

Initial Study

Glen Eyrie Avenue Residential Project



Prepared by the



In Consultation with



April 2020

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

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

The project proposes to demolish four existing residential buildings and construct 18 three-story residential units (townhomes) in three buildings on a 0.85-acre lot. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Glen Eyrie Avenue Residential Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building & Code Enforcement
Kara Hawkins
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113
kara.hawkins@sanjoseca.gov

2.3 PROJECT APPLICANT

Dan Askari
GEC Properties LLC
221 Main Street, Suite 1443
Los Altos, CA 94022

2.4 PROJECT LOCATION

The project site is located at 64-70 & 80-82 Glen Eyrie Avenue in San José and is bordered by two-story multi-family residential uses to the north and east, and one- to two-story single family and multi-family residential uses to the south and west. Los Gatos Creek is located approximately 330 feet north and west of the project site. The nearest commercial use is approximately 270 feet east, along Lincoln Avenue. The Regional Map, Vicinity Map, and Aerial Photograph with Surrounding Land Uses are shown on Figure 2.8-1, Figure 2.8-2, and Figure 2.8-3, respectively.

2.5 ASSESSOR'S PARCEL NUMBER

The assessor's parcel numbers (APN) for the project site are 264-57-026 and 264-57-027.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

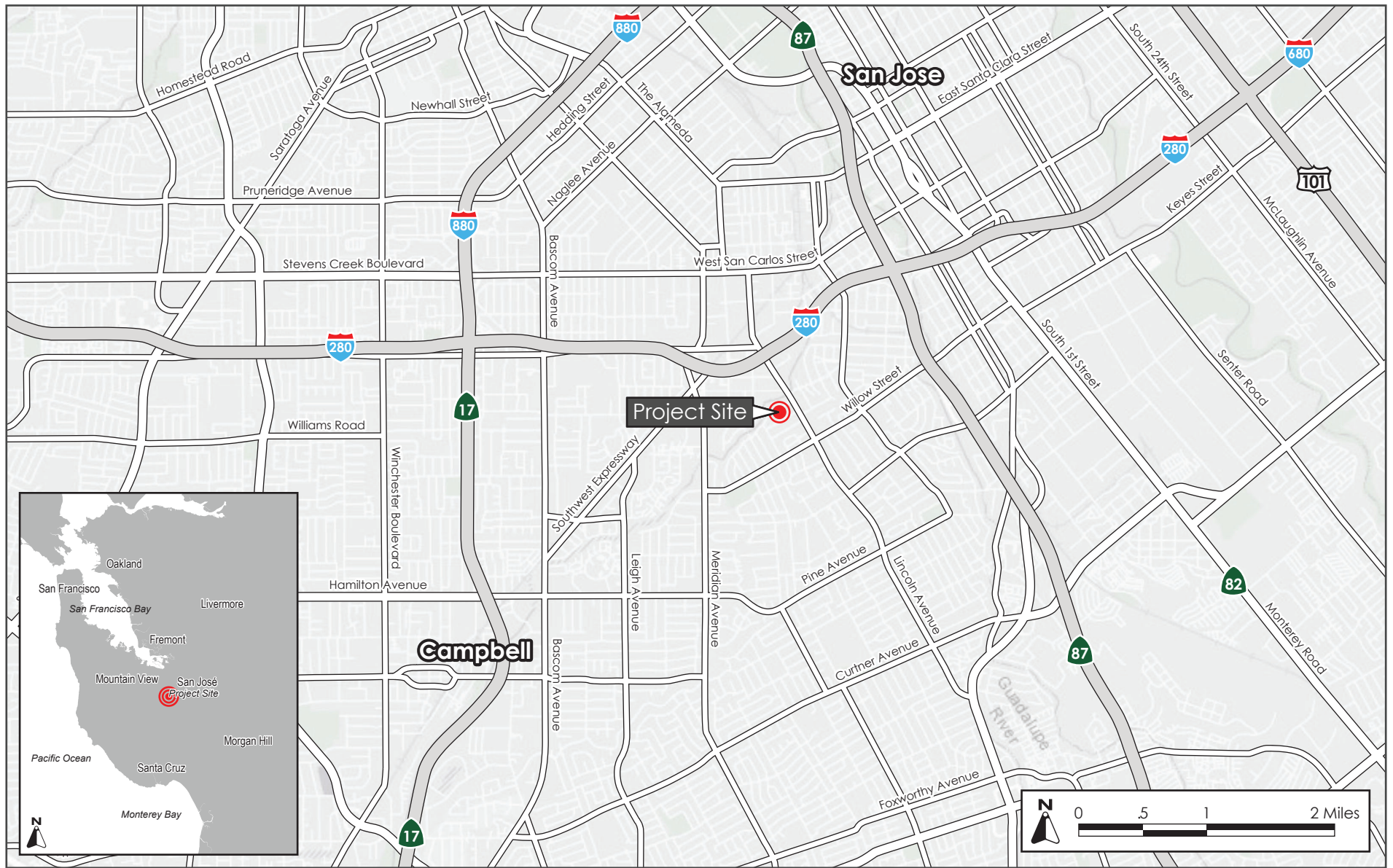
The project site is designated as Residential Neighborhood in the Envision San José 2040 General Plan (General Plan) and is zoned (R-M) Multiple Residence District.

2.7 HABITAT PLAN DESIGNATION

The project site is designated by the Santa Clara Valley Habitat Plan as Urban-Suburban.

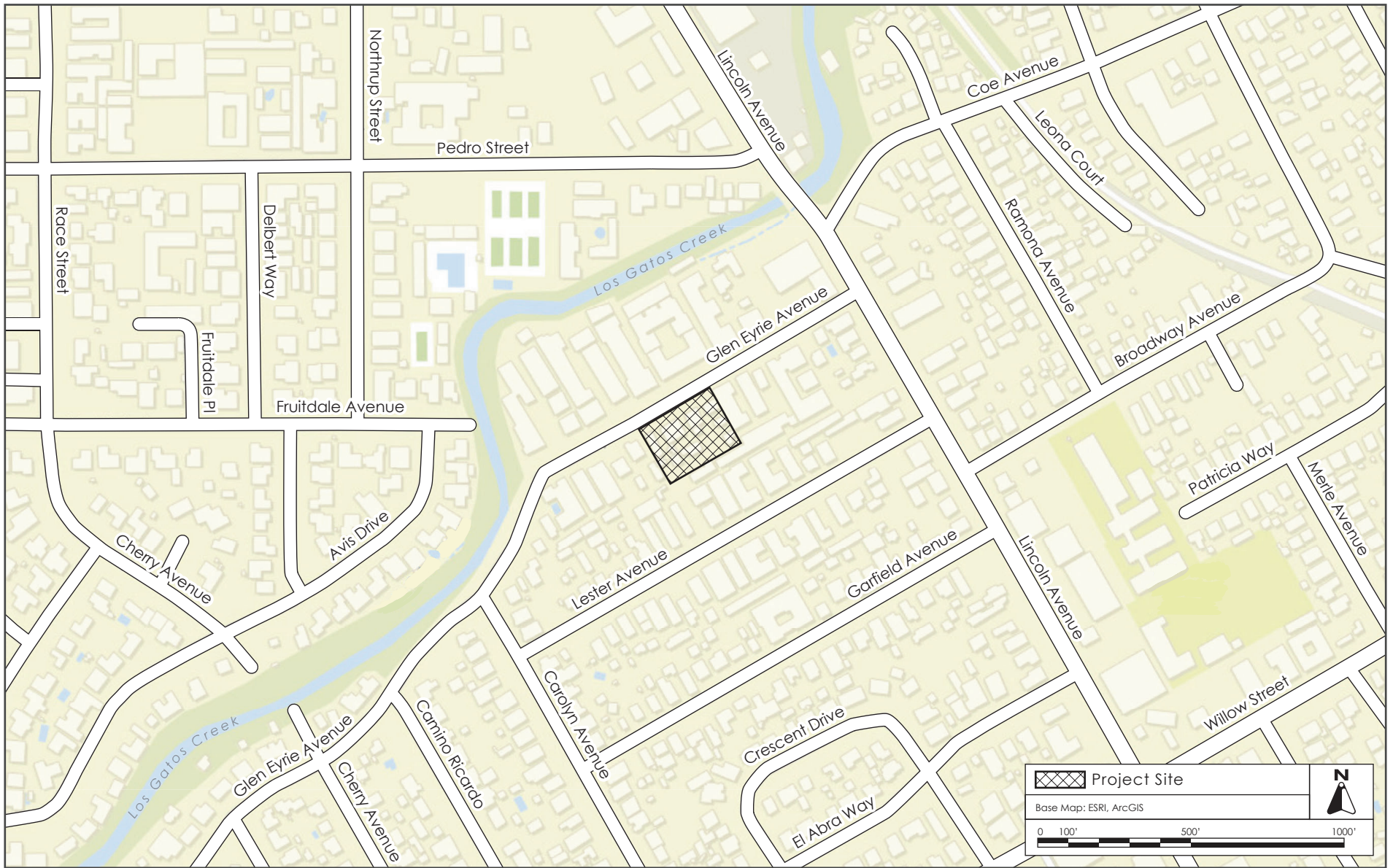
2.8 DISCRETIONARY APPROVALS, AGREEMENTS, AND PERMITS

The project would require a Site Development Permit, Lot Merger and Subdivision, and Tree Removal Permit.



REGIONAL MAP

FIGURE 2.8-1



VICINITY MAP

FIGURE 2.8-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.8-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 EXISTING CONDITIONS

The 0.85-acre site is located at 64- 70 & 80-82 Glen Eyrie Avenue (Assessor's Parcel Numbers: 264-57-026 and 264-57-027), mid-block on Glen Eyrie Avenue between Carolyn Avenue and Lincoln Avenue, within the Willow Glen neighborhood in the City of San José. The project site is currently developed with four residential buildings and associated accessory structures, driveways, and ornamental landscaping. Existing structures on the project site total approximately 4,300 square feet.

Existing landscaping at the project site includes turf lawn, ornamental trees and shrubs in the front and rear yards of existing residences as well as along the perimeter of buildings. The project site is bounded by residential uses to the north, south, east and west. The nearest commercial uses are located approximately 270 feet east along Lincoln Avenue. Vehicular access to the site is provided via three driveways with access to Glen Eyrie Avenue.

3.2 PROPOSED PROJECT

The proposed project would demolish all existing structures and driveways and redevelop the site with three new three-story residential buildings (approximately 40 feet in height) containing 18 townhome units (six units per building). The floor area of each unit would range between 1,265 square feet to 2,322 square feet.

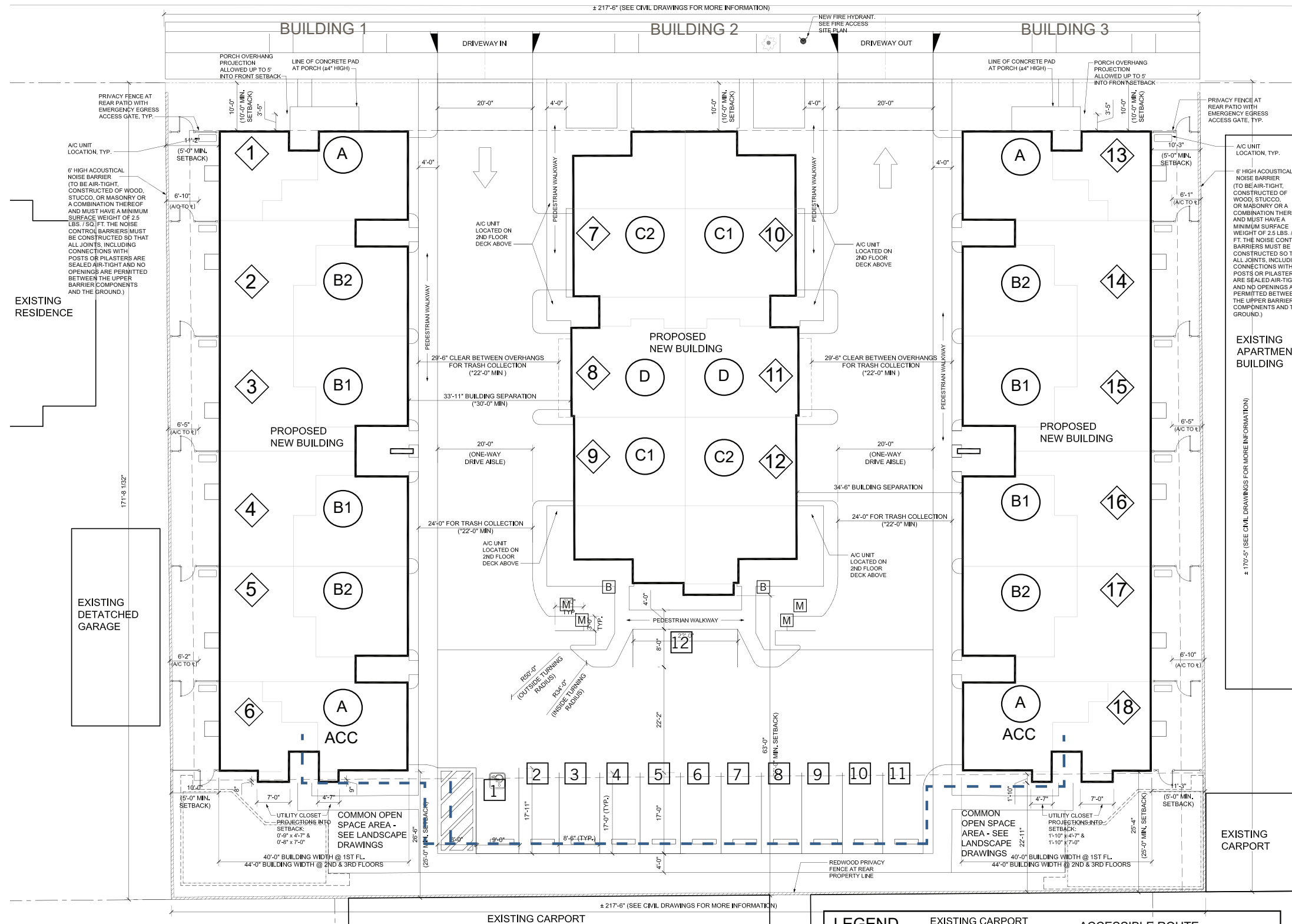
Open space would be provided for each unit in the form of private decks. Additionally, units located in Building 1 and Building 3 would include private rear yards. Figure 3.2-1 shows the proposed site plan, Figure 3.2-2, Figure 3.2-3 show the north/ south and east/ west elevations of the proposed townhome buildings, respectively.

