INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for
2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly

File No. CP19-021

CITY OF SAN JOSE
CALIFORNIA

April 2020

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: 2375 & 2395 South Bascom Avenue Residential Care Facility for the Elderly (RCFE)

PROJECT FILE NUMBER: CP19-021

PROJECT DESCRIPTION: Conditional Use Permit to allow the demolition of four existing commercial buildings and construction of a 83-unit, 93 bed, fully-licensed Residential Care Facility for the Elderly. The project proposes to construct a 72,870 square foot building, one to three-stories in height, with one level of below-grade parking.

PROJECT LOCATION: The project is located on approximately 1.23 gross acres at 2375 and 2395 South Bascom Avenue in San José.

ASSESSORS PARCEL NO.: 412-25-009 & 412-25-010 **COUNCIL DISTRICT:** 9

APPLICANT CONTACT INFORMATION: Advocacy Development Partners (ATTN: Paul Bunton), 555 Peters Ave, Suite 105, Pleasanton, CA 94556 paul@advocacydevpartners.com; (510) 612-4774

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. **AIR QUALITY.**

Impact AIR-1: Project construction would result in an infant cancer risk of 38.1 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD's cancer risk significance threshold of 10 in one million.

MM AIR-1.1: The project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average of 75 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Feasible plans to achieve this reduction shall include the following:

- All diesel-powered off-road equipment, larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall use engines that, at a minimum, meet United States EPA particulate matter emissions standards for Tier 3 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent).
- Alternatively, equipment that meets U.S. EPA Tier 4 standards for particulate matter or the use of equipment that includes electric 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 demonstrated to reduce community risk impacts to less than significant.

If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AQ-1.2) which include specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest.

MM AIR-1.2: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment (as described in MM AQ-1.1) to be used during construction to the Director of Planning, Building and Code Enforcement, or Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Project construction, including tree removals, that occur during the breeding season could result in a significant impact to nesting raptors and other protected migratory bird species.

MM BIO-1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever occurs first), the project applicant shall schedule all 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).

Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. 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 latter part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in coordination with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for other birds) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any site disturbance, such as tree removal, or the issuance of any grading, building or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee.

E. CULTURAL RESOURCES.

Impact CUL-1: The project may impact Native American and historic-era archaeological deposits during excavation and construction activities.

MM CUL-1.1: Preliminary Investigation. Prior to the issuance of any grading permits, a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations (if any), shall be submitted to the Director of Planning, Building and Code Enforcement, or Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-1.2 shall be prepared by a qualified archaeologist if necessary.

MM CUL-1.2: Research Design and Treatment Plan. If MM CUL-1.1 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director of Planning, Building and Code Enforcement, or Director's

designee prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (with location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL-1.3: Evaluation. The project applicant shall notify the Director of Planning, Building and Code Enforcement, or Director's designee and the City's Historic Preservation Officer of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand-augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center (NWIC), and/or equivalent.

F. GEOLOGY AND SOILS – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: The project could encounter TCE or ethylbenzene contamination during construction activities.

MM HAZ-1: Due to the sensitive nature of the development and the potential to encounter TCE or ethylbenzene contamination during construction activities and a potential for a vapor intrusion health risk to future site occupants, the project applicant shall enter into the Site

Cleanup Program with the Santa Clara County Department of Environmental Health (SCCDEH). This shall be completed prior to the issuance of a site grading permit or demolition/construction activities. The SCCDEH will decide the appropriate next steps such as the development of a Site Management Plan, Removal Action Workplan, or equivalent document. The SCCDEH shall be contacted before any documents are drafted to ensure they include the appropriate information and measures that are specific to this site. The project applicant shall submit this evidence of coordination with the SCCDEH to the Director of Planning, Building and Code Enforcement, or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department.

I. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

J. LAND USE AND PLANNING – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. MINERAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. NOISE.

Impact NSE-1: Noise from rooftop mechanical equipment could exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity, which represents a potentially significant impact.

MM NSE-1: Mechanical equipment selection. As a project condition of approval, the project applicant shall select and design mechanical equipment to reduce excessive noise levels at the surrounding uses to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's Municipal Code noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible.

Impact NSE-2: Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities.

MM NSE-2: Construction Noise Logistics Plan. Prior to the issuance of any grading or demolition permits, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic

plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee CP19-021 2375 & 2395 Bascom Avenue DRAFT Environmental Conditions and Mitigation Measures prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.
- Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for

coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

Impact NSE-3: Construction of the project could potentially produce vibration levels of 0.2 in/sec PPV or more at the non-historical buildings surrounding the site.

MM NSE-3: Construction Vibration Monitoring, Treatment, and Reporting Plan. The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Document conditions at all structures located within 30 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:
- Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.
- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 30 feet of all construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion of vibration

generating construction activities, and shall include internal and external crack monitoring in the structures, settlement, and distress, and shall document the condition of the foundations, walls and other structural elements in the interior and exterior of said structures.

- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

M. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

N. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. TRANSPORTATION / TRAFFIC CULTURAL RESOURCES

Impact TR-1: Project operations would generate 12.41 vehicle miles traveled (VMT) per employee that exceeds the threshold of 12.21 VMT per employee based on Council Policy 5-1, resulting in a significant transportation impact.

MM TR-1: The project applicant shall install a crosswalk via a signal modification on the south leg of the South Bascom Avenue and Dry Creek Road intersection. This pedestrian network improvement includes installation of pedestrian signal heads and push buttons on the existing signal poles, as well as installing new ADA compliant curb ramps, on both the southwest corner and southeast corner (pork chop island) of the intersection. The existing bus stop and associated pad on the west side of South Bascom Avenue shall be shifted to the south so as to not conflict with the new crosswalk. The project off-site improvement plans shall be submitted to the Public Works Department for review prior to any building clearances.

Q. TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact

on this resource, therefore no mitigation is required.

S. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. **MANDATORY FINDINGS OF SIGNIFICANCE.**

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Thursday May 21, 2020** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

4/28/2020
Date

Deputy

Bethelhem Telahun
Environmental Project Manager

Circulation period: May 1, 2020 to May 21, 2020

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Chapter 1. Background Information

INTRODUCTION

This Initial Study has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers considering the project.

The City of San José is the lead agency under CEQA for the proposed project. The City has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from development of this project, as described herein.

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

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Bethelhem Telahun
Bethelhem.Telahun@sanjoseca.gov

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at the above address.

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled public hearing. 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.

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

PROJECT DATA

1. **Project Title**: 2375 & 2395 South Bascom Avenue Residential Care Facility for the Elderly

2. **Lead Agency Contact:** City of San José Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113

3. **Property Owner**: Bob Bombaci, 14932 Heather Drive, San José, CA 95124

4. **Project Proponent:** Paul Bunton, Advocacy Development Partners, 555 Peters Ave, Suite 105, Pleasanton, CA 94556 paul@advocacydevpartners.com (510) 612-4774

   Project Location: The project is located on approximately 1.23 gross acres at 2375 and 2395 South Bascom Avenue in San José.

   Assessor's Parcel Numbers (APN): 412-25-009 & 412-25-010 **Council District:** 9

6. **Project Description Summary:** Application for a Conditional Use Permit to allow the demolition of four existing commercial buildings and construction of a 83-unit, 93 bed, fully-licensed Residential Care Facility for the Elderly. [1] The project proposes to construct a 72,870 square foot building, one to three-stories in height, with one level of below-grade parking.

7. **Envision 2040 San José General Plan Designation**: *Neighborhood/Community Commercial*

8. **Zoning Designation**: CP Commercial Pedestrian

9. **Habitat Conservation Plan Designations**:
   Area 4: Urban Development Equal to or Greater than 2 Acres Covered
   Land Cover: Urban-Suburban
   Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

10. **Surrounding Land Uses**:
    - North: Commercial, Dry Creek Road
    - South: Commercial, Multi-family Residential
    - East: South Bascom Avenue, Commercial
    - West: Single-family Residential

[1]The bed and unit count have increased slightly since completion of the technical studies for this project, which evaluated 79 units and 88 beds. This increase does not change the results of the technical studies nor does it result in significant new impacts.

Chapter 2. Project Description

PROJECT LOCATION

The project site is located within the City limits of San José, in Santa Clara County, at 2375 and 2395 South Bascom Avenue (refer to Figure 1). The site lies within Assessor's Parcel Numbers (APNs) 412-25-009 and 412-25-010 (see Figure 2). The property is currently occupied by Dry Creek Plaza, a commercial development containing four buildings, trailers, pavement, and storage yards. The aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

The project is an application for a Conditional Use Permit in order to construct and operate a fully licensed Residential Care Facility for the Elderly (RCFE).[2] RCFE's are highly regulated by the State of California and designed to promote residential independence and self-direction to the greatest extent possible. The California Department of Social Services, Community Care Licensing Division enforces these laws and regulations through the initial licensing process and periodic inspections.

The services provided will include assisted living (AL) and memory care (MC). AL is a combination of housing, supportive services, and 24-hour staff designed to respond to the individual needs of those who require help with daily living activities. MC units have trained staff on duty 24-hours to serve the changing needs of those with memory loss.

A site plan for the proposed project is presented in Figure 4, and floor plans are provided in Figures 5A to 5E. The RFCE proposes 83 units (maximum of 93 beds), consisting of 59 assisted living units and 24 memory care units. The proposed building would consist of an approximately 72,870 square foot, one to three-story structure.[3] The building would have a maximum height of approximately 52 feet. Elevations of the proposed project are presented in Figures 6A through 6C. The general architectural style of the proposed building is modern. The project would also include a 280-kilowatt emergency generator powered by a diesel engine.

Operation of the Facility: Amenities of the proposed RCFE include multiple common area and activity rooms including a theater, therapy salon room, activity rooms, multiple lounges, arts and crafts room, library/media room, and a wellness center. These spaces are intended to provide the occupants with spaces for daily activities. The facility would also provide dedicated rooms for vendors and third-party services, such as barbers, beauticians, and physical and occupational therapists.

The facility would not store medical supplies that would be considered hazardous. No medical procedures are conducted onsite. Staff only assists in the administration of basic prescription medications. When a higher level of care is required, residents are generally recommended to a skilled nursing home.

[2] "Residential Care Facility for the Elderly" is a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator, or other responsible person, where 75% of the residents are 60 years of age or older, and where varying levels of care and supervision are provided as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents.

[3] The bed and unit count have increased slightly since completion of the technical studies for this project, which evaluated 79 units and 88 beds. This increase does not change the results of the technical studies nor does it result in significant new impacts.

The facility would be staffed 24 hours a day, 365 days a year. The total number of staff employed in the community would be approximately 70. The maximum number of staff on-site during a typical day shift would be approximately 27 people and the number of staff per shift including approximately 8-15 wellness and care staff per shift, depending on the number of clients in the community, shift time, and level of care required. The hours of operation and visitor hours would be 24 hours a day, seven days a week. The front doors will be secured after 8 P.M., with a lock-code provided to staff and family members. The peak number of 27 employees would occur mid-day on weekdays.

Parking and Access. The project would remove three existing driveways on South Bascom Avenue and construct one new two-way driveway. The driveway would be restricted to right-turn in/out movements only, due to the raised median island along South Bascom Avenue. The project driveway would provide access to a basement parking level containing 45 parking stalls. The site plan shows four long-term bicycle parking spaces in a bike room located in the below-grade parking level. In addition, a drop-off/pick-up area is proposed in the parking garage.

Lighting. Exterior lighting is proposed for the assisted living building and parking area, for security and access. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3) and Zoning Ordinance lighting requirements under Municipal Code Section 20.40.530 and 20.40.540.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is proposed that directs runoff to bio-retention areas prior to flowing into the City's storm drainage system, as shown in Figure 8. Features of the stormwater control plan include flow-through planters and landscaping.

Grading. Development of the project will involve the grading of 15,500 cubic yards (CY) of cut and 250 CY of fill. This will require the net export of 250 CY of material from the site.

Public Improvements. The project proposes new sidewalk, curb, gutter, and street landscaping along the Bascom Avenue frontage. In addition, the project will construct new driveway access and install utility service laterals for storm, water, sewer, and gas and electric.

Landscaping and Tree Removal. A landscape plan has been prepared for the project as shown in Figure 9. Landscaping is proposed generally around the perimeter of the site and in outdoor common areas. The project proposes to remove six existing trees on the site and replace them in accordance with the City's requirements.

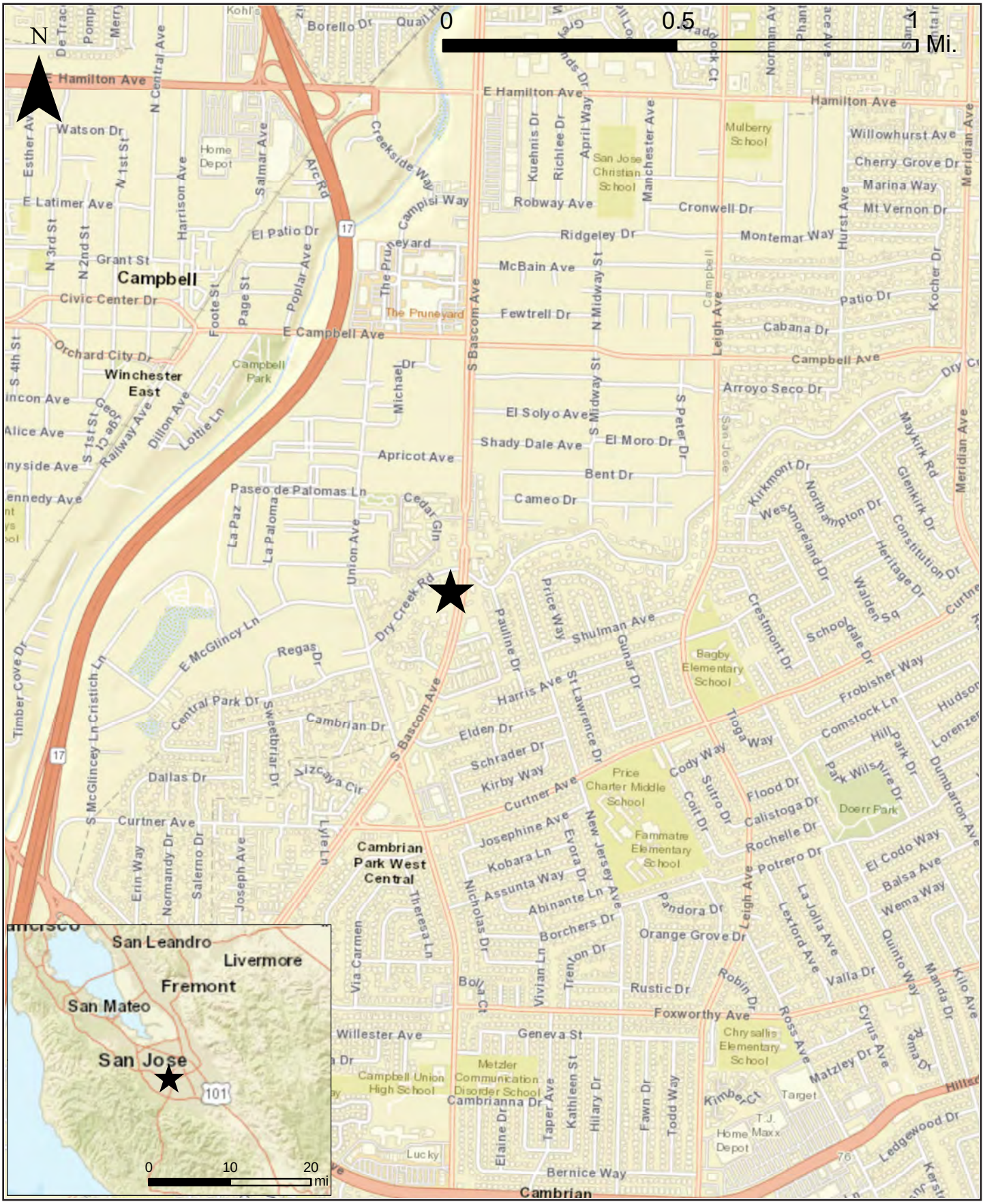
Construction. The project is estimated to have a construction period of approximately 18 months. Construction will include demolition, site preparation and grading, building construction, paving, and architectural coating. During project construction, typical construction equipment that would be used on the project site include backhoes, dozers, pavers, concrete mixers, trucks, air compressors, saws, and hammers. No pile driving is proposed for construction.

PROJECT-RELATED APPROVALS, PERMITS, AND CLEARANCES

The City of San José is the lead agency with responsibility for approving the proposed project. This MND will be relied upon for, but not limited to, the following project-specific discretionary approvals necessary to implement the project as proposed:

- Rezoning,
- Conditional Use Permit,
- Site Development Permit,
- Building Clearance(s): Demolition Permit, Building Permit, and
- Public Works Clearance(s): Grading Permit

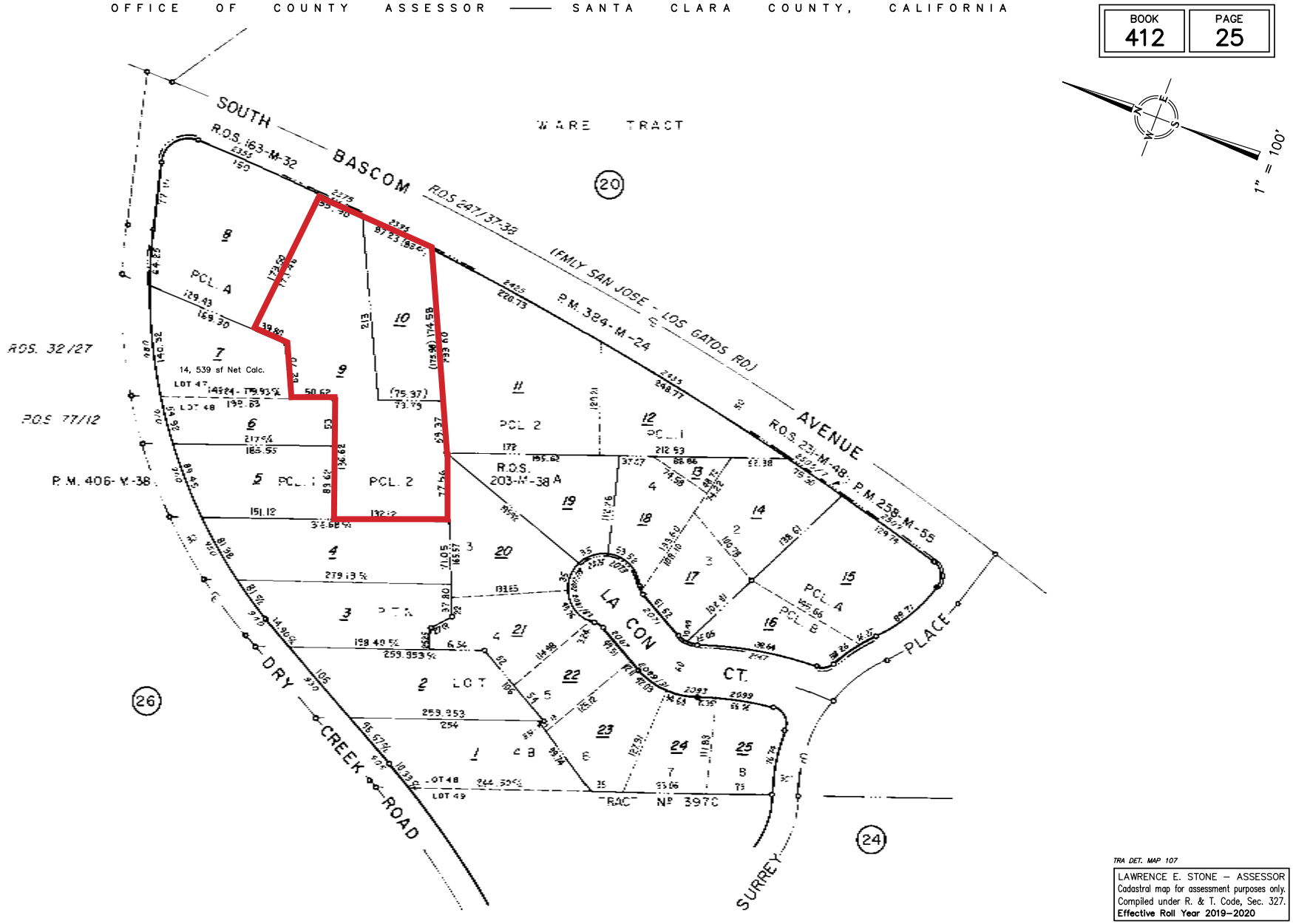
Approval from other public agencies is not required, however permits and clearance will be required from the State of California for operation of the RCFE (California Code of Regulations Title 22, Division 6, Chapter 8).



Location Map

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
1



Project Boundaries

Source: Office of the Assessor, County of Santa Clara, October 2019

APN Map

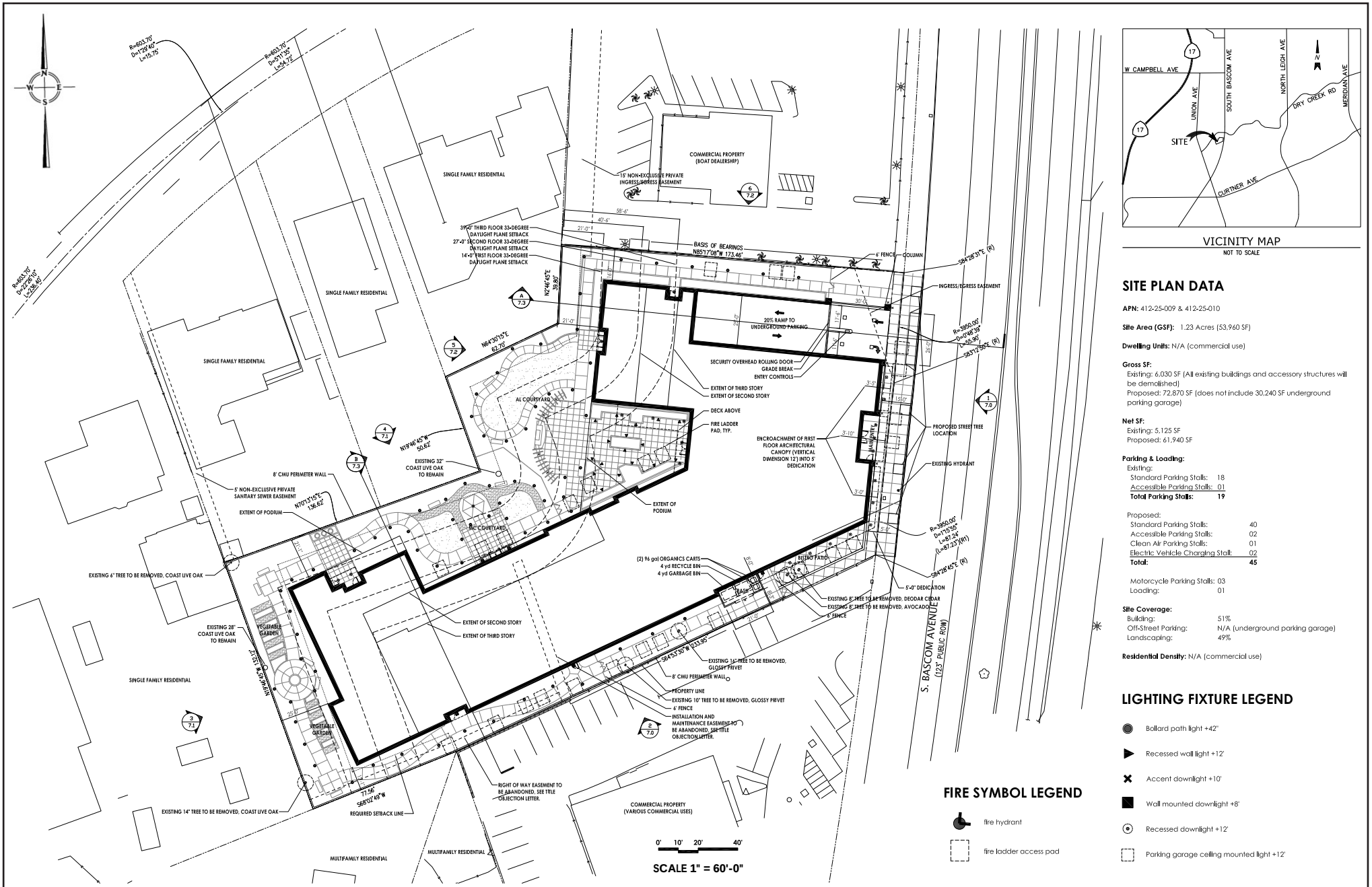
2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure 2

Aerial Map

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
3



VICINITY MAP
NOT TO SCALE

SITE PLAN DATA

APN: 412-25-009 & 412-25-010

Site Area (GSF): 1.23 Acres (53,960 SF)

Dwelling Units: N/A (commercial use)

Gross SF:
Existing: 6,030 SF (All existing buildings and accessory structures will be demolished)
Proposed: 72,870 SF (does not include 30,240 SF underground parking garage)

Net SF:
Existing: 5,125 SF
Proposed: 61,940 SF

Parking & Loading:
Existing:

Standard Parking Stalls:	18
Accessible Parking Stalls:	01
Total Parking Stalls:	**19**

Proposed:

Standard Parking Stalls:	40
Accessible Parking Stalls:	02
Clean Air Parking Stalls:	01
Electric Vehicle Charging Stall:	02
Total:	**45**

Motorcycle Parking Stalls:	03
Loading:	01

Site Coverage:

Building:	51%
Off-Street Parking:	N/A (underground parking garage)
Landscaping:	49%

Residential Density: N/A (commercial use)

LIGHTING FIXTURE LEGEND

- Bollard path light +42"
- Recessed wall light +12'
- Accent downlight +10'
- Wall mounted downlight +8'
- Recessed downlight +12'
- Parking garage ceiling mounted light +12'

