feet below existing ground surface. Additionally, the site is not located within a California Geological Survey liquefaction hazard zone.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal ground displacements induced by soil liquefaction. Lateral spreading typically occurs on a gently sloping ground or on level ground adjacent to steep slopes. Given there are no liquefiable soils present at the site, the risk of lateral spreading is very low.

Landslides

The site is not located within an area zoned by the State of California as having potential for seismically induced landslide hazards.[13] The project site is relatively flat and, therefore, the probability of landsliding occurring at the site during a seismic event is low.

[13] California Geological Survey. *Seismic Hazard Zones, San José West Quadrangle*. February 2002.

4.6.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					1, 15
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☒	☐	1, 15
2. Strong seismic ground shaking?	☐	☐	☒	☐	1, 15
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 15
4. Landslides?	☐	☐	☐	☒	1, 3
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 3
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 15
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☒	☐	1, 15
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2.1 *Geologic Impacts from the Project*

(Checklist Questions a, b and c)

Seismic and Soil Impacts

(Checklist Questions a and b)

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. However, the site is not located within an Alquist-Priolo Fault Zone and the potential for fault rupture at the site is low.

Based on the liquefaction analysis, no liquefiable soils are present on the site and the site is not located within a State of California Liquefaction Hazard Zone. The site is flat and is not located within a Landslide Hazard Zone. The project site and surrounding areas would, therefore, have a low potential for liquefaction and lateral spreading during seismic events.

Standard Permit Condition: To avoid or minimize potential damage from seismic shaking, the project shall be built using standard engineering and seismic safety design techniques. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to peoples and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation shall be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. In accordance with Chapter 17.10 of the San José 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.

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

Soil Erosion Impacts
(Checklist Question c)

The site is developed and the majority of the site is paved with very little soil currently exposed. Ground disturbance would be required for demolition of the existing surface parking lots and buildings, grading, and construction of proposed development. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The Envision San José 2040 General Plan Final Environmental Impact Report (FEIR) concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion. Because the project would comply with the regulations identified in the Envision San José 2040 General Plan EIR, implementation of the proposed project would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

The project would be required as a condition of approval to implement the following measures, consistent with the regulations identified in the Envision San José 2040 General Plan FEIR, for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions:

- 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, if necessary, to divert runoff around excavations and graded areas.

With implementation of these measures and compliance with the City's grading ordinance, construction of the proposed project would have a less than significant impact. **(Less Than Significant Impact)**

Expansive Soils

(Checklist Question d)

Soils on the project site have a very low expansion potential based on the February 2017 geotechnical report. Any soils imported for the proposed project would comply with the recommendations in the design-level geotechnical report. In addition, the project shall implement the following standard permit condition as a condition of approval for the project.

Standard Permit Conditions: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, a grading permit shall be obtained prior to the issuance to Public Works for clearance.

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

Standard engineering practices, including the standard permit condition outlined above, will ensure that the future building on the site is designed properly to account for soils-related hazards on the site. With implementation of the standard permit conditions above, expansive soils on-site would not exacerbate risks to life and property. **(Less Than Significant Impact)**

Impacts of Alternative Wastewater Systems on Soils

(Checklist Question e)

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

4.6.2.2 *Existing Geology and Soils Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g., geologic hazards) affecting a proposed project, which are addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

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

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the Envision San José 2040 General Plan EIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

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

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 *Background Information*

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

4.7.1.2 *Regulatory Framework*

Federal

Clean Air Act

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

State

California Global Warming Solutions Act

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

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

Senate Bill 375 – Redesigning Communities to Reduce GHGs

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

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

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

Clean Car Standards

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

Regional

Bay Area Air Quality Management District

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

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

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

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

Post 2020-Impact Thresholds

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

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

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. The City of San José has developed updated GHG thresholds reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to a bright-line threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" bright-line threshold of 615 MTCO2e/year. This was calculated for 2030 based on the GHG reduction goals of SB32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

Local

Envision San José 2040 General Plan

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

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as amended) as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[14]

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,

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

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

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

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

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policy	Description
Action MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

City of San José Municipal Code

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

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

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

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

4.7.1.3 *Existing Conditions*

The existing project site is developed with five occupied residential units. GHG emissions generated by the current uses are primarily generated from vehicles traveling trips to and from the site. The GHG emissions generated from existing uses is approximately 40 MT/CO2e/year.

4.7.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1, 10
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1, 8

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 to achieve the state's 2020 target of 1990 GHG levels.

The project is anticipated to begin operations in April 2021. Although BAAQMD has yet to publish a threshold for 2030, for the purposes of this Initial Study, the bright-line threshold of 622 MT of

CO_2e per year is utilized[15]. This bright-line threshold or efficiency metric of 2.6 MT CO_2e per service population/year efficiency threshold are needed to meet the 2030 target based on the GHG reduction goals of SB32/EO B-30-15, and the projected 2030 statewide population and employment levels.[16]

4.7.2.1 *Greenhouse Gas Emissions Impacts*
(Checklist Questions a and b)

Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The emissions summary calculations (see Appendix A) for the construction phase of the project show that the project would generate approximately 350 metric tons (MT) of CO_2e.

Because construction would be temporary (approximately 20 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32. **(Less Than Significant Impact)**

Operational Emissions

Operational GHG emissions for the proposed project were estimated using the CalEEMod model, along with the project vehicle trip generation rates. In 2021, annual emissions resulting from operation of the proposed project are predicted to be 502 MT of CO2e per year. Since the operational emissions is below the 622 MT of CO_2e per year bright-line operational emissions threshold, the project would not result in a significant impact to the environment from GHG emissions.

San José Greenhouse Gas Reduction Strategy

The project would comply with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy.

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

[15] The 622 MT of CO2e is based on information provided by an air quality/GHG expert, James Reyff, Illingworth & Rodkin, Inc. May 9, 2018. The metric is based on the ratio of 2.6 MT CO2e per service population per year/4.6 MT CO2e per service population/year = 0.565 = 622 MT CO2e per year/1,100 MT CO2e per year

[16] Sources: 1) Association of Environmental Professionals. "Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." October 18, 2016. Available at: https://www.califaep.org/images/climate-change/AEP-2016_Final_White_Paper.pdf. 2) California Department of Finance, Demographic Research Unit. "Total Estimated and Projected Population for California and Counties: July 1, 2010 to July 1, 2060 in 5-year Increments." February 2017. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Projections/. 3) Caltrans. "California County-Level Economic Forecast 2017-2050." September 2017. Available at: http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2017/FullReport2017.pdf.

Mandatory Criteria

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

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

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

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

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

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

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

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

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

- Transit passes for residents to encourage bus and light rail transit use.
- Secure bicycle parking will be provided for all units to encourage bicycle use.
- Page Street Housing is located in the West San Carlos Urban Village and is within a short walking distance of a number of stores, restaurants, and parks. The site's location in a mixed-use area with multiple nearby destinations encourages walking and biking.

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

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

4.7.3 Conclusion

Development of the proposed project would incorporate applicable policies of the City's adopted GHG Reduction Strategy and would operate below the 2030 efficiency threshold. The project would, therefore, result in a less than significant impact on the environmental from the project's GHG emissions. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part upon Phase I Environmental Site Assessments prepared for the 329, 341, and 353 Page Street site in January 2017 and a Phase II Environmental Site Assessment completed in May 2018 by *SLR International Corporation* (SLR). The reports are included in Appendix E of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

Comprehensive Environmental Response, Compensation, and Liability Act

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

Resource Conservation and Recovery Act

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

Department of Toxic Substances Control and Regional Water Quality Control Board

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

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB). The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

California Accidental Release Prevention Program

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

Federal Aviation Regulations, Part 77

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways. For the project site, any proposed structure of a height greater than approximately 45 to 50 feet in height above ground surface is required under FAR Part 77 to be submitted to the FAA for airspace safety review.

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

The Norman Y. Mineta San José International Airport is located approximately 1.2 miles north of the project site. Development within the Airport influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP). The project site is not located within the AIA nor the safety zones designated by the CLUP.

Envision San José 2040 General Plan

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

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	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.8.1.2 *Existing and Historic Site Conditions*

The earliest sources researched show that the Subject Property was predominantly developed for agricultural purposes from the early 1900s through possibly the 1920s. The current residential and ancillary structures were constructed or moved onto the site between 1912 and 1932. Based on the information provided in the Phase I ESAs, previous owners of the site participated in activities that likely required the use of hazardous materials, such as agricultural application of pesticides.

The 0.7-acre project site is currently developed with five residential buildings with a total of eight residential units, five of which are occupied by residents.

The project site is relatively flat with a gentle slope to the east. Groundwater beneath the site is expected to generally flow northeast, toward the San Francisco Bay. Depth to groundwater at the site is approximately 35 feet below ground surface.

During a January 2017 site reconnaissance, a small amount of household hazardous materials were observed including small cans of paint and small containers of oil. No apparent signs of former use and storage of hazardous materials and no above-ground or underground storage tanks were observed on-site.

On-Site Contamination

As a part of the Phase I ESAs 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 (if any). The project site was not listed on any regulatory agency's environmental databases. No records pertaining to the site were found or available at the Santa Clara County Department of Public Health, San José Fire Department, or San José Department of Planning, Building and Code Enforcement.

Agricultural Chemicals

The project site and surrounding areas were used for agricultural purposes for several decades. During the course of agricultural use, pesticides, such as DDT, were likely applied to crops in the normal course of farming operations. Given the past agricultural uses at the site, the Phase I ESAs determined that on-site soils could contain residual pesticide and insecticide chemicals. The potential for agricultural chemical contamination was identified as a recognized environmental condition.

Lead-Based Paint and Asbestos-Containing Building Materials

The existing buildings on-site were constructed or relocated to the site between 1912 and 1932. The use of lead-based paint was banned by the U.S. Consumer Product Safety Commission in 1978. The buildings on-site likely contain lead-based paint. Given the age of the existing buildings on-site, the building materials may also contain asbestos. The potential for lead contamination in soil around the buildings was identified as a recognized environmental condition.

Additional Site Investigations

Given the history of agricultural uses and age of the structures on-site, the Phase I ESAs included recommendations to complete soil sampling to evaluate potential residual pesticide, insecticide and lead concentrations in on-site soils. Based on these recommendations, soil samples for organochlorine pesticides, arsenic, and lead were collected as a part of the Phase II Environmental Site Assessment.

Thirty-six near-surface soil samples in February 2018 were collected from the natural ground surface to a depth of approximately 0.5 feet. Based on the analytical results of these samples, it was determined that additional samples were needed to identify the extent of contamination at the site.

In April 2018, 93 additional soil samples were collected from the surface to five feet below ground surface. These samples were collected to better characterize the distribution of contaminated and clean patches of soil at the site. Some surface samples contained arsenic below the regulatory limit, while samples from other areas showed exceedances of the regulatory limit from the surface to as deep as four feet below ground surface. Arsenic was found in samples generally near locations where lead was detected.

Laboratory analysis of the secondary soil samples indicated that the majority of the unpaved portion of the site contains lead above the regulatory limit up to two feet below ground surface. One location had lead contamination to a depth of four feet below ground surface.

4.8.1.3 *Surrounding Land Uses*

The project site was surrounded by residential uses to the north, east and west, and farmland uses to the south, from 1939 to 1948. In the 1950s and 1960s the site's surroundings were developed with residences. The site is currently surrounded by single- and multi-family residences to the north, west and south, and a mixed-use residential development east of Page Street.

Potential Off-Site Sources of Contamination

There are three properties within the vicinity of the site (i.e., within 300 feet of the site) which were listed on regulatory agency environmental databases. These properties include Piazza, Joseph & Charlott located at 1464 West San Carlos Street, and Perfection Transmission, located at 1470 and 1478 West San Carlos Street. Based on the conclusions of the Phase I ESAs, these properties are not considered an environmental concern for the project site.