3.2.1 Site Access and Parking

The project proposes to remove one of the three existing driveways that provides vehicle access from Glen Eyrie Avenue and would provide access via a new u-shaped access road with inbound access from a driveway near the western property line and outbound access from a driveway near the eastern property line. Resident parking would be provided through attached two-car garages at each unit. Visitor parking would be provided in the form of 11 perpendicular parking spaces at the southern property line and one parallel space along the middle building for a total of 12 uncovered guest parking spaces. Bicycle parking would also be provided both inside unit garages as well as adjacent to guest parking space 12.

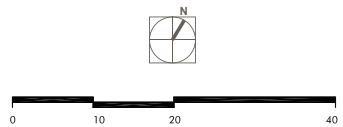
3.2.2 Green Building Features

The proposed project would be built to meet California Green Building Standards Code (CALGreen) standards including design provisions intended to minimize wasteful energy consumption. The proposed project would be designed to be consistent with San José Council Policy 6-32 (Green Point Rated or LEED Certified) and would include the following green building measures and design features:



LEGEND

PLAN NAME	ACCESSIBLE ROUTE
UNIT NUMBER	PARKING SPACE
	MOTORCYCLE / BIKE PARKING
	AIR CONDITIONING UNIT



Source: Dahlin Group Architecture Planning

PROPOSED SITE PLAN

FIGURE 3.2-1



North Elevation



South Elevation



West Elevation (East Elevation Reversed)

- Exceed the State Title 24 California Energy Code requirements (extent to be determined by Title 24 consultant)
- High-performance building envelopes, including 2x6 Exterior Walls with stucco over rigid foam
- Unit sub-metering of utility consumption
- Solar arrays to meet 2019 Zero Net Energy guidelines
- Electric vehicle charging in garages
- Salvage or recycle at least 65 percent of construction waste per CALGreen
- Use of recycled and/or regional building materials
- Water efficient landscaping and irrigation design
- On-site storm water management bioretention landscape planters

3.2.3 Landscaping

Existing on-site landscaping consists of ornamental trees, shrubs and turf in the front and rear yards of existing residences, and along building perimeters. A total of 11 trees are present on the project site with eight street trees adjacent to the project site along Glen Eyrie Avenue. Of these 19 trees, 10 are ordinance trees under the San José Tree Preservation Ordinance and six are native.

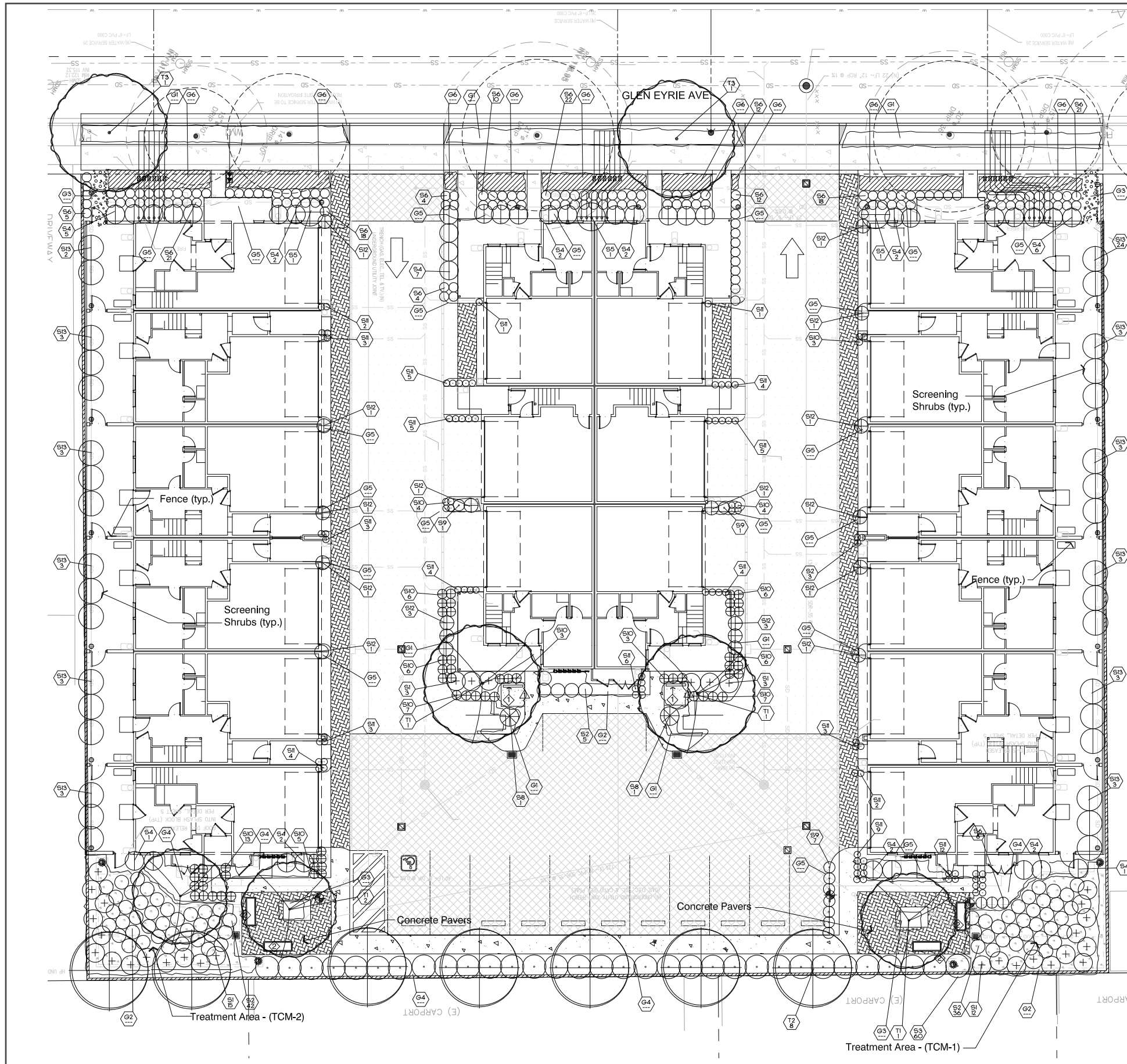
The proposed project would remove 10 existing trees (including nine ordinance trees and one existing street tree and replace them with 15 new trees along perimeter of the site and adjacent to the proposed guest parking space). Figure 3.24 shows the proposed landscaping plan.

3.2.4 Mechanical Equipment

Mechanical equipment proposed would consist of heating and air conditioning units for each townhome unit. Air conditioning units would be Carrier 24AHA430 or a similar model, rated no higher than 70 dBA Lwa and would be located on the north side of the ground floor patios of units in Building 1 and Building 3 and on the north side of the second-floor decks of units in Building 2.

3.2.5 Project Construction

The existing buildings and pavement will be demolished for construction of the proposed project. Construction is anticipated to last approximately 12 months and would be constructed in one phase.



PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	WUCOLS
TREES						
T1	ARBUTUS 'MARINA'	STRAWBERRY TREE	5	24" BOX	STANDARD	LOW
T2	LAGERSTROEMIA 'L'ARAPAH'	CRAPE MYRTLE	8	24" BOX	STANDARD	LOW
T3	PLATANUS A. 'COLUMBIA'	LONDON PLANE TREE	2	24" BOX	STANDARD	MEDIUM
SHRUBS						
S1	CHONDROPETALUM TECTORUM	SMALL CAPE RUSH	32	5 GAL		LOW
S2	JUNCUS PATENS	CALIFORNIA GREY RUSH	86	1 GAL		LOW
S3	PITTOSPORUM T. 'VARIEGATA'	MOCK ORANGE	60	5 GAL		LOW
S4	RHAPHIOLEPIS L. 'MINOR'	DWARF YEDDO HAWTHORN	31	5 GAL		LOW
S5	PODOCARPUS MACROPHYLLA	YEW PINE	3	15 GAL		LOW
S6	TULBAGHIA V. 'TRICOLOR'	TRICOLOR SOCIETY GARLIC	150	1 GAL		LOW
S7	ANGIOZANTHOS 'BUSH GOLD'	YELLOW KANGAROO PAW	---	5 GAL		LOW
S8	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX	2	5 GAL		LOW
S9	DIETES G. 'VARIEGATA'	STRIPED FORTNIGHT LILY	9	5 GAL		LOW
S10	PENNISSETUM A. 'LITTLE BUNNY'	LITTLE BUNNY DWARF FOUNTAIN GRASS	71	1 GAL		LOW
S11	COPROSMA 'TEQUILA SUNRISE'	TEQUILA SUNRISE MIRROR PLANT	67	5 GAL		LOW
S12	NANDINA D. 'COMPACTA'	COMPACT HEAVENLY BAMBOO	17	5 GAL		LOW
S13	PITTOSPORUM EUGENIODES	N.C.N.	34	5 GAL		LOW
GROUND COVERS						
G1	LIPPIA NOOTIFLORA 'KURAPIA'	STERILE KURAPIA	---	SOD		LOW
G2	CAREX DIVULSA	BERKELEY SEDGE	---	1 GAL	18" O.C.	LOW
G3	PEA GRAVEL	CHOSEN BY OWNER	---	3/8" DIA	3" DEPTH	---
G4	SATUREIA DOUGLASSII	YERBA BUENA	---	1 GAL	18" O.C.	LOW
G5	OSTEOSPERMUM F. 'WHITE'	FREEWAY DAISY	---	1 GAL	18" O.C.	LOW
G6	BULBINE FRUTESCENS	STALKED BULBINE	---	1 GAL	18" O.C.	LOW

PLANT NOTES:

1. THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN. QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENIENCE ONLY.
2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING.
4. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
5. THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
6. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS (54 MIN).
7. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
8. ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTILITIES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN, AND CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
9. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHER CONTRACTORS.
10. PRIOR TO ANY DIGGING OR TRENCHING, CALL UNDERGROUND SERVICE ALERT -1800.227.2600
11. ALL NEW PLANTED AREAS TO RECEIVE 3" MIN. NON-FLOATABLE LAYER OF BARK MULCH. SEE PLANTING SPECIFICATIONS.
12. INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTING AND SIDE SLOPES.

PLANT SYMBOLS

- ⬇ SXX — INDICATES PLANT KEY
- ⬇ XX# — INDICATES PLANT QUANTITY

LANDSCAPE LIGHTING LEGEND

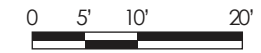
- ⬇ BOLLARD LIGHT (LED)
- ⬇ LITHONIA LIGHTING - KBR8-LED-16C-30K-SYM-120-PE-DNATXD

KEY LEGEND

- ⬇ 1 BIKE RACK - DUMOR - 125-20-ARGENTO-S1
- ⬇ 2 BENCH - DUMOR - 131-60PL-ARGENTO-S1

STREET TREE NOTES

1. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT OF WAY. ACTUAL STREET TREE INSTALLATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES.
2. THE LOCATIONS OF THE STREET TREES WILL BE DETERMINED AT THE STREET IMPROVEMENT STAGE. CONTACT CITY ARBORIST AT (408) 794-901 FOR THE DESIGNATED STREET TREE. INSTALL STREET TREES WITHIN PUBLIC RIGHT-OF-WAY ALONG ENTIRE PROJECT STREET TREE FRONTAGE PER-CITY STANDARDS. REFER TO THE CURRENT SUBJECT PROJECT PLANNING, DESIGN AND CONSTRUCTION OF CITY STREETSCAPES PROJECTS. STREET TREES SHALL BE INSTALLED IN PARK STOP. OBTAIN A DOT STREET TREE PLANTING PERMIT FOR ANY PROPOSED STREET TREE PLANTINGS. STREET TREES SHOWN ON THIS PERMIT ARE CONCEPTUAL ONLY.



PROPOSED LANDSCAPING PLAN

FIGURE 3.2-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS
4.1.1 Environmental Setting
4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in the City of San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in the City of San José, is an eligible, but not officially designated, State Scenic Highway.¹

Local

City of San José General Plan

The General Plan identifies Gateways and Urban Throughways on its Scenic Corridors Diagram. Gateways and Urban Throughways are locations which announce to a visitor or resident that they are entering the city and contribute greatly to the overall image and quality of life in San José. The following General Plan policies are applicable to the proposed project:

General Plan Aesthetics Policies

Policy	Description
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.
CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
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

¹ California Department of Transportation. “Scenic Highways.” Accessed November 20, 2019. <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

General Plan Aesthetics Policies

Policy	Description
	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.
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.
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.
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.
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).

Residential Design Guidelines

The Residential Design Guidelines establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The Residential Design Guidelines address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design, that ultimately influence how developers and residents view and interact with one another in the City of San José.

City Council's Private Outdoor Lighting Policy 4-3

On March 1, 1983, the City of San José implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

4.1.1.2 *Existing Conditions*

Project Site

The project site is located in an urban area and is currently developed with four residential units (two duplexes), associated accessory structures and landscaping. Access to the site is currently provided

by three driveways from Glen Eyrie Avenue. Views from the project site consist of residential developments immediately surrounding the site, landscaping and street trees, and local roadways. Prominent views of the Santa Cruz Mountains are limited and obscured by the surrounding buildings, trees, and infrastructure (e.g., utility lines). The project area is developed and no natural scenic resources are present on the site.

Surrounding Area

The project site is located in the Willow Glen neighborhood of San Jose, which is developed with a mix of commercial and residential buildings, with commercial uses lining Lincoln Avenue and residential uses located off this primarily commercial street. The site is bordered by one- and two-story residential buildings on all sides. The residential uses are composed of architectural styles including mid-Century Modern, Ranch style and Colonial Revival.

Designated Scenic Resources

The City’s General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial. The project site is 0.5-mile west of the nearest City-designated Gateway, located on Bird Avenue. The project site is not visible from the designated Gateway. The project site is not within or visible from any identified Rural Scenic Corridor.²

The City has designated SR 87, from the US 101 interchange to SR 85, and Interstate 280 from the Interstate 880 intersection to Fair Oaks Avenue in Sunnyvale, as Urban Throughways. The nearest Urban Throughway segment to the project site is Interstate 280, 0.3-mile north of the site. SR 87 is one-mile east of the site. The site is not visible from either SR 87 or Interstate 280.