FIRE SYMBOL LEGEND

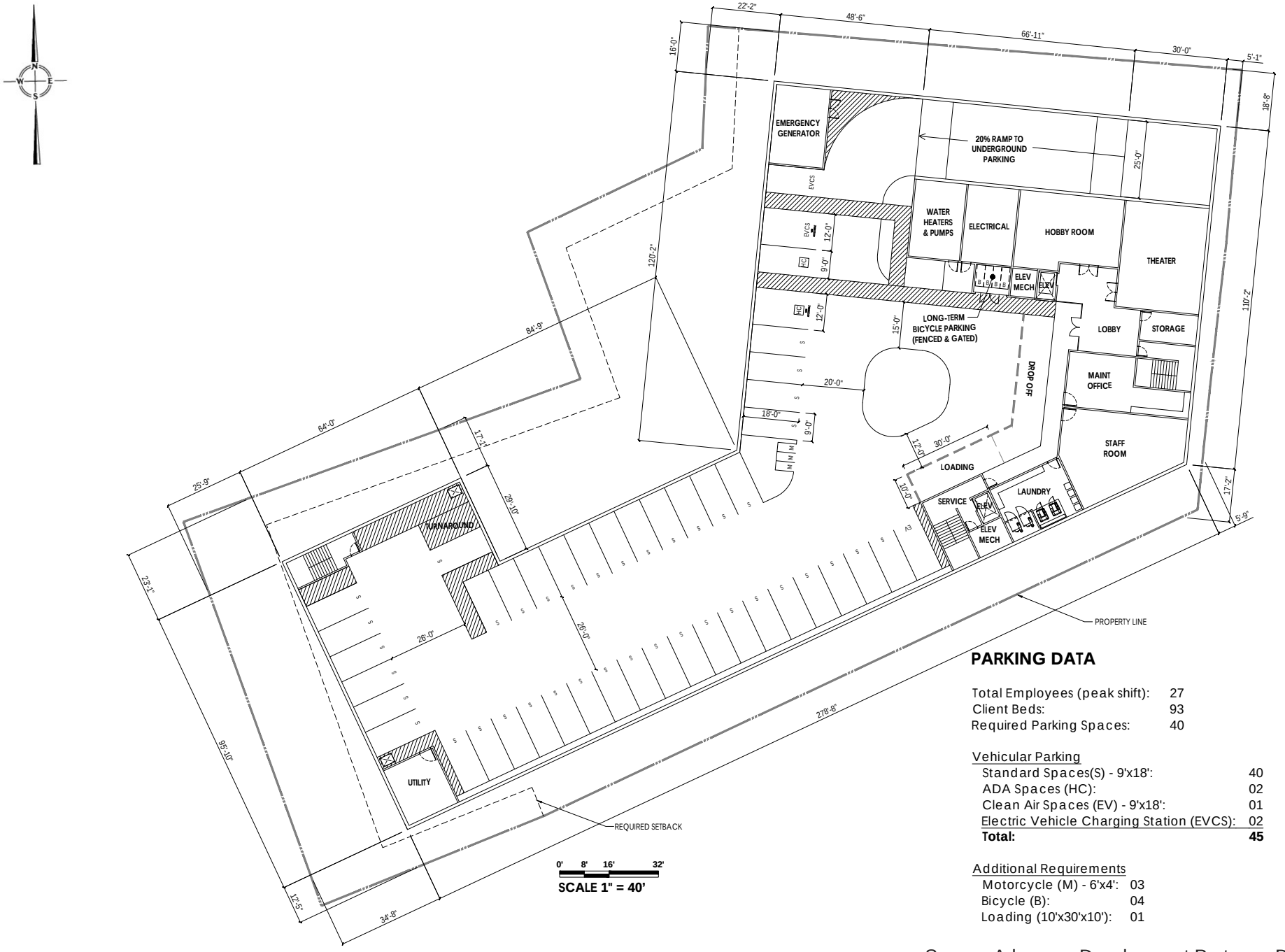
- fire hydrant
- fire ladder access pad

Source: Advocacy Development Partners, December 2019

Site Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure 4



PARKING DATA

Total Employees (peak shift):	27
Client Beds:	93
Required Parking Spaces:	40

Vehicular Parking

Standard Spaces(S) - 9'x18':	40
ADA Spaces (HC):	02
Clean Air Spaces (EV) - 9'x18':	01
Electric Vehicle Charging Station (EVCS):	02
Total:	**45**

Additional Requirements

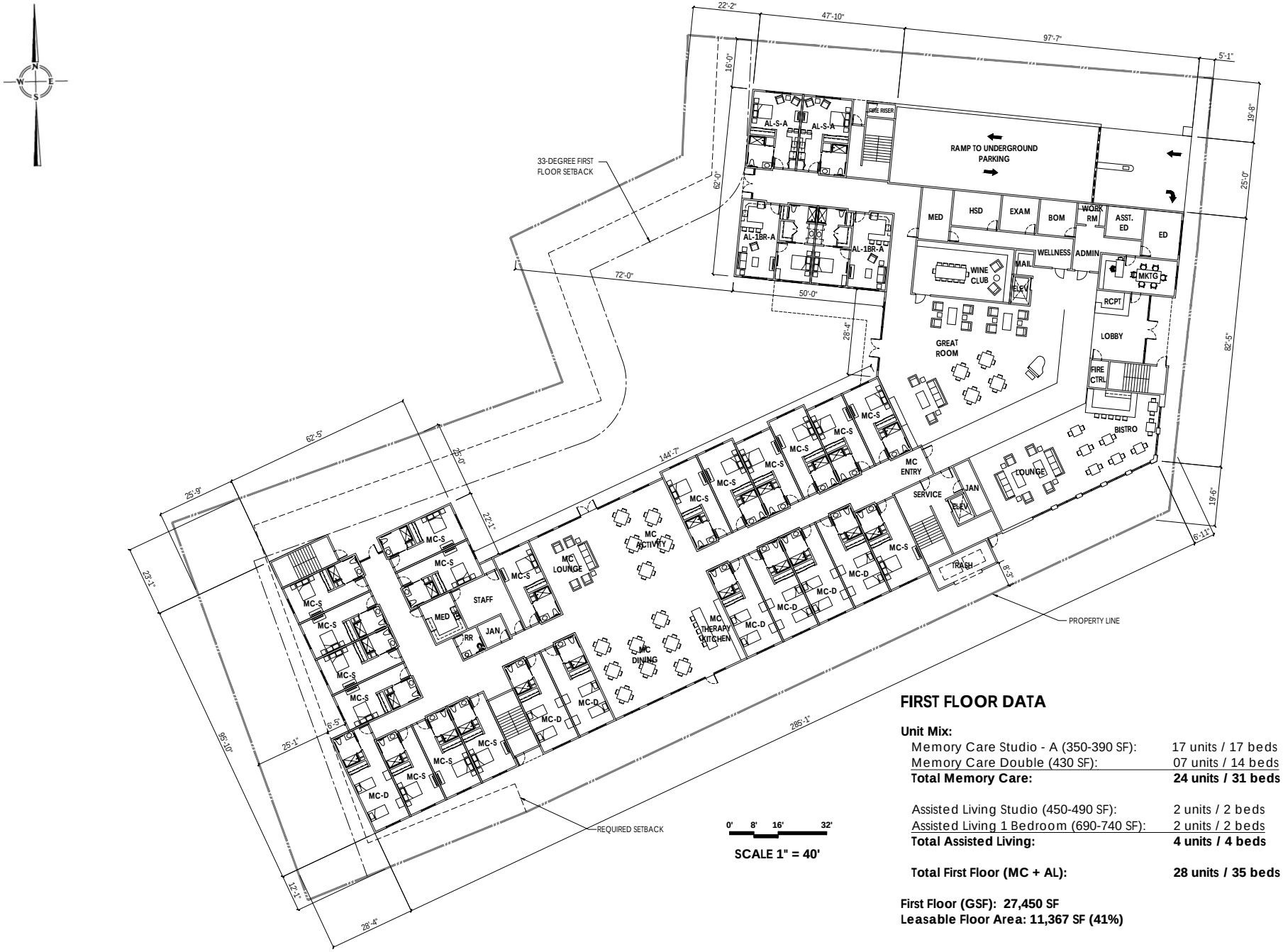
Motorcycle (M) - 6'x4':	03
Bicycle (B):	04
Loading (10'x30'x10'):	01

Source: Advocacy Development Partners, December 2019

Floor Plan - Basement

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
5A



FIRST FLOOR DATA

Unit Mix:

Memory Care Studio - A (350-390 SF):	17 units / 17 beds
Memory Care Double (430 SF):	07 units / 14 beds
Total Memory Care:	**24 units / 31 beds**
Assisted Living Studio (450-490 SF):	2 units / 2 beds
Assisted Living 1 Bedroom (690-740 SF):	2 units / 2 beds
Total Assisted Living:	**4 units / 4 beds**
Total First Floor (MC + AL):	**28 units / 35 beds**

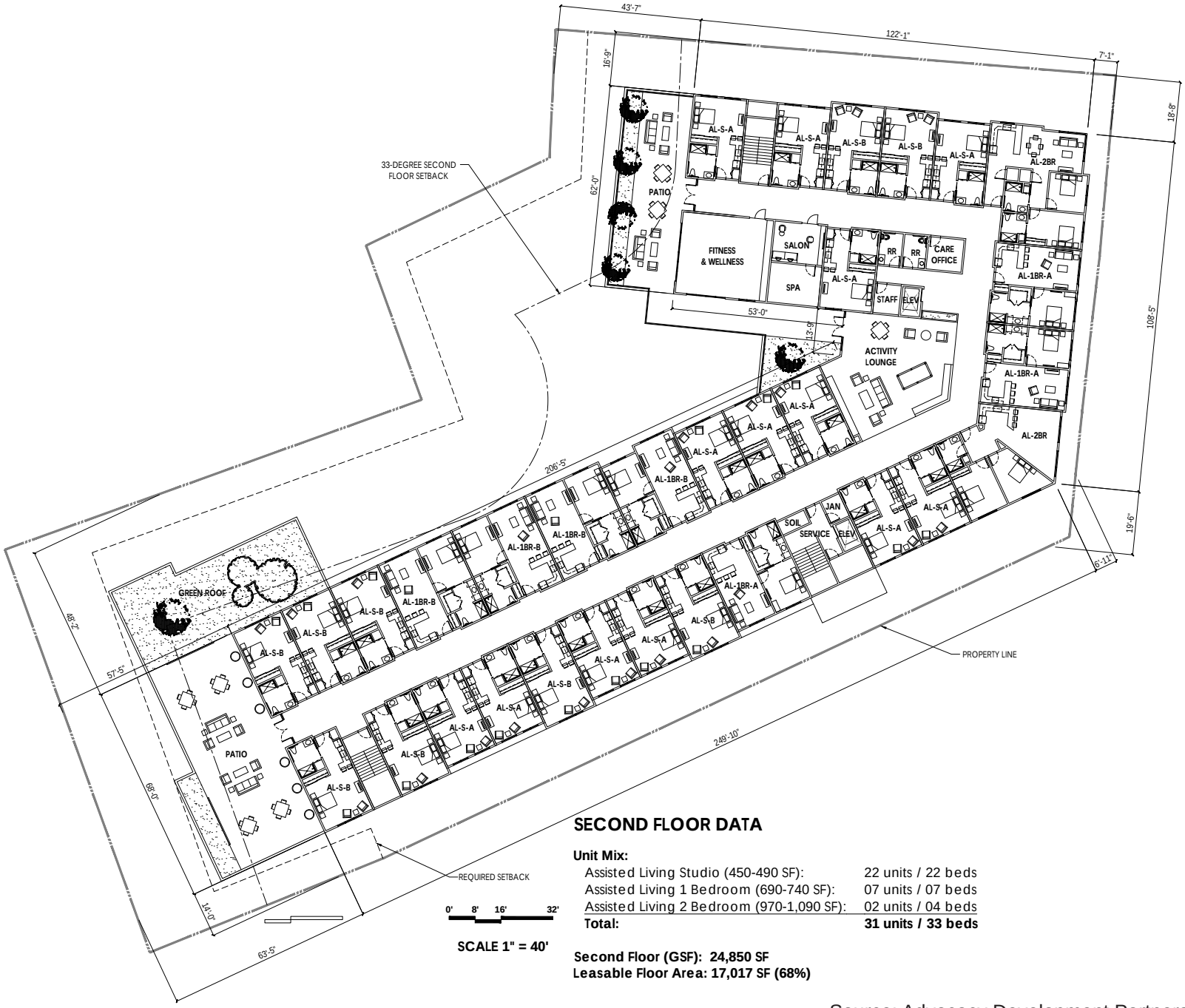
First Floor (GSF): 27,450 SF
Leasable Floor Area: 11,367 SF (41%)

Source: Advocacy Development Partners, December 2019

Floor Plan - First Floor

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
5B



SCALE 1" = 40'

SECOND FLOOR DATA

Unit Mix:

Assisted Living Studio (450-490 SF):	22 units / 22 beds
Assisted Living 1 Bedroom (690-740 SF):	07 units / 07 beds
Assisted Living 2 Bedroom (970-1,090 SF):	02 units / 04 beds
Total:	**31 units / 33 beds**

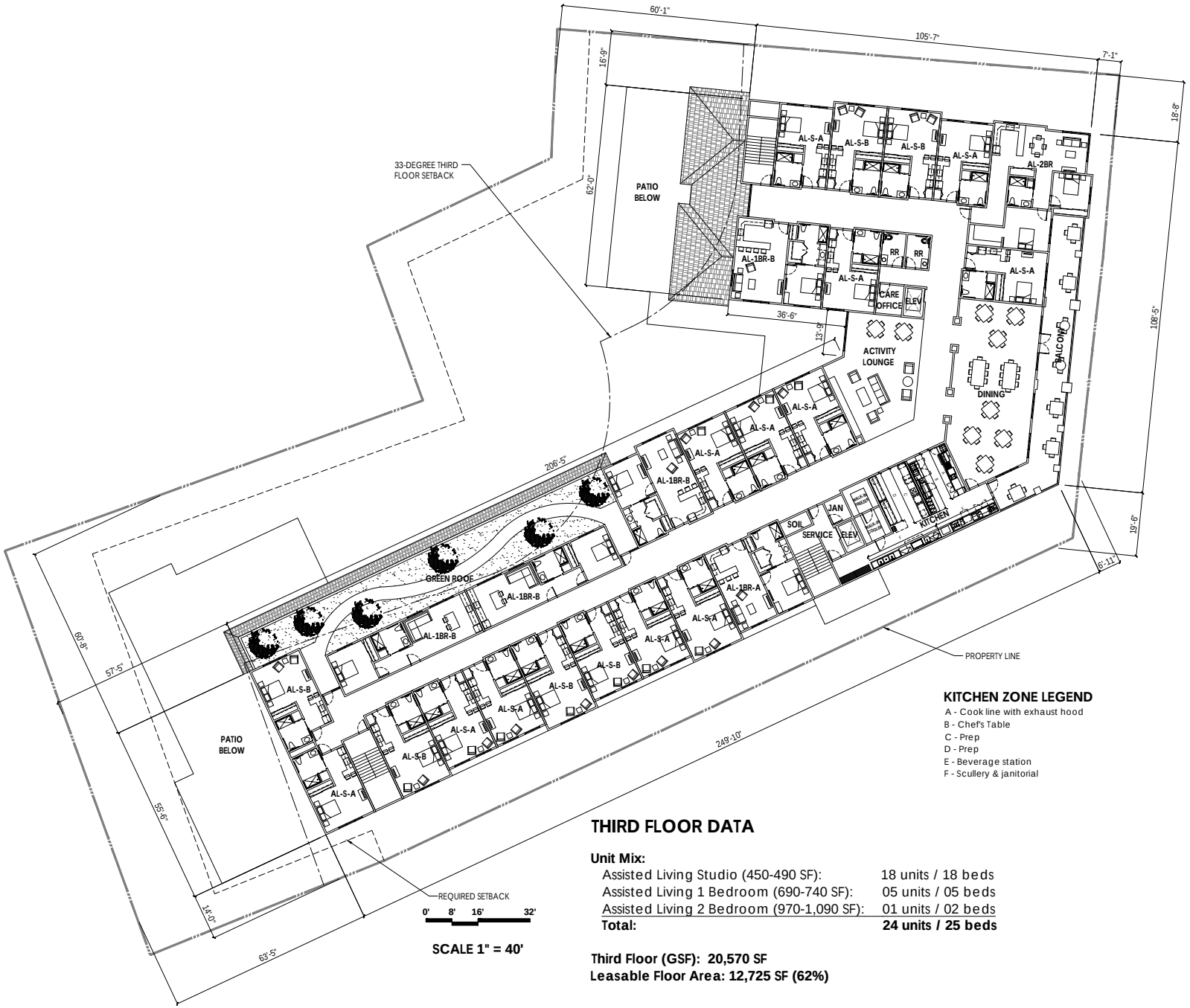
Second Floor (GSF): 24,850 SF
Leasable Floor Area: 17,017 SF (68%)

Source: Advocacy Development Partners, December 2019

Floor Plan - Second Floor

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
5C



SCALE 1" = 40'

KITCHEN ZONE LEGEND

A - Cook line with exhaust hood
B - Chef's Table
C - Prep
D - Prep
E - Beverage station
F - Scullery & janitorial

THIRD FLOOR DATA

Unit Mix:

Assisted Living Studio (450-490 SF):	18 units / 18 beds
Assisted Living 1 Bedroom (690-740 SF):	05 units / 05 beds
Assisted Living 2 Bedroom (970-1,090 SF):	01 units / 02 beds
Total:	**24 units / 25 beds**

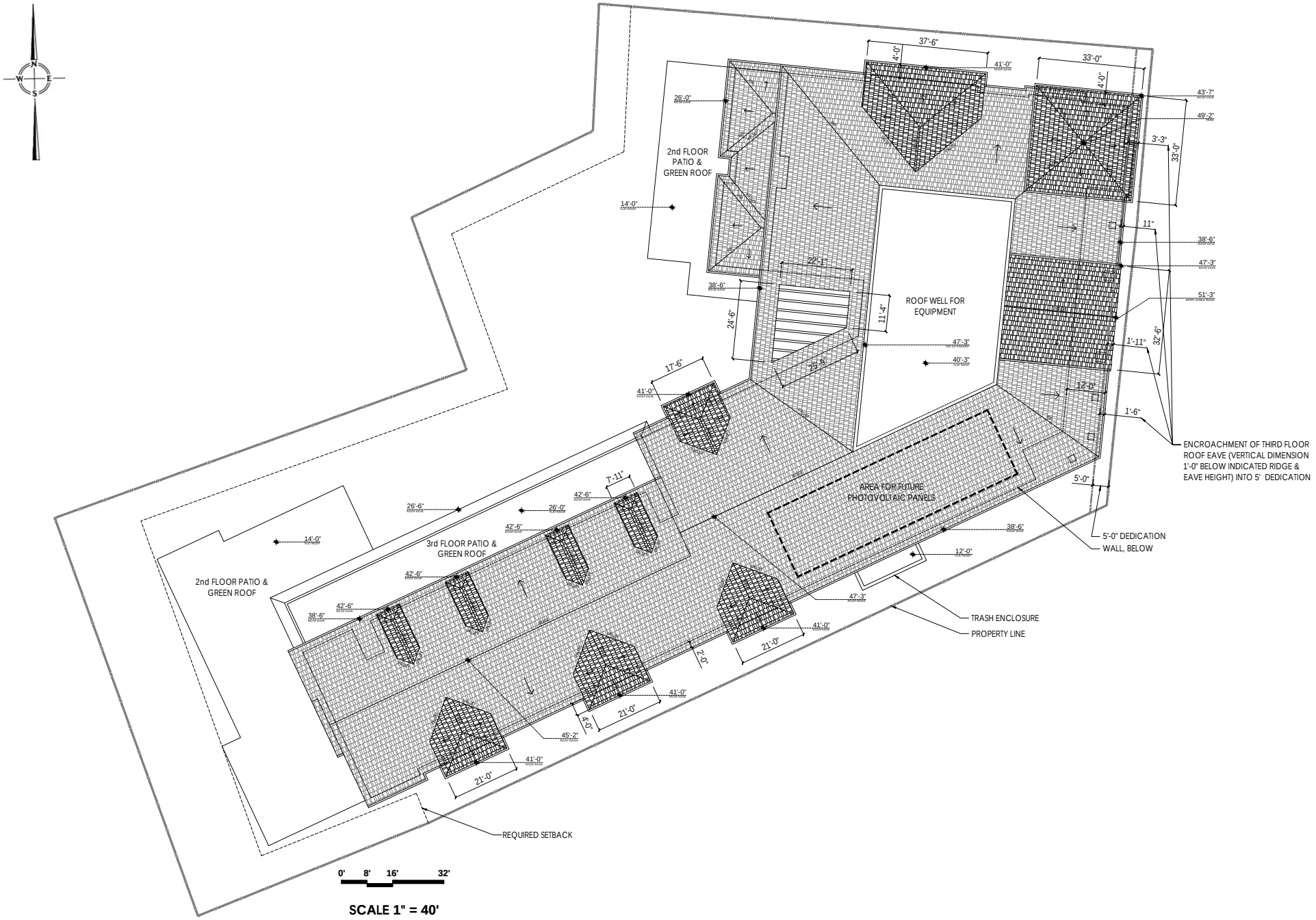
Third Floor (GSF): 20,570 SF
Leasable Floor Area: 12,725 SF (62%)

Source: Advocacy Development Partners, December 2019

Floor Plan - Third Floor

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure 5D



Source: Advocacy Development Partners, December 2019

Floor Plan - Roof

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
5E

1 - EAST ELEVATION (S BASCOM FRONTAGE)

SCALE 1" = 32' 0' 5' 10' 20'

2 - SOUTH ELEVATION (COMMERCIAL BUSINESSES & MULTI-FAMILY RESIDENTIAL)

SCALE 1" = 32' 0' 5' 10' 20'

Lorem Ipsum


A - SPLIT FACE STONE VENEER


B - SMOOTH STONE CAP

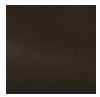
C - HARDI SIDING (LIGHT GREIGE FINISH)


D - HARDI SIDING (MEDIUM GREIGE FINISH)


E - HARDI SIDING (DARK GREIGE FINISH)

F - WARM WHITE TRIM


G - WOOD ACCENT DETAILS


H - DARK BRONZE STOREFRONT, RAILING & AWNING


I - DARK BRONZE VINYL WINDOW

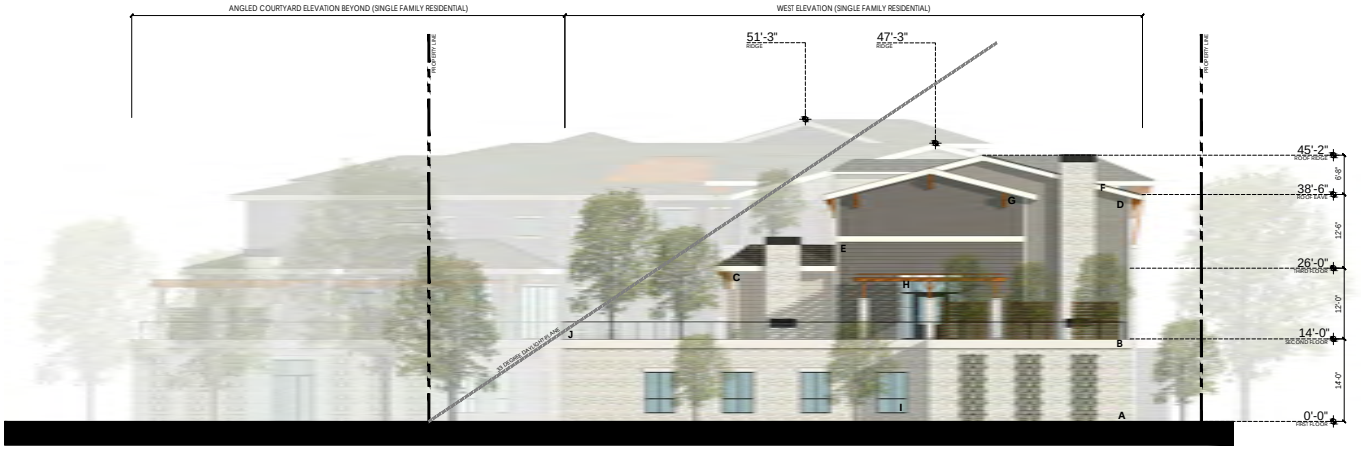

J - METAL & CABLE RAILING

Source: Advocacy Development Partners, December 2019

Elevations - East & South

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
6A



3 - WEST ELEVATION (SINGLE FAMILY RESIDENTIAL) SCALE 1" = 32' 0' 5' 10' 20'

4 - NORTH COURTYARD ELEVATION (SINGLE FAMILY RESIDENTIAL) SCALE 1" = 32' 0' 5' 10' 20'


A - SPLIT FACE STONE VENEER


B - SMOOTH STONE CAP

C - HARDI SIDING (LIGHT GREIGE FINISH)


D - HARDI SIDING (MEDIUM GREIGE FINISH)


E - HARDI SIDING (DARK GREIGE FINISH)

F - WARM WHITE TRIM


G - WOOD ACCENT DETAILS


H - DARK BRONZE STOREFRONT, RAILING & AWNING


I - DARK BRONZE VINYL WINDOW


J - METAL & CABLE RAILING

Source: Advocacy Development Partners, December 2019

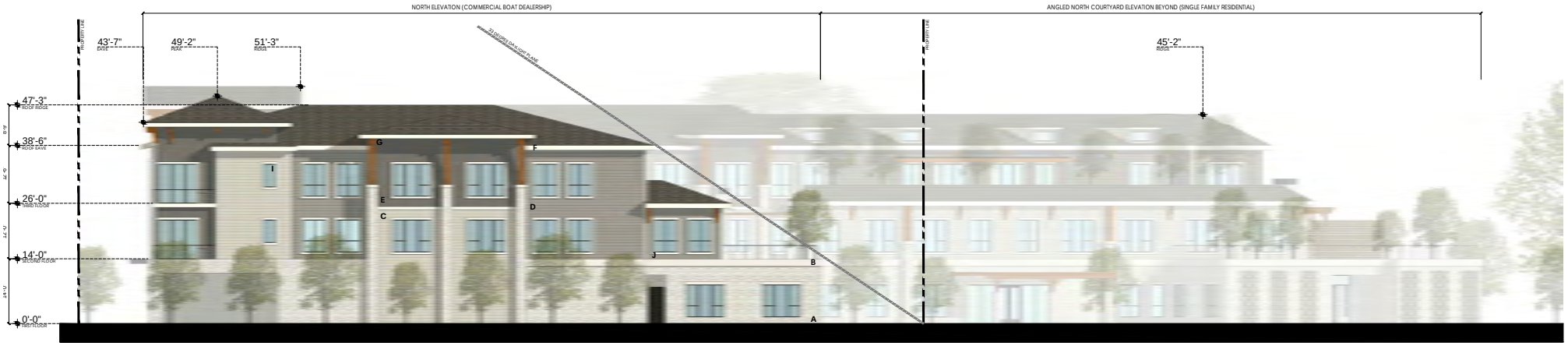
Elevations - West & North

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
6B

5 - WEST COURTYARD ELEVATION (SINGLE FAMILY RESIDENTIAL)

SCALE 1" = 32'



6 - NORTH ELEVATION (COMMERCIAL BOAT DEALERSHIP)

SCALE 1" = 32'


- SPLIT FACE STONE VENEER


B - SMOOTH STONE CAP

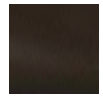
C - HARDI SIDING (LIGHT GREIGE FINISH)


D - HARDI SIDING (MEDIUM GREIGE FINISH)


E - HARDI SIDING (DARK GREIGE FINISH)