4.8.1.4 *Other Hazards*

Airports

The closest airport to the project site is the Norman Y. Mineta San José International Airport, which is located approximately 1.2 miles north of the project site. The site is not located within the AIA nor the safety zones designated by the CLUP. Based on the Federal Aviation Regulations FAR Part 77, developments proposed for heights above 45 to 50 feet above ground surface require submittal to the FAA for airspace safety review to reduce airspace hazards. The maximum height of the proposed apartment building would be 69.5 feet above ground surface.

Wildfire Hazards

The project site is surrounded by residential and commercial development and is not within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).[17]

4.8.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐	1, 16
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1, 16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1, 16

[17] 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1, 3
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1, 17

4.8.2.1 *Impacts of Hazardous Materials on the Public and Environment*

(Checklist Questions a and b)

Impacts from Contaminated Soil

The project site was historically used for agricultural purposes and contains structures that could contain lead-based paint. Based on the recommendations included in the Phase I ESAs, soil samples were collected at the site in February 2018 and April 2018 and were analyzed for organochlorine pesticides, arsenic, and lead. Based on the results of laboratory analyses from sampling, a large portion of the site is impacted with a combination of lead, arsenic, and pesticides. Construction of the proposed development could result in the exposure of future residents and adjacent residences to hazardous levels of contaminated soil.

The project shall implement the following mitigation measure as conditions of approval:

Impact HAZ-1: Exposure to residual chemicals and metals in on-site soils could be result in a significant health risk to future residents of the site and existing adjacent residents. **(Significant Impact)**

Mitigation Measures: The project would implement the following measures to minimize the effects of potential contaminants during and after site development.

MM HAZ-1.1: Prior to issuance of any grading permits, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH's) Voluntary Cleanup Program to obtain regulatory oversight to remediate the

contaminated soil discovered. A Removal Action Workplan (RAW), or equivalent, shall be prepared for review and approval by SCCDEH that describes the process for the removal of all impacted soil to below established cleanup levels. The RAW shall include a Health and Safety Plan (HSP) for construction worker safety and include measures to control dust and other potential exposure to neighboring properties during remediation. A copy of the SCCDEH-approved RAW shall be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department prior to issuance of any grading permits.

MM HAZ-1.2: Removal work shall be performed by a California-licensed hazardous waste contractor under the supervision of a Professional Geologist or Engineer. Dust control measures and dust monitoring shall be implemented at the site during demolition, removal of current site structures, and excavation of impacted soil in accordance with the approved Removal Action Workplan and to the satisfaction of the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Environmental Services Department Municipal Compliance Officer.

MM HAZ-1.3: After post-remediation sampling has confirmed that the soil has been removed to meet the approved soil cleanup levels, the project applicant shall prepare and submit a final report to SCCDEH and a "No Further Action" or "Closure" letter shall be obtained. This closure letter shall be submitted to the Supervising Environmental Planner of Planning, Building and Code Enforcement prior to issuance of any grading permits.

MM HAZ-1.4: Prior to issuance of any grading permits, the project applicant shall prepare a report detailing the excavation, removal, and disposal of contaminated soils. The report shall be submitted to California Department of Environmental Protection (Cal EPA) after completion of field activities with a copy submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.

MM HAZ-1.5: The project applicant shall submit all clearance documents received from the County and the Cal EPA to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of any grading permits.

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

Impacts to the Construction Workers

Development of the project site would expose construction workers to contaminated soil which could result in potential hazards to workers or the environment.

Impact HAZ-2: Construction workers could be exposed to elevated levels of lead (and other metals), which could be hazardous. **(Significant Impact)**

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

MM HAZ-2.1: The project applicant shall prepare a Site Management Plan (SMP) prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of lead-contaminated soils. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- Procedures for transporting and disposing the waste material generated during removal activities, if such transport and disposal is necessary
- Procedures for stockpiling soil on-site, if such stockpiling is necessary
- Provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities
- Provisions for confirmation soil sampling as appropriate to obtain a "No Further Action" letter (or equivalent) from the state and/or local agency assuming oversight for the site
- Procedures to ensure that fill and cap materials are verified as clean
- truck routes
- Staging and loading procedures and record keeping requirements

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City's Department of Planning, Building and Code Enforcement, and Environmental Services Department Municipal Compliance Officer prior to issuance of any grading permits.

MM HAZ-2.2: All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. Each Health and Safety plan shall be implemented under the direction of a Site Safety and Health Officer. The Health and Safety Plan shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers

- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved HSP shall be provided to the City's Department of Planning, Building and Code Enforcement, and Environmental Services Department prior to issuance of any grading permits.

The implementation of the MM HAZ-2.1 and MM HAZ-2.2 would ensure that hazardous conditions on-site and the transport of contaminated soils would not result in a significant hazard to construction workers, the public or the environment. **(Less Than Significant Impact with Mitigation)]**

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

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

Standard Permit Conditions:

- 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 Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement 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.

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

Future Operations

The project applicant proposes to develop an apartment building with 81 studio units and one three-bedroom unit. Hazardous materials and chemicals for cleaning purposes could potentially be housed and handled on-site; however, if handled and disposed of properly, these small quantities of chemicals would not pose a risk to future site users or adjacent land uses. The project, therefore, would not result in a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less Than Significant Impact)**

4.8.2.2 *Impacts to Schools*

(Checklist Question c)

The closest school to the project site is Lincoln High School, located at 555 Dana Avenue, approximately 0.5 mile northwest of the site. The project site is not located within one-quarter mile of any off-site proposed or existing school. As a result, implementation of the proposed project would not result in a hazardous materials impact to any nearby school. **(No Impact)**

4.8.2.3 *Impacts of the Site on the Public and Environment*

(Checklist Question d)

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

4.8.2.4 *Other Hazard Impacts*

(Checklist Questions e – h)

Impacts to Airport Operations

(Checklist Questions e and f)

Under Federal Aviation Regulations FAR Part 77 requirements and in compliance with General Plan Policy CD-5.8, developments proposed for heights above 45 to 50 feet above ground surface require

submittal to the FAA for airspace safety review to reduce airspace hazards. Given the maximum height of the proposed development is 69.5 feet, the project applicant would submit the project to FAA for review (in compliance with the FAR Part 77 noticing requirements). A subsequent FAA issuance of a determination of no hazard would ensure the project's compatibility with aircraft operations and would reduce the project's impacts on aircraft operations to a less than significant level. **(Less Than Significant Impact)**

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

Emergency Response Plans
(Checklist Question g)

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

Wildland Fires
(Checklist Question h)

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

4.8.2.5 *Existing Hazardous Materials Conditions Affecting the Project*
(Checklist Questions a, b, d)

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

General Plan Policy EC-7.1 requires the evaluation of a project site's historical and present land uses to determine if any potential environmental conditions exist that could adversely impact the community or environment. Additionally, Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for the health of future users as part of the environmental review process. As such, the three Phase I ESAs (for the 329, 341, and 353 Page Street properties) and a Phase II Environmental Site Assessment were prepared for the project site.

Based on the results of the Phase II ESA, excavation and removal on the site's contaminated soils and confirmation sampling will be required prior to the construction of the proposed development. With the implementation of the mitigation measures **MM HAZ-1.1 – MM HAZ-1.4**, based on recommendations in the Phase II ESA, would ensure that on-site soils would not result in human health and environmental hazards to future residents of the site (consistent with Policy EC-7.1 and EC-7.2).

4.8.3 Conclusion

With implementation of the Standard Permit Conditions, the proposed project would result in a less than significant hazards and hazardous materials impact. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City, but not the project site, are identified as special flood hazard areas with a one percent or two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP. The project site is designated Zone D[18] and is not located within or adjacent to a FEMA designated 100-year floodplain.

Federal and State Laws and Programs Regarding Water Quality

The federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the "Waters of the United States," which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board.

Regulations set forth by the USEPA and the SWRCB have been developed to fulfill the requirements of this legislation. The USEPA's regulations include the NPDES permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay Regional Water Quality Control Board (RWQCB). Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region's Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants.[19] Los Gatos Creek, the water body closest to the project site, is listed as an impaired water body for diazinon (an organophosphate insecticide).

[18] A Zone D FEMA designation is an area of undetermined flood hazard.
[19] California State Water Resources Control Board. "Impaired Water Bodies." Accessed February 2, 2018. Available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Program is administered by RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Municipal Regional Stormwater NPDES Permit/C.3 Requirements

The San Francisco Bay RWQCB also issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all post-construction runoff to be treated using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to receiving any LID Reduction Credits, the project must first establish the infeasibility of treating 100 percent of runoff with LID treatment measures. A narrative must be submitted to the City that describes why and how the implementation of 100 percent treatment measures are not feasible, in accordance with the Municipal Regional Stormwater NPDES Permit.

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface, and are located in a sub-watershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. The City of San José's Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures.

This policy also established specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

The City of San José's Policy No.8-14 implements the stormwater treatment 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 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).

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.[20]

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.

[20] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management Applicability Map: San José*. Available at: <http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf>. Accessed March 6, 2018.
City of San José. *Post-Construction Hydromodification Management, Policy Number 8-14.* Effective Date October 18, 2005. Revised Date: February 23, 2010. Available at: <https://www.sanjoseca.gov/DocumentCenter/Home/View/369>. Accessed March 6, 2018.

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.

4.9.1.2 *Existing Conditions*

Hydrology and Drainage

The 0.7-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 largest of the tributaries, Los Gatos Creek, passes from unincorporated county land, through the towns of Monte Sereno, Los Gatos, and the Cities of Campbell and San José. 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.

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek, located approximately 0.7 mile east of the site. The project site is developed with five single-family residences, and is covered with paved surfaces and landscaping. The site has 18,960 square feet of impervious surfaces (i.e., 62 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.[21] 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

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

located on or adjacent to hillsides. The project site is located on the valley floor and is not adjacent to hillside, and, therefore, 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 "non-point" 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 Los Gatos 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 five residential buildings. 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 on-site is estimated to occur at an average depth of 35 feet below ground surface.

4.9.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1, 3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1, 3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1, 3

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

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

The project site is currently developed with five residential buildings and ancillary structures. Runoff from the site 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 0.7 acres of soil, replace approximately 15,880 square feet and add 9,335 square feet of impervious surfaces to the site. Because less than one acre of soil would be disturbed, the project would not be required to complete an NPDES General Permit for Construction Activities. Because the project would replace more than 10,000 square feet of impervious surfaces, it would be required to comply with the RWQCB Municipal Regional Permit.

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 knock 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.

Construction of the proposed project, with the implementation of the above measures in accordance with the City's General Plan, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

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 would be included in the final project design, to the satisfaction of the Director of Planning, Building, and Code Enforcement.

The project site is currently consists of approximately 18,960 square feet of impervious surfaces. The proposed project would add an estimated 9,335 square feet of impervious area. 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 implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, the proposed project would have a less than significant water quality impact. **(Less Than Significant Impact)**

4.9.2.2 *Impacts to Groundwater*
(Checklist Question b)

The project site is located in a developed urban area and is not within a designated groundwater recharge zone for the groundwater basin. The depth to groundwater in the project site is expected to be approximately 35 feet below ground surface, and the project excavation for the garage pits would extend no more than 10.3 feet below grade. Development of the project site is not anticipated to result in the need to pump groundwater from the site and would not interfere with groundwater recharge. **(Less Than Significant Impact)**

4.9.2.3 *Impacts to Existing Drainage Pattern and Erosion/Siltation*
(Checklist Question c)

Construction of the proposed project would not substantially alter the drainage pattern of the site or surrounding area. The project would increase the total impervious surface area of the project site by approximately 9,378 square feet. 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. **(Less Than Significant Impact)**

4.9.2.4 *Impacts to Existing Drainage Pattern and Flooding*
(Checklist Question d)

According to the FEMA Flood Insurance Rate Map, the project site is designated as Zone D, which is an area of undetermined flood hazard. The site is not within a special flood hazard area (i.e., Zone A or V) and there are no City floodplain requirements for Zone D.