The nearest state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City limit. The project site is approximately 7.3-miles north of SR 9.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

² City of San José. *Envision San José 2040 General Plan*. October 2011. Page 213.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

There are no scenic vistas on the project site or adjacent parcels. No scenic vistas are available from or through the project site. Due to the presence of intervening structures and vegetation, the proposed three-story townhome buildings would not block scenic vistas from residences in the project area. **(No Impact)**

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

The project site is not located along a state scenic highway and no scenic resources such rock outcroppings are located on the site. Thus, there would be no impact. **(No Impact)**

Impact AES-3: The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

To minimize visual massing along Glen Eyrie Avenue, proposed townhome buildings would be oriented with short sides facing the street consistent with existing residential development in the project area. Facades made of stucco, horizontal composite and wood siding, with aluminum window frames. The maximum height of the proposed buildings would be approximately 38 feet at the top of the roof which is consistent with the height standards established in the General Plan and Zoning Ordinance. In accordance with General Plan policies, on-site parking is provided in the form of private garages, with visitor parking located near the southern boundary of the project site away from public view. In addition, the proposed buildings would be oriented to the street with a 10-foot setback and four out of the 18 residential units' entrances facing Glen Eyrie Avenue.

Photos of the existing neighborhood and views are shown in Figure 4.1-1 below. Figure 4.1-2 shows renderings of the proposed townhome buildings in context with the existing development. The proposed project would be reviewed in accordance with the City's Residential Design Guidelines during the Planning Permit stage of the City's planning review process.



PROPOSED PROJECT RENDERING

FIGURE 4.1-1



EXISTING SETTING SITE PHOTOS

FIGURE 4.1-2

For this reason and those stated above, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

Existing lighting on the project site includes outdoor lighting and security lighting associated with the existing residential uses. New light sources associated with the project would include security lights, and decorative outdoor lighting. The project would incrementally increase the amount of nighttime lighting on the project site; however, San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward.

The design of the proposed project would also be subject to the City's design review process and would be required to use exterior materials that do not result in daytime glare, consistent with General Plan policies and Residential Design Guidelines. As a result, the project would not adversely affect views due to light and glare during the day or at night. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.³

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁴

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources. Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁵

4.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes and is located within an existing developed area of Santa Clara County. The project site is designated as Urban and Built-Up Land. Common examples of Urban and Built-Up Land include urban residential, industrial, and commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures.⁶ The site is not the subject of a Williamson Act contract.⁷ No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

³ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed November 15, 2019. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁴ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

⁵ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed November 15, 2019. <http://frap.fire.ca.gov/>.

⁶ California Department of Conservation. *Santa Clara County Important Farmland 2016*. September 2018.

⁷ California Department of Conservation. *Santa Clara County Williamson Act FY 2015/2016*. 2016.

4.2.2 Impact Discussion

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

Impact AG-1: The project would not convert Farmland as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(Less than Significant Impact)**

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

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

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

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

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

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

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

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

As described above, the project would not result in the conversion of forest or farmlands to other uses. **(No Impact)**

4.3 AIR QUALITY

This discussion is based, in part, on the Air Quality & Greenhouse Gas Assessment report prepared by Illingworth & Rodkin, Inc. in February 2020. A copy of this report is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.⁸ Criteria pollutants are regulated because they result in negative health effects. An overview of the sources of criteria pollutants and their associated health effects are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none"> • Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

⁸ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel 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 [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).⁹ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, including PM, O₃, CO, SO_x, NO_x, and lead.

⁹ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 20, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁰

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

¹⁰ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

Local

Envision San José 2040 General Plan

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

General Plan Air Quality Policies	
Policy	Description
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.
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.
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 TACs to avoid significant risks to health and safety.
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.

4.3.1.3 *Existing Conditions*

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the state and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). The closest sensitive receptors to the project site are adjacent residences to the north, south, east, and west of the project site.

The project site is located within 1,000 feet of substantial sources of TACs. As identified by BAAQMD, substantial TAC sources include highways and busy surface streets with over 10,000 vehicle trips per day and stationary sources. Nearby mobile TAC sources include traffic on Lincoln Avenue, approximately 515 feet east of the project site. One nearby stationary TAC source was identified as Plant#108406, which is located approximately 625 feet southeast of the project site and contains a gas station.

4.3.2 Impact Discussion

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

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

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

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

The proposed project would not conflict with the 2017 CAP because its criteria air pollutant emissions would be lower than the BAAQMD Operational Criteria Pollutant significance thresholds shown in Table 4.3-2 (see further discussion under Impact AIR-2 below), is considered urban infill, and would be located near bike paths and transit with regional connections. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

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

As described above, the Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered

nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts.

Construction Period Emissions

Construction emissions are made up of on-site and off-site construction activities, and would last approximately 12 months in one phase. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. Construction activities, particularly during site preparation and grading stages, would temporarily generate fugitive dust in the form of PM₁₀ 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.

Criteria Pollutants

A construction build-out scenario, including equipment list and schedule, was based on CalEEMod default information for a project of this type and size. Construction was assumed to last 12 months.

Table 4.3-3 below summarizes the project’s estimated construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust.

Table 4.3-3: Summary of Project Construction Criteria Pollutant Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total construction emissions	0.4 tons	1.8 tons	0.1 tons	0.1 tons
Average daily emissions¹	3.0 lbs/ day	14.9 lbs/ day	0.8 lbs/ day	0.8 lbs/ day
BAAQMD Thresholds	<i>54 lbs/ day</i>	<i>54 lbs/ day</i>	<i>82 lbs/ day</i>	<i>54 lbs/ day</i>
Exceed Thresholds?	No	No	No	No
Note: ¹ Assumes 246 workdays. Source: Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.				

As shown in Table 4.3-3, the calculated construction ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust emissions would be less than significant.

Fugitive Dust

BAAQMD considers construction emissions that are below the thresholds of significance (such as those of the project) less than significant if Best Management Practices (BMPs) are implemented. The project would implement the following Standard Permit Conditions as a condition of approval.

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

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

With implementation of the standard permit conditions, construction dust and other particulate matter would be less than significant. **(Less than Significant Impact)**

Operational Period Emissions

Operational air emissions from the project would be generated primarily from automobiles driven by future residents. In addition, evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are also typical emissions from residential uses. Table 4.3-4 below summarizes the project’s estimated operational emissions of ROG, NO_x, PM₁₀ exhaust.

Table 4.3-4: Operational Emissions of Criteria Pollutants				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
2021 Project Operational Emissions (tons/year)	0.12	0.15	0.11	0.03
2021 Existing Use Emissions (tons/year)	0.05	0.03	0.03	0.01
Net Annual Emissions (tons/year)	0.07	0.12	0.08	0.02
<i>BAAQMD Threshold (tons/year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
Exceed Thresholds?	No	No	No	No

Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
2021 Project Operational Emissions (lbs/ day)	0.38	0.63	0.45	0.11
<i>BAAQMD Threshold (pounds/ day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Exceed Thresholds?	No	No	No	No
Source: Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.				

As shown in Table 4.3-4, the calculated operational ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust emissions would be below the BAAQMD threshold of significance; therefore, the project would have a less than significant emissions impact. **(Less than Significant Impact)**

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

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor in proximity to an existing source of TACs (discussed in Section 4.3.3 Non-CEQA Effects), or by introducing a source of TACs near existing sensitive receptors in the project vicinity (discussed below).

Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions can pose health risks for nearby sensitive receptors such as the adjacent residences. The primary community risk impact issue associated with construction emissions are cancer risk and exposure to PM_{2.5}. A health risk assessment of the project construction activities was conducted for the proposed project and is summarized in Appendix A. Table 4.3-5 below summarizes both the project's and cumulative maximum increased lifetime cancer risks, increased annual PM_{2.5} concentrations, and HI based on the maximum DPM concentration affecting the maximally exposed individual (MEI). The construction health risk impacts would exceed the BAAQMD single-source thresholds for maximum increased lifetime cancer risks and annual PM_{2.5} concentrations, while the single-source HI threshold and all cumulative thresholds are not exceeded. The construction MEI is located on the second-level northeast corner unit of a multi-family apartment building located adjacent to the south of the project site. However, with incorporation of the following conditions of approval, which are already proposed as part of the project, cancer risk and annual PM_{2.5} concentrations would not exceed the BAAQMD thresholds. For this reason, the project would not expose sensitive receptors to substantial pollutant concentrations.

Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction (no conditions)	<i>62.3 (infant)</i>	<i>0.41</i>	0.07

Table 4.3-5: Impacts from Combined Sources at Construction MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction (with conditions of approval incorporated)	8.1 (infant)	0.06	0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>0.1
Significant (with conditions of approval)?	No	No	No
Lincoln Avenue (north-south) at 515 feet west, ADT 15,036	0.8	0.02	<0.03
Plant #108406 (gas station) at 625 feet	1.0	--	<0.01
Cumulative Total (no conditions)	64.1	0.43	<0.11
<i>BAAQMD Cumulative Source Threshold</i>	>100	>0.8	>10.0
Significant (no conditions)?	No	No	No
Source: Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.			

Condition of Approval The project would implement the following conditions of approval to reduce TAC impacts to sensitive receptors. These features are already proposed as part of the project description for construction purposes but have also been included here as conditions of approval.

Construction Operations Plan: The project shall develop a construction operations plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 84-percent reduction in particulate matter exhaust emissions, or greater. The plan shall be signed off on by a qualified air quality specialist and submitted to the Director of Planning, Building, and Code Enforcement or Director's designee. A plan to achieve this reduction shall include the following:

- Diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent.
- The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement.
- Alternatively, the use of equipment that includes electric or alternatively fueled equipment (i.e., non-diesel) would meet this requirement.

With implementation of the above condition of approval, increased lifetime cancer risks and maximum increased annual PM_{2.5} concentrations from construction would be reduced from 63.2 per million for infants to 8.1 million for infants, which is below BAAQMD's single-source threshold of under 10 per million for cancer risk. to a less than significant level. **(Less than Significant Impact)**

Operation

The project proposes residential uses; therefore, the project would not be introducing a substantial source of operational-related, localized TACs. The project would generate some traffic, consisting of mostly light-duty vehicles that are not a substantial source of TACs or PM_{2.5}, and these would not result in localized health risks. Therefore, the project would not result in significant operational TAC impacts on existing sensitive receptors. **(Less than Significant Impact)**



LOCATION OF SENSITIVE RECEPTORS IN PROJECT VICINITY

FIGURE 4.3-1

Impact AIR-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

Construction

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, diesel exhaust have highly diffusive properties, and the odors would be localized and temporary. **(Less than Significant Impact)**

Operation

Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Residential developments, such as the proposed project, do not typically generate objectionable odors. **(Less than Significant)**

4.3.3 Non-CEQA Effects

Community health risk effects to future on-site residences from combined TAC sources (project construction, high-volume roadway, and stationary source) were modeled. The results are summarized in Table 4.3-6. Refer to Appendix A for additional details about modeling, data inputs, and assumptions. As shown, the maximum cumulative lifetime cancer risks and annual PM_{2.5} concentrations from the project construction would not exceed their respective BAAQMD single-source and cumulative source thresholds. The cumulative threshold for HI would not exceed the BAAQMD single and cumulative source threshold.

Table 4.3-6: Cumulative Community Health Risk Effects at the Project Site			
Source	Cancer Risk (per million)	PM _{2.5} exhaust	Hazard Index
Lincoln Avenue (north-south) at 430 feet west, ADT 15,036	0.9	0.03	<0.03
Plant #108406 (gas station) at 625 feet	1.0	--	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.03	<0.10
Exceed Threshold?	No	No	No
Cumulative Total	1.9	0.03	<0.04
BAAQMD Cumulative Source Threshold	>100	>0.08	>10.0
Exceed Threshold?	No	No	No
Source: Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.			

As shown in Table 4.3-5, the maximum lifetime cancer risks and annual PM_{2.5} concentrations for future residents would be below single, and cumulative source thresholds.

4.4 BIOLOGICAL RESOURCES

This discussion is based, in part, on the Arborist Report prepared by Monarch Consulting Arborists LLC (Monarch) on January 17, 2019. A copy of this report is included in Appendix B to this report.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹¹ Nesting birds are considered special-status species and 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 by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board

¹¹ U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

(RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act and State of California Porter-Cologne Water Quality Control Act.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

The following General Plan policies related to biological resources are applicable to proposed projects in San José:

Biological Resources Policies	
Policy	Description
ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
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.
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.
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
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: <ol style="list-style-type: none"> 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.

CD-1.24 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

San José Tree Ordinance

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

4.4.1.2 Existing Conditions

The project site is located in an urban area surrounded by existing residential development. The project site is located within the Habitat Plan study area and is designated Urban-Suburban land.¹² Urban-Suburban land is composed of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. There are 19 trees located on the subject property, including ten ordinance sized trees and eight street trees. Of these 19 trees, six are native species. Four of these six native trees (845, 846, 847, and 851) would be removed with the proposed project. On-site trees are generally in good condition, while four trees (841, 842, 847, and 848) are in fair condition and the Monterey Pine (851) is in poor condition.¹³ The primary biological resources on-site are existing trees, as summarized in Table 4.4-1.

Tree #	Common Name	Scientific Name	Diameter (in inches)	Status	Condition
838	Japanese maple	<i>Acer palmatum</i>	6	Non-Ordinance	Good
839	curly willow	<i>Salix babylonica</i> 'Tortuosa'	19.5	<i>Ordinance</i>	Good

¹² Santa Clara Valley Habitat Agency. "Geobrowser." Accessed: November 26, 2019. Available at: <http://www.hcpmaps.com/habitat/>.

¹³ Monarch Consulting Arborists LLC. *Tree Inventory, Assessment and Protection, 64-70 and 80-82 Glen Eyrie*. January 17, 2019.

Table 4.4-1: Summary of On-Site Trees					
Tree #	Common Name	Scientific Name	Diameter (in inches)	Status	Condition
840	Chinese tallow tree	Triadica sebifera	13.5	<i>Ordinance</i>	Good
841	White mulberry	Morus alba	24	<i>Ordinance</i>	Fair
842	tulip magnolia	Magnolia soulangeana	7, 7, 7, 7	<i>Ordinance</i>	Fair
843	coast redwood	Sequoia sempervirens	24	<i>Ordinance</i>	Good
844	coast redwood	Sequoia sempervirens	24	<i>Ordinance</i>	Good
845	coast redwood	Sequoia sempervirens	34	<i>Ordinance</i>	Good
846	coast redwood	Sequoia sempervirens	36	<i>Ordinance</i>	Good
847	bay laurel	Ubellularia californica	35	<i>Ordinance</i>	Fair
848	jacaranda	Jacaranda mimosifolia	12	<i>Ordinance</i>	Fair
849	camphor	Cinnamomum camphora	18	Street tree	Good
850	camphor	Cinnamomum camphora	15	Street tree	Good
851	Monterey pine	Pinus radiata	40.5	Street tree	Poor
852	camphor	Cinnamomum camphora	23.5	Street tree	Good
853	camphor	Cinnamomum camphora	21	Street tree	Good
854	camphor	Cinnamomum camphora	18	Street tree	Good
855	camphor	Cinnamomum camphora	24.5	Street tree	Good
856	camphor	Cinnamomum camphora	16	Street tree	Good

Source: Monarch Consulting Arborists LL. Arborist Report. January 17, 2019.