F - WARM WHITE TRIM


G - WOOD ACCENT DETAILS


H - DARK BRONZE STOREFRONT, RAILING & AWNING


I - DARK BRONZE VINYL WINDOW

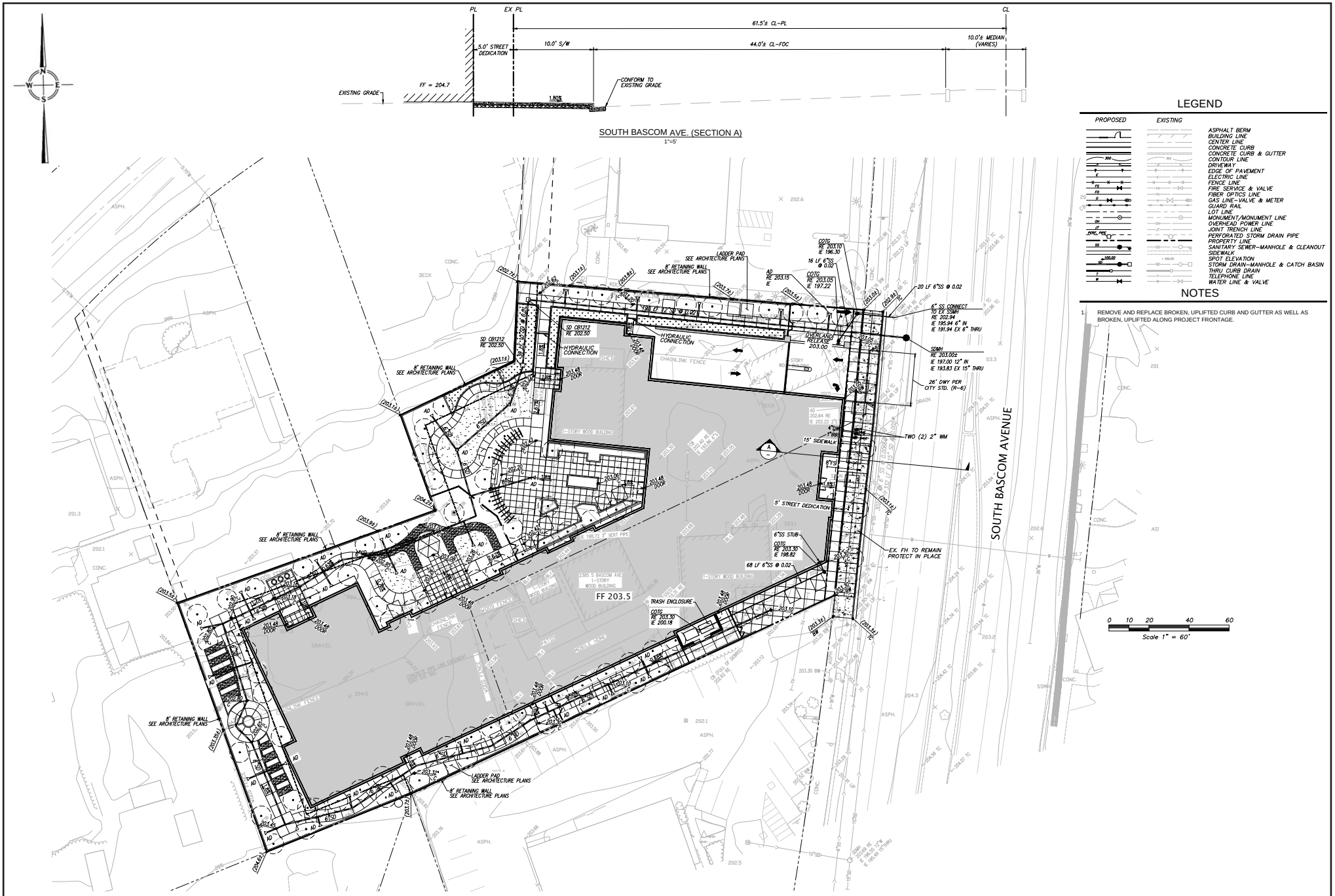

J - METAL & CABLE RAILING

Source: Advocacy Development Partners, December 2019

Elevations - West Courtyard & North Commercial

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
6C



Source: Kier & Wright, December 2019

Grading Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
7

OPERATION AND MAINTENANCE INFORMATION:

I. PROPERTY INFORMATION:

I.A. PROPERTY ADDRESS:
2375 & 2395 S BASCOM AVENUE
SAN JOSE, CA 95008

I.B. PROPERTY OWNER:
ADVOCACY DEVELOPMENT PARTNERS, LLC
3775 BEACON AVENUE, #229

II. RESPONSIBLE PARTY FOR MAINTENANCE:

II.A. CONTACT:
BOB BOMBACI

II.B. PHONE NUMBER OF CONTACT:
(408) 377-2832

II.C. EMAIL:
N/A

II.D. ADDRESS:
14932 HEATHER DRIVE
SAN JOSE, CA 95124-5510

PROJECT SITE INFORMATION:

1. **SOILS TYPE:** TYPE C-D
2. **GROUND WATER DEPTH:** ~50 FEET
3. **NAME OF RECEIVING BODY:** LOS GATOS CREEK
4. **FLOOD ZONE:** D
5. **FLOOD ELEVATION (IF APPLICABLE):** N/A

BIOTREATMENT SOIL REQUIREMENTS

BIORETENTION SOIL MIX SHALL MEET THE REQUIREMENTS AS OUTLINED IN APPENDIX C OF THE C.3 STORM WATER HANDBOOK AND SHALL BE A MIXTURE OF FINE SAND AND COMPOST MEASURED ON A VOLUME BASIS OF 60-70% SAND AND 30-40% COMPOST. CONTRACTOR TO REFER TO APPENDIX C FOR SAND AND COMPOST MATERIAL SPECIFICATIONS. CONTRACTOR MAY OBTAIN A COPY OF THE C3 HANDBOOK AT : HTTP://WWW.SANJOSECA.GOV/INDEX.ASPX?NID=1761

PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

BIORETENTION & FLOW-THROUGH PLANTER NOTES:

1. SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
2. PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
3. SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS
4. DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.

LEGEND

▬▬▬▬▬▬	*TRIBUTARY AREA LIMITS*
DMA	*DRAINAGE MANAGEMENT AREA*
TCM	*TREATMENT CONTROL MEASURE*

SITE DESIGN MEASURES

1. CLUSTER STRUCTURES/PAVEMENT
2. CREATE NEW PERVIOUS AREAS:
   LANDSCAPING
   WALKWAYS AND PATIOS

SOURCE CONTROL MEASURES

1. BENEFICIAL LANDSCAPING
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS
3. GOOD HOUSEKEEPING, E.G., SWEEP PAVEMENT AND CLEAN CATCH BASIN
4. LABEL STORM DRAINS
5. CONNECT TO SANITARY SEWER
   COVERED TRASH/RECYCLING ENCLOSURES

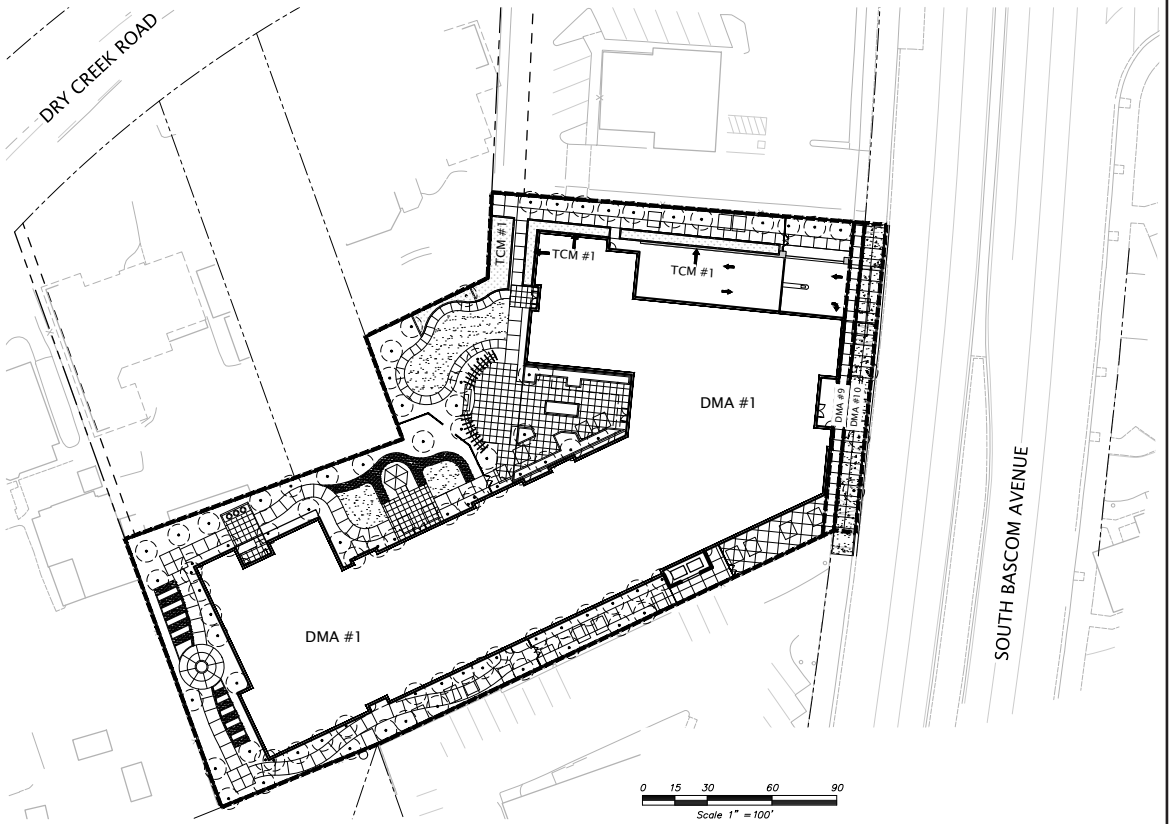
STORMWATER CONTROL NOTES

1. THE SITE STORM DRAIN RUNOFF WILL BE FILTERED BY FLOW THROUGH PLANTERS. ALL STORM WATER DRAINS TO THE PUBLIC STORM DRAIN SYSTEM ALONG THE NORTHERLY AND SOUTHERLY PORTIONS OF THE PROPERTY.
2. POTENTIAL POLLUTANTS INCLUDE MOTOR VEHICLE LUBRICANTS, COOLANTS, DISC BRAKE DUST, LITTER AND DEBRIS. POLLUTANT SOURCE AREAS INCLUDE THE ASPHALT CONCRETE PARKING LOT AND DRIVE AISLES, THE ROOF OF THE BUILDING, AND THE SITE STORM DRAIN INLETS. ALL INLETS WILL BE MARKED "NO DUMPING - DRAINS TO BAY". THE PARKING LOT SHALL BE SWEPT REGULARLY TO PREVENT THE ACCUMULATION OF LITTER AND DEBRIS.
3. BIOTREATMENT SIZING IS BASED ON THE FLOW BASED CALCULATIONS METHOD (SIMPLIFIED SIZING METHOD) PER SCVURPPP HANDBOOK CHAPTER 5.
4. DOWNSPOUTS WILL DISCHARGE TO FLOW THROUGH PLANTERS WITHIN THE FOOTPRINT OF THE BUILDING BUILDING AS MAIN SOURCE OF TREATMENT FOR ROOF AREAS.

FLOW THROUGH PLANTER MAINTENANCE PLAN

Table 1
Routine Maintenance Activities for Flow-Through Planters

No.	Maintenance Task	Frequency of Task
1	Inspect the planter surface area, inlets and outlets for obstructions and trash; clear any obstructions and remove trash.	Quarterly
2	Inspect planter for standing water. If standing water does not drain within 2-3 days, the surface biotreatment soil should be tilled or replaced with the approved soil mix and replanted. Use the cleanout riser to clear any underdrains of obstructions or clogging material.	Quarterly
3	Check for eroded or settled biotreatment soil media. Level soil with rake and remove/replant vegetation as necessary.	Quarterly
4	Maintain the vegetation and irrigation system. Prune and weed to keep flow-through planter neat and orderly in appearance.	Quarterly
5	Evaluate health and density of vegetation. Remove and replace all dead and diseased vegetation. Remove excessive growth of plants that are too close together.	Annually, before the rainy season begins.
6	Use compost and other natural soil amendments and fertilizers instead of synthetic fertilizers, especially if the system uses an underdrain.	Annually, before the rainy season begins.
7	Inspect the overflow pipe to make sure that it can safely convey excess flows to a storm drain. Repair or replace any damaged or disconnected piping. Use the cleanout riser to clear underdrains of obstructions or clogging material.	Annually, before the rainy season begins.
8	Inspect the energy dissipator at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch. Remove any accumulation of sediment.	Annually, before the rainy season begins.
9	Inspect and, if needed, replace wood mulch. It is recommended that 2" to 3" of composted arbor mulch be applied once a year.	Annually, before the rainy season begins.
10	Inspect system for erosion of biotreatment soil media, loss of mulch, standing water, clogged overflows, weeds, trash and dead plants. If using rock mulch, check for 3" of coverage.	Annually at the end of the rainy season and/or after large storm events.
11	Inspect system for structural integrity of walls, flow spreaders, energy dissipators, curb cuts, outlets and flow splitters.	Annually at the end of the rainy season and/or after large storm events.



Source: Kier & Wright, December 2019

Stormwater Control Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
8

TOTAL QUANTIY OF NEW TREES

GROUND LEVEL	= 63
SECOND FLOOR	= 10
THIRD FLOOR	= 7
TOTAL	= 80

Source: Advocacy Development Partners, December 2019

Landscape Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure 9

Photo 1. View of the project site from Bascom Avenue looking west.

Photo 2. View of the existing clothing rental store located on the project site.

Photo 3: View of the existing massage business located on the project site.

Photo 4: View of the rear of the project site looking north.

Site Photos

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
10

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and are listed in Chapter 4. References.

☒ Aesthetics	☐ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☒ Public Services
☐ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources cited by the lead agency. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis). The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and
b) The mitigation measure identified, if any, to reduce the impact to less than significance.

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. A "potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required. A “less than significant with mitigation incorporated” response applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to less than significant impact. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

Important Note to the Reader:

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

The City of San José currently has policies that address existing conditions (e.g., air quality, hazards, noise, etc.) that may affect 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 discusses "planning considerations" 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.

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Environmental Setting

The project is proposed on a developed commercial property within an urbanized area of San José along the South Bascom Avenue corridor. The property is currently occupied by a small commercial center. The project property is surrounded by the following uses:

- North: Commercial, Dry Creek Road
- South: Commercial, Multi-family Residential
- East: South Bascom Avenue, Commercial
- West: Single-family Residential

Photographs of the property are presented in Figure 10, and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site is characterized by four aging, one and two-story commercial buildings, trailers, pavement, and storage yards. The site also contains eight trees and very limited landscaping in front of two of the commercial buildings, as shown in the site photos in Figure 10.

Regulatory Framework

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is State Route 9, located approximately seven miles west of the project site in Saratoga. The project site is not located near this designated scenic highway.

Outdoor Lighting Policy (City Council Policy 4-3)

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

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-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.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
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-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2, 3
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. As previously mentioned, based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, the Silver Creek Hills, the Santa Teresa Hills, and foothills of the Santa Cruz Mountains are scenic features in the San José area. The project site is located in an urbanized location surrounded by one-story commercial and residential development approximately 12 feet in height. Office buildings opposite the project site are two stories and approximately 24 feet in height. The project site and surrounding area is relatively flat and the visibility of prominent viewpoints, other than buildings, are limited. The development of the proposed one to three-story building would not impact scenic vistas, since no scenic vistas are observable in the project vicinity due to existing topography and buildings that generally obstruct distant views.

b) **Less Than Significant Impact**. The project site is not located within any City or state-designated scenic routes. The nearest state-designated scenic highway is State Route 9, located approximately seven miles west of the project site. In addition, no rock outcroppings occur on the project site, and the project would not impact historic buildings, since the existing buildings on the site do not appear to qualify for federal, state or local listing, as described in *E. Cultural Resources*. The project is proposing to remove six existing trees on the site. However, these trees would be replaced in accordance with the City's Tree Replacement Ratio requirements as described in *D. Biological Resources*. Any street tree removal and replacement would be conducted in consultation with the City's Department of Transportation.

c) **Less Than Significant Impact**. The project site is located on a developed parcel within an urbanized area. The project would alter the existing visual character of the site and its immediate surroundings by replacing a small commercial complex, which includes multiple individual buildings, with a one to three-story, 72,870 square-foot building. Building elevations are presented in Figures 6A – 6C. Architectural renderings of the project are shown in Figure

11. Figure 11A presents the proposed project from four viewpoints. Figure 11B presents the proposed project in the context of the existing neighborhood, showing surrounding structures.

The general architectural design of the proposed building is modern. The maximum building height is approximately 52 feet. As shown in the elevations, the proposed building would be stepped down at the rear property boundary from three stories to one story to help minimize the aesthetic impacts on existing residential uses to the west.

Landscaping is proposed on the site as shown in Figure 9. The project would be required to conform to the applicable City Commercial Design Guidelines and undergo design review during the development review process to ensure the scale and mass are compatible with surrounding development and other publicly accessible vantage points (e.g. sidewalks, public streets).

The project proposes a Conditional Use Permit to develop the project consistent with the CN Commercial Neighborhood Zoning District. The Commercial Neighborhood Zoning District is intended to provide for neighborhood-serving commercial uses and allows the proposed assisted living facility. The project is also consistent with General Plan policies relating to scenic quality focused on creating a well-designed development, including policies CD-1.1, CD-4.9, and CD-8.1 (see policy table above).

Given the location of this infill project within a developed area along South Bascom Avenue and its consistency with the site's zoning and other regulations related to scenic quality, the project would not degrade the existing visual character or quality of the site and its surroundings within this urbanized area.

d) **Less Than Significant Impact**. The project site is located in a developed area with a mix of commercial and residential uses. The site is currently occupied by commercial uses that create minimal lighting for security and signage. Other existing sources of light and glare in the project area consist of streetlamps, vehicle headlights along South Bascom Avenue, and signage for nearby commercial uses. The project does not propose any major sources of lighting or glare. All lighting would conform to the Council Policy 4-3 Outdoor Lighting Policy and be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties. Consistent with Municipal Code Section 20.40.540, all lighting facilities adjacent to residential properties are required to be arranged and shielded in a way that light is reflected away from residential uses and eliminates glare. In addition, the project does not propose to introduce materials into the design that would create substantial glare. Based on the discussion above, the project would have a less than significant impact related to light and glare.

Conclusion: The project would have a less than significant impact on aesthetics.

VIEW 1

VIEW 2

VIEW 3

VIEW 4

Source: Advocacy Development Partners, December 2019

Architectural Renderings

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
11A

Source: Advocacy Development Partners, December 2019

Architectural Rendering

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
11B

B. AGRICULTURAL AND FOREST RESOURCES

Environmental Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed infill project site does not contain any agricultural and forest/timber resources.

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "Urban and Built-Up Land" on the 2016 Santa Clara County Important Farmland Map (California Department of Conservation, 2018).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, 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 uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of

agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland". Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Agricultural Resources Policies	
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	2

Explanation

a) **No Impact**. The project site is an infill property and designated as Urban and Built-Up Land on the Important Farmlands Map for Santa Clara County. The site does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project would not affect agricultural land.

b) **No Impact**. The project is proposed on a developed infill property, is not zoned for agricultural use, and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur.

c) **No Impact**. The project would not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

d) **No Impact**. See c) above. No other changes to the environment would occur from the project that would result in the loss of forest land or conversion of forest land to non-forest uses.

e) **No Impact**. As per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present on this infill property.

Conclusion: The project would have no impact on agricultural and forest resources.

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (December 16, 2019). This report is contained in Appendix A.[4]

Environmental Setting

The project lies within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_X), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter ($PM_{2.5}$).

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. The project is located close to small retail shops, electronic stores, and other similar uses that are not common sources of odors.

Air Pollutants of Concern

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, reduced lung function, and increased coughing and chest discomfort.

Particulate matter is another problematic air pollutant 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

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are 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

[4] The unit count has increased slightly since completion of the air quality assessment for this project, from 79 to 83 units. This increase does not change the results of the air quality assessment, nor does it result in significant new impacts.

freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Exhaust from trucks, buses, trains, ships, and other equipment with diesel engines contains a mixture of gases and solid particles. These solid particles are known as diesel particulate matter (DPM). DPM contains hundreds of different chemicals that can have harmful health effects, such as cardiovascular and respiratory disease.

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

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. The closest sensitive receptors to the project site are adjacent single- and multi-family residences to the west of the project site. There are additional residences at farther distances from the project site. The assisted living facility would also introduce new sensitive receptors to the area.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

The Federal Clean Air Act (CAA) allows California to seek a waiver of the federal preemption that prohibits states and local jurisdictions from enacting emission standards and other emission-related requirements for new motor vehicles and engines. (CAA section 209(a)). The California Air Resources Board (CARB) serves as the representative of California in filing waiver requests with U.S. EPA. After California files a written request for a waiver, U.S. EPA will publish a notice for a public hearing and submission of comments in the *Federal Register*. After consideration of comments received, the Administrator of U.S. EPA will issue a written determination on California's request, which is also published the *Federal Register*.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 1 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies	
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 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6, 7
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X		2, 5, 6, 7

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Expose sensitive receptors to substantial pollutant concentrations?		X			2, 5, 6, 7
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		2, 5, 7

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin (SFBAAB). The applicable thresholds are presented below in Table 1.

Table 1
BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust ($PM_{2.5}$, PM_{10})	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per service population		

Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals

of the air quality plan, 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented below in Table 2.

Table 2
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
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 long-term and short-term bicycle parking consistent with City's Zoning Ordinance standards. Additionally, the project would construct a 15-foot wide sidewalk along the frontage on South Bascom Avenue for pedestrian access. Therefore, the project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) and the City's Green Building Ordinance, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) the City's Green Building Ordinance, and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking"	The project would locate vehicle parking in a below-grade parking

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	that promotes the use of cool surface treatments for new parking facilities.	garage. In addition, the project would provide 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.
Water Management 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 be required to adhere to State and local polices to conserve water. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.

As summarized in the "Project Consistency" column of Table 2, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants as described in b) below. Therefore, the project would have a less than significant impact on clean air planning efforts.

b) **Less Than Significant Impact**. The Bay Area is considered a non-attainment area for ground-level ozone 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, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the project, assuming full buildout. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The closest sensitive receptors to the project site are adjacent single- and multi-family residences to the west of the project site. There are additional residences at farther distances from the project site.

Operational Emissions

Operational air emissions from the project would be generated primarily from autos driven by future residents and employees. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was also used to estimate emissions from operation of the proposed project assuming full build-out. The proposed project land uses and demolition/earthwork volumes were entered into CalEEMod as follows:

- 79 dwelling units, 73,000 square feet, and 1.23 acres entered as "Congregate Care (Assisted Living),"[5]
- 45 parking spaces entered as "Enclosed Parking Structure with Elevator,"
- 6,030 square feet of existing building demolition, and
- 15,250 CY of soil export during grading.

The project would include a 280-kilowatt emergency generator that is powered by a diesel engine. Emissions from the testing and maintenance of the proposed generator engine were calculated for a 375-horsepower diesel engine (size estimated to power the generator). The CalEEMod modeling assumed 50 hours of annual operation for testing and maintenance purposes.

The results are presented in Table 3 and show that the project would have a less than significant impact from the emission of operational criteria pollutants.

Table 3
Operational Emissions

Scenario	ROG	NO_X	PM_{10}	$PM_{2.5}$
2022 Project Operational Emissions (*tons/year*)	0.4 tons	0.3 tons	0.2 tons	0.1 tons
2022 Existing Operational Emissions (*tons/year*)	<0.1 tons	0.1 tons	0.1 tons	<0.1 tons
Net Annual Emissions (*tons/year*)	0.4 tons	0.2 tons	0.1 tons	<0.1 tons
BAAQMD Thresholds (tons/year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	No	No	No	No
2022 Project Operational Emissions (*lbs/day*)[1]	2.0 lbs.	1.1 lbs.	0.7 lbs.	0.2 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	No	No	No	No
Assumes 365-day operations.				

Construction Period Emissions

CalEEMod provided annual emissions for construction activities for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The construction build-out scenario for the project, including equipment list and schedule, was based on a combination of CalEEMod information and project applicant information. CalEEMod defaults were used for the construction schedule and equipment, which includes equipment quantity and usage. The project land uses and project hauling information was based on information

[5] The unit count has increased slightly since completion of the air quality assessment for this project, from 79 to 83 units. This increase does not change the results of the air quality assessment, nor does it result in significant new impacts.

provided by the project applicant. The same land uses and demolition/earthwork volumes were entered into CalEEMod as those used for operational emissions.

Although the total project construction would last 18 months, there would only be 11 months of quantifiable exterior construction emissions, with the remaining time for negligible interior construction emissions. The analysis assumed 246 construction workdays. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4 shows average daily construction emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 4, predicted the construction period emissions would not exceed the BAAQMD significance thresholds.

Table 4
Construction Period Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions (tons)	0.8 tons	2.2 tons	0.1 tons	0.1 tons
Average daily emissions (pounds)[1]	6.3 lbs./day	17.5 lbs./day	0.8 lbs./day	0.7 lbs./day
BAAQMD Thresholds	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes:
Assumes 380 workdays and exterior construction over a period of 11 months. Average daily emissions were computed by dividing the total construction emissions by the number of construction days.
Assumes 6,030 square feet of existing building demolition, 15,250 cubic yards of export for the grading phase, and 34 one-way pavement hauling truck trips during demolition.

In addition, construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices (BMPs) are implemented to reduce these emissions. These BMPs would be required as standard conditions of project of approval, as presented below, to be implemented during all phases of construction to control dust and exhaust at the project site.

Standard Permit Conditions

- Water active construction areas at least twice daily or as often as needed to control dust emissions.

- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- Pave new or improved roadways, driveways, and sidewalks as soon as possible.

- Lay building pads as soon as possible after grading unless seeding or soil binders are used.

- Replant vegetation in disturbed areas as quickly as possible.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and contact person regarding dust complaints.

c) **Less Than Significant Impact with Mitigation Incorporated**. Project impacts related to increased community risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Project impacts would include temporary construction activity and routine testing and maintenance of a diesel generator during project operation. The project would generate some traffic, consisting of mostly light-duty vehicles, that are not a source of substantial TACs or $PM_{2.5}$.

Temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks, consistent with BAAQMD guidelines.

Community Risk Impacts Associated with Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations, as shown in Table 5. However, construction exhaust emissions may still pose health risks for sensitive receptors. The health risk assessment evaluated the potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$. This assessment included dispersion modeling to predict the off-site and on-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

The maximum-modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors (as shown in Figure 12) to find the maximally exposed individuals (MEIs). Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters (see Appendix A). Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified.