The project is subject to Provision C.3 of the MRP, as the site would replace more than 10,000 square feet of impervious surfaces. Consistent with Provision C.3, the project applicant proposes to control the flow of stormwater and stormwater pollutants from the site by installing storm drains and biotreatment systems. Stormwater runoff from the site would be collected via new six-inch storm drains which would be directed to bio retention areas on the project site. Stormwater from the site would be treated then directed to the proposed 15-inch storm drain on Page Street, which would connect to the City's existing 15-inch storm drain on West San Carlos Street.

For these reasons, the project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. **(Less Than Significant Impact)**

4.9.2.5 *Impacts of Runoff from the Project*
(Checklist Question e)

Runoff from the project site currently flows overland and directly enters the storm drainage system untreated. The project would result in increased runoff water compared to existing conditions. The proposed project would comply with the MRP and City of San José Policy 6-29, and the proposed bioretention areas would remove pollutants and reduce the rate and volume of runoff from the project site. For these reasons, development of the project site would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

4.9.2.6 *Impacts from Flooding*
(Checklist Questions g and h)

The project site is not within a 100-year flood hazard area; therefore, the proposed project would not place housing or structures within a 100-year flood zone. The proposed apartment building would not impede or redirect flood flows in a 100-year flood hazard area. **(No Impact)**

4.9.2.7 *Impacts from Dam Failure*
(Checklist Question i)

The project site is located in the inundation area for the Lexington Dam in the event of a complete dam failure. The Santa Clara Valley Water District (SCVWD) operates a comprehensive dam safety program for 10 major dams, including the Lexington Dam, to protect the public from dam failure hazards. The District routinely inspects and monitors the condition of dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death.

For this reason, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. **(Less Than Significant Impact)**

4.9.2.8 *Impacts from Tsunamis, Seiches and Mudflows*
(Checklist Question j)

The project site is a flat parcel on the valley floor and is not proximate to a large body of water. Additionally, the project site is not located within a designated tsunami inundation zone.[22] The proposed project would, therefore, not be subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

[22] California Department of Conservation. *Santa Clara County Tsunami Inundation USGS 24K Quads*. Available at: < http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara>. Accessed May 2018.

4.9.3 Conclusion

Implementation of General Plan policies and existing City policies and measures would ensure that the proposed project would not result significant hydrology and water quality impacts. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

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

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 LU-6.1	Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.
Policy LU-6.2	Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

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

Norman Y. Mineta San José Airport

Norman Y. Mineta San José International Airport (SJIA) is located approximately 1.2 miles north of the project site. Based on the Airport Comprehensive Land Use Plan, the project site is not located within the Airport Influence Area (AIA), which is a composite of the areas surrounding the Airport that are areas affected by noise, height, and safety considerations..

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

Based on the SJIA's FAA Requirement Criteria Map, developments proposed for heights above 45 to 50 feet above ground surface require submittal to the FAA for airspace safety review.

4.10.1.2 *Existing Conditions*

Existing Land Uses

The 0.7-acre project site is comprised of three parcels (277-20-044, -045, and -046) and is located at 329, 341, and 353 Page Street in San José, approximately 590 feet southwest of the West San Carlos Street and Meridian Avenue intersection. The site is currently developed with five one to two-story residential buildings with eight residential units (five of which are occupied), ancillary structures, and landscaping.

Surrounding Land Uses

The site is located in a residential and commercial area and is bordered by Page Street (a two-lane local street) to the east, a one-story single-family residence to the south, a two-story multi-family residence to the west, and a single-family residence to the north. West San Carlos Street, a four lane, two-direction roadway is 220 feet north of the site. Immediately east of Page Street is a five-story mixed-use development with apartment units above ground-floor retail.

Existing Land Use Designations and Zoning

Zoning District

The project site is located in the *R-M – Multiple Residence District* zoning district. This zoning district allows the construction, use, and occupancy of high density residential development and higher density residential and commercial mixed use development. Permitted uses also include single-family, two-family dwelling and multiple dwelling units.

General Plan Land Use Designation

The project site is designated *Urban Village* under the General Plan. The Urban Village designation is applied within the Urban Village areas that are planned in the current Plan Horizon to accommodate higher density housing growth along with a significant amount of job growth. This designation allows for a density up to 250 dwelling units/acre and floor area ration up to 10.0.

West San Carlos Urban Village Plan

The project site is designated *Urban Village* under the Envision San José 2040 General Plan (General Plan) and West San Carlos Urban Village Plan. The site is within the West San Carlos Urban Village Plan area, which is consistent with planned growth in established in the General Plan. The site is within the *Mixed-Use Residential Character Area*, which is envisioned for higher-density mixed-use and residential development, ranging from three to seven stories. Designated land uses are included within the character area. The *Urban Village* designation supports mixed-use and residential development on parcels of at least 0.5 acres in size and allows a density of 55 to 250 dwelling units per acre.

4.10.2 Checklist and Discussion of Impacts

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

4.10.2.1 *Impacts to Established Communities*
(Checklist Question a)

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 multi-family residential development under the existing *Urban Village* land use designation, would not include construction of dividing infrastructure. The project site is located in a neighborhood with similar uses and patterns of development, and, therefore, implementation of the project would not physically divide an established community. **(Less Than Significant Impact)**

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

General Plan

As previously stated, the project site is designated *Urban Village* in the General Plan. The General Plan allows higher density housing of up to 250 dwelling units per acre at the site. The project applicant proposes 117 dwelling units per acre and is consistent with the General Plan assumptions. Additionally, the project is consistent with General Plan Policies listed in the Subsection 4.10.1, *Environmental Setting* in this section, including Policy CD-4, which requires new or remodeled structures to be consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

West San Carlos Urban Village Plan

The project site is within the *Mixed-Use Residential Character Area*, which is envisioned for higher-density mixed-use and residential development, ranging from three to seven stories in the West San Carlos Urban Village Plan. The site's designated Urban Village Plan land use is *Urban Villag*e, which supports mixed-use and residential development on parcels of at least 0.5 acres in size and

allows a density of 55 to 250 dwelling units per acre. The project site is 0.7 acres and the project is consistent with the land use and density requirements of the West San Carlos Urban Village Plan.

The proposed project is consistent with the land use and urban design policies in the Urban Village Plan including policies LU-4.1, LU-4.2 and LU-4.2, which establish goals to prioritize the City's affordable housing program and achieve the City's goal of 25 percent affordable housing units of the 1,245 residential units planned for the Urban Village Plan area. Based on the Affordable Housing Baseline analysis in the Urban Village Plan, 81 affordable residential units were planned for the site. The project is consistent with this assumption of 81 affordable housing units (studio units). The proposed development would also include one market rate three-bedroom unit.

The project incorporates publicly accessible space (paseo/park), in accordance with Policy LU-3.2. The project is consistent with the parking requirements outlined in the Urban Design Guidelines, such as providing innovative parking solutions such as stacked parking and convenient bicycle parking at one space per unit. The project also complies with other Urban Design Guidelines referenced in Section 4.1, *Aesthetics*. The maximum height of a proposed structure allowed under the Urban Village Plan is 85 feet. The proposed building's maximum height is 60 feet at the top of the roof and 69.5 feet at the top of the penthouse, which is consistent with Plan's height standards. Construction of the proposed project, in conformance with City's Urban Village Plan policies, would not conflict with regulations adopted for avoiding or mitigating an environmental effect.

Zoning Ordinance

The project is consistent with the allowed uses under the current *R-M – Multiple Residence District*. This zoning district allows the construction, use, and occupancy of high density residential development and higher density residential and commercial mixed use development. The project is consistent with the setback standards required under this zoning. The *R-M* zoning requires a front setback of 10 feet, side setback of five feet, and a rear setback of 25 feet. The proposed apartment building (ground floor) would have a front setback of 13.7 feet from Page Street, side setbacks of 30 to 38 feet from the property lines of adjacent residences to the north and south, and a rear setback of 25 feet from the property line to the west.

The project is consistent with the height restrictions outlined in the City's Municipal Code Section 20.85.020, E which allows developments within Urban Village areas to have a maximum height of 120 feet. In accordance with the *R-M* zoning, the proposed project will require a *Special Use Permit* to allow alternative parking uses (i.e., use of parking lifts).

The project is generally consistent with the zoning with a minor exceptions to the motorcycle parking requirements and rear setback distance requirements in the West San Carlos Urban Village Plan.[23] The project's exceptions to the zoning requirements would not result in a significant environmental impact. **(Less Than Significant Impact)**

[23] The City's Municipal Section 20.90.350 requires 20 motorcycle spaces for the site and the site proposes four motorcycle spaces. The West San Carlos Urban Village Plan requires the rear setback to be 30 feet in distance from the building to the property line.

Federal Aviation Administration, Part 77 Standards

Under Federal Aviation Regulations FAR Part 77 requirements and in compliance with General Plan Policy CD-5.8, developments proposed with heights taller than 45 to 50 feet above ground surface require submittal to the FAA for airspace safety review to reduce airspace hazards. Given the maximum height of the proposed development is 69.5 feet, the project applicant would submit the project to FAA for review (in compliance with the FAR Part 77 noticing requirements). A subsequent FAA issuance of a determination of no hazard would ensure the project's compatibility with aircraft operations and would confirm the project's impacts to these operations is less than significant.

4.10.2.3 *Consistency with Applicable Habitat Conservation Plan*
(Checklist Question c)

The project site is located within an area designated as *Urban-Suburban* under the Santa Clara Valley Habitat Plan. No sensitive species or habitat types are present on the project site, and the project would not directly impact any of the covered species in the Habitat Plan. As discussed in *Section 4.4, Biological Resources* of this Initial Study, the project would be required to conform to all applicable policies in the Santa Clara Valley Habitat Plan. **(Less Than Significant Impact)**

4.10.3 Conclusion

Conformance with the General Plan policies related to land use compatibility and environmental effects would ensure that the proposed project would not result in significant land use impacts. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

4.11.1.1 *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. Communications Hills is approximately four miles southeast of the project site.

4.11.2 Checklist and Discussion of Impacts

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

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

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

The project site is not located in an area of San José or Santa Clara County with known mineral resources. Therefore, the project would not result in the loss of availability of a mineral resource recovery site. **(No Impact)**

4.11.3 Conclusion

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

4.12 NOISE AND VIBRATION

The discussion in this section is based in part on the Noise and Vibration Assessment prepared by *Illingworth & Rodkin, Inc.* in August 2018. This report is included in this Initial Study as Appendix F.

4.12.1 Environmental Setting

4.12.1.1 *Overview*

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level, or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: L_{eq}, L_{max}, DNL, and CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly, but L_{eq} can describe any series of noise events in arbitrary duration. L_{max} is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The day/night average sound level (DNL) descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

Fundamentals of Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses peak particle velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second or inches per second is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life. These two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches per second PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

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

4.12.1.2 *Regulatory Framework*

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 3.12-1.

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: <u>Interior Noise Levels</u> • 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. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 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 4.12-1 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 3.12-1: 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.[24]

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.

4.12.1.3 *Existing Conditions*

The project site is surrounded by single and multi-family residences to the north, south and west, Page Street and multi-family residences to the east. The commercial corridor of West San Carlos Street is located approximately 220 feet north of the site.

A noise monitoring survey was completed to quantify and characterize ambient noise levels at the site and in the project vicinity between Wednesday, March 28, 2018 and Monday, April 2, 2018. The monitoring survey included one long-term noise measurement (LT-1), and three short-term noise measurements (ST-1, ST-2, and ST-3) as shown in Figure 4.12-1. The noise environment at the site and at the nearby land uses results primarily from vehicular traffic along Page Street, West San Carlos Street, and Willard Avenue.