There are no sensitive habitats or wetlands on or adjacent to the project site. The project site is located approximately 330 feet south and east of the Los Gatos Creek riparian corridor and is separated from the creek by urban infrastructure and development. Due to the lack of sensitive habitats, and the human disturbance and development in the project area, special-status plant and animal species would not occur.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

The trees on the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Construction activities, such as vegetation removal, demolition, and grading occurring during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, which would constitute a significant impact.

Standard Permit Condition: The project would implement the following State requirements to avoid impacts to nesting migratory birds. With incorporation of these conditions, the project would result in a less than significant impact.

- **Avoidance:** The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended.
- **Nesting Bird Surveys:** If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 31st inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.
- **Buffer Zones:** If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.
- **Reporting:** Prior to any tree removal, or approval of any grading permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City’s Director of Planning, Building and Code Enforcement (PBCE) or the Director’s designee.

Implementation of the migratory bird protection conditions would reduce potential impacts to migratory birds and raptors to a less than significant level. **(Less Than Significant Impact)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

The project site is designated Urban Development according to the Habitat Plan.¹⁴ The nearest sensitive habitat to the project site is the riparian habitat along Los Gatos Creek, approximately 330 feet north and west of the project site. The City’s Riparian Corridor Policy addresses how development projects should protect and preserve these riparian corridors. The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor’s top of bank or edge of vegetation,

¹⁴ Santa Clara Valley Habitat Agency. “Geobrowser.” Accessed: November 26, 2019. Available at: <http://www.hcpmaps.com/habitat/>.

whichever is greater. Because the project site is located approximately 330 feet south and east of the Los Gatos Creek, it is not subject to the specific requirements of the City's Riparian Corridor Policy. For this reason, the project would not conflict with the Riparian Corridor Policy and would not result in a loss of sensitive habitat. **(Less than Significant Impact)**

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

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

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

The project site does not support a watercourse or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. The nearest watercourse to the project site, Los Gatos Creek, is located approximately 330 feet north and west of the site. Therefore, the site has limited potential to serve as migratory corridor for wildlife except with regard to migratory birds, which are discussed under Impact BIO-1. **(Less than Significant Impact)**

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

The project site currently supports 19 trees, including 10 ordinance-sized trees. Development of the site with the proposed project would include removal of 10 trees, including nine ordinance trees. The 10 trees would be removed in order to accommodate the required project components and site plan layout to be in conformance with the City's required development standards. These development standard requirements include the required driveaisle width, clearance and circulation through the site for fire and trash vehicles, allowable location of parking, location of the buildings due to setbacks and required private open space. As there are trees along the entire street frontage, at least two trees would need to be removed for the driveway entrance/exit to the project. The driveways align in such a way to minimize tree removal; only two trees along the frontage will be removed of which one is in a poor health per the Arborist report. The project was designed to protect any trees which are able to remain while still meeting the numerous site layout constraints required by the City's guidelines and standards. Of the 19 trees on site, six are native species. On-site trees are generally in good condition, while four trees (841, 842, 847, and 848) are in fair condition and the Monterey Pine (851) is in poor condition. All trees to be removed are in good condition, except for the Monterey Pine which is in poor condition. The project would be required to offset the impact to the urban forest through compliance with standard permit conditions below.

Standard Permit Conditions: The trees removed by the proposed project would be replaced according to tree replacement ratios required by the City as provided in Table 4.4-2 below.

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

¹ As measured 4.5 feet above ground level
² x:x = tree replacement to tree loss ratio
³ Ordinance-sized tree
 One 24-inch box tree = two 15-gallon trees.
 Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.

- As mentioned previously, there are six native trees on-site. Since 10 trees onsite would be removed (including four native trees), one tree would be replaced at a 5:1 ratio, one tree would be replaced at a 4:1 ratio, three trees would be replaced at a 3:1 ratio, two trees would be replaced at a 2:1 ratio; and the remaining one tree would be replaced at a 1:1 ratio. The total number of replacement trees required to be planted would be 23 trees. 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 the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
 - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Through compliance with the standard permit conditions above, the project would offset the loss of the existing trees consistent with City Policy. Thus, any impact would be less than significant. **(Less than Significant Impact)**

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

The project site is located within the Habitat Plan study area and is designated as Urban-Suburban land. The project site is not identified as important habitat for endangered and threatened species; therefore, the proposed project would not result in direct impacts to the Habitat Plan's covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. The project shall implement the following standard permit condition for the project.

Standard Permit Condition: The project shall implement the following condition to comply with the Habitat Conservation Plan

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

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

4.5 CULTURAL RESOURCES

This discussion is based, in part, of an Archaeological Literature Search prepared by Holman & Associates on December 19, 2019 and a Historic Resources Evaluation prepared by Urban Programmers on November 30, 2019. The Archaeological Literature Search summary report is confidential in nature and can be viewed at the Department of Planning, Building, and Code Enforcement offices. A copy of the Historic Resources Evaluation is included as Appendix C to this report.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁵

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

¹⁵ CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. March 14, 2006.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City’s cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory, preserve historic properties using a Landmark Designation process, require Historic Preservation Permits for alterations of properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

Envision San José 2040 General Plan

The following cultural-resources-related General Plan policies are applicable to the proposed project.

General Plan Cultural Resources Policies

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

4.5.1.2 *Existing Conditions*

Archaeological Resources

The literature search conducted for this project did not identify cultural resources on the project site. Due to the location of the project site approximately 330 feet east of Los Gatos Creek, the project site has moderate potential for undiscovered archaeological resources. A review of historic-era maps for the project area did not identify structures or other evidence of potential for historic-era archaeological resources, suggesting low potential for historic-era archaeological resources.

Historic Resources

On-site structures are over 50 years old and were evaluated to determine if the structures qualify as potentially historic resources per state and City's significance criteria. A summary of each building's architectural significance is included below. Refer to Appendix C for additional details.

70 Glen Eyrie Avenue

The building has a hipped roof and is almost square in plan. The front façade is flat with a large corner window on the east, the front door in the corner, and a smaller similar window on the west side. There is no architectural ornamentation. The side and rear facades are stucco with inset windows. The garage has a hipped roof and is covered in stucco. The structure does not represent fine architectural design or craftsmanship that solved a particular design issue and therefore, is not considered an historic resource under CEQA.

80 Glen Eyrie Avenue

The largest of the houses, it has a pitched roof with two front façade projecting elements. The front façade is covered by an extended roof over a small porch with the door in the center. The easterly projection has a centered window, while the larger west one has corner windows. Brick veneer covers the lower third of the front wall with the remainder of the house being stuccoed.

Behind the house is a second residence. This is a small building with a hipped roof. Like the front house, it has stucco walls and no ornamentation. The structure does not represent fine architectural design or craftsmanship that solved a particular design issue and therefore, is not considered an historic resource under CEQA.

82 Glen Eyrie Avenue

This house much like the others has a hipped roof with a front projecting element on the west side. The rest of the front façade is flat with the door in the center under a small roof extension. The sides and rear are covered in stucco with windows irregularly placed. The structure does not represent fine architectural design or craftsmanship that solved a particular design issue and therefore, is not considered an historic resource under CEQA.

Historic Significance

The post WWII era was a significant period in the history of development in San José. However, the subject parcels and the structures on them did not contribute in a significant way to the era in local history, nor were they associated with any important figures during this time; therefore, the on-site

structures do not meet Criteria 1 for local significance. The structures are not identified or associated with an important architectural work or architect. Nor is the construction or materials unique to a challenge in the design or use. The structures are identified as Ranch Style with Colonial Revival elements depicting an economical residence constructed for investment and are not a fine example of either style architecture and additions and alterations made to these buildings have further diminished the original designs. Therefore, the structures do not meet Criteria 2 for local significance. There are many fine Ranch style or Colonial Revival houses in Willow Glen. The architecture of these buildings is not representative of the many fine examples; therefore, the structures do not meet Criteria 3 for local significance.

A review of the City of San José Historic Resource Inventory identified the residences located at 1197 Willow Street, approximately 1,270 feet (0.24-mile) from the project site, as the only historic resource in the site vicinity.

Neighborhood Context

The Willow Glen area, along with much of the Santa Clara Valley, was occupied by agricultural operations and supporting businesses in the late 19th and early 20th centuries. As population grew, subdivisions moved from the center of San Jose outwards. The Post WWII years of 1946 to 1949 saw an explosive growth period in San Jose (including Willow Glen) where the residential subdivisions spread into the surrounding orchard land. The area north of Willow Street was subdivided for residences with commercial use along Lincoln Avenue. Amos Lester created the subdivision of land known as the Lester Subdivision that included Glen Eyrie and Lester Avenues.

4.5.2 Impact Discussion

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

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (**Less than Significant Impact**)

Demolition of On-site Structures

The project proposes to demolish all existing structures on-site to construct the proposed development. As described above, the four residences and accessory structures are not eligible for

listing as a City Landmark under the City's criteria for local significance. On-site structures did not contribute in a significant way to the development of San Jose in the post WWII era, the structures were not identified or associated with important architectural work nor solve a particular design challenge and the structures are not fine examples of Ranch style or Colonial Revival architecture. For the reasons outlined above, the proposed project would not result in a significant impact to historic resources. **(Less than Significant Impact)**

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

No previously recorded archaeological resources were identified on the project site or adjacent properties and the site is not located within an area with high archaeological sensitivity. Therefore, it is unlikely that subsurface cultural resources would be encountered during project construction. However, consistent with City policies, in the unlikely event that archaeological resources are encountered during excavation and construction, the standard permit conditions listed below would be implemented.

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

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - The MLD identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With the implementation of the standard permit conditions detailed above, the proposed project would have a less than significant impact to archaeological resources. **(Less than Significant Impact)**

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

As mentioned above, the site is not within an area of moderate archaeological sensitivity. Although unlikely, it is possible that project construction activities could disturb as-yet undiscovered human remains at the project site. The standard permit conditions described above in CUL-2 would ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction. By following the process set forth in these conditions, the proposed project would not result in a significant impact to human remains. **(Less than Significant Impact)**

4.6 ENERGY

This discussion is based, in part, on the Air Quality & Greenhouse Gas Assessment report prepared by Illingworth & Rodkin, Inc. in February 11, 2020. A copy of this report is included in Appendix A of this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

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.¹⁶ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.¹⁷

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-

¹⁶ California Building Standards Commission. "California Building Standards Commission." Accessed December 20, 2019. <http://www.bsc.ca.gov/>.

¹⁷ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards." Accessed December 20, 2019. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2016-building-energy-efficiency>.

causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹⁸

Private Sector Green Building Policy (6-32)

The City of San José sets green building standards for municipal development. All projects are required to submit a LEED¹⁹, GreenPoint²⁰, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet criteria defined by Council Policy 6-32. The proposed 18-unit townhome project is considered Residential - Tier 2 in the Private Sector Green Building Policy, therefore it must achieve a minimum Greenpoint Rated 50 points or LEED Certification.²¹

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.²² Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.²³ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.²⁴

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

¹⁸ California Air Resources Board. "The Advanced Clean Cars Program." Accessed November 26, 2019. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

¹⁹ Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

²⁰ Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

²¹ City of San José. "Private Sector Green Building." Accessed January 6, 2020. Available at: <http://www.sanjoeca.gov/index.aspx?NID=3284>

²² United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed November 26, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²³ United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed November 26, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁴ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed November 26, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California’s natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.²⁵ In 2018, residential and commercial customers in California used 34 percent of the state’s natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state’s total consumption of natural gas.²⁶

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.²⁷ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1-miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.²⁸ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{29,30}

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/>				
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

²⁵ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed November 26, 2019. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

²⁶ California Energy Commission. “Natural Gas Consumption by County.” Accessed November 26, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁷ California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed November 26, 2019. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>.

²⁸ United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

²⁹ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed November 26, 2018. <http://www.afdc.energy.gov/laws/eisa>.

³⁰ Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Construction

Energy is consumed during the construction period from site preparation, grading and excavation, trenching, and paving; however, the project would not waste or use energy inefficiently. Construction processes are generally assumed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance and fuel. Project development in urbanized areas with proximity to roadways, construction supplies, and workers is already more efficient than construction occurring in outlying, undeveloped areas. In addition, the project includes several measures that would improve the efficiency of the construction process. The proposed project would participate in the City’s recycling construction and demolition materials program, restrict equipment idling times to five minutes or less and require the applicant to post signs on the project site reminding workers to shut off idle equipment (see standard permit conditions under Impact AQ-2), and use construction equipment with higher energy efficiency (see conditions of approval under Impact AQ-3.1). **(Less than Significant)**

Operation

Occupation and operation of the project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Operational energy would also be consumed by resident vehicle use to and from the project site. The net increase in energy use of the proposed project compared to existing uses is summarized in Table 4.6-1 below.

Table 4.6-1: Annual Energy Use of Existing and Proposed Development			
	Electricity (kWh)	Natural Gas (kBtu)	Gasoline (gallons)
Existing Uses	32,362	116,260	1,654,954
Proposed Uses	92,638	337,014	7,370,375
Project Net Increase	60,276	220,754	5,715,421

Note: the estimated gasoline demand is based on the estimated VMT of 66,464 for existing uses and 295,999 for the project, and the average fuel economy of 24.9 mpg.
kWh = kilowatt per hour
kBtu = kilo-British thermal unit
Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.

As shown in Table 4.6-1, the project would result in a net increase in energy demand compared to existing conditions. However, the project would not represent a wasteful or inefficient use of energy resources because the project is required to comply with Title 24 and CALGreen requirements to

reduce energy consumption. The proposed project would construct 18 residential unit; therefore, would be required to achieve LEED certification or Greenpoint Rated consistent with Council Policy 6-32. For these reasons, the project would not result in a wasteful use of energy or conflict with state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

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

Paleontological Resources

Several sections of the California Public Resources Code protect paleontological resources. Section 5097.5 prohibits “knowing and willful” excavation, removal, destruction, injury, and defacement of any “vertebrate paleontological site, including fossilized footprints” on public lands, except where the agency with jurisdiction has granted express permission.”

Local

Envision San José 2040 General Plan

The proposed project would be subject to geology and soil policies listed in the City’s General Plan, including the following.