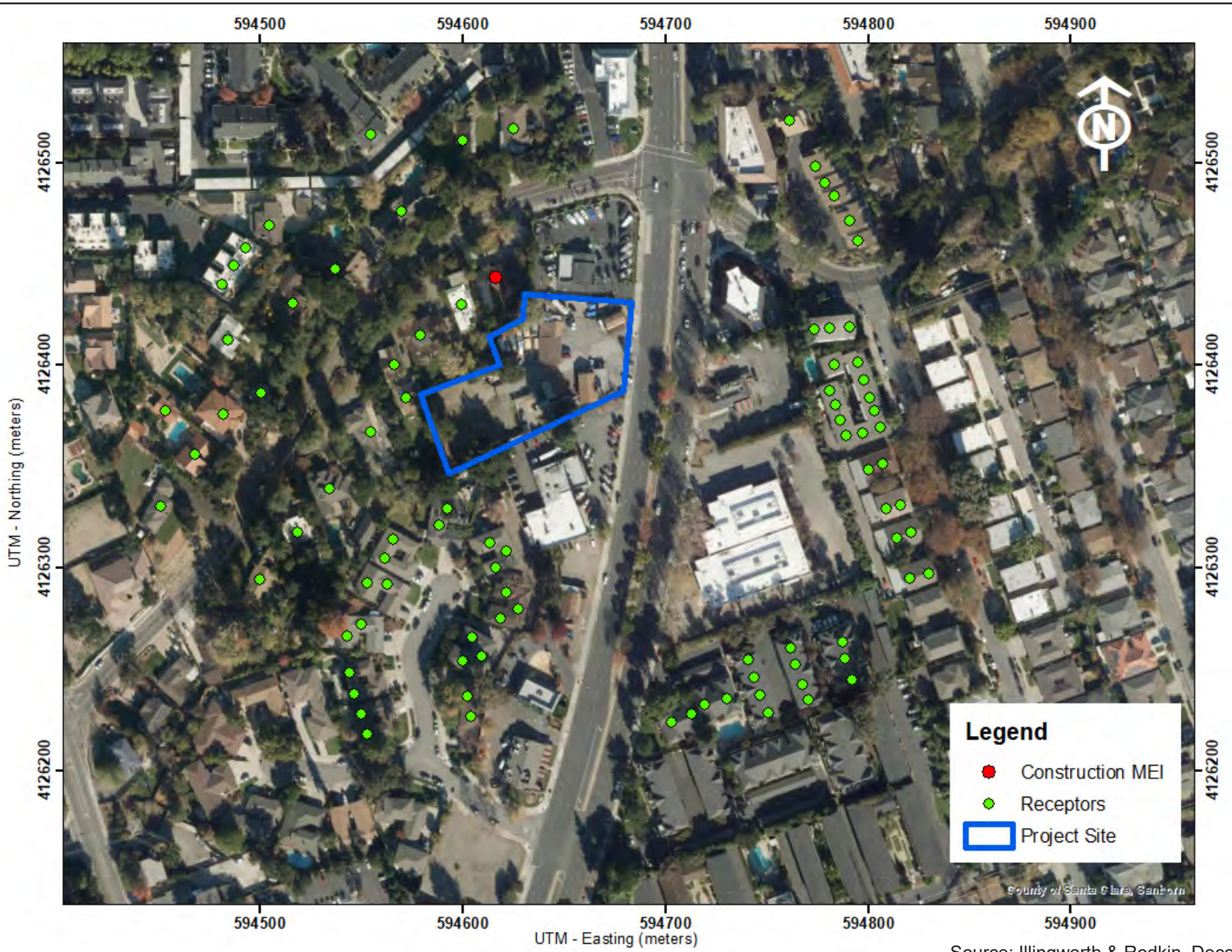
Results of this assessment indicated that the construction MEI was located on the first floor (1.5 meters above ground) of the single-family residence to the north of the project site, as shown in Figure 13. The maximum increased cancer risks from construction exceed the BAAQMD single-source threshold of greater than 10.0 per million. Table 5 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project-related construction activities affecting the MEI. The impacts from project construction at this location are presented in Table 5.

Community Health Risk Impacts from Project Operation – Generator

The project would include installation of one 280-kilowatt (kW) emergency back-up diesel generator (approximately 375 horsepower) to provide emergency backup power. The generator would be operated for testing and maintenance purposes, with a maximum of 50 hours per year of non-emergency operation under normal conditions. During testing periods, the engine would typically be run for less than one hour under light engine loads. The generator engine would be required to meet U.S. EPA emission standards and consume commercially available California low sulfur diesel fuel. The emissions from the operation of the generator were calculated based on manufacturer's emissions data and assuming 50 hours per year operation.

The modeled maximum DPM concentration occurred on the third floor (7.6 meters above ground) of the apartment complex to the south of the project site opposite South Bascom Avenue, with the residential 30-year exposure cancer risk at 0.6 in one million. The combined risk impacts of TAC sources, project construction (0-2 years) and operation (3-30 years),[6] were evaluated at the project MEI. At the project MEI, the modeled increased cancer risk from the generator operation would be 0.3 in one million, the screened maximum annual $PM_{2.5}$ concentration would be 0.02 µg/m3, and the maximum HI would be 0.01. Table 5 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related operational activities affecting the MEI.

[6] The 30-year horizon was used consistent with the BAAQMD's Guidelines for risk assessments.

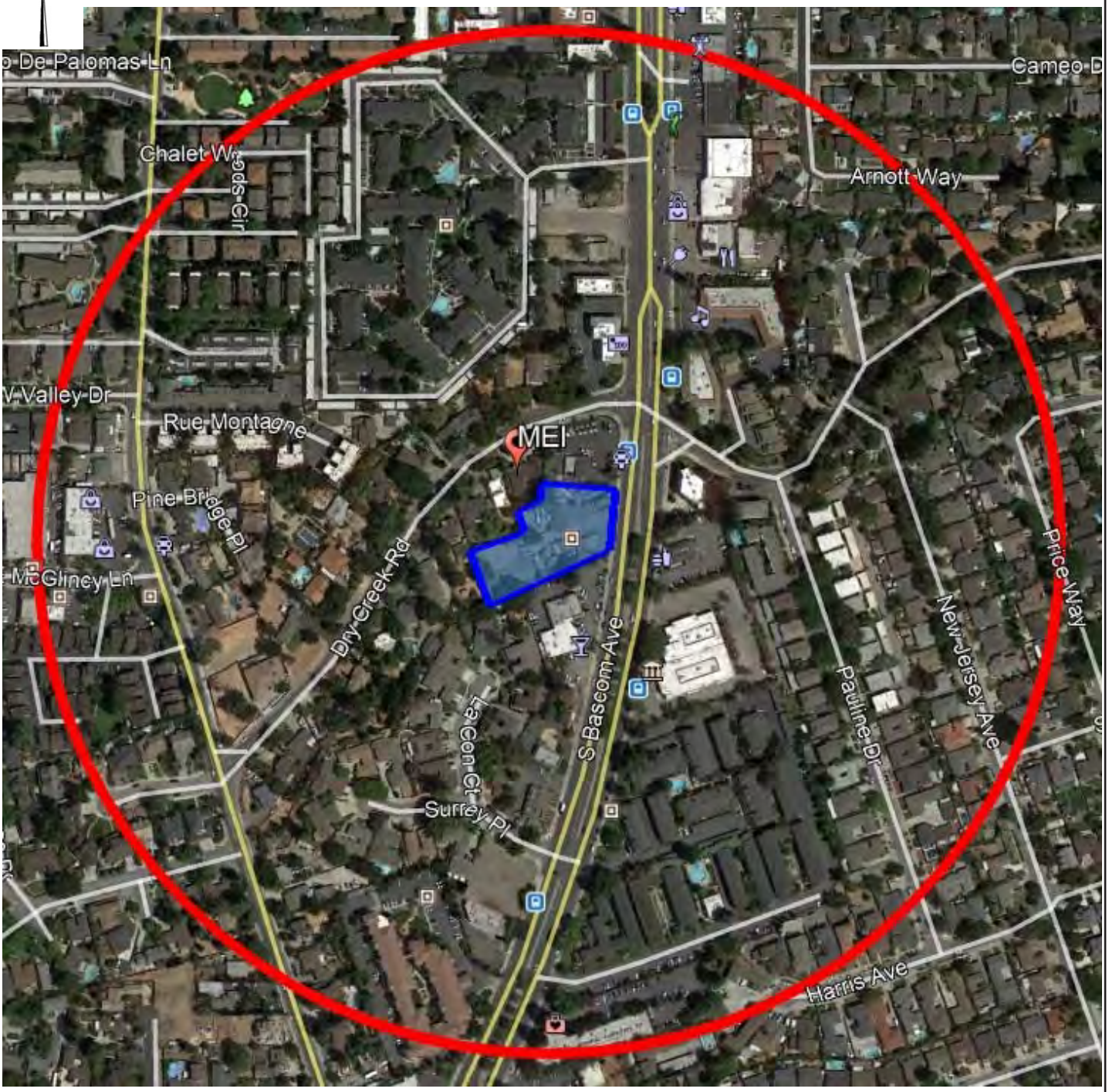


Source: Illingworth & Rodkin, December 2019

Locations of Off-site Sensitive Receptors and TAC Impacts

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
12



Source: Illingworth & Rodkin, December 2019

Project Site, MEI, & Nearby TAC & $PM_{2.5}$ Sources

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
13

Table 5 Construction and Operational Risk Impacts at the Offsite Project MEI			
Source	**Maximum Cancer Risk (per million)**	**$PM_{2.5}$ concentration ($\mu g/m^3$)**	**Hazard Index**
Project Construction (Years 0-2)			
Unmitigated	**38.1 (infant-child)**	0.18	0.03
Mitigated*	5.4 (infant-child)	0.03	<0.01
Project Operational - Generator (Years 3-30)	0.3 (child-adult)	0.02	0.01
Total/Maximum Project (Years 0-30)			
Unmitigated	**38.4 (infant-child)**	0.18	0.03
Mitigated*	5.5 (infant-child)	0.03	0.01
BAAQMD Threshold – Single Source	*>10*	*>0.3*	*>1.0*
Exceed Threshold?			
Unmitigated	***Yes***	*No*	*No*
Mitigated*	*No*	*No*	*No*

Total Project Health Risks – Construction and Operation

The cumulative risk impacts from a project is the combination of construction and operational activities. This project impact is computed by adding the construction cancer risk for an infant to the lifetime cancer risk for the project operational conditions at the MEI over a 30-year period. Note that the project MEI is identified as the sensitive receptor that is most impacted by the project's construction and operation. Therefore, the receptor may not be the same receptor identified within the separate construction or operation dispersion models. In the case of the project, the sensitive receptor identified in Figure 12 as the construction MEI is also the project MEI. At this location, the MEI would be exposed to approximately two years of construction cancer risks and 28 years of operational (including emergency backup generator) cancer risks. The cancer risks from construction and operation of the project were added together. Unlike, the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI risks are not additive but based on an annual maximum risk for the entirety of the project. As seen in Table 5, the maximum increased cancer risks from construction and operational activities would exceed the BAAQMD single-source threshold of greater than 10.0 per million. The annual $PM_{2.5}$ concentrations and non-cancer hazards from construction and operation activities would not exceed the single-source significance thresholds.

Combined Community Health Risk at Off-site MEI

Table 6 reports both the project and cumulative community risk impacts at the sensitive receptors most affected by construction and operation (i.e. the MEI). Without mitigation, the project's community risk from project construction and operational activities would exceed the maximum cancer risk single-source significance threshold. The combined annual cancer risk, $PM_{2.5}$ concentration, and Hazard risk values, which includes unmitigated and mitigated, would not exceed their respective cumulative thresholds. With the incorporation of BAAQMD BMPs and MM AQ-1 below, the project construction's single-source and cumulative-source risks would no longer exceed the significance thresholds.

Table 6 Impacts from Combined Sources at Off-Site MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project (Construction and Operation) Unmitigated Mitigated	**38.1 (infant)** 5.4 (infant)	0.18 0.03	0.03 <0.01
BAAQMD Single-Source Source Threshold	*>10.0*	*>0.3*	*>1.0*
S. Bascom Ave (north-south) at 200 feet west, ADT 15,700	2.0	0.06	<0.03
Combined Sources Unmitigated Mitigated	40.1 (infant) 7.4 (infant)	0.24 0.09	<0.06 <0.04
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***
Exceed Cumulative Thresholds? Unmitigated Mitigated	*No* *No*	*No* *No*	*No* *No*

Impact AQ-1: Project construction would result in an infant cancer risk of 38.1 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD's cancer risk significance threshold of 10 in one million.

Mitigation Measures

MM AQ-1.1: The project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average of 75 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Feasible plans to achieve this reduction shall include the following:

- All diesel-powered off-road equipment, larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall use engines that, at a minimum, meet United States EPA particulate matter emissions standards for Tier 3 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent).

- Alternatively, equipment that meets U.S. EPA Tier 4 standards for particulate matter or the use of equipment that includes electric 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 demonstrated to reduce community risk impacts to less than significant.

If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AQ-1.2) which include specifications of the equipment to be used during construction

prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest.

Implementation of MM AQ-1 using Tier 3 engines with Level 3 DPFs would reduce on-site diesel exhaust emissions from construction equipment by 86-percent. With mitigation, the computed maximum increased lifetime residential cancer risk from construction, assuming infant exposure, would be 5.4 in one million. As a result, impacts would be reduced to less than significant with respect to community risk caused by construction activities.

MM AQ-1.2: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment (as described in MM AQ-1.1) to be used during construction to the Director of Planning, Building and Code Enforcement, or Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures.

d) **Less Than Significant Impact**. The proposed project consists of an assisted living facility that is not generally associated with odor-generating uses. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. The only odor-creating sources related to the project are the kitchen and emergency generator. The kitchen has been intentionally located on the third floor and close to South Bascom Avenue to minimize effects on surrounding residential properties. The emergency generator would be infrequently used and fumes would be directed along the northern property line adjacent to the boat dealership and away from surrounding residential properties. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which will cease upon project completion.

Non-CEQA Effects

The assisted living facility project would introduce new residents that are sensitive receptors. In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA.

However, General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution and the identification of project design measures to avoid significant risks. The project proposes new sensitive receptors (elderly residential occupants) in the proximity of nearby potential TAC sources. Though not necessarily a CEQA issue, the effect of existing TAC sources on future project receptors was conducted to comply with the 2017 CAP goal of reducing TAC exposure and protecting public health as well as the City's General Plan Policy MS-11.1.

The cancer screening risk assessment was completed to adjust for annual, daily, and lifetime exposure. For adult seniors living at the proposed residential care facility, the cancer risk assessment assumed that the sensitive receptors would experience continuous exposure to TAC sources. The same TAC

sources identified earlier in this section were used in this evaluation. Community risk impacts from combined sources upon the project site sensitive receptors are reported in Table 7. As shown, the annual cancer risks, annual $PM_{2.5}$ concentrations, and Hazard Indexes are all below their respective single-source and cumulative significance thresholds and would not require additional design measures.

Table 7
Community Risk Impact to New Project Residents

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
S. Bascom Ave (north-south) at 20 feet west, ADT 15,700	<6.9*	0.21	<0.03
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Significant?	*No*	*No*	*No*
Cumulative Total	6.9	0.21	<0.03
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***
Significant?			
Unmitigated	*No*	*No*	*No*
Mitigated	*No*	*No*	*No*

* Note that BAAQMD tools predict cancer risk for lifetime exposures that include infant and child cancer risk assumptions. Project sensitive receptors would be adults that have a lower cancer risk based on the same concentration of exposure. Therefore, the risk would be less.

Conclusion: The project would have a less than significant impact on air quality with implementation of identified mitigation measures, standard permit conditions, and applicable General Plan Policies.

D. BIOLOGICAL RESOURCES

An arborist report was prepared by certified arborist Nicholas Wages-Bay Area Tree Specialists (October 31, 2019). This report is contained in Appendix B.

Environmental Setting

The project site is located in an urbanized area of San José along the primarily commercial South Bascom Avenue corridor. The property is occupied by commercial buildings, pavement, and storage yards. The site contains landscaping and eight trees. The landscaping is limited to plantings in front of two of the commercial buildings on the site, as shown in the photos in Figure 10. The site is fully developed and surrounded by commercial and residential properties.

The arborist report prepared for the project included a survey of on-site trees and one off-site tree. A total of eight trees of various species were inventoried on the project site. The four Coast Live Oaks are native. A description of the trees by type, size, and general condition is provided in Table 8. Four trees exceed 38 inches in circumference (12 inches in diameter) at 54 inches above ground and are considered ordinance size trees. There are no designated heritage trees on the project site; however, one heritage Coast Live Oak tree is located off-site, adjacent the southwest corner of the site (see Appendix B).

Table 8
Tree Survey Results

No.	Species	Scientific Name	Trunk Diameter (inches)	Trunk Circumference (inches)	Condition	Proposed Action
1	**Coast Live Oak**	***Quercus agrifolia***	**32**	**100**	**Fair**	**Retain**
2	**Coast Live Oak**	***Quercus agrifolia***	**14**	**44**	**Fair**	**Remove**
3	**Coast Live Oak**	***Quercus agrifolia***	**28**	**88**	**Good**	**Retain**
4	Coast Live Oak	*Quercus agrifolia*	6	19	Good	Remove
5	Cedar	*Cedrus deodara*	8	25	Good	Remove
6	Avocado	*Persea americana*	8	25	Fair	Remove
7	**Privet**	***Ligustrum lucidum***	**16**	**50**	**Good**	**Remove**
8	Privet	*Ligustrum lucidum*	10	31	Good	Remove
9*	Coast Live Oak	*Quercus agrifolia*	--	--	Fair	Retain (Off-site)

Numbers correspond to tree locations provided in Appendix B.
Ordinance size trees are shown in **bold**.
*Off-site tree.
Source: Nicholas Wages-Bay Area Tree Specialists, October 2019.

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 Stated 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 will 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 provided 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 Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and /or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP 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 project site is located within the boundaries of the HCP and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee) and Fee Zone C (Small Vacant Sites Under 10 Acres)

In addition, the HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. 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. 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 site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies	
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 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.

Envision San José 2040 Relevant Biological Resource Policies	
	Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. 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 Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?				X	1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 8
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?			X		1, 2, 9, 10

Explanation

a) **Less Than Significant with Mitigation Incorporated**. Mature trees within or directly adjacent to the project site may provide nesting habitat for migratory birds, including raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. Construction disturbance, including tree removals, 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 "take" by the CDFW and represents a significant impact.

Impact BIO-1: Project construction, including tree removals, that occur during the breeding season could result in a significant impact to nesting raptors and other protected migratory bird species.

Mitigation Measures

MM BIO-1 Prior to the issuance of any tree removal, grading, building or demolition permits (whichever occurs first), the project applicant shall schedule all 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). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. 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 latter part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in coordination with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for other birds) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any site disturbance, such as tree removal, or the issuance of any grading, building or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee.

With implementation of the mitigation measure MM BIO-1, the project's impact to nesting birds and raptors would be less than significant.

b) **No Impact**. The nearest waterway is Los Gatos Creek located about 0.75 miles west of the project boundary. Additionally, the project is located on a developed, infill site and does not contain, nor is it in close proximity to, any sensitive natural communities as identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

c) **No Impact**. The project site does not contain, nor is it in close proximity to, any state or federally protected wetland resources.

d) **Less Than Significant Impact**. The project is proposed on an infill site surrounded by development and has not been found to contain any native resident or wildlife species. Surrounding urban land uses discourage the site as a wildlife corridor. Tree removal or other construction activities could potentially disrupt nesting raptors. However, with the implementation of MM BIO-1, the proposed project would reduce this potential impact to a less than significant levels. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **Less Than Significant Impact**. The project proposes to remove six of the eight trees on the site, two of which are ordinance size. As shown in Table 8, the trees to be removed consist of two coast live oaks, one cedar, one avocado, and two privets. The condition of these trees ranges from fair to good. The applicant is proposing to remove most of these trees to accommodate the new building footprint; one is being removed due to health. The City requires replacement of all removed trees in accordance with established tree replacement ratios, as outlined in the standard permit condition below in compliance with the City's Tree Protection Ordinance.

The tree protection measures identified in the standard permit and permit conditions below would avoid potential impacts to the off-site heritage tree.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

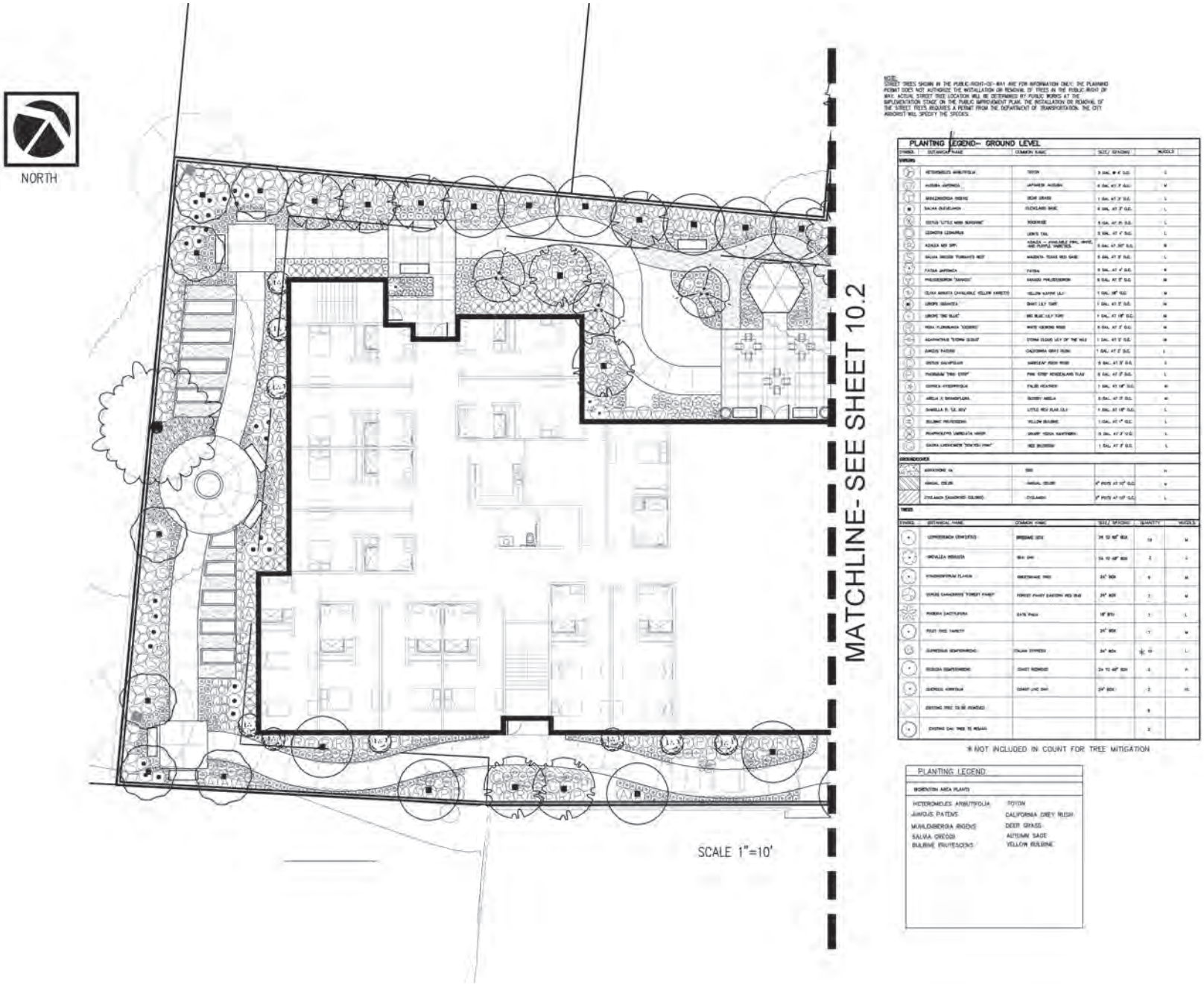
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size Replacement Tree
	Native*	Non-Native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
*Native trees are those that are naturally inherent to the Santa Clara Valley. These species include, but are not limited to, California Bay Laurel, Aptos Blue Redwood, Valley Oak, California Buckeye, Box Elder, Western Sycamore, and Red Willow. x:x = tree replacement to tree loss ratio 38-inch tree equals 12.1 inches in diameter 24-inch box tree = two 15-gallon trees				

  - As six onsite trees are proposed to be removed, the following tree replacements will be implemented: three trees replaced at a 2:1 ratio, one tree replaced at a 3:1 ratio, one tree replaced at a 4:1 ratio, and one tree replaced at a 5:1 ratio. The site contains four native trees, of which two would be removed. The total number of replacement trees required to be planted is 18. The applicant proposes to plant 80 new trees on the site. These trees are identified in Figures 14A to 14D, which shows the species, size, and number of replacement trees per species. Ten trees are native and the remaining are non-native. Any changes to the species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

  - In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement:

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

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



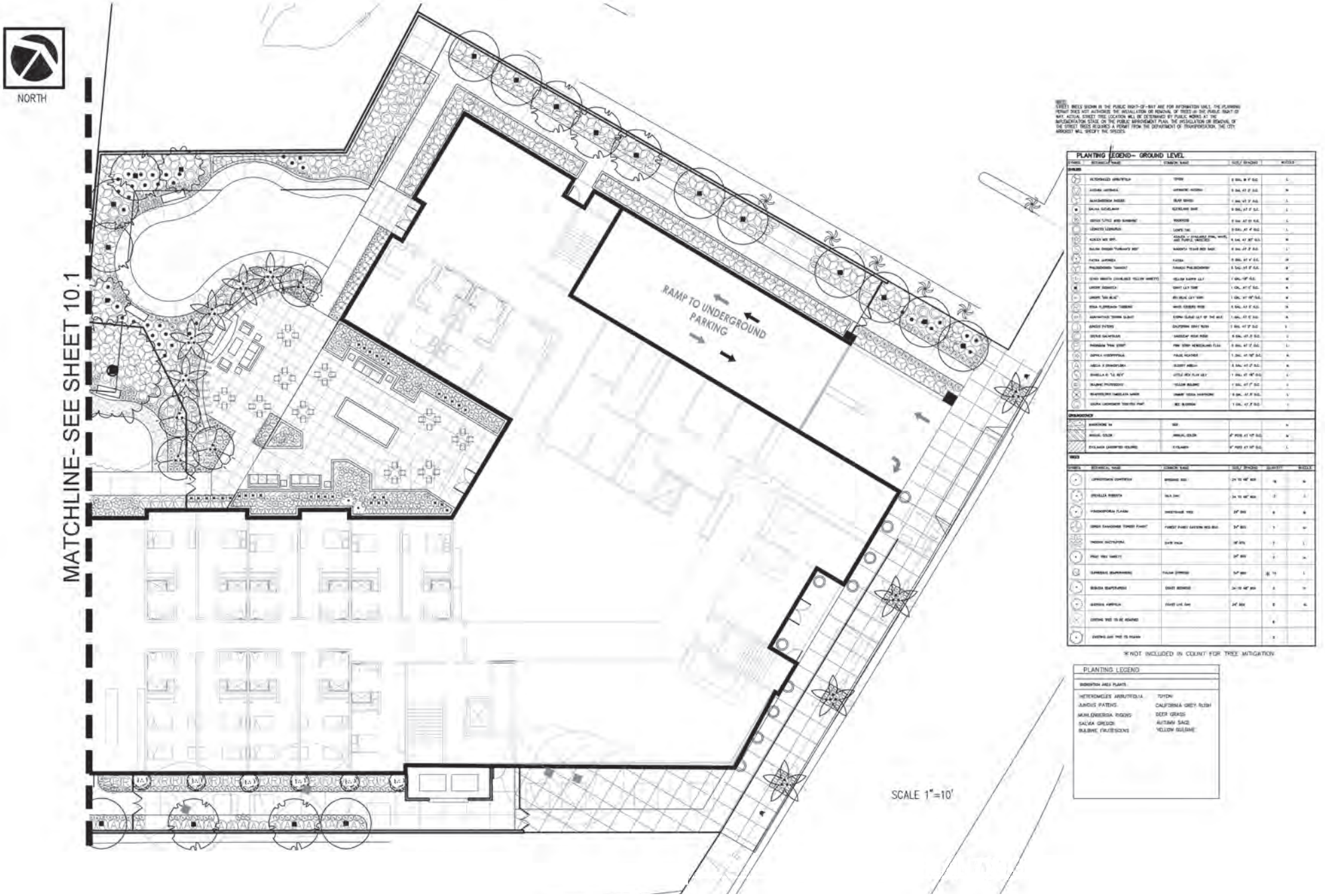
* NOT INCLUDED IN COUNT FOR TREE MITIGATION