Long-term noise measurement LT-1 was made in front of 349 Page Street, approximately 30 feet west of the Page Street centerline. This location was selected to quantify noise levels due to traffic along Page Street and to quantify noise levels at nearby residential receptors. Hourly average noise levels at this location ranged from 52 to 63 dBA L_{eq} during the day and from 41 to 58 dBA Leq at night. The day-night average noise level between Wednesday and Monday averaged 62 dBA DNL.

Short-term noise measurements ST-1 through ST-3 were collected on Monday, April 2, 2018. Noise measurement ST-1 was collected at the rear of 332 Willard Avenue, approximately 210 feet from the centerline of Willard Avenue. This location was selected to quantify the ambient noise levels at multi-family residences west of the site. The 10-minute average noise level measured at this location was 47 dBA L_{eq}. Short-term noise measurement ST-2 was collected near the northernmost boundary of the site, approximately 150 feet west of the Page Street centerline. This location was selected to quantify noise levels within the site and at adjacent residential receptors. The 10-minute average noise level measured at this location was 46 dBA L_{eq}. Short-term noise measurement ST-3 was along Willard Avenue, approximately 15 feet west of the centerline of the roadway. This location was selected to quantify noise levels due to traffic on Willard Avenue. The 10-minute average noise level measured at this location was 53 dBA L_{eq}. Table 4.12-1 summarizes the results of the short-term measurements.

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

Table 4.12-1: Short-Term Noise Measurement Data		
Noise Measurement Location	**L_{max}**	**L_{eq}**
ST-1: Parking lot of 332 Willard Avenue. (4/2/2018, 1:20 PM - 1:30 PM)	58	47
ST-2: Mid site, behind 341 Page Street. (4/2/2018, 1:50 PM - 2:00 PM)	56	46
ST-3: In front of 325 Willard Avenue. (4/2/2018, 2:10 PM - 2:20 PM)	66	53

4.12.1.4 *Future Noise Environment*

The future noise environment at the project site would continue to result from transportation related noise sources including traffic along Page Street, W. San Carlos Street, and Willard Avenue. Peak hour traffic volumes and forecasts for the West San Carlos Street and Meridian Avenue intersection were provided by the TIA completed for the project.[25]. A review of the volumes and forecasts indicates that traffic noise levels would increase by up to one dBA along West San Carlos Street due to background conditions. Due to rising traffic volumes in the immediate area, noise due to traffic on Page Street is conservatively estimated to increase by one dBA DNL in the future. Future noise exposures at the eastern project area bordering Page Street are estimated to reach up to 63 dBA DNL.

Mineta San José International Airport is a public-use airport located approximately two miles north of the project site. The project site lies outside the 60 dBA CNEL 2027 noise contour of the airport, based on the Mineta San José International Airport Master Plan Update Project.[26] Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft would not substantially contribute to ambient noise levels.

[25] *Fehr & Peers,* "SJ17_1776 Peak Hour Traffic Volumes Forecasts" Jan 2018.
[2] City of San José, "Norman Y. Mineta San José International Airport Master Plan Update Project: Eighth Addendum to the Environmental Impact Report," City of San José Public Project File No. PP 10-024, February 10, 2010.

NOISE MEASUREMENT LOCATIONS | FIGURE 4.12-1

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1, 20
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐	1, 20
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 20
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	1, 20
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1, 3
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 21

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A 3-dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of 3 dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of 5 dBA DNL or greater is considered significant.

4.12.2.1 *Impacts from Operational Noise Levels on Nearby Receptors* *(Checklist Question a)*

Parking and Circulation Noise

Intermittent noise from vehicles accessing the parking garage must meet the noise threshold of 55 dBA DNL established in the City's Municipal Code. An enclosed parking lift system would be completely shielded from nearby noise sensitive receptors and would not result in audible noise

levels at off-site receptor locations. In addition to the enclosed parking lift system, the project also proposes a driveway with surface parking adjacent to a single-family home directly north of the site. The project applicant proposes to separate the driveway and the neighboring property with a six-foot-tall wooden fence.[27] Parking activities have the potential to be audible at nearby sensitive receptors.

Noise associated with the parking activity would include vehicular circulation, loud engines, car alarms, door slams, and human voices. The maximum sound (L_{max}) of a passing car at 15 mph typically ranges from 52 to 62 dBA Lmax at 50 feet. The noise generated during an engine start is similar. Door slams create lower noise levels. The hourly average noise level resulting from all of these noise-generating activities in a busy parking structure, without taking shielding into account, could range from 47 to 52 dBA L_{eq} at a distance of 50 feet from the parking area. Parking areas located within 37 feet of any nearby residential uses and within 20 feet of any nearby commercial uses have the potential to exceed levels outlined in the City's Municipal Code and result in a significant impact. The parking lift system area is approximately 30 feet south and the surface stalls are less than 10 feet from the residential property line to the north.

Impact NOI-1: The noise levels from vehicles at the proposed parking areas within 37 feet of a residential property line could exceed City's 55 dBA DNL threshold.

Mitigation Measures: Implementation of the below mitigation measures would reduce parking area noise impacts on nearby residences to a less than significant level.

MM-NOI-1.1: Parking areas within the project area shall be below grade or completely shielded to reduce noise to comply with the City's 55 dBA Leq residential and 60 dBA L_{eq} commercial noise limit at the shared property line. The applicant shall construct a minimum six-foot solid wood fence with no gaps or spaces in the wood paneling between the future driveway and existing residences to the north. This fence shall provide at least 5 dBA of noise reduction between properties.

Prior to issuance of any grading permits, the project applicant shall submit plans showing construction design of the fence to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval.

Implementation of the above described mitigation measure would reduce noise impacts from the proposed parking areas to a less than significant level. **(Less Than Significant Impact with Mitigation)**

Mechanical Equipment Noise

Apartment/multi-family residential projects typically require various mechanical equipment, such as split heat pump systems, solar hot water, exhaust fan, and boilers. This equipment has the potential to generate noise that would be received at nearby noise-sensitive receptors. The nearest noise-sensitive uses to the project site include the multi-family residences to the west and east, and the single-family residences to the north and south. Chapter 20.30.700 of the City's Municipal Code

[27] Personal Communication. Charities Housing. *Re: Info for Noise Report*. April 20, 2018

states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit.

The current site plans indicates that several heat pumps will be installed on the roof of the building. Typical heat pumps for a residential units of this size produce sound levels of 59 dBA at a distance of 10 feet. Several units would be required to provide the heating and cooling throughout the building and these units would be expected to run continuously when providing heating or cooling. A worst-case scenario would involve 54 heat pumps spread-out in two distinct locations on top of the building roof. Not accounting for building shielding effects, all pumps running simultaneously would produce noise levels in the range of 52 to 56 dBA at nearby bordering noise receptors. Building shielding effects would be expected to reduce these levels below 55 dBA at any time of the day. Building shielding along with planned parapet walls would make the rooftop mechanical noise indistinguishable from background ambient noise. The proposed development's mechanical equipment noise impacts to nearby sensitive receptors would, therefore, be less than significant. **(Less Than Significant Impact)**

4.12.2.2 *Impacts from Groundborne Vibration Levels on Nearby Receptors* *(Checklist Question b)*

Construction of the project may generate perceptible vibration levels when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, grading and excavation, trenching, paving, and new building framing and finishing. Pile driving would not be required during construction.

Based on General Plan Policy EC-2.3, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. Normal construction activities other than pile driving would have the potential to produce typical vibration levels of 0.08 in/sec PPV or more at historical buildings located within 60 feet of the project site. There is one historic residence at 319 Page Street, located approximately 50 feet north of the site. For this reason, a significant impact would occur if the historic residence is exposed to vibration levels in excess of 0.08 in/sec PPV and if the other surrounding residences are exposed to levels in excess of 0.2 in/sec PPV.

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

The nearest sensitive receptors would be the residence located at 319 Page Street which is approximately 25 feet north of the proposed building footprint. At this distance, vibration levels due to construction activities (excluding pile driving) would be up to 0.21 in/sec PPV, which would be above the 0.2 in/sec PPV threshold. All other nearby receptors would experience vibration level below this 0.2 in/sec PPV. The historic residence could experience vibration levels above 0.08 in/sec

PPV. Due to the proximity of the surrounding buildings to the project site, and potential for construction activities involving techniques that produce high levels of vibration, adjacent structures would be exposed to excessive vibration levels during construction.

Impact NOI-2: Ground-borne construction vibration could result in a significant vibration impacts to nearby residences.

Mitigation Measures: Implementation of the below mitigation measures would reduce vibration impacts on nearby residences to a less than significant level.

MM-NOI-2.1: The project applicant shall not include the use of heavy vibration-generating construction equipment, such as pile drivers, vibratory rollers, jackhammers, rock drillers, or clam shovel drops, within 30 feet of any adjacent structures and 30 feet from the residence at 319 Page Street.

The method of ground disturbance (including equipment) for the project shall be shown on the grading and construction plans and a copy shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval.

The implementation of the above mitigation measures would reduce vibration impacts on nearby residences to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.12.2.3 *Impacts from Permanent Increase in Ambient Noise Levels*
(Checklist Question c)

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

To determine noise level increases at existing residential land uses due to project-generated traffic, net project trip traffic volumes from the project's traffic impact analysis (TIA) were compared to the existing peak hour traffic conditions. Existing traffic volumes along with existing plus project volumes for the intersection of West San Carlos Street and Meridian Avenue were analyzed. Traffic increases on all segments of this intersection were shown to have future noise level increases of less than 1 dBA. A traffic noise level increase of less than 1 dBA was found on Page Street resulting from the traffic-generated by the proposed project. All project generated traffic noise level increases would be less than 3 dBA DNL. Therefore, the project would not result in a significant permanent increase in noise levels from project-generated traffic. **(Less Than Significant Impact)**

4.12.2.4 *Impacts from Temporary Increase in Ambient Noise Levels* *(Checklist Question d)*

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 is anticipated to have a duration of 20 months.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code. Assuming a 15 dBA exterior-to-interior reduction for standard residential construction and a 25 dBA exterior-to-interior reduction for standard commercial construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses. Additionally, temporary construction would be an annoyance to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. The temporary construction noise impacts would be considered significant if project construction activities exceed 60 dBA L_{eq} at nearby residences or exceed 70 dBA L_{eq} at nearby commercial land uses and exceed the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

The noise-sensitive receptors to the north and south of the project site would have existing daytime ambient noise levels similar to the noise levels recorded at LT-1 and ST-2. Based on these data, the average hourly noise level during construction hours would range from 46 to 56 dBA Leq. The noise-sensitive receptors to the west of the project site are exposed to daytime ambient noise levels similar to those recorded at ST-1 and ST-3, which range from 46 to 53 dBA Leq. Residential receptors to the east of the project site would have existing daytime ambient noise levels similar to the data collected at LT-1. Average hourly noise levels during construction hours at LT-1 range from 52 to 60 dBA Leq.

Construction activities generate considerable amounts of noise, especially during earth-moving activities and during the construction of the building's foundation when heavy equipment is used. Typical hourly average construction-generated noise levels for residential buildings are about 81 to 88 dBA L_{eq} measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). The typical range of maximum instantaneous noise levels would be 78 to 90 dBA L_{max} at a distance of 50 feet.

Hourly average noise levels due to construction activities during busy construction periods outdoors would range from about 81 to 88 dBA Leq at a distance of 50 feet. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. The nearest noise-sensitive land uses are approximately 70 feet from the center of the project site. At

these distances, hourly average noise levels during busy construction periods would range from 78 to 85 dBA Leq at the residences to the north and south.