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
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.
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.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a

creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

- 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.
 - EC-4.12** Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
 - ES-4.9** Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
-

City of San José Municipal Code

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

4.7.1.2 Existing Conditions

Soils and Topography

The project site has an elevation of approximately 122 feet above mean sea level (amsl) and is composed of surface soils classified as Urban land- Elder complex.³¹ Urban land is disturbed and human transported material. The Elder complex soils are mostly composed of decomposed plant material from zero to one inch below ground surface (bgs) and underlain by fine sandy loam to 7.25 feet bgs.³² Groundwater levels at the project site are approximately 32 feet bgs.³³

Expansive soils are common in the San Francisco Bay Area. According to the General Plan EIR, soils in the project area have moderate to high expansion potential.³⁴ Based on the Santa Clara County Geologic Hazard Zones Map and the site's flat topography, the project site is not located within a landslide hazard zone.³⁵

³¹ Envirocom. *Phase I Site Assessment, Property Location: 64, 70, 80, and 82 Glen Eyrie Avenue*. May 14, 2018. United States Department of Agriculture. Web Soil Survey. Available at:

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed: November 26, 2019.

³² Ibid.

³³ Envirocom. *Phase I Site Assessment for 64, 70, 80, and 82 Glen Eyrie Avenue, San Jose, California*. May 14, 2018.

³⁴ City of San José. *Envision San José 2040 General Plan Program EIR*. June 2011.

³⁵ County of Santa Clara, Department of Planning. *Santa Clara County Geologic Hazard Zones*. Map 35. October 2012. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf. Accessed November 21, 2019.

Seismicity and Seismic Hazards

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.³⁶ There are no known active faults that traverse the site and, therefore, the potential for fault rupture is very low. The known major active faults near the project site include the Monte-Vista Shannon Fault (approximately 0.5-mile south), the San Andreas Fault (approximately 6-miles west), Hayward Fault (approximately 16-miles east), and the Calaveras Fault, (approximately 13-miles east of the project site).

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. The project site not located within a state-designated liquefaction hazard zone or a Santa Clara County liquefaction hazard zone.³⁷

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction that generally occurs along the steep banks of stream channels. The nearest waterway to the project site is Los Gatos Creek, approximately 330 feet north and west of the site. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading is low.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The General Plan EIR found the project site to have a high sensitivity at the surface for paleontological resources.³⁸

³⁶ California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Accessed: November 21, 2019. Available at

<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.

³⁷ State of California Seismic Hazard Zones. San Jose West Quadrangle. February 7, 2002. Available at:

http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSE_WEST/maps/ozn_sjosw. Accessed

November 21, 2019; County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 35. October 2012.

https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf. Accessed November 21, 2019.

³⁸ City of San José, Final Programmatic EIR for Envision San José 2040 General Plan, November 2011.

4.7.2

Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.
(Less than Significant Impact)

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

Fault Rupture

As described above, the project site is not located in an Alquist-Priolo Earthquake Fault Zone of a Santa Clara County Fault Rupture Hazard Zone. No known surface expression of active faults is known to cross the site.^{39 40} Fault rupture through the site, therefore, is not anticipated. **(No Impact)**

Seismic Ground Shaking

During an earthquake, very strong ground shaking could occur at the project site. In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques and site-specific geotechnical report. The project shall implement the following standard permit condition as a condition of approval for the project.

Standard Permit Condition: To reduce impacts at the project site and adjacent properties, the project shall be subject to the following 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 will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José Department of 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.

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

³⁹ California Geological Survey, *Earthquake Zones of Required Investigation – San José West Quadrangle*. February 2, 2002.

⁴⁰ Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.

Landslides

The project site is not located in a landslide hazard zone. The project site is relatively flat and is not located in the vicinity of any slope that could be affected by a landslide. **(No Impact)**

Liquefaction

The project site is not located within a liquefaction zone. With implementation of the above standard permit condition would not expose people or structures to substantial adverse effects due to liquefaction. **(No Impact)**

Lateral Spreading

The site is not located within a liquefaction zone and is not in proximity to an open face, such as the Los Gatos Creek corridor; therefore, the potential for lateral spreading is low. **(No Impact)**

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

The project site is developed and generally level, which limits the potential for substantial soil erosion. Potential for erosion is highest during the grading and excavation phase. Ground-disturbing activities would include site-specific grading for foundations, access driveways, and utility trenches. However, the project would be required to comply with SJMC Chapter 17.04, which requires a grading permit prior to ground-disturbing activities and calls for protection of slopes and the use of erosion and sediment controls on construction sites as necessary to protect water quality. Additionally, the project would implement the following condition to reduce erosion and the loss of topsoil:

Standard Permit Condition:

- 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.

Furthermore, the General Plan EIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. Because the project would comply with the regulations identified in the General Plan EIR and adhere to the standard permit conditions above, implementation of the proposed project would not have a significant soil erosion impact. **(Less than Significant Impact)**

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

If grading work is scheduled to begin in the wintertime, the near-surface soils may become unstable under the heavy traffic loads of construction equipment.

To address the presence of moderately expansive soils on-site, the project shall implement the standard permit condition listed above under GEO-1. The standard permit condition listed above under GEO-1, which would ensure that development of the site would not exacerbate risks to life and property. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **(Less than Significant Impact)**

The project does not propose use of a septic tank or other waste-water disposal system. Thus, there would be no impact. **(No Impact)**

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

Most of the City of San José is situated on an alluvial sand deposit of Holocene age that have a low potential to contain significant nonrenewable paleontological resources. While the project proposes excavation to a depth of approximately five feet, the General Plan EIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce the potential impacts to a less than significant level. The following standard permit conditions would be applied to the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

Standard Permit Condition:

If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, 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 of the PBCE.

Implementation of the standard permit condition discussed above would reduce impacts to paleontological resources to a less than significant level. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

This discussion is based, in part, on the Air Quality & Greenhouse Gas Assessment report prepared by Illingworth & Rodkin, Inc. in February 2020. A copy of this report is included in Appendix A of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂E (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas.

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Climate Smart San José

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

Reach Building Code

In 2019, the San José City Council Approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San Jose. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

Private Sector Green Building Policy (6-32)

The City of San José sets green building standards for municipal development. Projects are required to submit a LEED⁴¹, GreenPoint⁴², or Build It Green checklist with the development proposal. Projects which would develop 10 or more residential units (such as the proposed project) are required to achieve Greenpoint Rated 50 points or LEED Certification in accordance with Council Policy 6-32.

⁴¹ Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

⁴² Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

4.8.1.3 Existing Conditions

The project site is currently developed with residential buildings, paving and landscaping. Operation of these buildings generate GHG emissions from vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling of the buildings. It is estimated the existing uses generate approximately 45 metric tons (MT) of CO₂e annually.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The numeric thresholds set by BAAQMD were calculated to achieve the state’s 2020 target of 1990 GHG levels. The project is anticipated to take approximately one year to complete, starting in 2020 and finishing in 2021.

The state has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for state and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a significance threshold of 660 MT of CO₂e has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

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

CalEEMod was used to predict GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model, which is included in Attachment 2 of Appendix A.

Construction

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have adopted thresholds of significance for construction related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. It is estimated that construction of the project would generate a total of approximately 235 MT of CO₂e. Because construction would be temporary (approximately 12 months) and would not result in a permanent increase in emissions, the project would not generate GHG emissions, either directly or indirectly. **(Less than Significant Impact)**

Operation

Table 4.8-1 summarizes the project’s estimated operational year 2021 and 2030 service population and emissions, including area emissions, energy-related emissions, and mobile emissions.

Table 4.8-1: Project Operational GHG Emissions (MT of CO₂e/year)		
Source Category	Proposed Project in 2021	Proposed Project in 2030
Area	1	1
Energy Consumption	30	30
Mobile	113	88
Solid Waste Generation	4	4
Water Usage	2	2
Total	150	125
Net Emissions	105	80
<i>Significance Threshold</i>	<i>660 MT CO₂e/yr</i>	<i>660 MT CO₂e/yr</i>
Service Population Emission MT CO ₂ /e/year/service population	2.6	2.2
<i>Significance Threshold</i>	<i>2.6 in 3030</i>	<i>2.6 in 3030</i>
Significant (Exceeds both thresholds?)?	No	No
Source: Illingworth & Rodkin, Inc. 64-70 & 80-82 Glen Eyrie Air Quality & Greenhouse Gas Assessment. February 11, 2020.		

To be considered significant, the project must exceed both the GHG significance threshold of 660 metric tons per year and the service population significance threshold of 2.6. This project does not exceed either significance thresholds. Therefore, the project would have a *less-than-significant* impact regarding GHG emissions. As shown in Table 4.8-1 the project’s emissions would generate a net increase of 105 MT CO₂e per year and would not exceed the significance threshold of 660 MT

CO₂e per year, and the Service Population would not exceed 2.6; therefore, the project would have a less than significant operational GHG emissions impact. **(Less than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

As discussed under GHG-1 above, the project's construction and operational emissions would not conflict with AB 32 or SB 32. As discussed under Impact AIR-1 in Section 4.3 Air Quality, the project is consistent with the 2017 CAP. In addition, the project would reduce energy and water consumption by complying with Title 24, CALGreen, and City Council Policy 6-32 by achieving LEED certification, which in turn, would reduce GHG emissions associated with conveying these resources. Therefore, the project would not conflict with GHG emissions reduction policies and the impact is less than significant. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based, in part, on the Phase I Environmental Site Assessment prepared by Envirocom in May 2018. A copy of this report is included in Appendix D of this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴³

Asbestos-Containing Materials

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

CCR Title 8, Section 1532.1

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

Regional and Local

Envision San José 2040 General Plan

The proposed project would be subject to the hazards and hazardous materials policies and actions of the City's General Plan, including the following.

Envision San José 2040 Relevant Hazardous Materials Policies

Policy	Description
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 sensitive populations 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.
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 existing that could adversely impact the community or environment.
EC- 7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards for future users and provide as part of the environmental review process for all development projects. Mitigation measures or 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.

⁴³ CalEPA. "Cortese List Data Resources." Accessed November 26, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

- 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 remediations.
- EC-7.5** In development 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.
- 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 regulatory oversight exists.
- EC-7.11** Require sampling of 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.
- MS-13.3** Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's Airborne Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
-

4.9.1.2 *Existing Conditions*

On-Site Sources of Contamination

The project site has been used for residential purposes since approximately 1915. Properties to the north and west of the site, across Los Gatos Creek were under active agricultural use (primarily orchards) until the mid-1960s. The current structures on the project site were constructed between 1950 and 1956 and no other land uses associated with storage or use of hazardous materials were identified.

The existing residential buildings were constructed between 1950 and 1956, prior to the federal ban on use of lead-based paint (LBP) and asbestos-containing building materials (ACMs); therefore, on-site structures could contain ACMs, and or LBP. However, demolition and construction would be required to comply with BAAQMD Regulation 11, Rule 2, which governs the proper handling and disposal of Aluminum Composite Material for demolition, renovation, and manufacturing activities in the Bay Area.

Off-Site Sources of Contamination

Two properties with known soil and groundwater contamination were identified within 0.25-mile of the project site (Rotten Robbie No. 32, 1061 Lincoln Avenue, and Bantinich Property, 910 Lincoln Avenue). These properties were identified as having historical soil and groundwater contamination; however, case closures were issued for both properties indicating they pose no significant risk to human health and the environment.

The nearest airport to the project site is Norman Y. Mineta San Jose International Airport, approximately 2.7-miles north of the project site. The nearest school is River Glen School, approximately 800-feet southeast of the project site at 1088 Broadway Avenue.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<hr/>				
Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. (Less than Significant Impact)			
<hr/>				
Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact)			
<hr/>				

Construction

As described above, the buildings on-site were constructed between 1950 and 1956. Since all buildings on-site were constructed prior to 1978, the buildings are likely to contain ACMs and LBP. Exposure to ACMs have been linked to cancer, and LBP can cause serious health problems, especially to children and pregnant women. The project proposes to demolish the buildings on-site; therefore, the project would be required to implement the following standard permit conditions below.

Standard Permit Conditions: The project shall implement the following conditions to reduce impacts related to ACMs and LBP:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (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 lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, 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.

Implementation of the standard permit conditions above would reduce on-site contamination impacts to a less than significant level during construction of the proposed project. **(Less than Significant Impact)**

Operation

Operation of the proposed residential buildings would include the use and storage of cleaning supplies and maintenance chemicals in small quantities by future residents. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses. **(Less than Significant Impact)**

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

The nearest school is approximately 800 feet southeast of the project site. However, as discussed under Impact HAZ-2, the project would not create a hazard to the public due to use, transport, or disposal of hazardous materials, nor through upset or accidental release of hazardous materials. For these reasons, the proposed residential buildings would not emit hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. **(No Impact)**

Impact HAZ-4: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(No Impact)**

The project site is not listed on any hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be no impact. **(No Impact)**

Impact HAZ-5: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

The project site is approximately 2.75-mile south of SJIA, and there are no private airports in the vicinity of the site. Given this distance of separation, the project would not result in aircraft safety hazards and would not result in a substantial safety hazard for people residing or working in the project area. **(No Impact)**

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

The proposed residential development would be located midblock on Glen Eyrie Avenue, all construction activity would occur on the project site; therefore, the proposed project would not block

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

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

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

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the 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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3.

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 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.⁴⁴ Under Provision C.3 of the MRP, new and redevelopment

⁴⁴ MRP Number CAS612008

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

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

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

Envision San José 2040 General Plan

The proposed project would be subject to applicable policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements per City standards.
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.
ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
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.
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.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 Existing Conditions

Hydrology and Drainage

The 0.85-acre project site is located in the Guadalupe watershed. Runoff from the project site and the surrounding areas enter the City’s storm drainage system, which outfalls to Los Gatos Creek, located approximately 330 feet north and west of the project site. The project site is currently developed and paved, with approximately 19,163 square feet (51 percent) of the site covered with impervious surfaces. The project site is not located within a designated groundwater recharge zone.⁴⁵

Flooding and Other Hazards

The project site is not located within a 100-year flood zone. According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone D.⁴⁶ Flood Zone D denotes areas of undetermined, put possible, flood hazards. The project site is located within the Lexington Reservoir dam failure inundation area.⁴⁷ Due to the location of the project site approximately 27-miles east of the Pacific Ocean and approximately 8-miles south of the San Francisco Bay (the nearest water bodies susceptible to tsunami and seiche, respectively), it would not be subject to tsunami or seiche hazards.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁵ Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

⁴⁶ Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No 06085C0242H*. Effective Date May 18, 2009.