Source: Savage Land Design, December 2019

Ground Level Planting Plan 1

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
14A

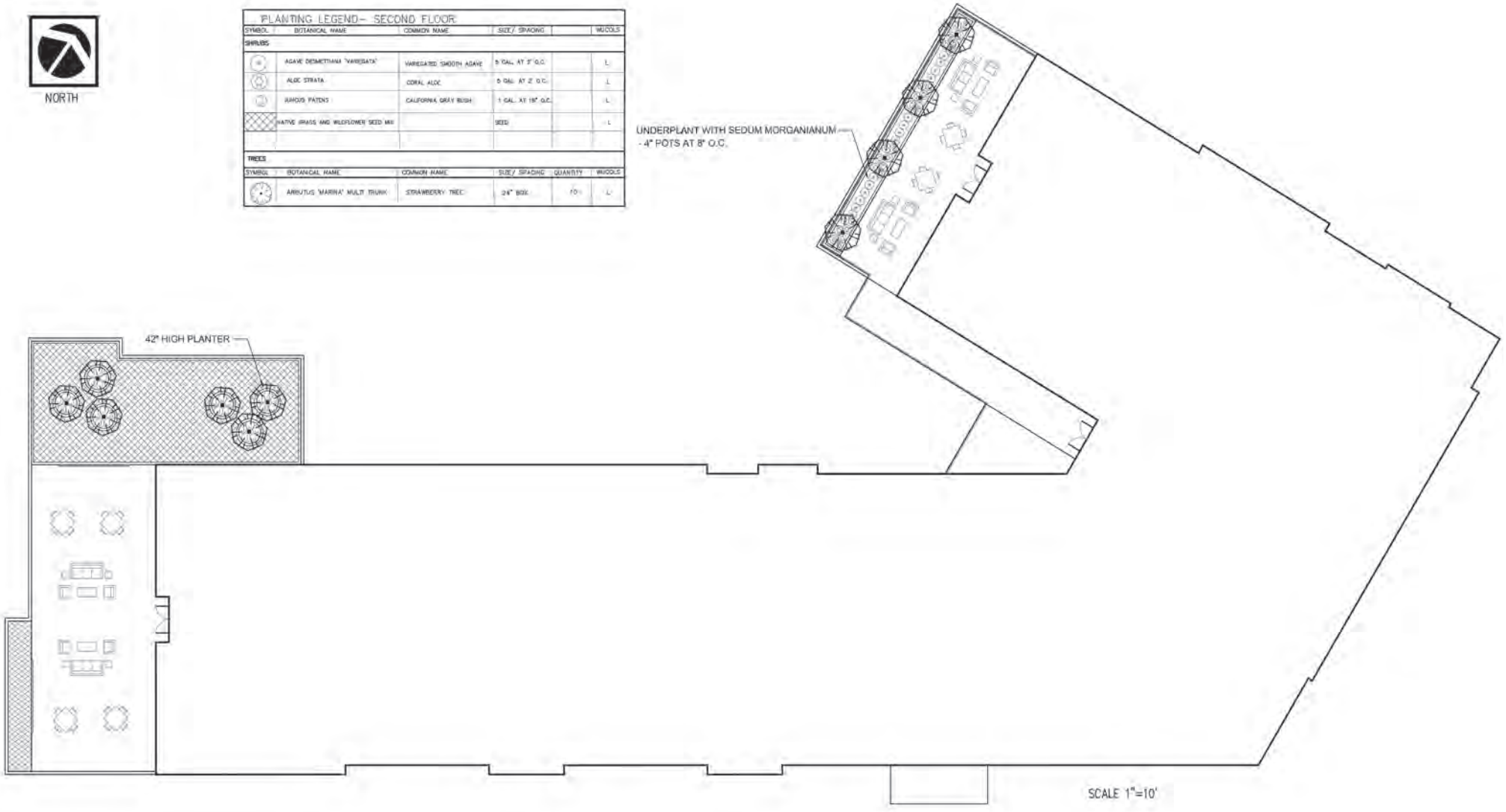


Source: Savage Land Design, December 2019

Ground Level Planting Plan 2

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
14B

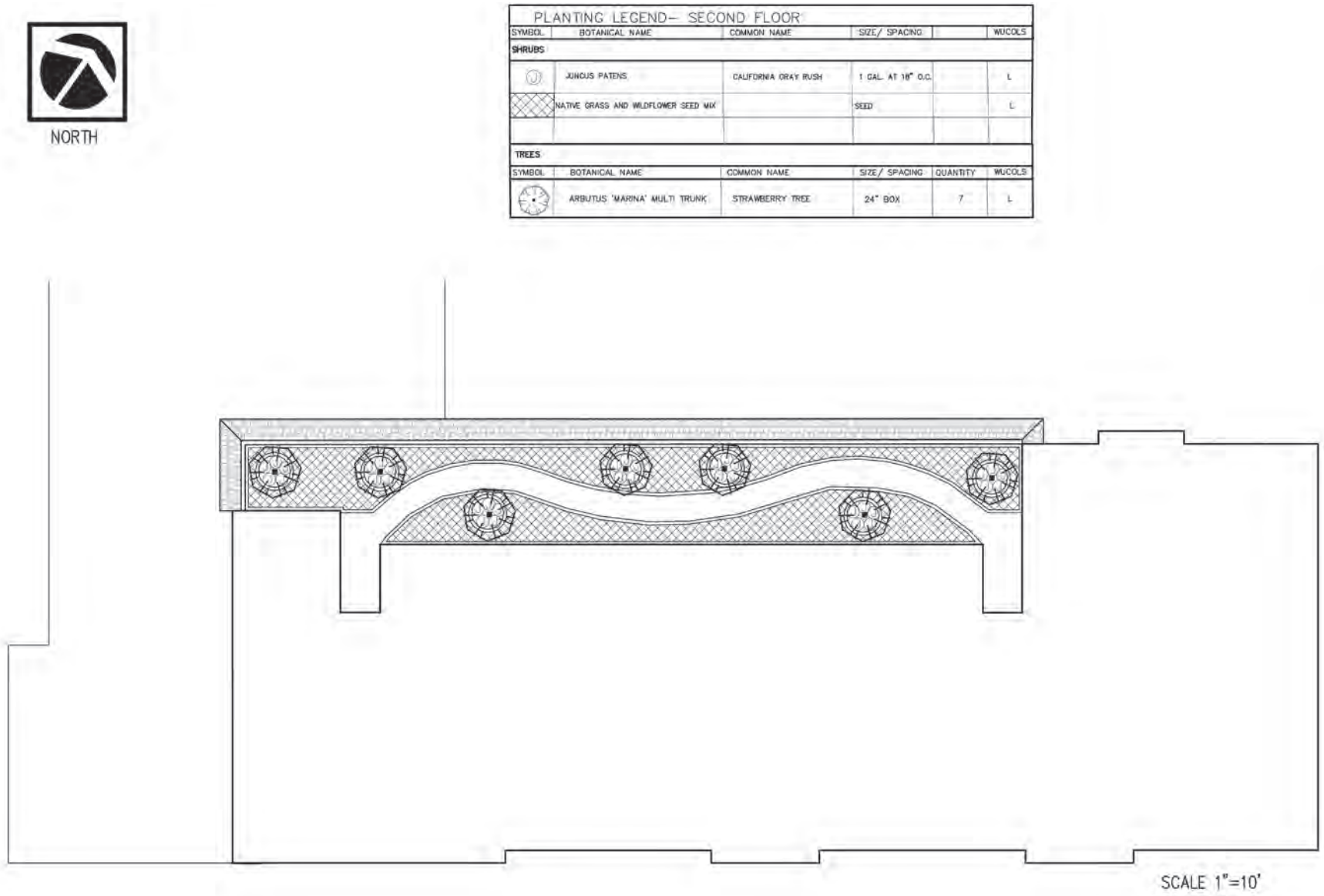


Source: Savage Land Design, December 2019

Second Floor Planting Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
14C



Source: Savage Land Design, December 2019

Third Floor Planting Plan

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure 14D

The following standard permit and permit conditions will be implemented to protect the tree to remain.

Standard Permit Condition

- **Tree Protection Standards**. The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

With implementation of this standard permit condition, the project would comply with the local policies or ordinances protecting biological resources, resulting in a less than significant impact.

f) **Less Than Significant Impact**. The project is located within the SCVHP plan area and is considered a Covered Activity. The project is located on land designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following standard permit condition in accordance with the SCVHP.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

With implementation of this standard permit condition, the project would comply with the HCP resulting in a less than significant impact.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and permit conditions.

E. CULTURAL RESOURCES

A Historic Resources Assessment was prepared for the project by TreanorHL (February 21, 2020). This report is contained in Appendix C.

An Archaeological Literature Review was prepared for the project site by Holman & Associates for the site (September 19, 2019). *The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the City's Planning Division located at 200 East Santa Clara Street, 3rd Floor, during normal business hours.*

Environmental Setting

Archaeologic Resources

On September 10, 2019, Holman Associates conducted a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS), affiliated with Sonoma State University located in Rohnert Park. All identified cultural resources within ¼ mile were examined, and all studies within or abutting the project area were reviewed. In addition, studies on file at Holman & Associates library were reviewed.

No cultural resources are identified within or abutting the project site. Within a ¼ mile, two architectural resources document the nearby built environment. No historic resources or properties listed on federal, state, or local inventories were identified within or abutting the project site. In this portion of Santa Clara County, Native American archaeological sites have been identified adjacent to major creeks and their tributaries, especially near the confluences with other creeks and wetlands. Some resources have been buried by alluvium and recent fill. The project is located approximately 300 feet south of the former Dry Creek. The project's proximity to this historic creek channel suggests a moderate to high potential for Native American resources, especially buried resources.

Neither of the site's parcels have been previously studied for potential cultural resources. Three nearby reports are on file at the CHRIS in the project vicinity and none identified any cultural resources. However, based on the review of historical land use patterns, there is a moderate to high potential for specific historic-era archaeological deposits within the current project area.

Historic Resources

For the Historic Resources Assessment, TreanorHL conducted a site visit on February 6, 2020 to evaluate the existing conditions, historic features, and architectural significance of the buildings on the project site. In addition, an archival search of the general history of the area was conducted using San Jose City Directories, aerial photographs, historical photographs and newspaper articles, as well as historical references found at San Jose Public Library California Room, History San José, Santa Clara County Assessor's Office, and online repositories. The historic assessment also included preparation of State of California Department of Parks and Recreation (DPR) 523 forms.[7]

[7] The DPR 523 series forms are used for recording and evaluating resources and for nominating properties as California Historical Landmarks, California Points of Historical Interest, and to the California Register of Historical Resources.

The project site consists of two parcels featuring four commercial buildings, two trailers and multiple storage sheds, asphalt-paved parking areas, and storage yards. The site is covered primarily in pavement or gravel and features small pockets of minimal landscaping near the buildings, and several trees. A four-tiered retail sign stands centered at the site driveway off of South Bascom Avenue. None of the site's buildings have been identified on any national, state, city or county historic resources inventory.

The northern parcel (APN 412-25-009, 2375 South Bascom Avenue) contains two buildings: the two-story A-frame Modern style building (Building 1) is set back approximately 10 feet from street, and the one-story building (Building 2) is set back 100 feet. The southern parcel (APN 412-25-010, 2395 South Bascom Avenue) also features two main buildings: one building (Building 3) is set back 40 feet from street with the other (Building 4) directly behind it. The two trailers and storage sheds are mostly situated behind Buildings 2 and 3. The locations of the buildings onsite are presented in Figure 15.

Building 1, 2375 S. Bascom Avenue. Constructed circa 1970, this two-story commercial building is rectangular and constructed as a gambrel-roof A-frame, with the asphalt shingle-clad roof extending to the ground on the long (north and south) sides of the structure. The short sides feature vertical siding and vinyl, aluminum and wood windows. The front (east) façade is approached by a wooden deck with four stair risers at the south side and a wood guardrail. Overall, the building is in good condition.

Building 2, 2375 S. Bascom Avenue (APN 412-25-009). The one-story rectangular shed is wood frame and clad with texture 111 siding. Constructed circa 1970, this building is utilitarian in style. The roof is a combination of two very low-pitched asphalt shingle-clad gables, with just enough slope for drainage. Windows on the front (east) façade are vinyl sliders and fixed wood frame. There are a variety of door types: one hollow metal door with six lites over simulated paneling, one hollow metal door with simulated paneling and one flush, Dutch door. Flat trim surrounds all openings. String lights hang from the roof overhang. Overall, the building is in fair condition.

Building 3, 2395 S. Bascom Avenue (APN 412-25-010). Constructed circa 1950, this one-story building is comprised of two parts. The front is a rectangular, glass-and wood low slope-roofed building with Post-and-Beam features, while the rear is a rectangular, asphalt shingle-clad gable-roofed building in the Minimal Traditional architectural style. The gable-roofed portion is clad with vertical wood siding at the primary façade, and painted shingles at the south side. The building has multi-lite steel combination fixed and casement windows with wood trim. The entry door is a wood flush door, at the north façade and a metal-frame glass door with a sidelight punctuates the east side entry at the south end. A vent penetrates both gable ends and air conditioning units penetrate the walls in multiple locations. Overall, the building is in fair condition.

Building 4, 2395 S. Bascom Avenue (APN 412-25-010). Constructed circa 1960, this very simple one-story building, which illustrates some features of the Minimal Traditional architectural style, is rectangular in plan with an asphalt shingle-clad gable roof and shed addition at the rear. The front (east) façade features two double-hung vinyl windows and two fixed wood windows, and an entry door with a multi-lite upper panel and a diamond pattern lower panel. Siding at the east side is painted vertical wood, and wood brackets support a large sign panel placed in front of the roof edge. Overall, the building is in fair condition.

Source: Treanor HL, February 2020

Buildings Evaluated for Historic Assessment

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
15

Summary of Historic Assessment

None of the buildings on the project site appear eligible for listing in the qualify for listing on the California Register of Historical Resources (CRHR) or as a San Jose City Landmark.[8] The buildings do not appear to possess sufficient historical significance in reference to the CRHR criteria. The buildings are not associated with the commercial and residential growth of the area in an individually significant way. No persons of significance are known to be directly associated with the properties. The buildings fail to be an exemplary representative of an architectural style; they appear to be of common construction and materials with no notable attributes. The properties are unlikely to yield information important to the prehistory or history of the area.

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (National Register or NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. 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. A resource is considered eligible for the National Register if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act (CEQA) and California Register of Historical Resources

CEQA requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical

[8] Based on the criteria set forth in the City of San Jose's Historic Preservation Ordinance.

Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources was created to identify resources deemed worthy of preservation and was modeled closely after the National Register of Historic Places. The criteria are nearly identical to those of the National Register, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

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.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the California Register. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. The Graves House was found in the historic evaluation to be eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction).

Archaeological Resources and Human Remains

Archaeological sites are protected by 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 identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

Both State law and the 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. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) and a "most likely descendant" must also be notified.

Local

Historic Preservation Ordinance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?			X		17
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 11,
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The site contains four commercial buildings. Although these buildings are over 50 years old, they are not considered historically significant. Based on the results of the historic assessment, none of the buildings appear eligible for listing in the CRHR and as a San Jose City Landmark. They do not appear to possess sufficient historical significance in reference to the CRHR criteria. The buildings are not associated with the commercial and residential growth of the area in an individually significant way. No persons of significance are known to be directly associated with the properties. The buildings fail to be an exemplary representative of an architectural style; they appear to be of common construction and materials with no notable attributes. The properties are unlikely to yield information important to the prehistory or history of the area. Therefore, buildings at 2375 and 2395 S. Bascom Avenue do not appear to be individually eligible for listing in the CRHR. The subject buildings also do not appear to be eligible as City of San Jose Landmarks as they do not have significance under any one of the eight criteria.

b) **Less Than Significant Impact with Mitigation Incorporated**. Based on the archaeological literature review prepared for the project site, no archaeological sites have been recorded within or adjacent to the project site nor has the property been studied for its cultural resource potential. There is a moderate to high potential for both Native American and historic-era resources within the project area, especially buried resources, which represents a significant impact.

Impact CR-1: The project may impact Native American and historic-era archaeological deposits during excavation and construction activities.

Mitigation Measures

MM CR-1.1 Preliminary Investigation. Prior to the issuance of any grading permits, a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations (if any), shall be submitted to the Director of Planning, Building and Code Enforcement, or Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-1.2 shall be prepared by a qualified archaeologist if necessary.

MM CR-1.2 Research Design and Treatment Plan. If MM CUL-1.1 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director of Planning, Building and Code Enforcement, or Director's designee prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (with location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CR-1.3 Evaluation. The project applicant shall notify the Director of Planning, Building and Code Enforcement, or Director's designee and the City's Historic Preservation Officer of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and

during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand-augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center (NWIC), and/or equivalent.

In addition to the mitigation identified above, as part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources during construction.

Standard Permit Condition

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

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Standard permit conditions are identified below to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries.

Standard Permit Conditions

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (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 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of identified mitigation measures and standard permit conditions.

F. ENERGY

Environmental Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.[9]

The project site is currently occupied by four commercial businesses, including a clothing/tailor shop, a billiards supply shop, a massage studio, and tattoo parlor. The site also contains two storage yards. The property owner has estimated that the annual existing energy usage by these commercial businesses as follows:

- Annual Electricity Usage: approximately 78,475 kWh
- Annual Gas Usage: approximately 132,300 kBtu

Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

[9] PG&E, Delivering low-emission energy. Accessed September 19, 2018. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[10]

The California Green Building Standards Code (CalGreen) establishes 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.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[11] GreenPoint,[12] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 9 below.

Table 9
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/energy/green-building/private-sector-green-building

[10] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.
[11] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[12] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

Envision San José 2040 Relevant Energy Policies	
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. Energy use consumed by the proposed project was estimated in the air quality assessment prepared for the project in Appendix A.[13] [14] This included natural gas and electricity consumption for the proposed assisted living project. The energy use from the project did not take into account energy use from existing commercial uses on the site and, thus, represents a conservative analysis. A discussion of the project's effect on energy use is presented below.

Construction Impacts

The anticipated construction schedule assumes that the project would be built out over a period of approximately 18 months. The project would require demolition, site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The

[13] Refer to Appendix A, Attachment 2, Sections 5.2 and 5.3, pgs 110-111.

[14] The unit count has increased slightly since completion of the air quality assessment for this project, from 79 to 83 units. This increase does not change the results of the air quality assessment or energy discussion, nor does it result in significant new impacts.

proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed as standard permit conditions in *Section C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. The project would also recycle or salvage at least 30 percent of construction waste as part of its LEED certification (discussed further below).

With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less than significant.

Operational Impacts

The property owner has estimated that the annual existing energy usage by the commercial businesses on the site are as follows:

- Annual Electricity Usage: approximately 78,475 kWh
- Annual Gas Usage: approximately 132,300 kBtu

Operation of the proposed project would consume energy, in the form of electricity and natural gas, primarily for building heating and cooling, lighting, cooking, and water heating. Table 10 summarizes the estimated energy use of the proposed project.

Table 10
Estimated Annual Energy Use of Proposed Project (2030)

Proposed Project	Electricity Use (kWh)	Natural Gas Use (kBtu)
Assisted Living Facility	326,140	682,517

Source: Illingworth & Rodkin, Inc., *2375-2395 S. Bascom Avenue Assisted Living Air Quality & Greenhouse Gas Assessment*, Attachment 2, Sections 5.2 and 5.3, pages 110-111, December 16, 2019.

The energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2019 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. Although the proposed project does not include on-site renewable energy resources, the proposed project is required to be built to LEED Checklist standards consistent with Council Policy 6-32.

The proposed project would result in an increase in traffic to the project site of approximately 122 net new daily vehicle trips (Appendix F). The total annual vehicle-miles-traveled (VMT) for the project is approximately 541,485, assuming an average trip length of 12.16 per employee with mitigation (refer to *Section Q. Transportation*).[9] Using the U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 23,340 gallons of gasoline per year.[15]

[15] 122 daily trips (X 365 days) = 44,530 yearly trips (X 12.16 miles) = 541,485 annual VMT ÷ 23.2 mpg = 23,340 gallons/year.

The project is in close proximity to major transit services and is served by VTA bus routes 26, 61, and 62. In addition, there is an existing network of sidewalks and crosswalks that provides safe connectivity to transit services and other points of interest and many of the residential streets surrounding the project site are conducive to bicycle usage due to their low traffic volumes (refer to *Section Q. Transportation*). As a result, implementation of the proposed project would not result in a substantial increase on transportation-related energy use.

Furthermore, the proposed project would be required to build in compliance with the CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Though the proposed project does not include on-site renewable energy resources, the proposed industrial building would also be built to achieve LEED certification consistent with San José Council Policy 6-32. The project proponent anticipates that LEED certification would be achieved in part by conforming to the City's Green Building Measures.

The proposed project would provide bicycle parking consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the measures required for LEED Certification, the proposed project would comply with existing State energy standards.

Based on the discussion above, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

b) **Less Than Significant Impact**. As stated above the project would be required to implement Council Policy 6-32 and the Green Building Requirement as part of the project's permit condition. By reducing single-occupancy traffic trips and implementation of applicable City's policies to apply green-building requirements and certifications, the proposed project would comply with existing State energy standards. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion: The project would have less than significant impacts related to energy use.

G. GEOLOGY AND SOILS

Environmental Setting

Topographically, the project site is essentially flat and lies at an elevation of about 204 feet above mean sea level.[16] The property is currently occupied by a small commercial complex. The site is located within the Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Based on a review of the USGS Geologic Map, the area surrounding the subject property is underlain by Holocene alluvium.

The project site is located within the seismically active San Francisco Bay Area. Santa Clara Valley is located between the active San Andreas Fault to the west, and the active Hayward and Calaveras faults to the east. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project. [17] The Santa Clara County Geologic Hazard Zones Map does not identify any fault or other geologic hazard zones in the project area.[18] In addition, the project site is not located within a State of California Seismic Hazard Zone of Required Investigation for Liquefaction. [19]

Regulatory Framework

State

California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

[16] Phase I ESA, AEI Consultants, May 2019.
[17] California Geological Service, Earthquake Zones of Required Investigation San Jose West Quadrangle, 2002.
[18] Santa Clara County, Santa Clara County Geologic Hazard Zones, 2012.
[19] California Geological Service, Earthquake Zones of Required Investigation San Jose West Quadrangle, 2002

Changes in the 2019 California Building Standards Code provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;

- Clarifies requirements for testing and special inspection of selected building materials during construction; and

- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations - California Public Resources Code

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. California Public Resources Code (Section 5097.5) stipulates that the 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 would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Geology and Soil Policies	
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. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]

Envision San José 2040 Relevant Geology and Soil Policies	
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 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2

Explanation

ai) **No Impact**. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone. In addition, the Santa Clara County Geologic Hazard Zones map does not identify any fault hazard zones in the project area.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed building and associated infrastructure would likely be subject to strong seismic ground shaking during the life of its operation in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. In addition, the project would be constructed in accordance with the geotechnical investigation as outlined in the standard permit condition below.

Standard Permit Condition

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

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. However, the project site is not located within the State of California Seismic Hazard Zone of Required Investigation for Liquefaction.

aiv) **No Impact**. The project site has no appreciable vertical relief and would not be subject to landslides.

b) **Less Than Significant Impact**. Development of the project would involve the grading, which could result in a temporary increase in erosion. The project would implement the standard

measures identified in *Section I. Hydrology and Water Quality* section of this Initial Study as well as the standard permit conditions below to minimize erosion.

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 to divert runoff around excavations and graded areas if necessary.
- 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. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

c) **Less Than Significant Impact**. The project site may contain soils or geologic hazards that could result in lateral spreading or subsidence that could damage proposed structures. However, a geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in aii) above, due to the project site being located within a seismically active region.

d) **Less Than Significant Impact**. The project may contain expansive soils, which could damage proposed structures on the site. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for aii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less than significant level.

e) **No Impact**. The project does not include any septic systems. The proposed project would tie into the City's existing sanitary sewer system.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the General Plan EIR.[20] The project proposes excavation for the basement garage to a depth of 12 feet. Consistent with General Plan Policy ER-10.3, the following standard permit condition will be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on this infill site.

[20] Figure 3.11-1 "Paleontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

Standard Permit Condition

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

Conclusion: The project would have a less than significant impact on geology and soils with implementation of standard permit conditions.

H. GREENHOUSE GAS EMISSIONS

A greenhouse gas (GHG) evaluation was included as part of the air quality assessment prepared for the project by Illingworth & Rodkin, Inc. (December 16, 2019). This report is contained in Appendix A.[21]

Environmental Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The project site is currently occupied by four commercial businesses and two storage yards. These existing commercial uses on the project site are currently generating GHG emissions associated with electricity and natural gas consumption, traffic, solid waste generation, and water usage (see also Table 7).

Regulatory Framework

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[22]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

[21] The unit count has increased slightly since completion of the air quality assessment for this project, from 79 to 83 units. This increase does not change the results of the air quality assessment, nor does it result in significant new impacts.
[22] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the

California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 1 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private 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.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans"

as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

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

Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. The plan focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

General Plan

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
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 LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
	sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
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 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 7
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 7

Explanation

a) **Less Than Significant Impact**. GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

Construction Emissions

Based on the analysis in Appendix A, GHG emissions associated with construction were computed to be 364 MT of CO2e for the total construction period**.** These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also

encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The project service population efficiency rate is based on the number of future residents and future employees. Based on provided project information, the GHG evaluation assumed that the total future population at the project site would be 163 (residents and employees).

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully-developed site under the proposed project. As shown in Table 11, the net annual emissions resulting from operation of the proposed project are predicted to be 227 MT of CO_2e for 2022 and 204 MT of CO_{2e} for 2030. The service population emissions for the year 2022 would be 1.9 and 1.7 MT CO_{2e}/year/service population for 2030. The 2022 and 2030 emissions do not exceed the 2030 "bright-line" threshold of 660 MT of CO_{2e}/year or the "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population.

To be considered significant, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. This project does not exceed the metric tons bright-line significance threshold nor the service population significance threshold.

Table 11
Annual Project GHG Emissions (CO_2e) in Metric Tons and Per Capita

Source Category	Existing Land Use in 2022	Existing Land Use in 2030	Proposed Project in 2022	Proposed Project in 2030
Area	<1	<1	4	4
Energy Consumption	24	24	94	94
Mobile	56	45	170	136
Solid Waste Generation	3	3	36	36
Water Usage	2	2	8	8
Total (MT CO_{2e}/year)	85	74	312	278
Net Emissions			227 MT CO_{2e}/year	204 MT CO_{2e}/year
Significance Threshold			***660 MT CO_2e/year***	
Service Population Emissions (MT CO_{2e}/year/service population)			1.9	1.7
Significance Threshold			***2.6 in 2030***	
Exceeds both thresholds?			*No*	*No*

b) **Less Than Significant Impact**. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the proposed project would not substantially increase GHG emissions, as described in a) above. Specifically, the proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. The proposed building would be constructed in conformance with CALGreen and the Title 24 Building Code, which require high-efficiency water fixtures and water-efficient irrigation systems.