The residences to the west are approximately 125 feet in distance from the center of the project site. At this distance, hourly average noise levels during busy construction periods would range from 73 to 85 dBA L_{eq}. Residences to the east of the site are approximately160 feet from the center of the site. At this distance, hourly average noise levels during busy construction periods would range from 71 to 78 dBA L_{eq}.

The nearest commercial land uses exist 210 feet to the north along West San Carlos Street. These commercial buildings would be exposed to construction noise levels ranging from 70 to 76 dBA L_{eq} during busy construction periods.

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-3: Construction noise generated by the proposed project could impact nearby noise-sensitive receptors. **(Significant Impact)**

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

MM NOI-3.1: Construction Best Management Practices: The project applicant shall develop a construction noise plan including, but not limited to, the following available controls:

- In accordance with Policy EC-1.7 of the City's General Plan, the project applicant shall use the best available noise suppression devices and techniques during construction activities.
- The project applicant shall construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary eight-foot noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. Temporary noise barriers can be made from standard eight-foot sheets of plywood.
- The project applicant shall equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- The project applicant shall ensure that unnecessary idling of internal combustion engines shall be strictly prohibited.

- The project applicant shall ensure that stationary noise-generating equipment, such as air compressors or portable power generators, are located as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- The project applicant shall ensure that "quiet" air compressors and other stationary noise sources are used where technology exists.
- The project applicant shall ensure that construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The project applicant shall ensure that a temporary noise control blanket barrier is erected, if necessary, along building façades facing construction sites if conflicts occur which cannot be remedied by appropriate scheduling. Noise control blanket barriers can be rented and quickly erected.
- The project applicant shall ensure that material stockpiles, as well as maintenance/equipment staging and parking areas, are located as far as feasible from residential receptors.
- The project applicant shall ensure that noise from construction workers' radios are controlled to a point where they are not audible at existing residences bordering the project site.
- Prior to issuance of any grading permits, the project applicant shall prepare a detailed schedule for major noise-generating construction activities. The schedule shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- The project applicant shall post the schedule for expected major noise-generating activities and any subsequent changes to the schedule, and mail notices of the schedule to residents and other sensitive receptors (places of worship, senior homes, hospitals, etc.) within 30 feet of the project site.The project applicant shall 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 pose a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- The noise construction noise plan shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and approval prior to issuance of a demolition or grading permit.

Implementation of **MM NOI-3.1** would reduce construction noise levels emanating from 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)**

4.12.2.5 *Existing Noise Conditions Affecting the Project*

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA v. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project unless the project could exacerbate the existing environmental hazards or risks. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. The City has, therefore, included information regarding the project's exposure to ambient noise levels as a General Plan consistency analysis and considerations relating to these policies and regulations.

Future Exterior Noise Environment
(Checklist Question a)

As stated above, the City's acceptable exterior noise level standard is 60 dBA DNL or less at residential outdoor activity areas. Future noise exposures at the eastern project site's border along Page Street would reach up to 63 dBA DNL. The future noise exposure at the eastern façade of the building would be the greatest because of acoustical shielding from nearby residences and larger setback distances from Page Street.

The project applicant proposes outdoor activity areas including balconies, unoccupied planted areas, a common court and a roof deck. Balconies are not typically considered sensitive to exterior noise levels. Based on the City's noise standard, residential outdoor activity uses are considered "normally acceptable" in exterior noise levels up to 60 dBA DNL. Where the exterior noise exposure is between 60 dBA and 75 dBA DNL residential outdoor land uses are considered "conditionally acceptable" such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Private balconies along the eastern facade of the proposed building would experience noise levels between 60 and 63 dBA DNL. Private balconies along the north, west, and south building facades would experience noise levels below 60 dBA DNL. When accounting for acoustical shielding, the majority of the proposed roof decks on Levels 2, 3, and 6 would experience noise levels at or below 60 dBA DNL, which would be considered "normally acceptable" for the proposed use. The proposed ground level common court outdoor use area would experience levels between 60 and 63 dBA DNL in some areas within 60 feet of the roadway centerline. At distances of 60 feet or greater from the center of Page Street, noise levels due to traffic are expected to be below 60 dBA DNL and considered "normally acceptable."

Future Interior Noise Environment
(Checklist Question a)

The City of San José requires that interior noise levels be maintained at 45 dBA DNL or less for residences. General Plan Policy EC-1.9 requires noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses.

Interior noise levels would 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 range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building 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.

For the proposed project, the interior noise levels with standard construction and windows closed would result in noise levels within residential units along the east building facade up to 43 dBA DNL, which complies with the City's threshold for interior noise. Adequate forced-air mechanical ventilation would allow residents to keep windows closed at their discretion to control noise, thereby meeting the 45 dBA DNL interior noise standard.

Aircraft Noise Impacts to Future Residents of Project
(Checklist Questions d and e)

The Mineta San José International Airport is a public-use airport located approximately 1.2 miles north of the site. Based on the Airport's Comprehensive Land Use Plan, the project site is not located within the Airport Influence Area (AIA), which is a composite of the areas surrounding the Airport that are areas affected by noise, height, and safety considerations. The project site lies outside the 60 dBA CNEL 2027 noise contour of the airport, based on the Norman Y. Mineta San José International Airport Master Plan Update Project. Although aircraft-related noise could occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. Interior noise levels resulting from aircraft would be compatible with the proposed project.

The project site is not located in the vicinity of a private airstrip; therefore, the project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels.

4.12.3 Conclusion

With implementation of General Plan and Municipal Code policies, as well as adherence to the above mitigation measures, the proposed project would not result in a significant noise impact or violation. **(Less Than Significant Impact with Mitigation)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

4.13.1.1 *Existing Conditions*

The project site is located in an urbanized area in the City of San José. The City of San José population was estimated to be 1,051,316 in January 2018.[28] The City has approximately 335,165 housing units, resulting in an average of 3.2 persons per household. ABAG projects that there will be an approximate City population of 1,334,100 and 432,030 households by the year 2040.[29]

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.[30] 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 Envision San José 2040 General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

4.13.2 Checklist and Discussion of Impacts

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

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

4.13.2.1 *Impacts to Population and Housing*
(Checklist Questions a)

The project applicant proposes to construct 81 affordable studio units and one three-bedroom unit on-site. The maximum number of tenants that would be allowed per studio unit is two persons per household. It is assumed that the three-bedroom manager's unit would be consistent with the City's average persons per household (3.2 persons per household).[31] The proposed project would, therefore, house a maximum of 165 residents.

The project site is located within the West San Carlos Urban Village Plan Area. The Envision San General Plan establishes specific employment and residential growth capacities for all Urban Villages. The growth capacity, established by the General Plan, for the West San Carlos Urban Village Plan is 980 jobs and 1,245 residential units. The City has a goal of developing 311 affordable housing units in the West San Carlos Urban Village Plan Area (which is 25 percent of planned housing in the Plan Area). The West San Carlos Urban Village Plan accounted for 81 affordable housing units at the project site and the proposed project is consistent with this assumption.

The project's incremental increase in residential density would not result in a substantial increase in the City's current or projected population. The project is consistent with planned growth and assumptions established in the General Plan and Urban Village Plan. The project would not extend a road or other infrastructure that would indirectly induce growth. **(Less Than Significant Impact)**

4.13.2.2 *Impacts to Housing*
(Checklist Question b and c)

The proposed project would demolish five occupied and three vacant residences at the site. The project would construct 81 studio units and one three-bedroom unit to replace existing housing. The project would not result in the substantial displacement of people or existing housing, or necessitate the construction of housing elsewhere. **(Less Than Significant Impact)**

4.13.3 Conclusion

The development of 82 residential units would incrementally increase the housing available in the project area, but would not induce substantial population growth. **(Less Than Significant Impact)**

[31] California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed August 16, 2018.

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

California Government Code Section 65996

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

Quimby Act – California Code Sections 66475-66478

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

Parkland Dedication Ordinance and Park Impact Ordinance

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
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 publically-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.

4.14.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is San José Fire Department Station Number 4 located at 710 Leigh Avenue, approximately 0.7 mile southwest of the project site.

Police Protection Services

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

Schools

The project site is located in the San José Unified School District (SJUSD). The school district operates 41 schools (25 elementary, two K-8 schools, six middle schools, six high schools, and two alternative education programs) serving over 30,000 students.[32] The project site is within the Trace Elementary, Hoover Middle School, and Lincoln High School attendance boundaries assigned by the SJUSD. Trace Elementary School is located at 651 Dana Avenue, Hoover Middle School is located at 1635 Park Avenue, and Lincoln High School is located at 555 Dana Avenue.

The student enrollment capacity for the schools is approximately 1,073 students for Trace Elementary, 1,350 students for Hoover Middle School, and 1,800 for Lincoln High School.[33] Based on Fall 2016/Spring 2017 student enrollment information for the District, approximately 940 students attend Trace Elementary, 1,065 students attend Hoover Middle School and 1,935 students attend Lincoln High.[34] The high school is currently operating above capacity. The Envision San José 2040 General Plan FEIR found that SJUSD was operating above capacity by 1,004 students in 2010.[35]

Parks

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 community centers, nine regional parks, and over 55 miles of 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 1.7-acre O'Connor Park located approximately 200 feet from the Race and Auzerais Avenue intersection and approximately 0.2 mile southeast of the site. The park includes an exercise course, game tables, and a playground area.

[32] San José Unified School District. *SJSU Fast Facts.* 2017.
[33] San José Unified School District. *7-Year Student Population Projections by Residence, Fall 2017-2013*. June 5, 2017.
[34] California Department of Education. *DataQuest*. Available at: <https://dq.cde.ca.gov/dataquest/>. Accessed March 28, 2018.
[35] San José, City of. *Envision San José 2040 General Plan EIR.* December 2011.

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 Rose Garden Branch Library, approximately 0.8 mile northwest of the project site. The nearest community center is Gardner Community Center, located at 520 West Virginia Street, approximately 1.1 miles southeast of the site.

4.14.2 Checklist and Discussion of Impacts

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

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

Impacts to Fire and Police Protection

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

Schools

The project applicant proposes to construct up to 81 studio apartment units and one two-bedroom manager's unit. Residents of the apartments are not expected to include substantive elementary, middle, and high school students. According to the SJUSD student generation factors, multi-family

residential development generates 0.005 students per dwelling unit.[36] Based on this generation factor, the proposed 82-unit apartment building is estimated to increase the student population in the project area by approximately one student.

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

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

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

Parks

New residents of the site would use existing recreational facilities in the area, including O'Connor Park. The project could generate up to 165 new residents (refer to Section 4.13, *Population and Housing* of this Initial Study). The new residents would incrementally increase the use of existing recreational facilities in the project area. The project applicant proposes to develop a new paseo and park area and common roof deck areas would reduce 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 would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities. The project shall implement the following standard permit condition as a condition of approval for the project.

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

- 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)**

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

[36] San José Unified School District. *7-year Student Population Projections by Residence, Fall 2017-2023.* June 5, 2017. Email Correspondence: Peter Allen, San José Unified School District, March 28, 2018 (Student Generation Rates and Enrollment). The studio units are not anticipated to be occupied by families or children.

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 Rose Garden Branch Library and Gardner 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)**

4.14.3 Conclusion

The development of 82 residential units would not result in a significant impact on public services. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Quimby Act – California Code Sections 66475-66478

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

Envision San José 2040 General Plan Policies

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

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.

4.15.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[37] The City also manages 51 community centers, 17

[37] 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 Central/Downtown Planning Area of San José, which is currently underserved with respect to parklands for the population. The area needs an additional 323.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.[38] The project area is not considered underserved with respect to parklands or community centers for the population.

The nearest public park is O'Connor Park, located 200 feet west of the Auzerais Avenue and Race Street intersection, and 0.2 mile southeast of the project site. The nearest community center is Gardner Community Center, located at 520 West Virginia Street, approximately 1.1 miles southeast of the site.