⁴⁷ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. Figure 3.7-5.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Construction Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction or demolition activity that results in land disturbances equal to or greater than one acre must obtain coverage under the Construction General Permit, which is administered by the SWRCB. The project would disturb less than one acre of land, and therefore would not be subject to the Construction General Permit.

Development projects in San José must also comply with the City’s Grading Ordinance whether or not the projects are subject to the Construction General Permit. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions: The following measures are included in the project to prevent stormwater pollution and minimize potential sedimentation during construction.

- Burlap bags filled with drain roc shall be installed around storm drains to route sediments and other debris away from the drains.
- Earthmoving or other 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 material shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site 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 remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

The proposed project, with implementation of the standard permit conditions listed above consistent with Council Policy 6-29, would not violate water quality standards during construction and any impact would be less than significant. **(Less than Significant Impact)**

Operational Impacts

The proposed project would replace more than 10,000 square feet of existing impervious surface area; therefore, it is considered a regulated project under Provision C.3 of the MRP. As such, the project proposes the use of numerically sized bioretention basins to meet the on-site runoff treatment requirements. Stormwater runoff from the new impervious surfaces on the site will drain into adjacent bioretention facilities, which will have sufficient capacity to treat the runoff prior to it entering the storm drainage system. Site design and pollutant source control measures included in the project include the preservation of existing trees, use of drought-tolerant and water-conserving landscape materials, and stenciled storm drain inlets. Implementation of these measures would reduce the rate of stormwater runoff while also removing the pollutants. For these reasons, the proposed project would not result in significant impacts (consistent with applicable post-construction standards). **(Less than Significant Impact)**

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

The project site would not directly use groundwater. While the project would increase impervious surfaces at the site by 61 percent, it would not affect groundwater recharge because the project area is not located in a recharge zone. As a result, any groundwater-related impact would be less than significant. **(Less than Significant Impact)**

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

Construction of the proposed project would not substantially alter the drainage pattern of the site or surrounding area. The project would increase the total impervious surface area of the project site by approximately 11,763 square feet; however, the project would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, thereby reducing the potential for erosion or siltation on and off the site. According to the FEMA Flood Insurance Rate Map, the project site is designated as Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D. For these reasons, development of the project site would not exceed the capacity of the existing storm drainage system serving the project site. **(Less than Significant Impact)**

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

The project site is not located within a 100-year floodplain or the Lexington Dam or Anderson Dam failure inundation zones.⁴⁸ As noted above, the project site is distant from waterbodies subject to hazard from tsunami or seiche. For these reasons, the proposed project would not be subject to inundation by seiches, or tsunamis thus, there would be no impact. **(No Impact)**

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(No Impact)**

The project site is not located within, a groundwater recharge area.⁴⁹ The proposed project would not interfere with groundwater recharge, transport, and/or groundwater quality. Therefore, there would be no impact. **(No Impact)**

⁴⁸ SCVWD. *Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps*. April 2016.

⁴⁹ SCVWD. *2016 Groundwater Management Plan*. Figure 1-3. 2016.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The proposed project would be subject to the land use policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Land Use Policies

Policies	Description
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.
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).
LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

4.11.1.2 *Existing Conditions*

Project Site

The project site is located in the Willow Glen neighborhood of San José. The site is zoned Multiple Residential (R-M). The R-M Zoning District is a district intended to support higher-density development and higher density residential-commercial mixed-use development. In addition, the project site has a General Plan land use designation of Residential Neighborhood. This land use designation is applied broadly throughout the city to encompass most of the established, single-family neighborhoods and is designed to preserve the existing character of these neighborhoods, limiting new development to infill projects which closely conform to the prevailing existing neighborhood character.

Surrounding Land Use

Development in the area generally consists of residential land uses surrounding the project site and commercial uses concentrated on either side of Lincoln Avenue. Surrounding land uses include two-story apartments to the north and east, two-story apartments and one-story single family residences to the south, and one-story single-family residences to the west (refer to Figure 2.8-3 Aerial Photograph). The General Plan land use designation and zoning of the surrounding area are summarized in Table 4.11-1.

Direction	General Plan Designation	Zoning District	Existing Use
North	Residential Neighborhood	Multiple-Residence	Residential
South	Residential Neighborhood	Multiple-Residence and Two-Family Residential	Residential
East	Residential Neighborhood	Multiple-Residence	Residential
West	Residential Neighborhood	Multiple Residence	Residential

4.11.2 Impact Discussion

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

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

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes an 18-unit residential development that is consistent with the General Plan designation and zoning and would not include construction of dividing infrastructure. The project area consists of multi- and single-family residential uses, and the proposed town home buildings would not introduce new or incompatible land uses to the area. For these reasons, the project would not physically divide an established community. **(No Impact)**

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

As described in the individual sections of this document, the project would not conflict with plans, policies, or regulations such that a significant environmental impact would occur. **(Less than Significant)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is approximately 3.5-miles northwest of the Communications Hill area.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill. The project would not result in the loss of availability of a known mineral resource. **(No Impact)**

Impact MIN-2: The project would not 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. **(No Impact)**

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

4.13 NOISE

This discussion is based, in part, on the Noise Assessment report prepared by Edward L. Pack Associates, Inc. in February 2020. A copy of this report is included in Appendix E of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel (dB) scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁵⁰ Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level (CNEL)* is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level (L_{dn} or DNL)* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period. These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely

⁵⁰ Energy-equivalent sound/noise descriptor (L_{eq}) is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.13.1.2 Regulatory Framework

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

Local

Envision San José General Plan

The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.13-1.

Envision San José 2040 Relevant Noise Policies

Policies	Description
EC-1.1	<p>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:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none"> 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 <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none"> The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses [refer to Table EC-1 in the General Plan or Table 4.13-1 in this IS/Addendum]. The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:

-
- For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels [Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.13-1 in this IS/Addendum] 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 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.




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

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

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

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 building 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. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings 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. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and 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.

Table 4.13-1: General Plan Land Use Compatibility Guidelines						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
Notes: ¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						
Normally Acceptable:						
	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
Conditionally Acceptable:						
	Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.					
Unacceptable:						
	New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.					

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.⁵¹ The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval.

4.13.1.3 Existing Conditions

The project site lies outside of the 60 dBA CNLE 2027 noise contour of the Norman Y. Mineta San José International Airport.⁵² The project site is located on the south side of Glen Eyrie Avenue between Lincoln Avenue and Carolyn Avenue. Glen Eyrie Avenue is the primary noise source at the project site.

⁵¹ The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

⁵² City of San José. *Norman Y. Mineta San José International Airport Master Plan Update Project: Eighth Addendum to the Environmental Impact Report*. February 10, 2010.

A noise monitoring survey was completed to document existing noise conditions within and near the project site. The noise monitoring survey included one long-term noise measurements (LT-1), the noise measurement location is shown on Figure 4.13-1. The noise measurement location was chosen for security of the sound measuring instrument. Based on the noise report included in Appendix E, the existing ambient noise of the area ranges from 40 to 59 dBA during the daytime and 40 to 59 dBA during the nighttime.

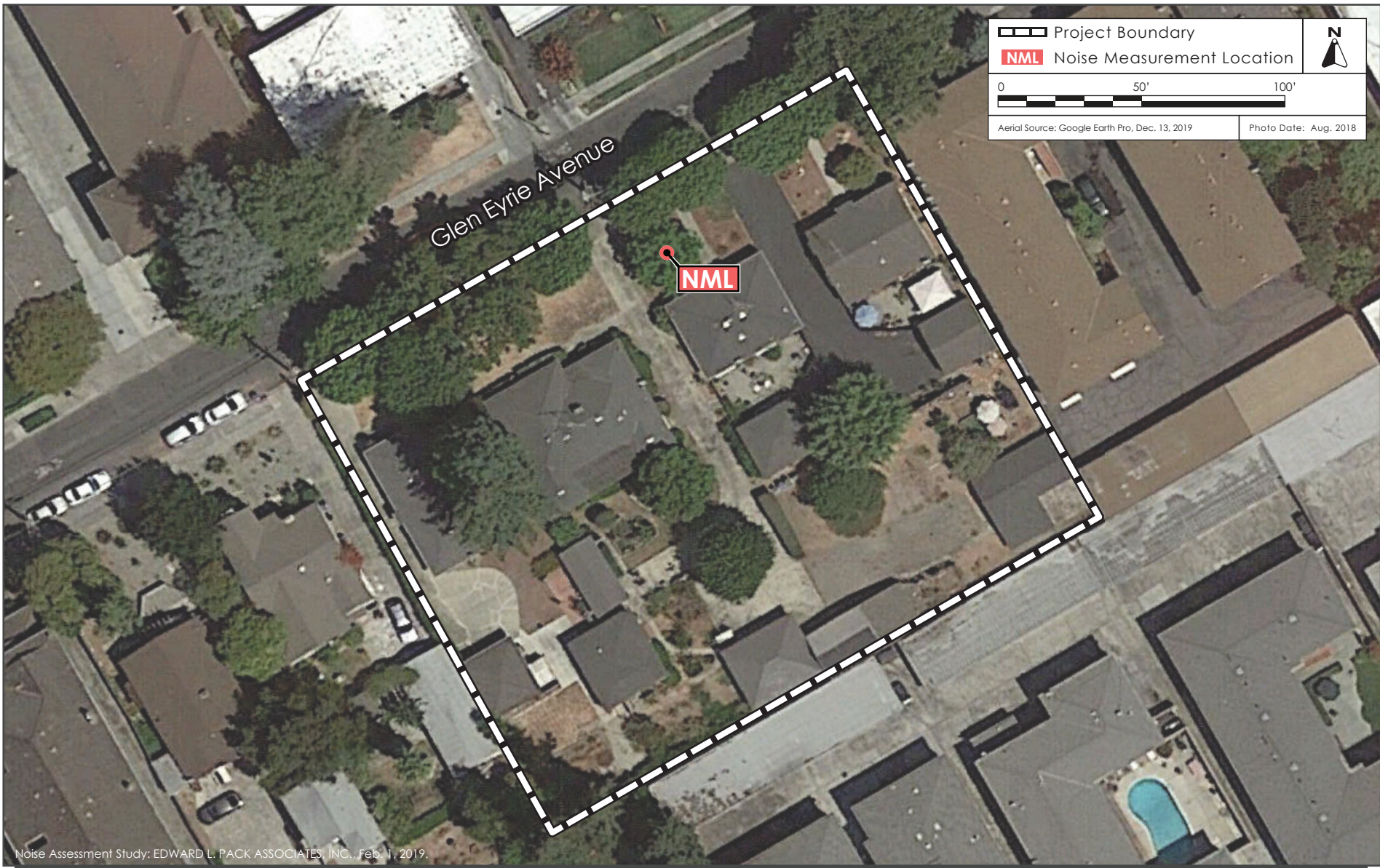
The existing noise environment at the project site results primarily from vehicular traffic on Glen Eyrie Avenue, vehicular traffic on Lincoln Avenue and Interstate 280 is also audible at the site but, to a lesser extent than traffic on Glen Eyrie Avenue. Aircraft associated with Norman Y. Mineta San José International Airport are also audible at times (though the project site is located outside of the Norman Y. Mineta San José International Airport 60 dBA noise contour).⁵³ The results of the noise measurements are summarized below.

Long-Term





LT-1 was made approximately 42 feet from the center of Glen Eyrie Avenue near the north end of the project site to represent the ambient noise environment at residential land uses at and bordering the site. Vehicular traffic was the primary source of noise affecting ambient noise levels, which typically ranged from 49 to 56 dBA L_{eq} during the day and from 40 to 59 dBA L_{eq} at night.⁵⁴ The day-night average noise level was 58 dBA DNL.

⁵³ County of Santa Clara. *Comprehensive Land Use Plan for Norman Y. Mineta San José International Airport*. November 16, 2016.

⁵⁴ Ambient noise levels at night have been adjusted and include a penalty for noise levels exceeding City standards between 9:00 PM and 6:00 AM.



Noise Assessment Study: EDWARD L. PACK ASSOCIATES, INC., Feb. 1, 2019.

 Project Boundary	
 NML Noise Measurement Location	
	
Aerial Source: Google Earth Pro, Dec. 13, 2019 Photo Date: Aug. 2018	

NOISE MEASUREMENT LOCATIONS

FIGURE 4.13-1

4.13.2 Impact Discussion

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

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

Construction Noise

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of 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. Policy EC-1.7 of the City’s General Plan requires that construction use best available noise suppression devices and techniques and limit construction hours near residential uses per the Municipal Code (7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use). The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) for more than 12 months.

The project would involve demolition of the four existing residences, grading, excavation, site preparation, construction and architectural coating for the new townhome buildings. Construction would be completed in one phase and is estimated to take up to 12 months.

Adjacent residential land uses are exposed to ambient daytime noise levels typically ranging from 49 to 56 dBA L_{eq} during the day and from 40 to 59 dBA L_{eq} at night. During project construction,

construction noise levels would fall within the range of 54 and 118 dbA L_{eq} at the nearest sensitive receptors. Therefore, construction noise at the nearest sensitive receptors would exceed the normally acceptable levels of 55 dBA. However, construction activities would not occur over a period longer than 12 months. Therefore, the project would not exceed the City threshold of significance for construction noise. Nonetheless, the following standard permit condition, will be implemented to reduce potential construction noise impacts to a less than significant level.

Standard Permit Conditions: Prior to the issuance of any building permits, the applicant shall implement the following standard conditions to ensure that project-generated construction equipment would be less than significant:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to residences, which includes the eastern, southern, and western property lines.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

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

Operational Noise

According to the noise report found in Appendix E, ambient noise levels ranged from 49 to 56 dBA L_{eq} during the day and from 40 to 59 dBA L_{eq} at night. The day-night average noise level was 58 dBA DNL.

Traffic Noise

As discussed in Section 4.17 the project would generate approximately 80 new daily vehicle trips above existing conditions. This increased traffic is estimated to result in a negligible 0.15 dB increase in traffic noise in the project vicinity. General Plan policy EC-1.2 states that an impact would occur if a project caused the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”, which for residential is less than 60 dBA DNL. Thus, the project would not exceed the City’s threshold of an increase of 5 dBA DNL or more. **(Less than Significant Impact)**

Mechanical Equipment

The project would include 18 air conditioning units, one for each proposed residential unit. As shown in Figure 3.2-1, the air conditioning units would be located on the north side of the rear yards of each residential unit on the east and west property lines and a six-foot tall concrete masonry wall would be constructed along the east, west, and south property line. As noted in Section 3.2.4, air conditioning units would be Carrier 24HA4048 (or similar model) and would have a factory rating of 70 dBA Sound Power level. This sound power level was used to estimate equipment noise levels at the project site and the nearest sensitive receptors (adjacent residences to the east, west, and south of the project site) during operation. Air conditioning units at the project site would generate sound levels ranging from 36 to 53 dBA DNL at the nearest sensitive receptors. Therefore, project-generated mechanical noise would not exceed the City’s Municipal Code standard of 55 dBA at the property line and by 2 dBA at adjacent residences to the east and west. Thus, impacts would be less than significant **(Less than Significant Impact)**

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

The construction of the project may generate vibration when heavy equipment or impact tools are used. Construction activities would include the demolition of existing structures, site preparation work, excavation for new building foundations, foundation construction work, and new building framing and finishing. Pile driving is not anticipated as a foundation construction technique.