At the local level, the City of San José sets green building standards for municipal development. Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. In addition, Climate Smart San José, adopted in February 2018, promotes policies to reduce air pollution through decarbonizing and sustainability measures.

As previously mentioned, the project is consistent with the General Plan land use designation and the proposed project would comply with Policy 6-32 and California Building Code requirements. In addition, the project would provide four bike parking spaces, consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Therefore, the project is consistent with existing applicable plan and policies for the purpose of reducing GHG emissions.

Conclusion: The project would have a less than significant impact related to GHG emissions.

I. HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (Phase I ESA) and Limited Phase II Soil Sampling Investigation were performed by AEI Consultants in May and June of 2019 for the proposed project. These reports are contained in Appendix D.

Environmental Setting

The project site contains four one-story commercial buildings and gravel and asphalt parking areas in a mixed residential and commercial area. The buildings on the site are currently occupied by retail businesses.

The regional topographic gradient direction slopes toward the east and, therefore, the direction of groundwater flow beneath the subject property is inferred to be to the east. Based on a review of the United States Geological Survey (USGS) Geologic Map, the area surrounding the subject property is underlain by Holocene alluvium. The estimated depth to groundwater is 94 to 106 feet below ground surface (bgs), which was obtained from the California State Water Resources Control Board's GeoTracker website for a nearby case closure information for 2380 South Bascom Avenue.

The Phase I ESA included the following scope: a site inspection; review of site history; review of historic aerial photos; review of selected local, state and federal regulatory records (database search); and consultation with the applicant/owner.

A chronological summary of historical data found included aerial photographs, historical city directories, Sanborn fire insurance maps, and agency records. From 1939-1948, the project site was in agricultural use. From 1950-1968, portions of the current commercial buildings were present. From 1974 to the present, the current commercial buildings have been occupied by various commercial and retail tenants.

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

The northern adjacent property at 2355 South Bascom Avenue is operated by a boat sales facility, Central Valley Marine. According to San José Fire Prevention Bureau (SJFPB) records from 1980 to 1986, the facility conducted boat repairs on-site. The facility was permitted for flammable liquids and welding and cutting operations with no violations noted from inspection records. The facility was noted to have stored two 5-gallon cans of gasoline and 13.5-gallons of "solvent." A hand-written note from 1984 referenced 100-200 gallons of waste motor oil generated by the occupant. Based on AEI's site reconnaissance, this tenant still occupies the north adjacent property. A two-bay building with roll up doors and an exterior boat sales lot were observed. According to a review of the company's website, boat repair activities are currently performed at a nearby, offsite sister facility. An undated, annotated historical aerial photograph from the SJFPB depicted the service area to have occupied the western side of the structure.

According to SJFPB documentation, the boat repair operations moved offsite in 1986. Based on the review of historic aerial photographs from 1963 and 1968, the north adjacent site appeared to have operated as a gasoline station. An apparent UST pad, fuel dispensers and a service building (the current

one) were noted. The features were located between approximately 20 to 80 feet north of the subject property. This site was not listed on the regulatory database as a current or former UST site/gas station; however, based on the former use as noted on aerial photographs, it is apparent that USTs were located on site. It is unknown if the Central Valley Marine tenant also occupied the site during this time period. Review of aerial photographs indicate that boat storage was present at the property in 1974.

Based on the 1) proximity of this site to the subject property and the unknown management and/or removal practices utilized in connection with the UST(s), and 2) the associated auto/boat repair activities (which typically utilize petroleum products and/or solvents), the subsurface of the project site may be subject to hazardous substance or petroleum hydrocarbon contamination.

Based on a review of historical sources, the project site was historically used for agricultural purposes (orchards). There is potential that agricultural chemicals, such as pesticides, herbicides and fertilizers, were used on site. Therefore, the project site may have been impacted by the use of such agricultural chemicals.

A Controlled Recognized Environmental Condition (CREC) is defined as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The Phase I ESA did not find any evidence of CRECs on the site.

Limited Phase II Soil Sampling Investigation

Based on the results of the Phase I ESA, a Limited Phase II Soil Sampling Investigation was conducted by AEI Consultants, which included the collection of soil and soil gas samples to evaluate if the potential from former operations at the site and the north adjacent property off the site have adversely impacted the property.

On May 30, 2019, six soil borings, SB-1 through SB-6, were made on the site (refer to Appendix D). Three temporary soil gas probes were constructed in soil borings SB-4, SB-5, and SB-6. The soil samples were analyzed for Organochlorine Pesticides and CAM 17 metals and the soil gas samples were analyzed for VOCs. Sediment encountered in each of the borings generally consisted of alternating layers of silty gravel and silt. Visual or odor evidence (i.e., soil discoloration, odor) of potentially-impacted soils was not observed in the remaining borings during drilling activities.

Analytical results of the sampling were compared to the January 2019 San Francisco Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) for a commercial land use scenario, the current use of the property. The ESLs are considered to be conservative. Under most circumstances (and within the limitations described in the ESLs) the presence of a chemical in soil or soil gas at concentrations below the corresponding ESL may be assumed to not pose a significant threat to human health and the environment. Additional evaluation may be necessary at sites where a chemical is present at concentrations above the corresponding ESL. For this investigation, Analytical results generated during this investigation were compared to the residential ESLs assuming an exposure pathway for direct contact and vapor intrusion under the residential scenario. The soil sampling analytical test results are summarized as follows:

- A-Chlordane was detected in SB-2 at a depth of 1-foot bgs at a concentration of 0.0066 milligrams per kilogram (mg/kg), which does not exceed the residential ESL of 0.48 mg/kg.

- G-Chlordane was detected in SB-1 and SB-2 at depths of 1-foot bgs at concentrations of 0.0011 and 0.0048 mg/kg, respectively, which do not exceed the residential ESL of 0.48 mg/kg.

- P,p-dichlorodiphenyldichloroethylene (DDE) was detected in SB-1 and SB-2 at depths of 1-foot bgs at concentrations of 0.0033 and 0.015 mg/kg, respectively, which do not exceed the residential ESL of 1.8 mg/kg.

- P,p-dichlorodiphenyltrichloroethane (DDT) was detected in SB-1 and SB-2 at depths of 1-foot bgs at concentrations of 0.0033 and 0.015 mg/kg, respectively, which do not exceed the residential ESL of 1.9 mg/kg.

- Dieldrin was detected in SB-2 at a depth of 1-foot bgs at a concentration of 0.0059 mg/kg, which does not exceed the residential ESL of 0.037 mg/kg.

- All of the remaining pesticides were not detected at or above their respective laboratory reporting limits.

- Arsenic was detected in SB-1 through SB-6 at depths of 1 foot bgs at concentrations between 4.8 to 7.1 mg/kg, which exceeds the residential ESL of 0.67 mg/kg. Although the arsenic concentrations are above its residential ESL, it is respective of the maximum background concentration for California of 11 mg/kg.

- The remaining CAM 17 metals were either detected at low concentrations below their respective residential ESLs or not detected above their laboratory report limits.

The soil gas sampling results are summarized as follows:

- Ethylbenzene was detected in SV-4, SV-5, and SV-6 at concentrations of 131, 2.33, and 32.7 micrograms per meter cubed (μg/m3). The soil gas sample collected from location SV-4 yielded ethylbenzene at a concertation of 131 $\mu g/m^3$, which slightly exceeds its residential ESL of 37 $\mu g/m^3$.

- Xylenes were detected in SV-4 and SV-6 at concentrations of 592 and 119.9 $\mu g/m^3$, which does not exceed its residential ESL of 3,500 $\mu g/m^3$.

- Trichloroethene (TCE) was detected in SV-6 at a concentration of 16.2 $\mu g/m^3$, which slightly exceeds its residential ESL of 16 $\mu g/m^3$. The remaining VOCs were either detected at low concentrations below their respective ESLs or not detected above their laboratory reporting limits.

- Helium, used as a leak detection, was not detected above the laboratory detection limit of 0.100% of the shroud, which is well below the allowable 5% of the shroud concentration. Therefore, the results are considered valid.

In conclusion, the soil results did not contain concentrations above residential ESLs in pesticides or metals, with the exception of arsenic. The six soil samples are above arsenic's residential ESL, but below the maximum background concentration for arsenic in California. The soil gas results did not contain VOC concentrations above residential ESLs, with the exception of TCE and ethylbenzene. TCE was detected at a concentration of 16.2 $\mu g/m^3$ in the sample collected from near the property line at location SV-6, which is only slightly above the residential ESL of 16 μg/m3. TCE was not detected the other two soil gas samples collected, suggesting that the source may be the adjacent property. Each of the soil gas samples collected yielded ethylbenzene, but only one sample yielded ethylbenzene at a concentration above the residential ESL of 37 $\mu g/m^3$, SV-4 yielded ethylbenzene at a concentration of 131 $\mu g/m^3$. This concentration of ethylbenzene exceeds the residential ESL.

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and 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 waste 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) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The 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.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy 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

Envision San José 2040 Relevant Hazardous Material Policies	
	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.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
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.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 12
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?			X		1, 2, 12
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 2, 12
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 12
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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The proposed assisted living facility would not involve the routine transport, use, or disposal of hazardous materials. The facility would use small quantities of miscellaneous household cleaning supplies. These materials would be stored and used in accordance with the manufacturer's specifications. The facility would not use hazardous materials other than household cleaning products. No medical procedures are conducted onsite. Staff only assists in the administration of basic prescription medications. When a higher level of care is required, residents are generally recommended to a skilled nursing home.

b) **Less Than Significant Impact**. The soil gas results detected an exceedance of TCE and ethylbenzene. TCE was detected at a concentration of 16.2 ug/m^3 in a sample collected near the property line and the soil study suggests that the adjacent property may be the source. Ethylbenzene was also detected at a concentration of 131 ug/m^3 at one location on the site. Both levels are above their respective residential ESLs. While the Phase II determination

(Appendix D) concluded that these levels may not represent significant source that needs to be remediated, there is still a chance that construction of the project and excavation of soil could result in the release of these hazardous materials. Therefore, as a conservative approach, mitigation is identified below to protect construction workers.

Impact HAZ 1: The project could encounter TCE or ethylbenzene contamination during construction activities and the potential vapor intrusion presents a health risk to construction workers.

Mitigation Measures

MM HAZ-1: Due to the sensitive nature of the development and the potential to encounter TCE or ethylbenzene contamination during construction activities and a potential for a vapor intrusion health risk to future site occupants, the project applicant shall enter into the Site Cleanup Program with the Santa Clara County Department of Environmental Health (SCCDEH). This shall be completed prior to the issuance of a site grading permit or demolition/construction activities. The SCCDEH will decide the appropriate next steps such as the development of a Site Management Plan, Removal Action Workplan, or equivalent document. The SCCDEH shall be contacted before any documents are drafted to ensure they include the appropriate information and measures that are specific to this site. The project applicant shall submit this evidence of coordination with the SCCDEH to the Director of Planning, Building and Code Enforcement, or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department.

Building Demolition

The existing storage buildings to be demolished may contain asbestos containing materials (ACMs) and/or lead-based paint. Incorporation of standard permit conditions identified below will assure that ACMs or lead-based paint are not released during demolition activities.

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 on-site building(s) to determine the presence of asbestos-containing materials and/or lead-based paint.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.

    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.

    - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 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 type of waste being disposed.

c) **Less Than Significant Impact**. The project site is located within ¼ mile of Bohnett Elementary School. The proposed assisted living facility would not routinely emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. See also b) above.

d) **Less Than Significant Impact**. The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List). See also discussion in b) above.

e) **No Impact**. The project site is located five miles south of the Norman Y. Mineta San José International Airport. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard to airport operations.

f) **Less Than Significant Impact**. The proposed assisted living facility would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements. The proposed infill development would not create any barriers to emergency or other vehicle movement in the area. During construction, lane closures may be required on South Bascom Avenue. The applicant proposes to implement a construction

management plan during construction to avoid impacts to emergency vehicle movement. Therefore, the project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans.

g) **No Impact**. The project would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section S. Wildfire* of this Initial Study.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials with implementation of identified standard permit conditions.

J. HYDROLOGY AND WATER QUALITY

Environmental Setting

The project site is essentially flat and lies at an elevation of about 204 feet above mean sea level.[23] The site is currently occupied by a small commercial plaza. The existing storm drainage system on the site directs runoff to an existing 15-inch reinforced concrete pipe (RCP) storm drain in South Bascom Avenue.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D (Panel 06085C0243H, effective 5/18/2009). Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

The estimated depth to groundwater is 94 to 106 feet below ground surface (bgs), which was obtained from the California State Water Resources Control Board's GeoTracker website for a nearby case closure information for 2380 South Bascom Avenue (refer to Phase I ESA in Appendix D).

Regulatory Framework

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

Federal and State

National Flood Insurance Program

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

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including

[23] United States Geological Survey (USGS), San Jose West Quadrant.

projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage based on area of land disturbed (1.23 acres).

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM 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).

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
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.
Policy 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i) Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2, 13
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2
iv) Impede or redirect flood flows?			X		1, 2, 13
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing water quality measures through the grading and building permit process. All construction/demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The project is subject to Municipal Code Section 20.100.470, which requires the project to incorporate BMPs to control the discharge of storm water pollutants including sediments associated with construction activities including erosion, as outlined in the Standard Permit Conditions in item ci) below.The project is located in an urban environment and operation of the assisted living facility would not utilize materials that would significantly harm the water quality in the area. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality as described below.

b) **Less Than Significant Impact**. The project site is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[24] The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility. The project site is fully developed and not effectively recharging groundwater. The estimated depth to groundwater is 94 to 106 feet below ground surface (bgs), which was obtained from the California State Water Resources Control Board's GeoTracker website for a nearby case closure information for 2380 South Bascom Avenue (refer to the Phase I ESA in Appendix D). The project proposes excavation for a below-grade garage, to a depth of approximately 12 feet. The project does not propose any wells or groundwater pumping. Thus, the project would not decrease groundwater supplies or interfere substantially with groundwater recharge (such that the project may impede sustainable groundwater management of the basin) because 1) the project is not located within or adjacent to a groundwater recharge facility, 2) the project is proposed on a fully developed site that is not recharging groundwater, and 3) project construction would not access groundwater beneath the property.

ci) **Less Than Significant Impact**. Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. The City's implementation requirements to protect water quality are described below.

Construction Impacts

Prior to the commencement of any clearing, grading or excavation, the project is required to comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works. The project applicant is required to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. Additionally, the project applicant is required to file a Notice of Intent (NOI) with the State Water Resource Control Board (SWRCB) to comply with the General Permit and prepare a

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

SWPPP that includes measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the project applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

All projects in the City, including the proposed project are required to comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation, as well as the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs are required to be implemented by all projects in the City as standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction.

The project would increase impervious surfaces on the site and slightly modify the drainage pattern on the site. Consistent with the regulations and policies described above, the project will follow all standard permit conditions. The following measures are based on RWQCB BMPs and have been included in the project to reduce construction and development-related water quality impacts. These BMPs would be implemented prior to and during earthmoving activities onsite and would continue until the construction is complete and during the post-construction period as appropriate.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities 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 in 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 ofdirt and mud during construction.

    a. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
    b. Utilize on-site sediment control BMPs to retain sediment on the project site;
    c. Utilize stabilized construction entrances and/or wash racks;
    d. Implement damp street sweeping;
    e. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
    f. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction Impacts

The project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project will be required to implement BMPs, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges. The project site is not located in a Hydromodification Management (HM) area. However, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 and 8-14. The project would not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance.

cii) **Less Than Significant Impact**. The project would increase the amount of impervious area on the project site compared to existing conditions. The project proposes to implement a stormwater control plan to manage runoff from the site (refer to Figure 8). Runoff would be collected in a storm drain system and conveyed to bioretention facilities on the site, where it would be treated prior to discharging into the City's drainage system. New storm drain laterals would be built and connect to the existing 15-inch storm drain main in South Bascom Avenue.

As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff.

civ) **Less Than Significant Impact**. The project site is located in Zone D, defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

d) **Less Than Significant Impact**. The project site is not located in an area subject to significant seiche or tsunami effects. The project site is not located within an inundation area for any dams, based on the map entitled "Dam Failure Inundation Areas" in the General Plan EIR (Association of Bay Area Governments). The project site is also located outside of the 100-year floodplain, as mapped by FEMA. Therefore, the project would not be subject to significant risk from pollutants related to project inundation.

e) **Less Than Significant Impact**. The project consists of development on an approximately 1.23 gross-acre infill site. Construction of the project would require grading activities for the proposed basement garage to a depth of 12 feet below ground surface. As described above, grading and construction activities could result in a temporary increase in erosion affecting the quality of storm water runoff. However, construction and operation of the project would not result in significant water quality or groundwater quality impacts because the proposed project would be required to comply with the City of San José Grading Ordinance and implement standard BMPs during construction. Therefore, the project would not result in impacts that would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Conclusion: The project would have a less than significant impact on hydrology and water quality with implementation of identified standard permit conditions.

K. LAND USE AND PLANNING

Environmental Setting

The project site is located in an urbanized area within the jurisdiction of the City of San José. The project site is surrounded by the following uses:

- North: Commercial, Dry Creek Road
- South: Commercial, Multi-family Residential
- East: South Bascom Avenue, Commercial
- West: Single-family Residential

The project site is designated *Neighborhood/Community Commercial* in the General Plan Land Use/Transportation Diagram. The *Neighborhood/Community Commercial* designation supports a broad range of commercial activity, including commercial uses that serve communities in neighboring areas such as neighborhood serving retail and services. General office uses, hospitals, and private community gathering facilities are also allowed within this designation.

The project site is currently zoned CN Commercial Neighborhood. The project proponent is applying for a Conditional Use Permit to allow for the assisted living facility use. The Commercial Neighborhood District is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

The project site is also located within the South Bascom (South) Urban Village boundary, although an Urban Village Plan has not been developed or approved. Once approved, the South Bascom (South) Urban Village Plan will provide more detailed information related to the allowed uses, development density, and FAR for all the sites contained within the Urban Village boundary. Ultimately, the Urban Village Plan will guide the development of the South Bascom (South) area as a more urban and walkable corridor with an emphasis on connectivity, an appealing streetscape, and equitable access for all users.

If a project is located within an Urban Village without an approved Urban Village Plan, the General Plan land use designation and General Plan policies shall apply to the project. In the future, when an Urban Village plan is adopted by the City Council, the land use designation and policies in the Urban Village Plan will apply to the project, in addition to the policies in the General Plan

General Plan

Policies applicable to the project are presented below.

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
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 VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?			X		1, 2
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3

Explanation

a) **Less Than Significant Impact**. The project site is located in an urbanized location surrounded by one-story commercial and residential development. Office buildings opposite the project site are two stories. The project proposes to construct a one to three-story assisted living facility, that would be stepped down at the rear property boundary to more closely match the adjacent development to the west. In addition, the project proposes landscaping along the western property boundary to enhance visual quality and privacy. The proposed commercial assisted living facility would be consistent with existing surrounding commercial and residential development and is consistent with the General Plan designation for the site. For these reasons, implementation of the proposed project would not divide an established community.

b) **Less Than Significant Impact**. The proposed assisted living facility is consistent with the land use designation in the General Plan of *Neighborhood/Community Commercial.* The project is an application for a Conditional Use Permit from the City to construct a fully licensed RCFE, regulated by the State of California.

A Conditional Use Permit is required to operate the assisted living facility. The project will be subject to the development standards for the Commercial Neighborhood District as outlined in the Zoning Ordinance. Compliance with these requirements is completed during the development review process.

The project site is also located within the South Bascom (South) Urban Village boundary, although an Urban Village Plan has not developed or approved. Prior to preparation of the Urban Village Plan, this designation supports uses consistent with those of the *Neighborhood/Community Commercial*. The proposed assisted living facility is consistent with the *Neighborhood/Community Commercial* and Urban Village designations since the proposed assistant living facility is intended to provide services to the local community.

The project is located in an urban area that does not contain sensitive habitat or resources (refer to *Section D. Biological Resources*). With the implementation of the mitigation measures and standard permit conditions identified in this Initial Study, the proposed assisted living facility would not 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.

Conclusion: The project would have a less than significant impact on land use and planning.

L. MINERAL RESOURCES

Environmental Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a), b) **No Impact**. The project site is located over three miles west of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA; therefore, the project would not result in a significant impact from the loss of availability of a known mineral resource.

Conclusion: The project would have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment was prepared for the project by Illingworth & Rodkin, Inc. (December 16, 2019), which is contained in Appendix E. The following discussion summarizes the results of this assessment.

Environmental Setting

Noise Fundamentals

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

Existing Noise Environment

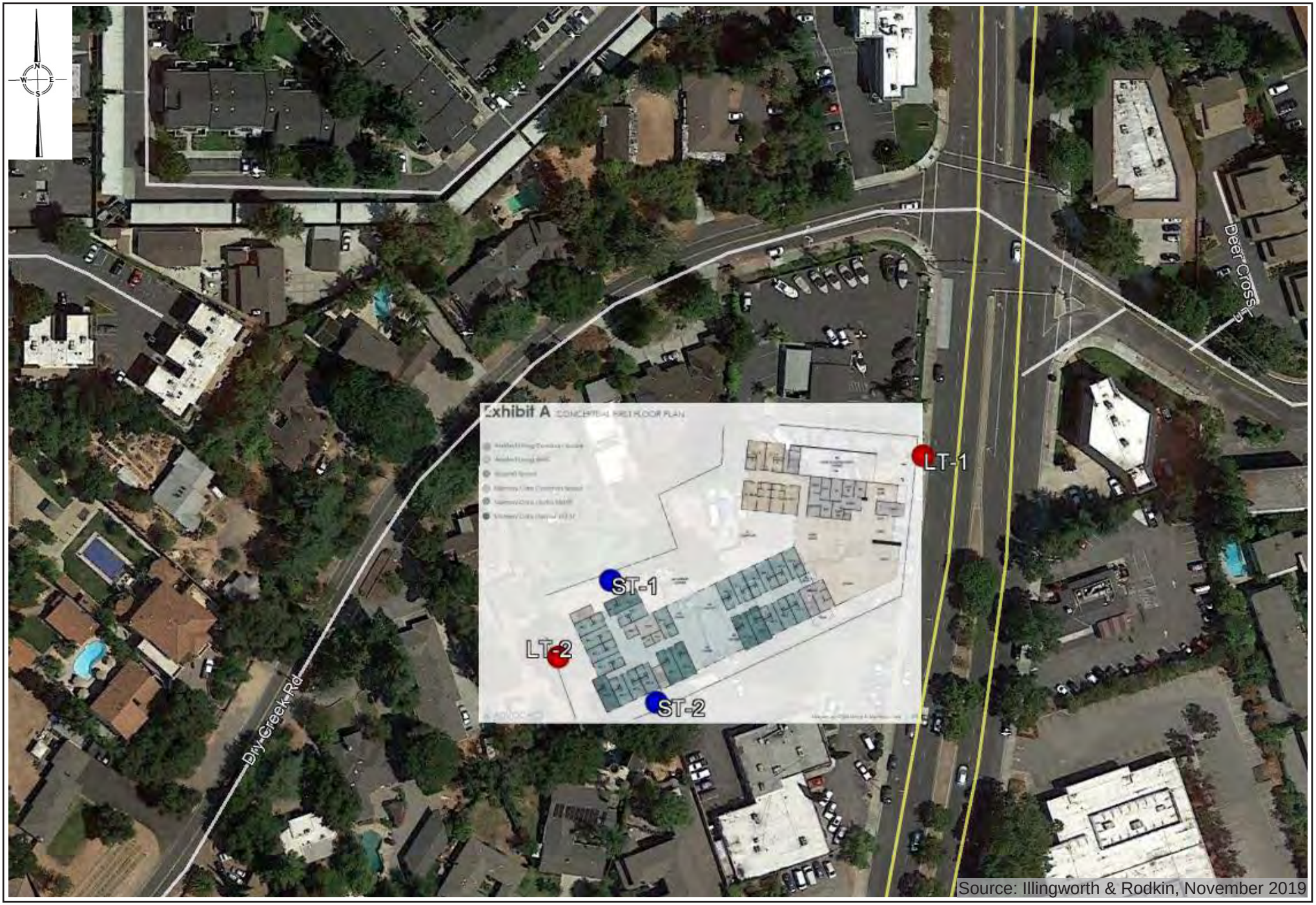
The land uses to the north consist of a dealership for new and used motorboats and to the south are restaurants. Other commercial land uses are located to the east, opposite South Bascom Avenue. Residential land uses adjoin the project site to the west and southwest.

The existing noise environment at the project site and in the surrounding area results primarily from vehicular traffic along nearby Highway 17 and South Bascom Avenue. Aircraft flyovers associated with Mineta San José International Airport operations also affect the noise environment at the site.

A noise monitoring survey was performed in the project vicinity beginning on Tuesday, October 8, 2019 and concluding on Thursday, October 10, 2019. The monitoring survey included two long-term (LT-1 and LT-2) noise measurements and two short-term (ST-1 and ST-2) noise measurements. All measurement locations are shown in Figure 16.

LT-1 was made approximately 50 feet west of the centerline of South Bascom Avenue. The predominant noise source at LT-1 was South Bascom Avenue traffic. Hourly average noise levels at this location typically ranged from 67 to 75 dBA L_{eq} during the day and from 56 to 67 dBA L_{eq} at night. The day-night average noise level was 72 dBA DNL.

LT-2 was made at the rear of the project site, approximately 360 feet west of the centerline of South Bascom Avenue. The main noise source at this location was Highway 17. Hourly average noise levels at LT-2 typically ranged from 48 to 61 dBA L_{eq} during the day and from 44 to 52 dBA L_{eq} at night. The day-night average noise level was 57 dBA DNL.



Source: Illingworth & Rodkin, November 2019

Noise Measurement Locations

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
16

The short-term noise measurements (ST-1 and ST-2) were made over 10-minute periods, concurrent with the long-term measurements, on Tuesday, October 8, 2019, between 7:40 AM and 8:10 AM. The short-term measurement results for ST-1 and ST-2 are summarized in Table 12.

ST-1 was made along the northwestern boundary of the site, approximately 320 feet west of the centerline of South Bascom Avenue. The primary noise source at ST-1 was Highway 17. Typical traffic noise from Highway 17 ranged from 52 to 54 dBA, and a distant noisy motorcycle generated noise levels of 60 dBA at ST-1. A chirping bird was also observed to generate noise levels of 61 dBA. The 10-minute average noise level measured at ST-1 was 54 dBA $L_{eq(10\text{-}min)}$.

ST-2 was made along the southern boundary of the site, approximately 260 feet west of the centerline of South Bascom Avenue. The primary noise source at ST-2 was traffic along South Bascom Avenue. Typical traffic noise from Highway 17 ranged from 49 to 51 dBA, and typical traffic noise along South Bascom Avenue ranged from 54 to 55 dBA. A heavy truck braking along South Bascom Avenue generated noise levels of 68 dBA at ST-2, while a motorcycle produced a noise level of about 65 dBA. Additionally, a nearby car door slam generated noise levels of 66 dBA. The 10-minute average noise level measured at ST-2 was 53 dBA $L_{eq(10\text{-}min)}$.