4.15.2 Checklist and Discussion of Impacts

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

4.15.2.1 *Impacts to Existing Parks and Recreational Facilities*

The proposed residential development would result in a maximum of 81 studio apartment units and one two-bedroom manager's unit and an estimated 165 residents on the site, using the maximum allowed two persons per studio unit and the City's average persons per household for the three-bedroom unit. This development and population growth is anticipated under the General Plan. As described in Section 4.14, *Public Services* of this Initial Study, the project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance to ensure that the development would not significantly impact neighborhood and regional park facilities. **(Less Than Significant Impact)**

4.15.2.2 *Impacts to Environmental from the Construction or Expansion of Recreational Facilities*

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 paseo and park area and common roof decks on

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

the third floor and top of the roof. According to the *Greenprint 2009 Update*, the project area is not underserved by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including O'Connor Park, 0.2 mile southeast to of the project site. The proposed project would not result in the construction of new recreational facilities with the potential to adversely affect the environment. **(Less Than Significant Impact)**

4.15.3 Conclusion

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

4.16 TRANSPORTATION/TRAFFIC

The discussion in this section is based in part on the Traffic Impact Analysis prepared by *Fehr and Peers* in March 2018. This report is included in this Initial Study as Appendix G.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Metropolitan Transportation Commission

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

Congestion Management Program

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

Bike Plan 2020

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

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D

rather than LOS E.[39] According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[40]

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

Envision San José 2040 General Plan

The Circulation Element of the General Plan contains several long-term goals and policies that are intended to:

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city in which people are less reliant on driving to meet their daily needs; and
- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

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

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

[39] City Council Policy 5-3 is applicable to the proposed project, since the project was on file with the City prior to March 29, 2018. All applications for projects submitted to the City subsequent to March 29, 2018 are subject to the vehicle miles travelled (VMT) policy.
[40] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-8.8:	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Action TR-10.4	In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact

	development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.6	Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

In addition to the policies in the General Plan, the proposed project would be required to comply with the San José Residential Design Guidelines with regards to pedestrian access.

4.16.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided by Interstate 280 (I-280), which is an eight-lane generally north-south freeway located to the south of the site that extends from San Francisco in the north to downtown San José in the south. North and west of Leigh Avenue, one of the lanes in each direction is a designated high-occupancy vehicle (HOV) lane and is restricted to vehicles with two or more people, motorcycles, and clean-air vehicles during the morning and evening peak periods. I-280 has a full interchange with Meridian Avenue.

Local access to the site is provided by West San Carlos Street, Meridian Avenue, Page Street, and Douglas Street. West San Carlos Street is a four-lane east-west roadway that extends from I-880 in the west (it becomes Stevens Creek Boulevard west of Bascom Avenue) to approximately the campus of San José State University in the east.

Meridian Avenue is a north-south roadway that extends between Park Avenue and Camden Avenue. It has two travel lanes between Park Avenue and West San Carlos Street and four travel lanes south of West San Carlos Street. Meridian Avenue has an interchange with I-280.

Page Street is a two-lane north-south local residential street that forms the eastern edge of the project site. The street extends approximately 1,700 feet south of West San Carlos Street and connects to Chiechi Avenue.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area include sidewalks, crosswalks, curb ramps, pedestrian signals, and off-street paths that provide safe and convenient routes for pedestrians to access destinations such as stores and restaurants on West San Carlos Street, Meridian Avenue, and Race Street. Nearby destinations within a 10-minute walking distance include Safeway, Walgreens, numerous stores and restaurants, and O'Connor Park. Sidewalks are located along the project frontage on both sides of Page Street and on both sides of West San Carlos Street. Crosswalks and pedestrian signals are provided at major nearby intersections around the project site, including West San Carlos

Street/Meridian Avenue, West San Carlos Street/Buena Vista Avenue, West San Carlos Street/Race Street, and Meridian Avenue/ Auzerais Avenue.

Existing bicycle facilities near the project site include Class III bicycle routes located on Douglas Street, South Willard Avenue (between Douglas Street and Scott Street), Scott Street, and Auzerais Avenue east of Race Street. These roadways and paths through O'Connor Park create a designated east-west route for bicyclists south of West San Carlos Street. Race Street (south of Auzerais Avenue), Lincoln Avenue, and Park Avenue have Class II bicycle lanes near the site. Lincoln Avenue provides north-south connectivity to the Willow Glen neighborhood and Park Avenue is a major connection to Santa Clara.

Transit Services

Bus and light rail routes with stops within a fifteen-minute walking distance of the site include Route 23, 63, 65, 81, 323, and 902. The closest bus stops to the site are located on West San Carlos Street. The nearest stop for eastbound buses is located halfway between Willard Avenue and Page Street, approximately 320 feet northwest of the site. The nearest stop for westbound buses is 370 feet northeast of the site and 300 feet to the west of Meridian Avenue. The closest light rail station is the Race Street Station, approximately 0.4 mile southeast of the project site, located 200 feet north of the Race Street and Parkmoor Avenue intersection. VTA also provides Access Paratransit to eligible individuals with disabilities who are prevented from using regular transit services.

Traffic Analysis – Methodology

Level of Service Analysis

The level of service (LOS) and traffic operations were evaluated for the following study intersection:

- West San Carlos Street and Meridian Avenue

The intersection of West San Carlos Street and Meridian Avenue is a Protected Intersection through the City's Transportation Policy 5-3. Protected Intersections are intersections that have been identified as being built out to their planned maximum capacity and cannot be widened to accommodate more traffic lanes.

Traffic conditions at the above study intersections was also analyzed for the weekday AM and PM peak hours of adjacent street traffic. The AM peak hour typically occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday. These are the peak commute hours, during which most weekday traffic congestion occurs on the roadways in the study area.

Traffic conditions were evaluated for the following:

- Existing Conditions – includes recent traffic counts
- Existing Plus Project Conditions – Existing traffic volumes with the project were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing plus project conditions were evaluated relative to existing conditions in order to determine the effects the project would have on the existing roadway network

- Background Conditions – Background traffic volumes reflect traffic added by nearby approved projects that are not yet completed or occupied.
- Background Plus Project Conditions – Projected near-term peak hour traffic volumes with the project were estimated by adding to background traffic volumes the additional traffic generated by the project. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Under the City of San José's Level of Service Policy, the project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions,
- The level of service at the intersection is an unacceptable 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 or more, or
- The level of service at a designated Protected Intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by 0.5 percent or more.

An exception to the second rule above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

While this Initial Study analyzes existing, project, and background conditions, the background conditions represent the baseline from which project impacts are identified, consistent with the City's Level of Service Policy.

Traffic Operations

Vehicle queuing, general traffic operations, and sight distance are also evaluated at other nearby intersections, including:

- West San Carlos Street and Buena Vista Avenue (general traffic operations and westbound left turn queuing)

- West San Carlos Street and Page Street (general traffic operations and sight distance)

- Meridian Avenue and Douglas Street (general traffic operations, northbound left-turn queuing, and sight distance)

Level of Service Analysis Results

Traffic conditions were evaluated using an LOS analysis. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. As shown in Table 3.16-2, the studied intersection (West San Carlos Street and Meridian Avenue) currently operates at an acceptable LOS D or better during both the AM and PM peak hours. The full results of the LOS analysis under all conditions are summarized in Section 4.16.2.1, 4.16.2.1, *Impacts to Traffic Circulation*.

4.16.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 22
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 22
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	1, 3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1
e) Result in inadequate emergency access?	☐	☐	☒	☐	1
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1, 22

4.16.2.1 *Impacts to Traffic Circulation*
(Checklist Question a, b and d)

The project applicant proposes construction of 82 multi-family apartments (81 studio apartments and one two-bedroom apartment) on a site with eight existing residential units, five of which are occupied by tenants. A new driveway would be constructed for site access on Page Street.

Trip Generation Estimates

The amount of traffic generated by a development is presented as the number of inbound and outbound vehicles during a typical weekday and during the one-hour periods during the morning and evening commute times, when traffic volumes on the roadway network are at their highest, referred to as the AM and PM peak hours. The amount of net-new traffic generated by the project was estimated using trip generation rates from the Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Edition, 2017. Since the manual does not have rates for affordable studio apartments, rates for midrise multi-family units were used for the proposed project and rates for low-rise multi-family dwelling units were used for the existing uses on the site. The results are shown in Table 4.16-1. The project is estimated to generate 28 net new vehicle trips during the weekday AM peak hour and 33 net new vehicle trips during the weekday PM peak hour.

These results are conservatively high. Since the proposed development would consist of studio apartments, it is likely that the number of people and vehicle ownership per unit (and therefore vehicle trip generation) would be less than what was assumed in the trip generation estimates. Additionally, there are a number of destinations within walking and biking distance and nearby transit services reducing the need for future tenants to use a vehicle.

Table 4.16-1: Project Trip Generation Estimates

Land Use	# of Units	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Uses								
Apartments [1]	82	446	8	22	30	22	14	36
Existing Uses								
Multi-Family Units[2]	5	37	1	1	2	2	1	3
Net-Added Traffic:		**403**	7	21	**28**	20	13	**33**

Notes:
1. Trip generation based on Multi-Family Housing Mid-Rise (Land Use 221) rates contained in the ITE Trip Generation Handbook, 10th Edition (2017). Daily Trip Rate = 5.44
2. Trip generation based on Multi-Family Housing Low-Rise (Land Use 220) rates contained in the ITE Trip Generation Handbook, 10th Edition (2017). Daily Trip Rate = 7.32

The trip distribution pattern for the project was estimated based on existing travel patterns on the relative locations of employment and retail areas near the site. The peak-hour trips generated by the project were assigned to the roadway network in accordance with the project trip distribution pattern, shown in Appendix G of this Initial Study.

Level of Service Impacts

Project trips were assigned to the West San Carlos Street/Meridian Avenue intersection, and the intersection level of service analysis results for project conditions are summarized in Table 4.16-2 below. The intersection is a Protected Intersection through the City's Transportation Policy 5-3. Protected Intersections are intersections that have been identified as being built out to their planned maximum capacity and cannot be widened to accommodate more traffic lanes. If a proposed development project has a significant impact on a Protected Intersection, it would need to include construction of improvements to other segments of the citywide transportation system to improve system capacity and/or enhance pedestrian, bicycle, or transit travel modes.

The intersection would operate within applicable standards of the City of San José (LOS D) during the AM and PM peak hours under both existing plus project and background plus project conditions.

Table 4.16-2: Level of Service Results													
Intersection	**Peak[1] Hour**	**Existing Conditions**		**Existing Plus Project Conditions**				**Background Conditions**		**Background Plus Project Conditions**			
		LOS	**Avg[2] Delay (sec.)**	**LOS[3]**	**Average Delay**	**Incr. in Crit Movement Delay**	**Incr. in Crit Movement V/C**	**LOS**	**Average Delay**	**LOS**	**Average Delay**	**Incr. in Crit Movement Delay[4]**	**Incr. in Crit Movement V/C[5]**
West San Carlos Street/Meridian Avenue	AM	D	39.7	D	39.9	0.30	0.01	D	41.8	D	42.0	0.40	0.00
	PM	D	44.5	D	44.4	0.00	0.01	D	50.5	D	50.6	0.10	0.01

Notes:

1. AM = morning peak hour (between 7:00 and 9:00 AM), PM = evening peak hour (between 4:00 and 6:00 PM).
2. Whole intersection weighted average control delay expressed in seconds per vehicle.
3. LOS = Level of Service calculations conducted using the Traffix level of service analysis software package, which applies the methodology described in the 2000 Highway Capacity Manual.
4. Increase in critical movement delay due to Project traffic.
5. Increase in critical volume-to-capacity ratio due to Project traffic.