Policy EC-2.3 of the City of San José General Plan establishes a vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of

protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

A review of the City of San José Historic Resource Inventory identified the residences located at 1197 Willow Street, approximately 1,270 feet (0.24-mile) from the project site, as the only historic resource in the site vicinity.

Based on the noise and vibration assessment, the construction of the project would not generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the nearest historic property (located 1,270 feet from the project site). Additionally, the 0.2 in/sec PPV threshold for buildings of conventional construction would not be exceeded on properties adjacent to the site with implementation of conditions of approval listed below because vibration generating activities would occur primarily outside of the 0.20 in/sec. vibration contour. The following condition of approval would be implemented during demolition and construction of the project.

Conditions of Approval:

- **Equipment Selection:** The project applicant shall implement the following controls to reduce vibration impacts from construction activities:
 - Prohibit impact or vibratory pile driving. Drilled piles or mat slab foundations cause lower vibration levels where geological conditions permit their use.
 - A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee 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.
 - Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
 - Use smaller equipment to minimize vibration levels below the limits.
 - Avoid using vibratory rollers and tampers near sensitive areas.
 - Select demolition methods not involving impact tools.
 - Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
 - Avoid dropping heavy objects or materials.

- Vibration monitoring plan. The project applicant shall implement the following controls to identify and monitor construction vibration:
 - Implement a construction vibration monitoring plan to document conditions on conventional properties within 30 feet of the project site 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 be implemented to include the following tasks:
 - Identification of sensitivity to ground-borne vibration of the property. A vibration survey (generally described below) shall be performed.
 - Performance of a photo survey, elevation survey, and crack monitoring survey for the structures within 30 feet of the site. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure.
 - Development of a vibration monitoring and construction contingency plan to identify where monitoring shall 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. Construction contingencies shall be identified for when vibration levels approach the limits.
 - If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.
 - The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
 - 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.

- The vibration monitoring plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee prior to the issuance of a grading or building permit.

With implementation of the conditions of approval identified above, construction of the proposed project would not generate vibration in excess of the standards defined in the City's Noise Element. **(Less than Significant Impact)**

Impact NOI-3: The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

Norman Y. Mineta San Jose International Airport is located approximately 2.75-miles from the project site. As discussed above, the project lies outside the 60 dBA CNEL 2027 noise contour of the airport. The project site is not located in the vicinity of a private airstrip; therefore, the project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels. **(No Impact)**

4.13.2.1 *Non-CEQA Effects*

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project.

The Noise Element of the General Plan establishes 60 dBA DNL as the maximum suggested exterior noise level for residential land uses. Based on the long-term noise measurements taken at the project site, on-site exterior noise levels would be approximately 53 dBA DNL with all mechanical equipment operating. Assuming typical construction methods, interior noise levels are approximately 15 dBA lower than exterior levels within residential units with the windows partially open and approximately 20 to 25 decibels lower than exterior noise levels with the windows closed. The City has established an interior noise standard of 45 dBA DNL for residential uses. Future project residences would not be exposed to noise levels which would exceed the acceptable interior noise standard with windows partially open nor with windows closed.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁵⁵ The City of San José Housing Element and related land use policies were last updated in 2018.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in May 2019 with an average of 3.20 persons per household.⁵⁶ Full build under the General Plan is expected to result in a City population of over 1.3 million people by 2035. To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

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

The project site is currently developed with four residential structures 8,363 square feet. Based on the City's average persons per household, the project site includes approximately 13 residents.

⁵⁵ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed November 22, 2019. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁵⁶ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed November 22, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

4.14.2 Impact Discussion

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

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

The project proposes to replace four existing single-family residences with three new townhome buildings containing a total of 18 residential units, generating approximately 58 residents, which is a net increase of 45 residents. The proposed project is consistent with the existing Residential Neighborhood General Plan land use designation which calls for preservation of existing residential neighborhoods and limits new development within these areas to infill projects which closely conform to the prevailing existing character of the neighborhood. The project would not extend a road or infrastructure (i.e. utility mains) that would indirectly induce growth in unplanned areas. As a result, the impact is less than significant. **(Less than Significant Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

The project would demolish four residential units construct 18 new residential units, resulting in a net increase of 14 residential units. The project would result in temporary displacement of the existing residents during project construction. However, these residents could potentially occupy new residential units on the site after construction of the proposed project is complete. Overall, the project would increase the housing stock in San José. Thus, the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

4.15 PUBLIC SERVICES
4.15.1 Environmental Setting
4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a

project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The following policies are specific to public services and are applicable to the proposed project:

Envision San José 2040 Relevant Public Service Policies	
Policies	Description
FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: <ol style="list-style-type: none"> 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

- PR-1.12** Regularly update and utilize San José’s Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
- PR-2.4** To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
- PR-2.5** Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sports fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
-

Greenprint

To implement the park and recreation policies of the General Plan, the 2000 Greenprint provides staff and decision makers with a strategic plan for expanding recreation opportunities in the City. The 2000 Greenprint identified areas of the City that are underserved by park and recreation facilities and includes policies and strategies to correct those deficiencies.

4.15.1.2 Existing Conditions

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is San José Fire Department Station #6 located at 1386 Cherry Avenue, approximately 0.6-mile south of the project site. The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 2.6-miles northeast of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Western Division. The division consists of four patrol districts. The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent all Priority 2 (nonemergency) calls.

Schools

The project site is located in the San José Unified School District (SJUSD). The school district operates 41 schools (26 elementary, one K-8 schools, six middle schools, six high schools, and two alternative education programs) serving over 30,000 students.⁵⁷ The project site is within the Willow Glen Elementary, Willow Glen Middle School, and Willow Glen High School attendance boundaries

⁵⁷ San José Unified School District. “Information Guide.” Accessed: November 22, 2019. Available at: https://www.sjUSD.org/docs/district_information/2018_Info_Guide_ENG_WEB.pdf.

assigned by the SJUSD.⁵⁸ River Glen, bilingual school is the nearest SJUSD school to the project site located at 1088 Broadway Avenue. Other SJUSD schools in the project vicinity include Willow Glen Elementary is located at 1425 Lincoln Avenue, Willow Glen Middle is located at 2105 Cottle Avenue, and Willow Glen High is located at 2001 Cottle Avenue. The General Plan EIR found that SJUSD was operating above capacity by 1,004 students.⁵⁹

Parks

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 community centers, nine regional parks, and over 55 miles of trails. The City’s Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of City park facilities. The nearest public park is Hummingbird Park, located at the corner of Fisk Avenue and Bird Avenue, 0.4-mile northeast of the project site. The park includes a youth playground.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Willow Glen Branch Library at 1157 Minnesota Avenue, approximately 0.6-mile south of the project site. The nearest community center is the Gardner Community Center, located at 520 West Virginia Street, 0.8-mile northeast of the project site.

4.15.2 Impact Discussion

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

⁵⁸ San José Unified School District. “School Site Locator.” Accessed: November 22, 2019. Available at: <http://apps.schoolsitetlocator.com/?districtcode=25499#>.

⁵⁹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011. Table 3.9-2.

Impact PS-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. **(Less than Significant Impact)**

As discussed in Section 3.14 Population and Housing, the proposed project would result in a net increase of 45 residents compared to existing conditions, which would incrementally increase the demand for fire protection services compared to existing conditions. However, there are currently adequate SJFD facilities to support the proposed development, and the project would not preclude the SJFD from meeting their service goals or require the construction of new or expanded fire or police facilities. 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, such as General Plan Policy ES-3.9, to promote public and property safety. For these reasons, the proposed project would not result in a significant impact on fire protection services. **(Less than Significant Impact)**

Impact PS-2: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **(Less than Significant Impact)**

The project would incrementally increase the demand for police protection services compared to existing conditions; however, there are currently adequate SJPD facilities to support the proposed development, and the project would not preclude the SJPD from meeting their service goals or require the construction of new or expanded fire or police facilities. 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, such as General Plan Policy ES-3.9, to promote public and property safety. For these reasons, the proposed project would not result in a significant impact on police protection services. **(Less than Significant Impact)**

Impact PS-3: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **(Less than Significant Impact)**

According to the SJUSD student generation factors, multi-family residential development generates 0.238 students per dwelling unit.⁶⁰ Based on this generation factor, the proposed 18-townhome units are estimated to increase the student population in the project area by approximately four students. The increase of four students would not require the construction of a new school. In addition, the

⁶⁰ San José Unified School District. *Development Fee Justification Study*. April 2014. Appendix 1.

project developer will be required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed project, in accordance with California Government Code Section 65996.

The project would conform to Government Code Section 65996, which requires the project to pay school impact fees; therefore, any impact would be less than significant. **(Less than Significant Impact)**

Impact PS-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **(Less than Significant Impact)**

A discussion of project-related impacts to park facilities is included in Section 4.16

Impact PS-5: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **(Less than Significant Impact)**

Full build out of the General Plan would provide approximately 0.68 square feet of library space per capita for the anticipated resident population by 2035, which is above the City's service goal of 0.59 square feet of library space per capita (General Plan Policy ES-2.2). The proposed project is consistent with the existing General Plan designation. For this reason, the proposed project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals or result in a significant impact to library facilities. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Envision San José 2040 General Plan Policies

The following policies are specific to recreational resources and are applicable to the proposed project:

Envision San José 2040 Relevant Recreation Policies	
Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 SF per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
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.

Greenprint

To implement the park and recreation policies of the General Plan, the 2000 Greenprint provides staff and decision makers with a strategic plan for expanding recreation opportunities in the City. The 2000 Greenprint identified areas of the City that are underserved by park and recreation facilities and includes policies and strategies to correct those deficiencies.

4.16.1.2 Existing Conditions

The project site is located within the Willow Glen Planning Area of San José, which is currently underserved with respect to parklands for the population. The area needs an additional 100.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.⁶¹ However, the project area is not considered underserved with respect to community centers for the population.

The nearest public park is Hummingbird Park, located at the corner of Fisk Avenue and Bird Avenue, approximately 0.44-mile northeast of the project site. Hummingbird Park is a 0.4-acre neighborhood park featuring a youth playground for ages two to five.⁶² The nearest community center is Gardner Community Center, located at 520 West Virginia Street, approximately 0.81-miles northeast of the project site. Gardner Community Center features a banquet hall, two classrooms, 11 computers, a game room, and fitness center with senior and youth-oriented programs.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact REC-1: 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. **(Less than Significant Impact)**

The project could generate a net increase of approximately 45 residents (refer to Section 4.14) who would utilize existing recreational facilities. The project would conform to the City’s Parkland Dedication Ordinance and Park Impact Ordinance and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities.

With payment of the required impact fees discussed above, the proposed project would not result in physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts to parks. **(Less than Significant Impact)**

⁶¹ City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

⁶² City of San José. “Hummingbird Park.” Accessed January 31, 2020.

<https://www.sanjoseca.gov/Home/Components/FacilityDirectory/FacilityDirectory/2233/36>

Impact REC-2: 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. **(Less than Significant Impact)**

As noted above, the project would pay in-lieu fees to meet City open space requirements. No new off-site recreational facilities would be required to serve the population increase that would result from the project. New residents would be adequately served by existing parks in the area, including Hummingbird Park, 0.4-mile southeast of the project site. The proposed project would not result in the construction of new recreational facilities within the potential to adversely affect the environment and any impact would be less than significant. **(Less than Significant Impact)**

4.17 TRANSPORTATION

This discussion is based, in part, on a Local Transportation Analysis prepared by J. Daniel Takacs, TE on February 3, 2020. This report is included as Appendix F to this initial study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires an analysis of VMT as the metric for determining the significance of transportation impacts.

SB 743 did not authorize Office of Planning and Research (OPR) to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50-mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Congestion Management Program

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

Bike Plan 2020

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

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, 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 per capita VMT. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

If a project's VMT does not meet the established screening criteria or exceeds thresholds, a Transportation Analysis and potential mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements.

Envision San José 2040 General Plan

The proposed project would be subject to the transportation policies in the General Plan, including the following:

Envision San José 2040 Relevant Transportation Policies

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
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.

- TR-3.3** As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
- TR-8.4** Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
- CD-2.3** Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.
- Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
 - Create easily identifiable and accessible building entrances located on street frontages or paseos.
 - Accommodate the physical needs of elderly populations and persons with disabilities.
 - Integrate existing or proposed transit stops into project designs.
- 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.

4.17.1.2 *Existing Conditions*

Existing VMT

The project site is currently developed with four single-family residences. Although, the VMT from existing residences is not available, it is estimated that the project area has an existing VMT of approximately 8 miles per capita per day, lower than other residential neighborhoods in the city.⁶³

Roadway Network

Regional access to the project site is provided via I-880 and I-280. Local access to the site is provided by Glen Eyrie Avenue, a two-lane residential street and Lincoln Avenue, a main two-lane main street with a reversible center lane. The intersection of Lincoln Avenue and Glen Eyrie Avenue is stop-controlled with a stop sign on the Glen Eyrie Avenue approach to Lincoln Avenue. The intersection of Lincoln Avenue and Coe Avenue is located about 150 feet north of Glen Eyrie Avenue and is signal controlled.

⁶³ J. Daniel Takacs, TE. *Glen Eyrie Residential Transportation Analysis, San Jose, California*. February 11, 2020.

Pedestrian, Bicycle Facilities, and Transit Services

Pedestrian Facilities

Pedestrian facilities near the project site consist mostly of sidewalks along the streets in the study area. Sidewalks are found along both sides of all streets near the project site except one section of Glen Eyrie Avenue west of the project site and one section of Coe Avenue east of Lincoln Avenue. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at the intersection of Lincoln Avenue/ Coe Avenue.