Table 12
Summary of Short-Term Noise Measurements (dBA)

Location (Start Time)	Measured Noise Levels, dBA				Calculated DNL	Primary noise source
	L_{10}	L_{50}	L_{90}	L_{eq}		
ST-1: along the northwestern boundary of the project site (10/8/2019, 7:40-7:50 AM)	62	57	55	54	53	54
ST-2: along the southern boundary of the project site (10/8/2019, 8:00-8:10 AM)	66	59	54	52	50	53

Regulatory Framework

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[25] that project building materials and assemblies need to comply with based on the noise environment.

[25] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

Local

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA)
FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	**Exterior DNL Value In Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care						
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 Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

	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.)

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. 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 by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: o 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

Envision San José 2040 Relevant Noise and Vibration Policies	
	notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit as provided in Chapter 20.100.

Table 13
City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Levels in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			14
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		14
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?		X			14

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. The noise-related effects associated with the project are described below based on the results of the noise and vibration study in Appendix E.

Operational Noise Impacts

Mechanical Equipment. Since occupants would reside in the assisted living building during daytime and nighttime hours, which would include sleeping, the proposed project would be treated as a residential land use. The City's General Plan does not include policies specifically addressing mechanical noise generated by residential land uses. However, the residential mechanical noise should be addressed with respect to the City's Municipal Code threshold of 55 dBA DNL to minimize disturbance to the existing residences surrounding the project site.

The proposed project would include mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC), as well as emergency generators, pumps, condensers, etc. HVAC units are typically located on the roof. The site plan shows ground-level rooms within the parking garage, such as utility closet, electrical room, water heater and pump room, a theater, and a generator room. Details pertaining to the number, type, size, and specific locations of equipment were not available at the time of this study.

Noise levels produced by a typical heat pump for a building of this size are approximately 56 dBA at three feet during operation. Assuming up to six pumps would operate simultaneously at any given time, the estimated day-night average noise level at 3 feet would be 70 dBA DNL. It is assumed that all water heaters and pumps for the proposed building would be located in the ground-level room. Due to location of the room being away from the residential land uses along the eastern building façade and the shielding provided by the building, noise levels due to heat pumps would be below the City's 55 dBA DNL threshold.

Noise levels produced by a typical air conditioning condenser are approximately 66 dBA at three feet during operation. These types of units typically cycle on and off continuously during daytime and nighttime hours. Therefore, multiple units clustered in the same general vicinity are usually operating simultaneously at any given time. Assuming up to six units would operate simultaneously, the total average noise level due to air conditioning condensers at a distance of three feet would be 80 dBA DNL. Assuming these units to be located on the rooftop, with a minimum setback of 10 feet from the edge of the roof, mechanical equipment noise at the nearest residential property plane located 15 feet from the building façade at the southern portion of the site would be 61 dBA DNL (assuming partial shielding from the building façade). If these units were located on the ground level adjacent to the building façade, the mechanical equipment noise would be up to 66 dBA DNL.

Buildings of this size would typically require emergency generators with a capacity of about 280 kW. Generators of this size typically produce noise levels of 89 dBA at 23 feet if a weather enclosure is included or ranging from 75 to 81 dBA at 23 feet if a Level 1 or Level 2 sound enclosure is included. During emergency situations, the noise produced by the operation of generators would be exempt from City noise restrictions; however, generators are typically tested for a period of two hours every month. During these testing periods, ambient noise levels would temporarily increase and would be required to meet the 55 dBA DNL threshold at nearby residential land uses. Assuming the emergency generator would run continuously during a two-hour period, the average noise level at 23 feet would be 78 dBA DNL, assuming a weather enclosure, or would range from 64 to 70 dBA DNL with a Level 1 or Level 2 sound enclosure.

With the location of the generator room being in the northwestern corner of the underground parking structure of the building, the proposed building would provide at least 25 dBA of shielding. Therefore, testing the emergency generator, assuming a capacity of 280 kW or less, would not be expected to exceed the City's 55 dBA DNL threshold at the nearest residential property line.

The proposed general operation of the project would not generate noise in excess of standards established in the City's General Plan at the nearby sensitive receptors. However, the operation of mechanical equipment proposed by the project, located on the rooftop or at the ground level adjacent to the building, could potentially exceed the City's Municipal Code threshold of 55 dBA DNL. Implementation of measures as a project condition of approval would ensure noise levels to be below 55 dBA DNL.

Impact NSE-1: Noise from rooftop mechanical equipment could exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity, which represents a potentially significant impact.

Mitigation Measures

MM NSE-1 Mechanical equipment selection. As a project condition of approval, the project applicant shall select and design mechanical equipment to reduce excessive noise levels at the surrounding uses to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce

noise to comply with the City's Municipal Code noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible.

Traffic Noise. A significant permanent noise increase would be identified if traffic noise generated by the project would result in a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

The traffic study prepared for the proposed project included peak hour turning movements for the South Bascom Avenue/Dry Creek Road intersection and the South Bascom Avenue/Surrey Place intersection. By comparing the existing plus project peak hour traffic volumes along each segment of these intersections, the noise level increase along each segment was calculated to be less than 1 dBA. The project would not result in doubling or tripling of the traffic, and therefore, the proposed project would not result in a significant permanent noise increase.

Construction Noise

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.

Existing residences to the west and to the southwest of the project site would be represented by measurements made at LT-2, ST-1, and ST-2. Daytime noise levels typically ranged from 48 to 61 dBA L_{eq} at these locations. The existing commercial uses to the north, south, and east are exposed to daytime ambient noise levels ranging from 67 to 75 dBA L_{eq}, as measured at LT-1.

The typical range of maximum instantaneous noise levels for the proposed project, based on the equipment list provided, would be 70 to 90 dBA L_{max} at a distance of 50 feet (see Table 14). Table 15 shows the hourly average noise level ranges, by construction phase for various types of construction projects. Hourly average noise levels generated by construction are about 65 to 88 dBA L_{eq} for an assisted living development measured at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Table 14 Construction Equipment 50-foot Noise Emission Limits		
Equipment Category	**L_{max} Level (dBA)[1,2]**	**Impact/Continuous**
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor[3]	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes:
[1] Measured at 50 feet from the construction equipment, with a "slow" (1 sec.) time constant.
[2] Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.
[3] Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.
Source: Mitigation of Nighttime Construction Noise, Vibrations and Other Nuisances, National Cooperative Highway Research Program, 1999.

Table 15 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)								
Source	**Domestic Housing**		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. **II** - Minimum required equipment present at site. Source: U.S.EPA, Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.								

Table 16 summarizes the equipment expected to be used during each phase of construction and the duration for each phase. For each phase, the equipment shown in Table 16 was used as inputs into the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) to predict the combined average noise level. To model worst-case conditions, it was assumed that all equipment per phase would be operating simultaneously. For construction noise, the use of multiple pieces of equipment simultaneously would combine as a collective noise source. While every piece of equipment per phase would likely be scattered throughout the site, the noise-sensitive receptors surrounding the site would be subject to the collective noise source generated by all equipment operating at once. Therefore, to assess construction noise impacts at the receiving property lines of noise-sensitive receptors, the collective worst-case hourly average noise level for each phase was centered at the geometrical center of the site and propagated to the nearest property line of the surrounding land uses. These noise level estimates are also shown in Table 16. These levels do not assume reductions due to intervening buildings or existing barriers.

i

Table 16
Estimated Construction Noise Levels at Nearby Land Uses

Phase of Construction	Time Duration	Construction Equipment (Quantity)	Calculated Hourly Average Noise Levels, L_{eq} (dBA)				
			West Res. (80ft)	Southwest Res. (145ft)	North Comm. (130ft)	South Comm. (70ft)	East Comm. (250ft)
Demolition	20 days	Concrete/Industrial Saw (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (3)	83 dBA	78 dBA	79 dBA	84 dBA	73 dBA
Site Preparation	2 days	Grader (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1)	81 dBA	75 dBA	76 dBA	82 dBA	71 dBA
Grading/ Excavation	4 days	Grader (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1)	81 dBA	75 dBA	76 dBA	82 dBA	71 dBA
Trenching	4 days	Tractor/Loader/Backhoe (1) Excavator (1)	78-82 dBA[a]	72-77 dBA[a]	73-78 dBA[a]	79-83 dBA[a]	68-72 dBA[a]
Building Exterior	200 days	Crane (1) Forklift (1) Generator Set (1) Tractor/Loader/Backhoe (1) Welder (3)	79 dBA	74 dBA	75 dBA	80 dBA	69 dBA
Building Interior/ Architectural Coating	10 days	Air Compressor (1)	70 dBA	65 dBA	65 dBA	71 dBA	60 dBA
Paving	10 days	Cement & Mortar Mixer (1) Paver (1) Paving Equipment (1) Roller (1) Tractor/Loader/Backhoe (1)	81 dBA	76 dBA	77 dBA	83 dBA	72 dBA

[a] Range of hourly average noise levels reflects the Trenching phase only and in combination with the Grading/Excavation phase.

As shown in Table 16, ambient levels at the surrounding uses would potentially be exceeded by 5 dBA L_{eq} or more at various times throughout construction. Project construction is expected to last for a period of approximately 18 months. Since project construction is expected to exceed one year in duration, the project would be considered a significant impact and would require the inclusion of construction best management practices as project conditions of approval to reduce this impact to less than significant.

NSE-2 Impact. Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities.

Mitigation Measures

MM NSE-2 Construction Noise Logistics Plan: Prior to the issuance of any grading or demolition permits, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.

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

- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.

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

- Prohibit unnecessary idling of internal combustion engines.

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

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

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

- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.

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

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

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

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

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

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

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

With the incorporation of mitigation measures above, the temporary construction impacts would be reduced to a less than significant level.

b) **Less Than Significant Impact**. Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. While pile driving equipment can cause excessive vibration, it is not expected to be required for the proposed project.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction.

Table 17 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills, and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

Table 17
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	PPV at 50 ft. (in/sec)	PPV at 80 ft. (in/sec)	PPV at 100 ft. (in/sec)	PPV at 125 ft. (in/sec)
Clam shovel drop		0.202	0.094	0.056	0.044	0.034
Hydromill (slurry wall)	in soil	0.008	0.004	0.002	0.002	0.001
	in rock	0.017	0.008	0.005	0.004	0.003
Vibratory Roller		0.210	0.098	0.058	0.046	0.036
Hoe Ram		0.089	0.042	0.025	0.019	0.015
Large bulldozer		0.089	0.042	0.025	0.019	0.015
Caisson drilling		0.089	0.042	0.025	0.019	0.015
Loaded trucks		0.076	0.035	0.021	0.017	0.013
Jackhammer		0.035	0.016	0.010	0.008	0.006
Small bulldozer		0.003	0.001	0.0008	0.0007	0.0005

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006 as modified by Illingworth & Rodkin, Inc., February 2019

Based on the Historical Resources Inventory for the City of San José,[26] only one building is located in the project vicinity: 2295 South Bascom Road, which is approximately 540 feet north of the project site. At this distance, the nearest building façade would be exposed to vibration levels ranging from 0.0001 to 0.007 in/sec PPV. Construction equipment would not generate vibration levels in excess of the City's 0.08 in/sec PPV vibration threshold.

Table 18 summarizes the vibration levels at the nearest adjacent buildings surrounding the site. While construction noise sources increase based on all equipment in use simultaneously, construction vibration would be dependent on the location of individual pieces of equipment. That is, equipment scattered throughout the site would not generate a collective vibration source level, but a vibratory roller, for instance, operating near the project site boundary would generate the worst-case vibration levels for the receptor sharing that property line. Further, construction vibration impacts are assessed based on damage to buildings on receiving land uses, not receptors at the nearest property lines. Therefore, the distances used to propagate construction vibration levels (as shown in Table 18), which are different than the distances used to propagate construction noise levels (as shown in Table 16), were estimated under the assumption that each piece of equipment was operating along the nearest boundary of the project site, which would represent the worst-case scenario.

There are two residences to the west that would be located about 10 feet from the shared property line. When the following equipment is used along this shared property line, vibration levels would potentially exceed 0.2 in/sec PPV: clam shovel drop, vibratory roller, hoe ram, large bulldozer, caisson drilling, and loaded trucks. Additionally, the nearest commercial building to the north would be approximately 25 feet from the shared property line. Therefore, when clam shovel drops or vibratory rollers are used along the northern property line of the project site, vibration levels would potentially exceed 0.2 in/sec PPV at this structure. All other structures surrounding the site would be 35 feet or more from the site, where vibration levels would be below 0.2 in/sec PPV.

The City's threshold of 0.2 in/sec PPV for non-historical buildings would potentially be exceeded at the two nearest residences to the west of the project site and the nearest commercial building to the north of the project site when construction activities occur along the shared boundaries.

[26] https://www.sanjoseca.gov/index.aspx?NID=2172

Table 18
Vibration Source Levels for Construction Equipment at the Nearest Adjacent Building

Equipment		PPV (in/sec)				
		West Res. (10 ft)	**Southwest Res. (35 ft)**	**North Comm. (25 ft)**	**South Comm. (50 ft)**	**East Comm. (130 ft)**
Clam shovel drop		**0.553**	0.140	**0.202**	0.094	0.033
Hydromill (slurry wall)	in soil	0.022	0.006	0.008	0.004	0.001
	in rock	0.047	0.012	0.017	0.008	0.003
Vibratory Roller		**0.575**	0.145	**0.210**	0.098	0.034
Hoe Ram		**0.244**	0.061	0.089	0.042	0.015
Large bulldozer		**0.244**	0.061	0.089	0.042	0.015
Caisson drilling		**0.244**	0.061	0.089	0.042	0.015
Loaded trucks		**0.208**	0.052	0.076	0.035	0.012
Jackhammer		0.096	0.024	0.035	0.016	0.006
Small bulldozer		0.008	0.002	0.003	0.001	0.0005

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006, as modified by Illingworth & Rodkin, Inc., October 2010.
Bold indicates significant impact.

Typical construction equipment, as shown in Table 18, would have the potential to produce vibration levels of 0.2 in/sec PPV or more at the non-historical buildings surrounding the site. As stated in Appendix E, at 0.6 in/sec PPV, no minor or major damage would be expected, and there would be a about 8% chance of threshold damage or cosmetic damage.[27] Therefore, while no minor or major damage would occur at these conventional buildings, consistent with the General Plan, there is still the potential to generate threshold or cosmetic damage at the surrounding buildings at these levels and this would represent a potentially significant impact.

Impact NSE-3: Construction of the project could potentially produce vibration levels of 0.2 in/sec PPV or more at the non-historical buildings surrounding the site.

Mitigation Measures

MM NSE-3 Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.

[27] Based on the information in the noise and vibration assessment in Appendix E, no minor or major damage was observed from construction vibration levels up to 1.2 in/sec PPV

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.

- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.

- Document conditions at all structures located within 30 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:

    - Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.

    - Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 30 feet of all construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion of vibration generating construction activities, and shall include internal and external crack monitoring in the structures, settlement, and distress, and shall document the condition of the foundations, walls and other structural elements in the interior and exterior of said structures.

- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.

- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

c) **Less Than Significant Impact.** Norman Y. Mineta San José International Airport is a public-use airport located approximately 5 miles north of the project site. The project site lies well outside the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project[28] report published in February 2010. In addition, the project is not located within the vicinity of a private airstrip. The project is not located within two miles of a public airport or public use airport and, therefore, would not expose people residing or working in the project area to excessive noise levels.

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits.

The Environmental Leadership Chapter in the General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The applicable General Plan policies were presented in detail in the regulatory framework section and are summarized below for the project:

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential uses (Table EC-1).

- The City's standard for interior noise levels in residences is 45 dBA DNL.

Future Exterior Noise Environment. The exterior noise threshold established in the City's General Plan for new multi-family residential projects, which would include assisted living facilities, is 60 dBA DNL at usable outdoor activity areas, excluding private balconies and porches.

An assisted living courtyard and memory care garden are shown in the site plan on the ground-level. Both of these outdoor use areas would be located along the western building façade, which would be shielded from South Bascom Avenue. Existing structures west of the site would similarly shield traffic

[28] 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 emanating from Highway 17. Considering the shielding provided by existing residential structures and the proposed project building, common outdoor use areas would be exposed to future exterior noise levels below 60 dBA DNL.

The second floor of the proposed building would include three green roof areas and two patios. Based on the angle of the building relative to traffic noise sources and the existing buildings surrounding the site, each of these outdoor use areas would be adequately shielded and would be exposed to future exterior noise levels below 60 dBA DNL.

The third floor of the proposed building would also have a green roof area. This area would be located along the western building façade and would be adequately shielded from South Bascom Avenue. Even at the third-floor elevation of this outdoor space, Highway 17 would be more than 2,500 feet west of the site. Therefore, the noise levels from Highway 17 would audible but would not significantly increase the noise environment as calculated at the lower floors. The future exterior noise levels at the third-floor green roof area would be below 60 dBA DNL.

The outdoor use areas associated with the proposed assisted living and memory care facility have been properly located on the site in shielded areas resulting in a compatible future noise environment. No additional noise control measures are required.

Future Interior Noise Environment. The City requires that noise levels within residential units be maintained at 45 dBA DNL or less. The residential units located along the eastern building façade nearest South Bascom Avenue would be set back from the centerline of the roadway by approximately 65 feet. At this distance, the units facing South Bascom Avenue would be exposed to future exterior noise levels up to 73 dBA DNL.

Units along the northern façade would be set back from the centerline of South Bascom Avenue by 65 to 210 feet and, at these distances, these units would be exposed to future exterior noise levels ranging from 66 to 73 dBA DNL. The angle of the southern building façade allows for partial shielding for the ground-floor units located 200 to 310 feet from the project site, due to intervening buildings on the adjacent commercial site. However, the units located on the upper floors would have direct line-of-sight to South Bascom Avenue. With setbacks ranging from 65 to 310 feet, these would be exposed to future exterior noise levels ranging from 63 to 73 dBA DNL.

Units along the western façade would be shielded from traffic noise along South Bascom Avenue. These units would be exposed to future exterior noise levels at or below 60 dBA DNL.

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.

Assuming windows to be partially open for ventilation, the interior noise levels for the proposed project would be up to 58 dBA DNL at the units along the eastern façade of proposed building. This would exceed the 45 dBA DNL threshold for interior noise and require noise insulation features as standard permit conditions.

Condition of Approval

The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA DNL or less:

- Provide a suitable form of forced-air mechanical ventilation for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- Preliminary calculations indicate that residential units nearest to South Bascom Avenue along the eastern façade would require windows and doors with a minimum rating of 30 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- Residential units located along the northern and southern façades within approximately 155 feet of the centerline of South Bascom Avenue would require windows and doors with minimum STC ratings of 28 with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study will also establish appropriate criteria for noise levels inside the commercial spaces affected by environmental noise. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

The implementation of the above noise insulation features would reduce interior noise levels to 45 dBA DNL or less.

Conclusion: The project would have a less than significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

N. POPULATION AND HOUSING

Environmental Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,046,058 in May 2019 and had an estimated total of 335,887 housing units, with an average of 3.20 persons per household.[29] ABAG projects that the City's population will reach 1,445,000 with 472,000 households by 2040.

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant**. The project proposes 83 assisted care units for the elderly and would not result in substantial population growth. The facility is proposed to accommodate the existing aging population within San José. The proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan.

b) **No Impact**. The project consists of the development of an assisted living facility on an infill site that does not contain existing housing. Thus, the project would not displace existing housing or require the construction of replacement housing.

Conclusion: The project would have a less than significant impact on population and housing.

[29]Source: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/

O. PUBLIC SERVICES

Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 9, located at 3410 Ross Avenue about 1.9 miles from the project.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks: The nearest City of San José park facility is Doerr Park, an approximately eight-acre park located about 1.4 miles from the project site at Potrero Drive and Park Wilshire Drive. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools: The project is located within the Cambrian School District (K-8) and the Campbell Union High School District (9-12). The schools in the Cambrian and Campbell Union High School Districts serving the project are as follows: Fammatre Elementary School, Price Charter Middle School, and Branham High School. Additional public schools serving the site include Farnham Charter School and Steindorf Steam School.

Regulatory Framework

California Government Code Section 65996

California Government Code Section 65996 stipulates 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 onsite. 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.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. 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.

Envision San José 2040 Relevant Public Service Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?				X	1, 2
d) Parks?			X		1, 2
e) Other public facilities?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The project proposes to redevelop the site with an assisted living facility, which could intensify the use of the site and generate additional occupants in the area. This could result in an incremental increase in the demand for fire protection services. The project site, however, is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current Building and Fire Codes and would be required to be maintained in accordance with applicable City policies to promote public and

property safety. Therefore, the proposed assisted living facility would not significantly impact fire protection services or require the construction of new or remodeled facilities.

The General Plan EIR concluded that, with the buildout of the General Plan, additional fire staff and equipment may be required to adequately serve a larger population, but no new fire stations would be required other than those already planned. Periodic operation and capital improvements may be required for fire protection services, but those improvements would not result in significant environmental impacts.

b) **Less Than Significant Impact**. The project proposes to redevelop the site with an assisted living facility, which could intensify the use of the site and generate additional occupants in the area. This could result in an incremental increase in the demand for police protection services. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety.

The General Plan EIR concluded that the buildout under the General Plan could require new police facilities, which will require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts. Periodic operation and capital improvements may be required for police services, but those improvements would not result in significant environmental impacts.

Finally, the project applicant will consult with the SJPD during final project design to assure appropriate security measures are incorporated. Therefore, the proposed assisted living facility would not significantly impact police protection services or require the construction of new or remodeled facilities.

c) **No Impact**. The project is an assisted care facility for the elderly and would not generate any new students or demands on school services.

d) **Less Than Significant Impact**. The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. This project would be classified as a commercial facility (due to the commercial zoning) and would not be subject to these fees. However, there is a potential for users or visitors of the residential care facility to visit nearby neighborhood parks and public facilities; however, this small increase in use is anticipated to have a less than significant impact on park services.

e) **No Impact.** The proposed assisted living facility would not impact other public services, including library services.

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Environmental Setting

The nearest City of San José park facility is Doerr Park, an approximately eight-acre park that provides turf areas, playgrounds, and other features, located about 1.4 miles from the project site at Potrero Drive and Park Wilshire Drive. This park provides baseball and soccer fields, a playground, and tennis courts. The project is an assisted living facility for the elderly and would not be expected to affect park land and facilities in the local community.

Regulatory Framework

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. RCFEs that meet the requirements set forth in Parkland Dedication Ordinance, specifically Section 19.38.610 Eligibility for Deferment and Section 19.38.620 Deferment Requirements, are eligible to defer the obligation to pay the parkland fee.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Recreation Policies	
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
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 would occur or be accelerated?			X		1, 2
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?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The development of the assisted living facility on the project site is not anticipated to substantially increase the use of parks or other recreational facilities. The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. However, RCFEs may defer this requirement per compliance with the deferment eligibility and requirements outlined in the Parkland Dedication Ordinance. However, there is a potential for users or visitors of the residential care facility to visit nearby neighborhood parks and public facilities; however, this small increase in use is anticipated to have a less than significant impact on park services. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) **Less Than Significant Impact**. The proposed assisted living facility includes outdoor courtyards and second floor patios. These spaces would be private and intended only for the residents and their guests. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

Conclusion: The project would have a less than significant impact on recreational facilities.

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (January 24, 2020). This study is contained in Appendix F.

The transportation analysis was conducted to determine the potential transportation impacts related of the project based on the standards and methodologies set forth the City of San José's Transportation Analysis Handbook 2018, the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program's Transportation Impact Guidelines (October 2014), and CEQA. Based on the City of San José's Transportation Policy and Transportation Analysis Handbook 2018, the transportation study performed a CEQA vehicle-miles-traveled (VMT) analysis and a supplemental Local Transportation Analysis (LTA).

Environmental Setting

Existing Roadway Network

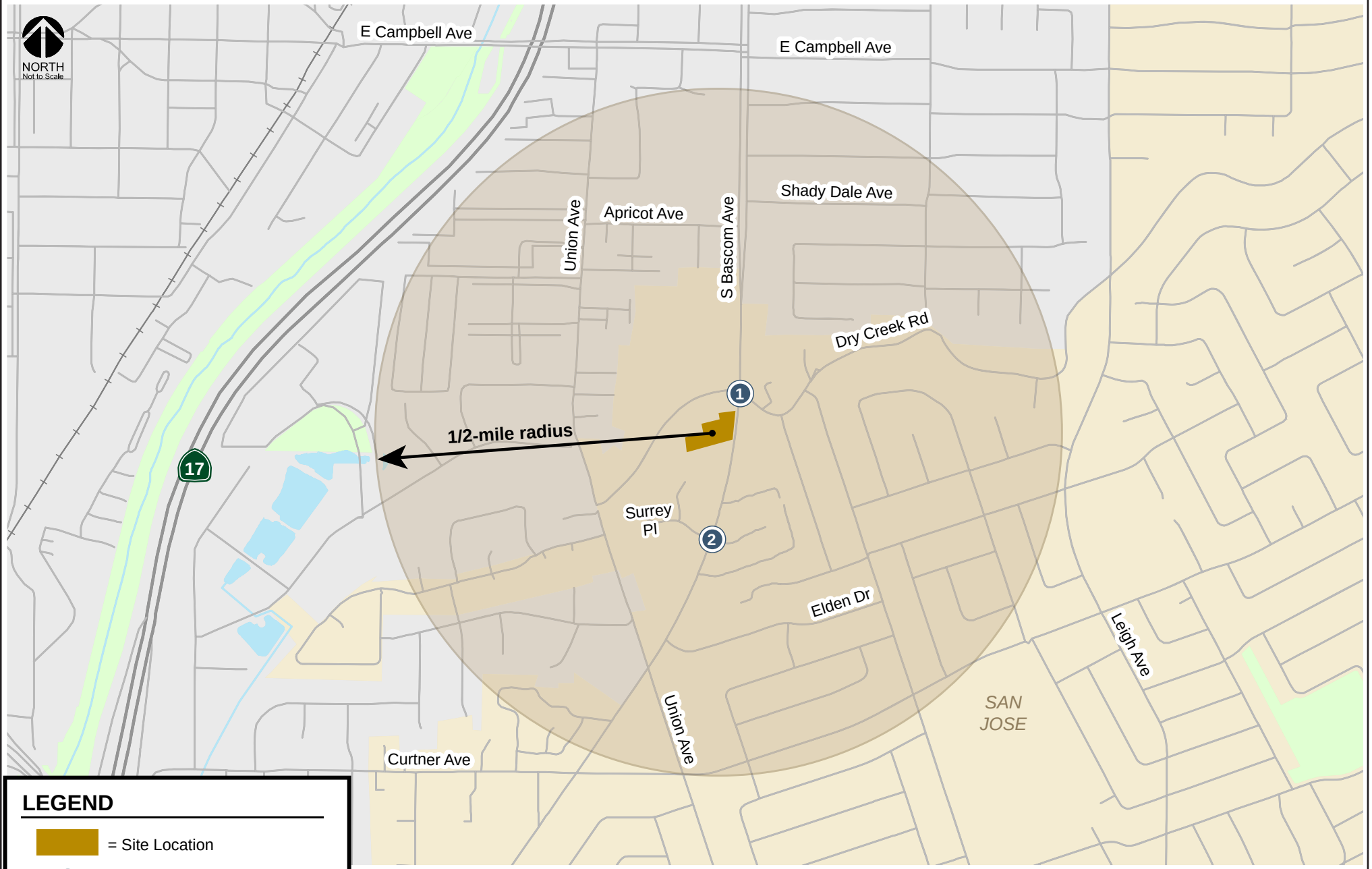
Regional access to the project site is provided via State Route 17. Direct access to the site is provided via South Bascom Avenue. Other roadways in the project vicinity include Union Avenue, Dry Creek Road and Surrey Place. These facilities are shown in Figure 17 and described below.