The project would have a less than significant impact at the Protected West San Carlos Street/Meridian Avenue study intersection, and would not require construction of improvements to other segments of the citywide transportation system.

The project would not result in significant intersection delays or inadequate circulation. The project would not result in significant intersection level of service impacts. **(Less Than Significant Impact)**

4.16.2.2 *Impacts to Air Traffic Patterns*
(Checklist Question c)

The project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones. The project would not result in a change in air traffic patterns. The maximum height of the building is 69.5 feet above ground surface. As discussed in Sections 4.8, Hazards and Hazardous Materials and 4.10, Land Use., the project applicant will submit the project to the FAA for airspace safety review in accordance with the FAA FAR Part 77 Noticing Criteria for new structures at the site. The project would comply with FAA requirements and receipt of a no hazards determination would ensure the project would not result in a significant impact to air traffic patterns. **(Less Than Significant Impact)**

4.16.2.3 *Impacts to Emergency Access*
(Checklist Question e)

The proposed project is consistent with City policies regarding project design features and emergency access. Consistent with City standards, the proposed project would provide a 26-foot wide driveway with access for emergency vehicles. A fire 20 foot-wide fire lane (i.e., red curb) would be painted at the eastern edge of the paseo to prohibit parking and allow fire vehicle access. No hazards or design features would hinder emergency vehicles access to the project site. The project would, therefore, not substantially increase hazards due to a project design features or result in inadequate emergency access. **(Less Than Significant Impact)**

4.16.2.4 *Impacts to Public Transit, Bicycle and Pedestrian Facilities Performance*
(Checklist Question f)

The project would construct a new 10-foot sidewalk (which would replace the existing seven-foot sidewalk) along its frontage on Page Street. Pedestrians can use the new park and paseo (with a pedestrian path) along the southern side of the site (which is open to the public during daylight hours) for site access and on-site circulation.

The new park and paseo is part of a planned pedestrian paseo extending between Buena Vista Avenue and Meridian Avenue that will create a pedestrian facility parallel to West San Carlos Street. The proposed paseo would enhance pedestrian access between the site and the surrounding area. The new park and paseo would be connected to Meridian Park located on the eastern side of Page Street via a raised pedestrian crossing. Pedestrians and bicyclists can access Meridian Avenue directly through Meridian Park. The proposed would, therefore, improve pedestrian connectivity in the area.

The project includes 82 bicycle parking spaces, consistent with the City's Municipal Code. The traffic volumes on Page Street are low, therefore, bicyclists can share the road with vehicles

travelling on this street. Bicyclists can use Meridian Park or Douglas Street, a designated bike route, to travel between the site and Meridian Avenue. Bicyclists can travel through O'Connor Park to reach the bike lanes on Lincoln Avenue, access the Race Street LRT station, or continue east on Auzerais Avenue to reach the Los Gatos Creek Trail.

The proposed residents would have access to bus stops within a 15-minute walking distance and Race Street Light Rail Station, approximately 0.4 mile southeast of the site. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities in the immediate vicinity of the project site. **(Less Than Significant Impact)**

4.16.2.5 *Other Transportation Considerations*
(Checklist Question d)

A traffic operations and queuing analysis was completed for three study intersections to evaluate vehicle turn movements and potential delays related to project traffic. For the purposes of CEQA, there are no quantitative impact thresholds specific to queueing. A vehicle sight distance analysis completed for two of the three intersections (West San Carlos Street/Page Street and Meridian Avenue/Douglas Street) and the project driveway. The sight distance analyses evaluated whether or not drivers making turn movements at these intersections and driveway could can see approaching vehicles at a great enough distance to make the movement safely and whether there are any impediments.

Traffic Operations, Queuing, and Sight Distance

West San Carlos Street/Buena Vista Avenue

The West San Carlos Street/Buena Vista Avenue intersection is a four-legged signalized intersection which is operating efficiently, with the primary traffic flows in the eastbound and westbound direction, and low traffic volumes from the northbound and southbound approaches. Vehicles travelling west on West San Carlos Street cannot turn left onto Page Street because of the raised landscaped median. Vehicles could turn left onto Meridian Avenue and approach the site via Douglas Street and Page Street from the south or continue west on West San Carlos Street, make a U-turn at Buena Vista Avenue, and turn right onto Page Street. Based on the trip generation and trip distribution assumptions, approximately two vehicles would make a U-turn at the West San Carlos/Buena Vista Avenue intersection during the AM peak hour and six vehicles during the PM peak hour. The 140-foot left turn pocket is anticipated to accommodate this added project traffic as the maximum queue observed at this location is only three vehicles.

West San Carlos Street/Page Street

Page Street intersects West San Carlos Street as a three-legged T intersection with a stop sign on the Page Street approach. Vehicles are restricted to through movements on West San Carlos Street and right-turn movements into and out of Page Street because of the raised median. Based on field observations, traffic can easily turn right from Page Street onto eastbound West San Carlos Street during the AM peak period, the time period with the most added project traffic, but would experience longer delays during the PM peak period due to the queue spilled back from Meridian Avenue.

The traffic analysis assessed whether drivers of vehicles turning right from Page Street onto West San Carlos Street would see approaching vehicles at a great enough distance to make the movement safely and whether there are any impediments, such as on-street parking and landscaping. The speed limit on West San Carlos Street is 35 miles per hour which corresponds to a stopping sight distance of 250 feet according to the Caltrans Highway Design Manual. If vehicles stop at the stop bar, the red curb on the south side of West San Carlos Street would require extension of approximately 80 feet to the west removing about four parking spaces. Stopping sight distance would be achieved without any modifications to on-street parking if drivers are allowed to encroach into the crosswalk. Any red curb extensions/parking space removal would be the responsibility of the City of San José given West San Carlos Street is a public street.

Meridian Avenue/Douglas Street

Douglas Street intersects Meridian Avenue as a three-legged T intersection with a stop sign on the Douglas Street approach. This intersection accommodates all turning movements. Traffic approaching and departing the site from/to the south on Meridian Avenue would travel through this intersection via a northbound left-turn movement and a southbound right-turn movement. Field observations show that the southbound queues on Meridian Avenue sometimes spill back from signalized intersections to the south up to Douglas Street, but they generally are only queued for less than one signal cycle. Based on the trip generation and trip distribution assumptions, approximately three vehicles would make the northbound left turn during the AM peak hour and eight vehicles during the PM peak hour. Vehicles would easily turn left from northbound Meridian Avenue onto westbound Douglas Street and the northbound left-turn pocket is expected to accommodate the added project traffic without affecting through movements on Meridian Avenue.

A stopping sight distance analysis was completed for the Douglas Street approach to the Meridian/Douglas Street intersection. Vehicles from the project site would primarily turn right from Douglas Street onto Meridian Avenue. The speed limit on Meridian Avenue is 35 mph. The appropriate sight distance for the Douglas Street approach would be achieved.

Driveway Sight Distance

A sight distance analysis was completed for the 26-foot site driveway to assess whether vehicle drivers exiting the site would see approaching vehicles (in both directions) at great enough distances to make the movement safely. The speed limit on Page Street is 25 mph, which corresponds to a stopping sight distance of 150 feet according to the Caltrans Highway Design Manual. Removal of a parking space on the west side of Page Street, just north of the proposed driveway, would be required to attain the appropriate sight distance. Any on-street parking space removal would be the responsibility of the City of San José since Page Street is a public street.

Parking

The proposed vehicle parking supply includes 55 parking spaces provided using lifts, three surface spaces and three Americans with Disabilities Act (ADA) spaces for a total of 61 spaces, or a ratio of 0.74 spaces per unit. In addition, two motorcycle parking spaces would be provided. A bicycle storage room with the capacity for 82 bicycles, or one per unit, would be provided.

The City's bicycle parking requirement for studio apartments is one bicycle space per four units. The project exceeds the bicycle parking requirements by providing one per unit.

The City's vehicle parking requirement for studio apartments is 1.25 vehicle spaces per unit or 103 spaces. The parking requirement can be reduced between 20 and 50 percent depending on Transportation Demand Management (TDM) measures used at the site. The proposed TDM measures include:

- Transit passes will be provided to residents to encourage bus and LRT use
- Secure bicycle parking is provided for all units to encourage bicycle use
- Page Street Housing is located in the West San Carlos Urban Village and is within a short walking distance of a number of stores and restaurants. The site's location in a mixed-use area with multiple nearby destinations encourages walking and biking.

The amount of provided parking meets the California State Government Code and the City of San José's Municipal Code with the allowable TDM reduction.

4.16.3 Conclusion

Implementation of City General Plan policies would ensure that the proposed project would not result in significant impacts on the transportation system serving the site. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

Assembly Bill 939

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (CIWMB; now 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.

4.17.1.2 *Existing Conditions*

Water Services

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

to the project site would be supplied by the San José Water Company (SJWC). There are currently no recycled water lines in the immediate site vicinity.[41]

Based on the current water usage rates from the SJWC, residential units have a water demand factor of approximately 400 gallons per day (gpd) per unit.[42] The project site contains five occupied residential units. The estimated water use for the site is 2,000 gpd.

Sanitary Sewer/Wastewater Treatment

Wastewater from the City is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[43] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately 10 percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment.

For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use due to the limited landscaping. The existing occupied residences on-site are estimated to generate approximately 1,900 gpd of wastewater total. The existing residences connect to a six-inch sanitary sewer line on Page Street.

Stormwater Drainage

The project site is located in a developed area served by storm drainage systems. The project site currently contains five occupied residences, paved driveways, and landscaping, with 18,880 square feet of impervious surfaces (i.e., 62 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.

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek (a tributary of the Guadalupe River), located approximately 0.7 mile east 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 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

[41] South Bay Water Recycling. "Recycled Water Pipeline System." Accessed March 7, 2018. https://www.sanjoseca.gov/DocumentCenter/View/4692.
[42] San José Water Company. *Museum Place Mixed-Use Project Water Supply Assessment.* December 2016.
[43] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: November 28, 2017. Available at: http://www.sanjoseca.gov/?nid=1663.

the IWMP, the County has adequate disposal capacity beyond 2030.[44] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

The existing occupied residences on-site is estimated to generate approximately 43 pounds of solid waste per day.[45]

4.17.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1, 3
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 3
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1, 3, 23
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1, 3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 3
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1, 3

[44] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[45] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: January 11, 2018. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
Multi-family unit waste generation would be approximately 8.6 pounds per day. The site includes four occupied multi-family units and one occupied cottage.

4.17.2.1 *Sanitary Sewer Capacity*
(Checklist Question a)

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

Sanitary sewer lines serving the site are owned and maintained by the City of San José. The project would construct a new six-inch sanitary sewer line, which would connect to an existing six-inch sewer line on Page Street. A fire service (approximately six-inches), a fire hose, a drinking water, and irrigation water lines would connect to the existing six-inch water line on Page Street.

The existing occupied residences on-site are estimated to generate approximately 1,900 gallons per day (gpd) of wastewater total. Development of the site under the proposed project is anticipated to result in wastewater generation of approximately 29,324 gallons per day, resulting in a net increase of 24, 424 gpd.[46] The project would not result in exceedances of RWQCB's treatment requirements for the RWF. **(Less Than Significant Impact)**

4.17.2.2 *Impacts to Water or Wastewater Treatment Facilities*
(Checklist Question b and e)

Development under the proposed project is consistent with General Plan growth projections and would not substantially increase water or wastewater volumes such that new or expanded water or wastewater treatment facilities would be required. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for water and sewer services. Therefore, the project would not have a significant impact related to the provision of water and sewer service for the project. **(Less Than Significant Impact)**

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

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

The site is currently undeveloped and unpaved. Runoff from the project site currently enters the storm drainage system untreated and unimpeded. The project applicant proposes to construct residential and commercial uses, along with associated parking and landscaping.