SR 17 is primarily a four-lane to six-lane freeway that is aligned in a north-south orientation within the project vicinity. SR 17 begins at its interchange with I-280, where I-880 ends, and extends southward, terminating at its junction with SR-1 in Santa Cruz. Site access to and from SR 17 is provided via Camden Avenue and Hamilton Avenue.

South Bascom Avenue is a north-south six-lane arterial, designated as a Grand Boulevard in the General Plan, that extends from Stevens Creek Boulevard southward and ultimately becomes Los Gatos Boulevard south of SR-85. The City of San José identifies Grand Boulevards as roadways serving major corridors that tie land use with major transportation facilities. Land uses located along South Bascom Avenue are generally commercial, with parking provided on both sides of the street in most areas. No parking is provided along the project frontage (curbs are painted red), but parking is provided just south of the site. South Bascom Avenue has a posted speed limit of 40 mph within the study area. It has a raised median island with left-turn pockets in the study area and sidewalks are located on both sides of the street.

Union Avenue is a two- to four-lane north-south City Connector Street that provides access to the site via its intersection with South Bascom Avenue. It extends from Campbell Avenue in Campbell to Los Gatos, where it terminates at Blossom Hill Road. In the study area, Union Avenue has a posted speed limit of 35 mph and consists of two travel lanes in each direction with a center two-way left-turn (TWLT) lane. Sidewalks and striped bike lanes are present on both sides of the street south of South Bascom Avenue.

Dry Creek Road is generally an east-west, two-lane, winding road that extends from Union Avenue to Cherry Avenue. Dry Creek Road has a posted speed limit of 25 mph and provides access to the project site via its intersection with Bascom Avenue. Sidewalks are provided on both sides of the street near its intersection with South Bascom Avenue; however, many segments of Dry Creek Road are missing sidewalks.



Source: Hexagon Transportation Consultants, November 2019

Roadway Network and Study Intersections

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
17

Surrey Place is a short, two-lane, undivided road that extends west from South Bascom Avenue and provides access to a small pocket of homes. Unsignalized access to Surrey Place is provided via South Bascom Avenue. Northbound and southbound left-turn pockets are provided at the unsignalized intersection, providing an opportunity for U-turns. Surrey Place has a speed limit of 25 mph and has sidewalks on both sides of the street.

Existing Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities. Pedestrian facilities in the study area consist of sidewalks along the network of public streets. Crosswalks with pedestrian signal heads and push buttons are located on three legs of the signalized intersection of South Bascom Avenue and Dry Creek Road. There is no crosswalk on the south leg of the intersection (across Bascom Avenue). The existing network of sidewalks provides connections to nearby bus stops.

Bicycle Facilities. Some of the roadways in the project study area have Class II bike lanes. However, there are no bike lanes on S. Bascom Avenue in front of the site or on Dry Creek Road. Striped bike lanes currently exist on the following roadway segments:

- South Bascom Avenue, north of Apricot Avenue
- Union Avenue, south of South Bascom Avenue and north of East McGlincy Lane
- Curtner Avenue
- East Campbell Avenue, between South Bascom Avenue and the Los Gatos Creek Trail
- Leigh Avenue, north of Dry Creek Road and south of Curtner Avenue

Public Transit Services. Public transit services in the project area are provided by the Santa Clara Valley Transportation Authority (VTA). In the project area, local bus routes 26, 61, and 62 operate along Bascom Avenue. Bus route 62 also operates along Union Avenue south of Bascom Avenue, and bus route 26 operates along Curtner Avenue and Campbell Avenue. Routes 26, 61, and 62 all stop on South Bascom Avenue, 150 feet north of the project site.

Regulatory Framework

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[30] According to the policy, an employment facility (e.g., office, R & D) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

[30] The new policy took effect on March 29, 2018.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Transportation Policies	
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, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand. • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. • Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
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.

Envision San José 2040 Relevant Transportation Policies	
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	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
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.
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 15
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?		X			1, 2, 15
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 2
d) Result in inadequate emergency access?			X		1, 2, 15

Traffic Study Methodologies

CEQA VMT Analysis. To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects with local traffic. For larger projects with regional traffic, the City's Travel Demand Model can be used to determine project VMT. Because the proposed project is small and would generate local traffic, the VMT Evaluation Tool is used to estimate the project VMT and determine whether the project would result in a significant VMT impact.

Based on the assessor's parcel number (APN) of a project, the VMT Evaluation Tool identifies the existing average VMT per capita and VMT per employee for the area. Based on the project location, type of development, project description, and proposed trip reduction measures, the VMT Evaluation Tool calculates the project VMT. Projects located in areas where the existing VMT is above the established threshold are referred to as being in "high-VMT areas." Projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible.

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

1. Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.

2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,

3. Parking measures that discourage personal motorized vehicle-trips, and

4. Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

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

The VMT threshold of significance is 15% below the existing average area VMT. The VMT impact threshold is 15% below the regional average for office developments and 15% below the citywide average for residential developments. The threshold of significance for general employment uses (12.21 VMT per employee) is applied to the proposed project, which is based on the existing regional average VMT level.

LTA. An LTA was prepared for the project to address transportation operational issues that may arise due to a development project, evaluates the effects of the project on transportation, access, circulation, and related safety elements in the proximate area of the project, and supplements the VMT analysis. As part of the LTA, a project is required to conduct an intersection operations analysis if the project is expected to add 10 vehicle trips per hour per lane to a signalized intersection that meets the parameters outlined in the *Transportation Analysis Handbook (2018).*

Explanation

a) **Less Than Significant Impact**. The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities as described below. The results of the VMT analysis and compliance with the City's Transportation Analysis Policy are addressed in b) below.

Pedestrian, Bicycle, Transit Impacts

Pedestrian Facilities. The proposed new sidewalk along the project frontage would be 15 feet wide. In addition, the project would construct a continuous paved pedestrian path around the perimeter of the building that would connect to the new sidewalk on South Bascom Avenue. The sidewalk and paths would provide pedestrian access to the residential lobby and common areas, including the elevators, as well as access to other resident serving support spaces such as a hobby room and theater. The pedestrian path would also provide residents and employees of the assisted living and memory care community with access to outdoor living spaces, including courtyards and a garden.

The continuous network of sidewalks and crosswalks in the study area exhibits good connectivity and would provide residents with safe routes to transit stops and other points of interest (mostly commercial uses) in the project area. Note that there are no parks located within walking distance (approximately ½ mile) of the project site. Marked crosswalks are provided with pedestrian signal heads across three of the four legs of the signalized intersection of South Bascom Avenue and Dry Creek Road. This intersection has ADA compliant curb ramps with truncated domes on all four corners. Truncated domes are the standard design requirement for detectable warnings, which enable people with visual disabilities to determine the boundary between the sidewalk and the street.

In addition, the transportation analysis recommends that the project install a crosswalk via a signal modification on the south leg of the South Bascom Avenue and Dry Creek Road intersection to mitigate the significant transportation impact on VMT (as discussed in b) below).

Bicycle Facilities. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The site plan shows four long-term bicycle parking spaces in a bike room located in the below-grade parking level. The bike storage room would be accessed using the elevator located in the building lobby. Providing adequate and convenient on-site bike parking would help to create a bicycle-friendly environment and encourage bicycling by project employees.

The VTA's Bascom Corridor Complete Streets Study includes some bicycle network improvements for the South Neighborhood segment of South Bascom Avenue, including adding protected bike lanes, reducing on-street parking, and making signal timing improvements that would benefit bicyclists. In addition, this section of South Bascom Avenue is on the City's 2022 Pavement Maintenance schedule. These planned improvements would enhance bicycle access to the project site and improve bicycle mobility and safety along the South Bascom Avenue corridor. Note that while the number of vehicle travel lanes will not be reduced in the near-term, the long-range plan is to reduce the number of travel lanes along South Bascom Avenue from six lanes to four lanes in order to create a more bicycle and pedestrian-friendly environment.

Transit Services. Existing transit services near the project site are provided by the VTA. Due to the project site's proximity to a major bus stop 150 feet away, it is reasonable to assume that some residents and employees of the assisted living facility would utilize the bus service. It is estimated that the small increase in transit demand generated by the project could be

accommodated by the current available ridership capacity of the local bus services in the study area.

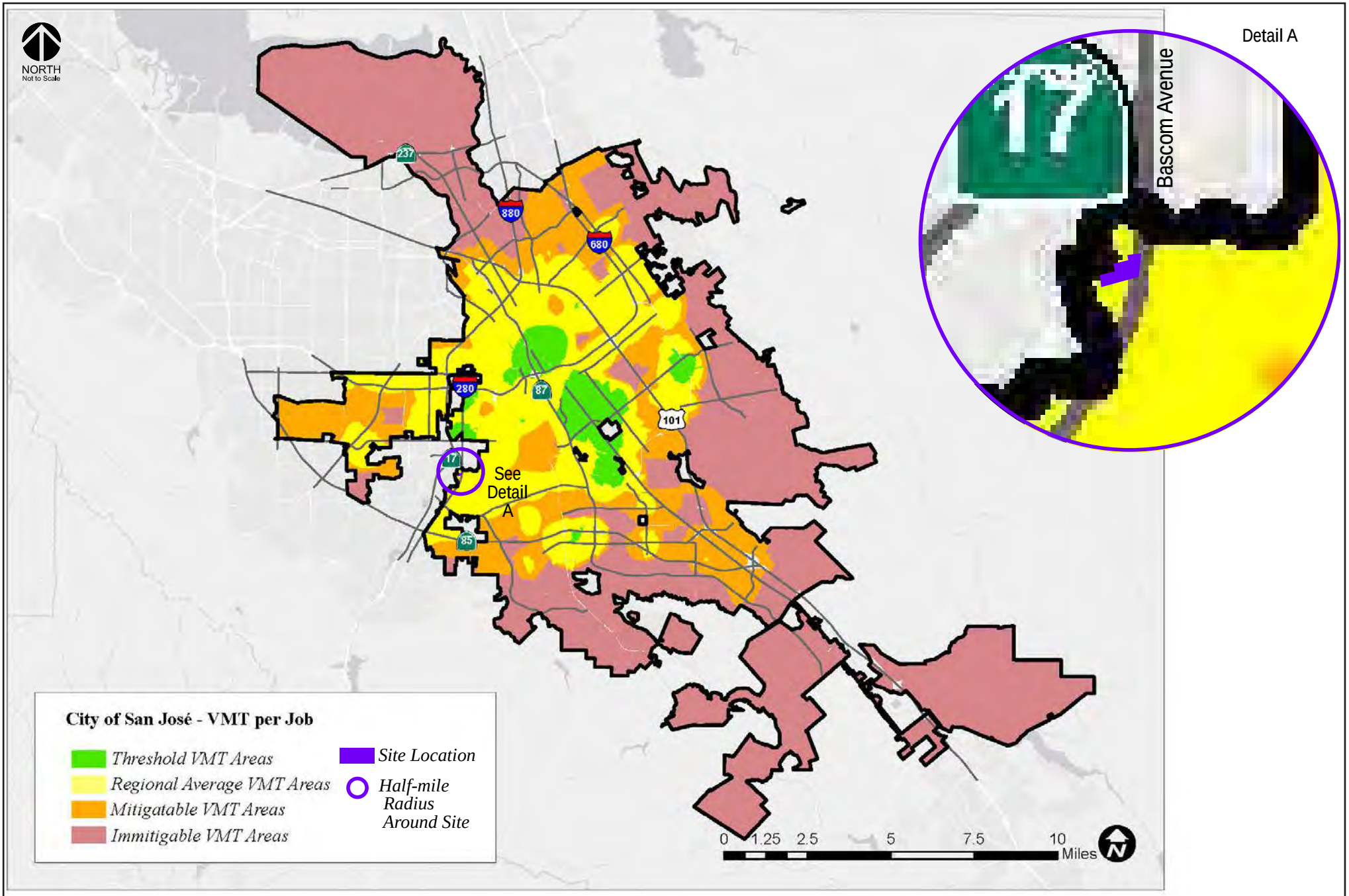
Based on the discussion above, the project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) **Less Than Significant Impact**. A VMT analysis was prepared for the project in accordance with the City's methodologies. The results of the VMT analysis are summarized below. The VMT Heat Map for Workers is presented in Figure 18.

Based on the project location, type of development, project description, and proposed trip reduction measures, the VMT Evaluation Tool calculates the project VMT. However, the City's VMT Evaluation Tool is limited to the evaluation of the general land use categories of residential, office, industrial, and retail. Therefore, the use of the VMT tool for land uses that are not reflective of one of the four general land uses, such as the proposed assisted living facility, requires the conversion of the proposed land use to an equivalent number of residential units, office space, industrial space, or retail space. Therefore, the proposed 93-bed assisted living facility was converted into an equivalent amount of office space using trip generation estimates based on trip rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition (2017).

The VMT threshold for general employment uses is the existing regional average VMT level (14.37 per capita) minus 15 percent, which is 12.21 VMT per employee. The City's Transportation Analysis Handbook includes screening criteria for projects that are expected to result in less-than-significant VMT impacts based on the project description, characteristics, and/or location. The proposed project does not meet the screening criteria; therefore, the project requires a VMT analysis. For the purpose of VMT evaluation, the proposed assisted living facility was converted to equivalent office space to provide an estimate of VMT. This is a reasonable approach to VMT analysis for the project, since the employees of the senior assisted living facility would produce the majority of site-generated traffic. Based on the land use conversion (applying standard ITE rates), an assisted living facility with 93 beds is estimated to generate the same number of daily trips as 24,800 square feet of office space.

The results of the VMT evaluation, using the City's VMT Evaluation Tool, indicate that the proposed project is projected to generate 12.41 VMT per employee. The project VMT, therefore, exceeds the threshold of 12.21 VMT per employee.



Source: Hexagon Transportation Consultants, November 2019

VMT Heat Map for Workers in San Jose

2375 & 2395 South Bascom Avenue
Residential Care Facility for the Elderly
Initial Study

Figure
18

Impact TR-1: Project operations would generate 12.41 vehicle miles traveled (VMT) per employee that exceeds the threshold of 12.21 VMT per employee based on Council Policy 5-1, resulting in a significant transportation impact.

Mitigation Measures

MM TR-1 The project applicant shall install a crosswalk via a signal modification on the south leg of the South Bascom Avenue and Dry Creek Road intersection. This pedestrian network improvement includes installation of pedestrian signal heads and push buttons on the existing signal poles, as well as installing new ADA compliant curb ramps, on both the southwest corner and southeast corner (pork chop island) of the intersection. The existing bus stop and associated pad on the west side of South Bascom Avenue shall be shifted to the south so as to not conflict with the new crosswalk. The project off-site improvement plans shall be submitted to the Public Works Department for review prior to any building clearances.

Based on the City's evaluation tool, adding these pedestrian network improvements to the intersection per MM TR-1would reduce the project VMT to 12.16 per employee, which is below the threshold of 12.22 VMT per employee. This would reduce the project's VMT impact to less than significant.

Cumulative VMT Impacts

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook.

According to the Envision San José 2040 General Plan, the project site is designated as *Neighborhood/Community Commercial*. This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail services and commercial/professional office development. *Neighborhood/Community Commercial* uses typically have a strong connection to and provide services and amenities for the surrounding community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

The project is consistent with the *Neighborhood/Community Commercial* designation, as the assisted living facility functions as a commercial use that provides variety of jobs that offer daily care services for residents. The project is also consistent with this land use designation because the proposed building would be four stories in height. Similar to other projects approved by the City of San José, this project is classified as a commercial facility because it provides a range of daily living and medical care services, including the provision of medicine management, daily health monitoring, supervision by an on-site nurse, and access to entertainment, beauty salon, fitness activities and dining facilities (including prepared meals to

all residents). Therefore, the project is consistent with the Commercial Lands Policy LU-4.1 since it would retain commercial lands and provide jobs and services.

The project site is located within the South Bascom Avenue (South) Urban Village boundary per the General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.

Since the project is consistent with the General Plan's goals and policies, conforms to the current land use designation, and is located in a Planned Growth Area (i.e., Urban Village), the project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative impact.

c) **Less Than Significant Impact**. The project would not substantially increase hazards due to a design feature or incompatible uses. The project driveway would not have obstructions to provide adequate sight distance to ensure that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling on South Bascom Avenue. Any landscaping and signage would be located in such a way to ensure an unobstructed view for drivers exiting the site. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to exit a driveway or locate sufficient gaps in traffic. The minimum acceptable sight distance is considered the Caltrans stopping sight distance. Sight distance requirements vary depending on roadway speeds. For driveways on South Bascom Avenue, which has a posted speed limit of 40 mph, the Caltrans stopping sight distance is 360 feet (based on a design speed of 45 mph). Accordingly, a driver must be able to see 360 feet along South Bascom Avenue in order to stop and avoid a collision. The site plan shows one street tree would be added along the project frontage on South Bascom Avenue north of the project driveway. Street trees have a high canopy and would not obstruct the view of drivers exiting the project driveway. Therefore, it can be concluded that the project driveway would meet the Caltrans stopping sight distance standard.

d) **Less Than Significant Impact**. The project would not result in inadequate emergency access. The City of San José Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of six feet of clearance from the property line along all sides of the buildings. According to the site plan, the project would meet the six-foot clearance requirement around the entire building. The 150-foot fire access requirement would also be satisfied so long as the parking lot within the adjacent property to the south could be utilized by emergency vehicles.

Non-CEQA Effects

Senate Bill 743, the revised 2019 CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to these requirements, the vehicle miles traveled (VMT) metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only.

The project would increase traffic to/from the site. Vehicle trips that would be generated by the project were estimated using the trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual,10th Edition (2017), for "Assisted Living" (Land Use Code 254).

Based on the ITE rates with trip adjustments and reductions, the proposed project would generate a total of 121 net new daily vehicle trips, with seven trips occurring during the AM peak hour and 14 trips occurring during the PM peak hour. The project trip generation estimates are presented in Table 19.

Table 19
Project Trip Generation

Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		Rate	Trips	Rate	Total	Rate	Total
Proposed Use							
Assisted Living[1]	93 beds	2.60	242	0.19	18	0.26	24
Location-Based Reduction: Vehicle Mode Share (9%)[2]			*-22*	--	*-2*	--	*-2*
Project Subtotal:			220		16		22
Existing Use							
General Retail[3]			119		9		12
Retail Pass-By External Trip Reduction[4]			*-20*	--	*0*	--	*-4*
Existing Retail Subtotal:			99	--	9	--	8
Net Project Trips			**121**		**7**		**14**

Source: ITE Trip Generation Manual, 10th Edition, 2017.
[1] Average trip rates (in trips per bed) for "Assisted Living" (ITE Land Use 254) are used.
[2] A 9% reduction was applied based on the location-based vehicle mode share percentage outputs (Table 6 of TA Handbook) produced from the San José Travel Demand Model for office development in an Urban Low-Transit area.
[3] The AM and PM peak hour trips generated by the existing commercial uses to be removed were obtained from driveway counts conducted on October 2, 2019. Daily trips were calculated based on applying the relationship between the daily and PM peak hour ITE rates for "Shopping Center" (ITE Land Use 820).
[4] The PM peak hour pass-by trip reduction percentage (34% for Shopping Center) is based on the ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction. The daily pass-by trip reduction (17%) is calculated based on the average of the AM and PM pass-by trip reduction percentages.

The LTA analyzed the AM and PM peak hour traffic conditions for the following two intersections:

1. South Bascom Avenue and Dry Creek Road (signalized)

2. South Bascom Avenue and Surrey Place (unsignalized)

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours. The weekday AM peak hour is generally between 7:00 and 9:00 AM and the weekday PM peak hour is typically between 4:00 and 6:00 PM.

The traffic study evaluated the unsignalized intersection of Bascom Avenue and Surrey Place. The City has not established a LOS standard for unsignalized intersections. Therefore, the unsignalized study intersection was evaluated for potential operational issues but not level of service. Traffic conditions at the unsignalized study intersection were also assessed to determine whether the unsignalized intersection would meet the peak-hour volume signal warrant (Warrant #3) described in the California Manual on Uniform Traffic Control Devices (CA MUTCD). The results of the peak-hour signal warrant checks indicate that the AM and PM peak hour volumes at this unsignalized study

intersection would not warrant signalization under existing, background, or background plus project conditions.

The LTA included an LOS evaluation for the signalized intersection of South Bascom Avenue/Dry Creek Road. The results of the LOS analysis are shown in Table 20. Based on the City of San José intersection operations analysis criteria, this signalized study intersection would not be adversely affected by the project.

Table 20
Intersection Level of Service Summary

Signalized Intersection	Peak Hour	Existing		Background[1]		Background + Project			
		Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C
South Bascom Ave/Dry Creek Rd	AM	28.0	C	28.0	C	28.0	C	0.0	0.000
	PM	18.0	B	18.0	B	18.0	B	0.1	0.003

[1]Background traffic volumes are typically estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments. The added traffic from approved but not yet completed developments typically is provided by the City of San José in the form of the Approved Trips Inventory (ATI). However, the ATI is not available for the study intersections because there are no approved projects near the site. Thus, background conditions are identical to existing conditions.

Freeway Segment Analysis

Per CMP technical guidelines, freeway segment level of service analysis shall be conducted on all segments to which the project is projected to add one percent or more to the segment capacity. Since the project is not projected to add one percent to any freeway segments in the area, freeway analysis for the CMP was not required.

Conclusion: The project would have a less than significant impact on transportation with implementation of identified mitigation measures.

R. TRIBAL CULTURAL RESOURCES

Environmental Setting

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources,[31] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

Regulatory Framework

The Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

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

Assembly Bill 52

The intent of AB 52 is to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. See additional discussion above in the "Environmental Setting."

General Plan

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

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. TRIBAL CULTURAL RESOURCES. Would the project:					
a) 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, and that is: i) 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 ii) 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 the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2, 11

a) i, ii **Less Than Significant Impact**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes have sent written requests for notification of projects to the City of San José except for those in Coyote Valley (over 10 miles from the site) and downtown San José (approximately four miles from the site). Due to the distance of the project site from these areas, the project would not have a significant impact on tribal cultural resources. Additionally, if any subsurface resources are encountered, the project is required to comply with the standard permit conditions as outlined in *Section E. Cultural Resources*.

Conclusion: The project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Republic Services[32]
- Natural Gas & Electricity: PG&E

Regulatory Framework

State

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

California Green Building Standards Code

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Green Vision

The City's Green Vision provides a comprehensive approach to achieving sustainability through technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José facilitate a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013, which has been achieved, and zero waste by 2022.

[32] Per San José Municipal Code, Chapter 9.10.170.B, multifamily dwellings do not include residential care facilities and the site is required to enroll in commercial waste collection service. All commercial sites in the City of San José are served by Republic Services.

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	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.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
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.

Envision San José 2040 Relevant Utilities and Service System Policies	
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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c) 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?			X		1, 2
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the small scale of the project (83 residential care facility units), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed residential uses.

The City of San José owns and maintains the sanitary sewer drain system in the project area. An existing 6-inch vitrified clay pipe (VCP) sanitary sewer main extends along South Bascom Avenue and would serve the proposed project. The project proposes to construct a sanitary sewer lateral that would tie into the City's existing sanitary sewer main in South Bascom Avenue.

Water demand and wastewater are currently generated by the existing commercial uses on the site. The project would result in an incremental increase in water demand and wastewater generation. This incremental increase is considered relatively minor and represents a small fraction of the total growth identified in the City's General Plan.

As described in *Section F. Energy*, the project would have a less than significant impact related to natural gas and electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of the project.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. An existing 15-inch reinforced concrete pipe (RCP) storm sewer main within South Bascom Avenue would serve the proposed project. The project proposes to construct a storm sewer lateral that would tie into the City's existing storm main in South Bascom Avenue. Although the project would increase the impervious surfaces on the site; the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Water service to the site would be supplied by SJWC, a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed commercial uses during normal, dry, and multiple dry year conditions. Additionally, because the project is consistent with the City's General Plan, the growth proposed by the project and its associated water use was addressed in the General Plan EIR.

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards.[33] Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. The project would incrementally increase wastewater generation. Development allowed under the General Plan (which includes the project) would not exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The increase in solid waste generation from development of the project would be minimized through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022.[34] The

[33] City of San José, *San José/Santa Clara Regional Wastewater Facility*, 2016.
[34] Zero Waste Resolution, adopted by San José City Council in October 2007.

Waste Strategic Plan, in combination with existing regulations and programs, would ensure that full buildout of the General Plan would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

The project would generate approximately 85 tons per year of solid waste.[35] The 2040 General Plan EIR concluded that the increase in waste at buildout of the General Plan would not exceed existing landfill capacity. The proposed project is consistent with the development assumptions in the General Plan; and would have a less than significant impact on landfill capacity.

e) **Less Than Significant Impact**. Final project design would be required to comply with all federal, State, and local statutes and regulations related to solid waste disposal.

Conclusion: The project would have a less than significant impact on utilities and service systems.

[35] Based on a rate of 5 pounds/person/day for "nursing/retirement home" for the 93 proposed bed count, from CalRecycle's Estimated Solid Waste Generation Rates (May 1997 reference). Accessed online at www2.calrecycle.ca.gov /WasteCharacterization/General/Rates

T. WILDFIRE

Environmental Setting

The project site is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating wildfire impacts from development projects. Relevant policies applicable to the project are presented below.

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building

Envision San José 2040 Relevant Wildfire Policies	
	materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		1, 2, 3
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		1, 2, 3, 16
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		1, 2, 3, 16
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		1, 2, 3, 16

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high fire hazard severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high fire hazard severity for the State Responsibility Area.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. MANDATORY FINDINGS OF SIGNIFICANCE.					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			1-17
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)?			X		1-17
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			1-17

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Mitigation measures are identified for potential impacts of the project on special status species (nesting birds), and mitigation measures and standard permit conditions are provided for potential disturbance to buried archaeological resources during construction to reduce these effects to a less than significant level.

b) **Less Than Significant Impact**. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts, because the assisted living facility represents an infill project on a small site surrounded by existing urban development. The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By their very nature, GHG emissions are largely a cumulative impact. As discussed in *Section C. Air Quality* and *Section H. Greenhouse Gas Emissions*, the project would have a less than significant impact related to criteria air pollutants and GHG emissions. For these reasons, the project would have a less than significant cumulative impact on air quality overall.

The project would result in potential impacts in the following areas: 1) impacts to air quality from emission of TACs during construction, 2) impacts on biological resources during construction from disturbance to nesting birds, 3) potential impacts to buried archaeological resources during excavation, 4) noise impacts from outdoor mechanical equipment, 5) vibration impacts to nearby buildings during construction, and 6) traffic impacts from project increases in VMT. These impacts would be minimized by implementation of identified mitigation measures and standard permit conditions and would not significantly contribute to cumulative impacts in these areas.

c) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and standard permit conditions.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures, standard permit conditions, and General Plan policies identified in this document.

Chapter 4. References

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