Stormwater runoff from the site would be collected via new six-inch storm drains which would be directed to bio retention areas on the project site. Stormwater from the site would be treated then

[46] Assumes wastewater comprising 95 percent of water use.

directed to the proposed 15-inch storm drain on Page Street, which would connect to the City's existing 15-inch storm drain on West San Carlos Street.

As discussed in *Section 3.9, Hydrology and Water Quality* of this Initial Study the project would add impervious surfaces to the site. The project would install bioretention areas, removing pollutants and decreasing the rate and volume of stormwater runoff entering the City storm drainage system. The project would also comply with the San Francisco Bay MRP. For these reasons, development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

4.17.2.4 *Impacts to Water Supply*
(Checklist Question d)

As mentioned in Section 4.17.1.1, the project site is estimated to use approximately 2,000 gpd of water under existing conditions. The proposed project would result in the construction of 82 apartment units and 670 square feet of office space. The project would use approximately 32,867 gpd of water daily[47], a net increase of approximately 30,867 gpd. A fire service (approximately six-inches), a fire hose, a drinking water, and irrigation water lines would connect to the existing six-inch water line on Page Street.

The General Plan FEIR determined that the City's water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated in new development which would substantially reduce water demand. In addition, the General Plan FEIR concluded that with implementation of General Plan water conservation policies and regulations, full build out under the General Plan would not exceed the available water supply under standard and drought conditions.

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

4.17.2.5 *Impacts to Solid Waste Landfills*
(Checklist Question f and g)

The site currently generates approximately 57 pounds of solid waste per day. The proposed project would generate approximately 710 pounds of solid waste per day, which would be an increase of 653 pounds of solid waste per day.[48]

[47] The water demand estimated is based on 400 gpd per residential unit and a demand factor of 0.1 gpd per square foot for office uses. 400 gpd/unit x 82 residential units = 32,800 gpd (generated by residences). 0.1 gpd/square foot x 670 square feet = 67 gpd (generated by office uses)

[48] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: March 8, 2018. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
Multi-family residential waste generation was estimated at a rate of 8.6 pounds per unit per day.

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[49] The project would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity. **(Less Than Significant Impact)**

The Envision San José 2040 General Plan FEIR concluded that the increase in waste generated by buildout of the General Plan would not cause the City to exceed the capacity of existing landfills serving the City. Future increases in solid waste generation from developments allowed under the General Plan would be limited through implementation of the City's Zero Waste Strategic Plan. The Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would comply with solid waste regulations. **(Less Than Significant Impact)**

4.17.3 Conclusion

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

Implementation of General Plan and other City policies would ensure development of the project site would not significantly impact utilities and service systems serving the project site. **(Less Than Significant Impact)**

[49] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1, 2, 3, 11, 12, 13, 14
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐	1-23
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-5, 8-10, 13, 15-23

4.18.1 Project Impacts

As discussed in the previous sections of this Initial Study / Environmental Assessment, 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 3.4, Biological Resources,* with implementation of the identified Standard Permit Conditions and mitigation measures (**MM BIO-1.1** through **MM BIO-1.4**), the project would not significantly impact sensitive habitats or species. As discussed in *Section 3.5, Cultural Resources*, with implementation of the identified Standard Permit Conditions, the project would result in a less than significant impact on archaeological, historic, and paleontological resources. The project would not result in new or more significant impacts than identified in the General Plan EIR. **(Less Than Significant Impact with Mitigation)**

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

projects." 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.

Recently approved (but not constructed) projects within the vicinity of the project site include the Race and Grand Residential Project, located west of Race Street, east of Grand Avenue, and north of West San Carlos Street (approximately 0.2 mile northeast of the Page Street Housing site). An approved *Planned Development Zoning District* allows the demolition of all buildings and structures on site and construction of one of two options: 1) 206 multi-family apartment units or 2) 116 multi-family and 90 senior apartment units.

Another nearby approved project is the West San Carlos and Race Street Commercial Development project, located approximately one-quarter mile east of the Page Street Housing site. The approval allows the demolition and removal of the existing buildings, billboard, hardscape; removal of seven ordinance size trees; and construction of a one-story 29,580 square foot commercial building with associated surface parking and landscaping.

4.18.2.1 *Resource Topics not Impacted by the Project*

The project would have no impact on agricultural and mineral resources and, therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources. **(No Cumulative Impact)**

4.18.2.2 *Cumulative Traffic Impacts*

The traffic analysis described in Section 4.16, *Transportation/Traffic* shows the proposed project would not result in a significant traffic impact, as the project would generate 28 net new weekday AM and 33 net PM peak hour trips and the study intersection (West San Carlos Street/Meridian Avenue) would continue to operate at an acceptable level of service (LOS D) under both existing, existing plus project, and background plus project conditions. The two approved projects were included in the proposed Page Street project's background analysis. Based on the traffic analyses, the three projects combined would not result in an unacceptable level of service at the West San Carlos Street/Meridian Avenue intersection and the combined impact to this intersection would be less than significant. For this reason, the project would result in less than significant cumulative traffic impacts. **(Less Than Significant Cumulative Impact)**

4.18.2.3 *Cumulative Air Quality and GHG Impacts*

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants, respectively. By its very nature, air pollution is largely a cumulative impact. 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's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As discussed in Section 4.3, *Air Quality* with implementation of standard permit conditions and mitigation measures to reduce construction emissions, the project would have a less than significant

impact on air quality. For this reason, the project would have a less than significant cumulative impact on air quality. **(Less Than Significant Cumulative Impact)**

The project's GHG emissions are discussed in Section 4.7, *Greenhouse Gas Emissions* and it was concluded the project would not result in a cumulatively considerable contribution to greenhouse gas emissions. The proposed project would result in an operational GHG emissions of 502 MT of CO_2e per year, which is below the 622 MT CO_2e per year efficiency threshold to meet the 2030 target. **(Less Than Significant Cumulative Impact)**

4.18.2.4 *Cumulative Cultural Resources and Geology Impacts*

The project site does not contain known cultural resources, but they may be encountered during site ground disturbance. The project's effects on these resources would be specific to the project site and do not have the potential to combine with other projects to contribute to cumulative impacts elsewhere.

With the implementation of conditions of approval, the proposed residential development on the site would not result in significant geology and soils impacts. The project would not contribute to cumulative impacts to these resources, since these are specific to the site, and do not have the potential to contribute to or combine with localized, specific conditions on other development sites across the City. **(Less Than Significant Cumulative Impact)**

4.18.2.5 *Cumulative Hydrology and Utilities Impacts*

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

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 three cumulative 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 would, therefore, not result 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 Santa Clara 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.

As discussed in the Section 4.17, *Utilities and Service Systems*, the landfills serving the project site and the City as a whole, has remaining capacity to serve the region through 2030. However, the City has plans to prepare a contract with another landfill with capacity. Based on the above reasons, the proposed Page Street project would not result in significant cumulative impacts to the City's utilities and service systems. **(Less Than Significant Cumulative Impact)**

4.18.2.6 *Cumulative Biological Resources Impacts*

The Page Street Housing, Race and Grand Residential, and West San Carlos and Race Street Commercial project sites are developed and do not contain any sensitive biotic habitats for special-status wildlife species. The projects would, therefore, result in no cumulative impact to sensitive natural habitats in the area.

All three projects would include tree mitigation to replace removed trees. Tree mitigation for the projects would offset the impacts to trees removed. With the implementation of the City's tree replacement mitigation, the combined projects would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. The project applicants 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. For these reasons, the project would not result in significant cumulative impacts to biological resources in the area. **(Less Than Significant Cumulative Impact)**

4.18.2.7 *Cumulative Population and Housing Impacts*

The proposed project would a construct 82 apartment units which would accommodate approximately 165 residents. Under Scenario 1 for the Race and Grand project, the project would generate approximately a maximum of 660 new residents, replacing existing commercial and five single-family residential uses at that site. The West San Carlos and Race Street project would demolish three existing commercial buildings (totaling 30,305 square feet) and construct a new 29,580 square foot commercial building, which would not substantially change the number of employees on this site. The Page Street and Race and Grand projects' incremental increase in residential density is not considered a substantial increase in the City's current or projected population. All three projects are consistent with planned growth and assumptions established in the General Plan. The projects would not extend a road or other infrastructure that would indirectly induce growth.

The Page Street and Race and Grand Street projects would demolish 10 residences (combined) and would displace existing residents on the sites. The projects combined would construct a total of 742 residential units which would offset the impacts of the displacement of existing residents. The projects combined, therefore, would not result in a significant cumulative population impact due to the displacement of people or housing**. (Less Than Significant Cumulative Impact)**

4.18.2.8 *Cumulative Public Services and Recreation Impacts*

The proposed project would a construct 82 apartment units which would accommodate
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 church and roadway projects would result in a less than significant cumulative impact on police and fire services and facilities.

The Page Street and West San Carlos and Grand projects propose new residences, and would increase demand for new parks or schools. The projects would be required to pay park in-lieu fees per City Code (Chapter 17.35) and state statutory fees to offset impacts to parks and schools. The combined effects of school and park demands would, therefore, result in a less than significant cumulative impact. **(Less Than Significant Cumulative Impact)**

4.18.2.9 *Cumulative Land Use, Aesthetics, and Hazardous Materials Impacts Services*

Land Use

The proposed Page Street Housing, Race and Grand West San Carlos, and Race Street projects are consistent with General Plan land use designation. The projects would conform with the General Plan goals and policies and applicable regulations; therefore, no reasonably foreseeable combined land use impacts would result in a significant cumulative impact. (**Less Than Significant Cumulative Impact)**

Aesthetics

The proposed Page Street project would construct a construct a five-story apartment development with 82 units. Compliance with the West San Carlos Urban Village Plan policies would ensure the proposed development is consistent with the scale and the neighborhood of the area. The two approved projects would not be within the site's immediate vicinity and therefore the cumulative projects would not have combined impacts to visual character. The cumulative projects would be visible from the immediate vicinity. Views of hillsides and scenic vistas are blocked by existing development in the project areas; development of the sites would not have a significant impact on scenic views or vistas. The projects would undergo architectural and site design review by Planning staff and the City's Architectural Review Committee prior to issuance of building permits to ensure that the project would not adversely affect the visual quality of the area or create a substantial new source of light or glare for adjacent businesses or persons traveling on the local roadways. For these reasons, the projects combined aesthetic impacts would not result in reasonably foreseeable cumulative aesthetic impacts. **(Less Than Significant Cumulative Impact)**

Hazards and Hazardous Materials and Impacts

The project site contains soils that are contaminated with organochlorine pesticides, arsenic and lead due to former agricultural uses and structures that contain lead-based paint on-site. The project includes mitigation measures to avoid significant impacts of hazardous soils on construction workers and adjacent residences.

All three projects would be subject to all local, state, and federal regulations governing the transport and use of hazardous materials, which would result in a less than significant cumulative impact. None of the sites are located within an airport influence area. The projects would meet FAA requirements; therefore, the projects would not result in a cumulative aircraft hazard. For these

reasons, the cumulative projects, would not result in significant cumulative hazardous or hazardous materials impacts. **(Less Than Significant Cumulative Impact)**

4.18.3 Direct or Indirect Adverse Effects on Human Beings

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 off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the 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.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building and Code Enforcement
Susan Walsh, Supervising 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

AMSO Consulting Engineers
Geotechnical Consultants
Basil A. Amso, CE

Archives & Architecture
Cultural Resources Consultants
Franklin Maggi, Architectural Historian

Fehr & Peers
Transportation Consultants
Jane Bierstedt, Principal

Holman & Associates
Cultural/Archaeological Resources Consultants
Sunshine Psota, Senior Associate

Illingworth & Rodkin
Air Quality and GHG Consultants, Noise Consultants
James Reyff, Principal
Michael Thill, Principal

Kielty Arborist Services
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David Beckham, Arborist
Jane Bierstedt, Principal

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