Bicycle Facilities

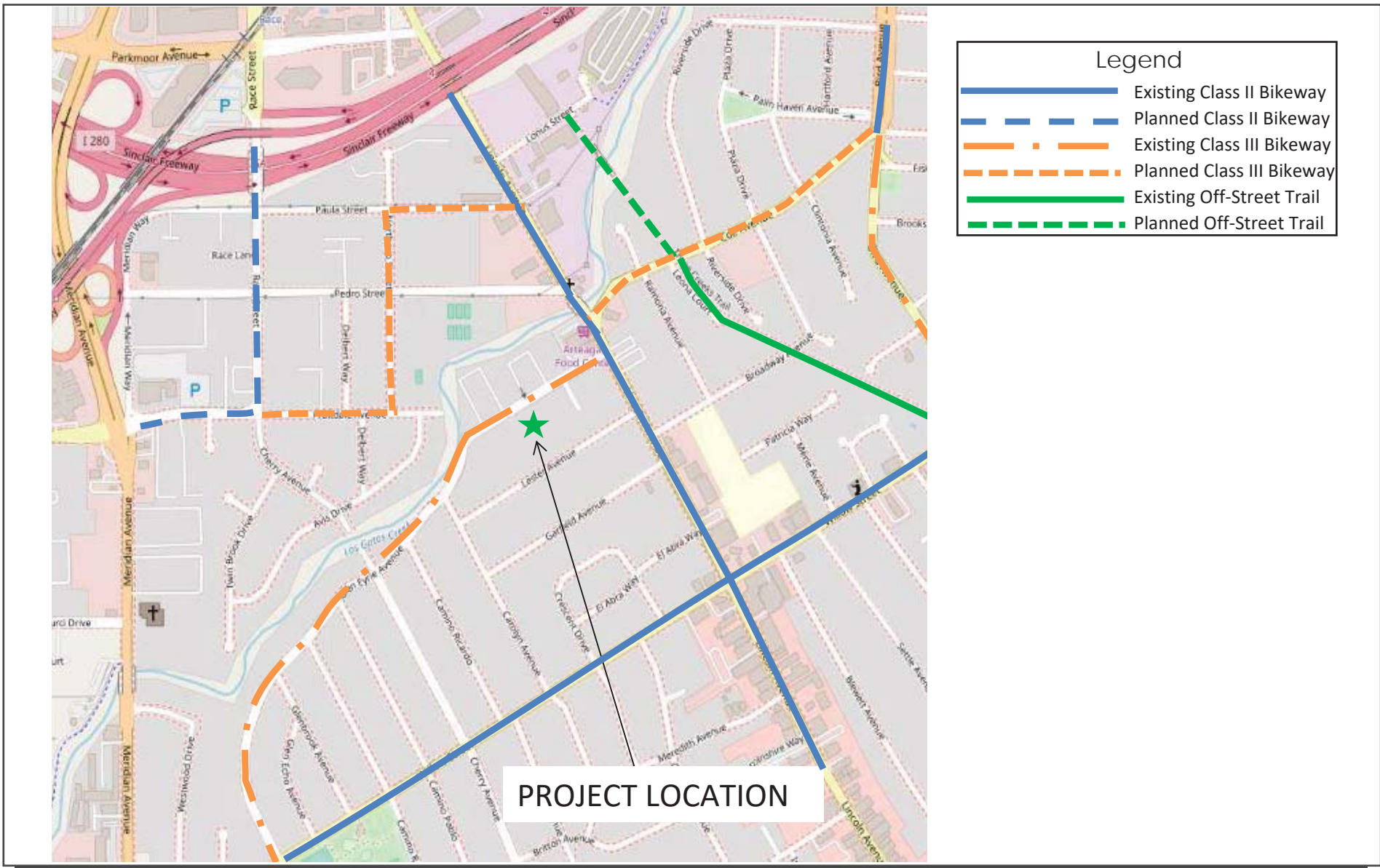
Within the vicinity of the project site, striped bike lanes are present on Lincoln Avenue, Willow Street, Bird Avenue. Planned bike lanes are planned for Fruitdale Avenue and Race Street East of Meridian Avenue. Glen Eyrie is a Class III facility for its entire length and a portion of Bird Avenue is designated as a Class III bike route. In the vicinity of the project site, Class III bike routes are also planned for Fruitdale Avenue, Paula Street, Coe Avenue, and Cherry Avenue.

Bay Wheels operates bike share program in San Jose with docking stations located primarily in the downtown (and close vicinity) and North San Jose Area. The program offers bikes for short-term rental. The nearest docking station to the project site is located at the intersection of Bird Avenue/ Coe Avenue. Figure 4.17-1 shows the location of existing bicycle facilities in the project vicinity.

Transit Facilities

The Diridon Transit Center is located approximately 1.23-mile north and east of the project site, along Cahill Street. The Diridon Transit Center provides connections between local and regional bus routes, light rail lines, and commuter rail lines. Light Rail Transit (LRT) service at the Diridon Transit Center is provided by the Mountain View-Winchester LRT line. Regional commuter rail services provided at the Diridon Transit Center include Caltrain, Altamont Corridor Express Service, and the Amtrak Capitol Corridor. Figure 4.17-2 shows the location of existing transit facilities in the project vicinity.

The nearest light rail station to the project site is the Race Street Station, which is located approximately 0.66-mile walking distance north of the project site. The Race Street Station is on the Mountain View-Winchester light rail line.



LOCATION OF EXISTING BICYCLE FACILITIES IN PROJECT VICINITY

FIGURE 4.17-1



LOCATION OF EXISTING TRANSIT FACILITIES IN PROJECT VICINITY

FIGURE 4.17-2

The project site is served by VTA bus route 64, which services the Almaden light rail station and McKee and White Roads via downtown San José between 5:40 a.m. and 10:50 p.m. with headways of 30 minutes. The nearest bus stops to the project site serve bus route 64 and are located along both sides of Lincoln Avenue (near Coe Avenue), approximately 530 feet from the project site.

4.17.2 Impact Discussion

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

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

General Plan Conformance

The project would comply with General Plan policies TR-2.8, TR-8.4, and CD-3.3 by including only the minimum number of required vehicle parking spaces and exceeding the minimum bicycle parking spaces required; designing units with frontage on Glen Eyrie to be oriented to the street with pedestrian scale design features and unit entrances facing the street. Furthermore, the project would be reviewed by Transportation and public works prior to approval to ensure compliance with City design standards for safe pedestrian and motorist access to the site, consistent with General Plan Policy TR-1.6. Thus, impacts would be less than significant. **(Less than Significant Impact)**

Pedestrian Facilities

The existing network of sidewalks and crosswalks in the vicinity of the project site provides connectivity to the Lincoln Avenue commercial corridor, the residential area west and south of the project site and transit stops located on Lincoln Avenue and Coe Avenue. The existing sidewalk on Glen Eyrie Avenue would provide pedestrian access to the site, and this along with all other pedestrian facilities in the project vicinity would be sufficient to serve the project. The project proposes sidewalk improvements at the frontage and would not conflict with program plans, or policies addressing pedestrian improvements. Thus, the impact would be less than significant. **(Less than Significant Impact)**

Bicycle Facilities

The bikeways within the vicinity of the project site would remain unchanged under project conditions. The project would be directly served by a bike route that runs the entire length of Glen Eyrie Avenue, as well as bike lanes on Lincoln Avenue, Lincoln Avenue and Bird Avenue in the project vicinity. For these reasons, the proposed project would not conflict with, or preclude the construction of planned areawide improvements, as a result, the impacts would be less than significant. **(Less than Significant Impact)**

Transit Operations

The project site is served by the existing VTA transit services. However, due to the limited number of transit lines within walking distance of the project site, increased transit ridership resulting from the project would be negligible. New transit trips generated by the project are not expected to create demand in excess of the transit service that is currently provided. The proposed project would not alter existing transit facilities or conflict with the operation of existing or planned facilities. Therefore, the proposed project would conflict with existing plans or policies and the impact would be less than significant. **(Less than Significant Impact)**

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

The project would replace four existing residential units with 18 new attached townhome units, which meets the City's screening criteria under Policy 5-1 for small-infill project attached single-family or multi-family projects of 25 units or less. Therefore, the proposed project is screened to result in a less than significant VMT impact and a detailed CEQA transportation analysis that evaluates the project's effects on VMT is not required. Thus, the impact would be less than significant. **(Less than Significant Impact)**

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

Vehicular access to the project site is proposed via two one-way 20-foot wide driveways along the north project frontage on Glen Eyrie Avenue. The westerly driveway would be operated as one-way outbound while the easterly driveway would be operated as one-way inbound. The project driveway would meet the City's minimum 16-foot width for one-way driveways and would not result in a hazardous design feature. The 34-foot inside and 50-foot outside radii of the driveway horizontal curve at the southern portion of the site meets the design requirements of fire trucks and solid waste trucks.

The project would generate an increase of 14 new vehicle trips during the AM and PM peak hours, including two inbound trips and five outbound trips during AM peak hour and five inbound trips and two outbound trips during the PM peak hour. Entry gates are not indicated on the site plan; therefore, inbound queuing into the project site is not anticipated. Further, the proposed project would be

subject to City review to ensure compliance with traffic engineering standards and transportation planning principles. As a result, the project would not increase hazards due to a design feature and the impact would be less than significant. **(Less than Significant Impact)**

Impact TRN-4: The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The proposed project site design provides adequate corner radii, driveway width, parking dimensions which satisfy the City’s design standards and would be required to provide signage to satisfy the City of San José design standards. Further, the project would be reviewed for consistency with applicable CBC and Fire Code requirements for access and safety. As such, the proposed project would have a less than significant emergency access impact. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

Under City of San Jose Council Policy 5-1, a Local Transportation Analysis was prepared to discuss the operational nature of the project. The information presented in this section is for informational purposes only and not for determining the significance of an environmental impact. The City of San José has policies that address Level of Service (LOS) as a planning or growth management matter, outside the CEQA process.

Construction Impacts

Project construction will generate employee trips, truck trips associated with site demolition and delivery of material and miscellaneous trips associated with inspections and service trips to the site. The three existing site driveways would allow large trucks to park on-site during early construction activities including demolition and the project driveways, when constructed will allow trucks that are delivering material to park and circulate on-site when delivering materials. During periods of time during demolition and construction when parking large trucks on-site may not be feasible and parking on Glen Eyrie Avenue for short periods of time would be necessary, at least one travel lane should remain open on Glen Eyrie Avenue and a flagman should be used to control traffic on Glen Eyrie Avenue. Should it be necessary to park a large truck on Glen Eyrie Avenue for an extended period of time during demolition or construction, the truck should be parked at the curb to maintain two lanes for travel on Glen Eyrie Avenue. The project applicant should coordinate the posting of “NO PARKING”, “TOW-AWAY” signs as needed for vehicle staging or construction activities with the City of San Jose.

Trip Generation

It is estimated that the project would generate an additional 123 daily vehicle trips, with seven net new trips (two inbound and five outbound) occurring during the AM peak hour and seven net new trips (five inbound and two outbound) occurring during the PM peak hour.⁶⁴

Intersection Operations Analysis

Traffic conditions at one signalized intersection in the project area were evaluated using LOS and compared to the City’s Transportation Analysis Handbook standards. LOS is a qualitative description

⁶⁴ Net trip generation is calculated by estimated the total trips generated by the proposed use and subtracting the total trips generated by the existing use (four single family residences).

of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Table 4.17-1 below shows the intersection operations analysis results.

Table 4.17-1: Existing, and Existing Plus Project Intersection Levels of Service						
Intersection	Peak Hour	Existing		Background Plus Project		
		Average Delay	LOS	Average Delay	LOS	Increase in Critical Delay
Lincoln Avenue and Glen Eyrie Avenue	AM	1.2	A	1.3	A	0.1
	PM	1.1	A	1.1	A	0
LOS = Level of Service, AM = morning peak hour (between 7:00 and 9:00 AM), PM = evening peak hour (between 4:00 and 6:00 PM).						
Source: J. Daniel Takacs, TE. <i>Glen Eyrie Residential Transportation Analysis, San Jose, California</i> . February 11, 2020.						

As shown in Table 4.17-1, the Lincoln Avenue and Glen Eyrie Avenue intersection currently operates at an acceptable LOS. Under existing and existing plus project conditions the intersection would continue to operate at an acceptable LOS.

Parking

The parking requirement was evaluated based on San Jose Municipal Code (Chapter 20.90, Table 20-190). The required on-site parking spaces based on the City’s Municipal Code is 48 parking spaces. The project proposes 48 parking spaces: 36 spaces in two-car parking garages for each residential unit and 12 visitor spaces. The City requires the project to have 5 bicycle spaces. The project will meet this requirement with 28 spaces for residents and 6 spaces for visitors.

Neighborhood Traffic Intrusion

Based upon observations of existing traffic patterns on Glen Eyrie Avenue, an estimated 10 to 15 percent of the project traffic generation would arrive and depart via Glen Eyrie Avenue to/ from the west. This would increase the number of trips traveling on Glen Eyrie Avenue through the residential neighborhood to the west by 12 to 18 trips per day. Based upon the existing traffic volume on Glen Eyrie Avenue at the project site, which is approximately 2,000 vehicles per day, the additional traffic added by the project on Glen Eyrie Avenue west of the project would not be significant.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

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

4.18.1.2 *Existing Conditions*

The Ohlone tribe has sent a written request for notification of projects citywide to the City of San José. Based on available data, there are no recorded tribal cultural objects in the project area. In addition, as discussed in Section 3.5 Cultural Resources, the project site is not located within an area of high archaeological sensitivity.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

Based on available data, the project site has low archaeological sensitivity and there are no recorded tribal cultural objects in the project area. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area. The City of San José notified the Ohlone tribe of the project on March 8, 2019. To date, the tribe has not initiated formal consultation under AB 52 for this project.

Any subsurface artifacts or human remains found on-site would be addressed consistent with the standard permit conditions identified under Impacts CUL-2 and CUL-3. Therefore, the proposed project would have a less than significant impact on TCRs. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

Envision San José 2040 General Plan

The proposed project would be subject to the utilities and services policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
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.
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. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
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.
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.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
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.

Private Sector Green Building Policy

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

4.19.1.2 *Existing Conditions*

Water Services

Water services to the project site would be supplied by the San José Water Company (SJWC). There are currently no recycled water lines in the immediate site vicinity. Based on the current per capita water demand estimates from the Bay Area Water Supply and Conservation Agency, residential per

capita water demand in San José is approximately 104.5 gallons per day (gpd) per capita.⁶⁵ The project site contains four occupied residential units. The estimated water use for the site is 1,337 gpd.

Sanitary Sewer/ Wastewater Treatment

Wastewater from the City is treated at the San Jose/ Santa Clara Regional Wastewater Facility (The Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gpd of wastewater. The Facility treats an average of 110 million gpd of wastewater and serves 1.4 million residents and is currently operating under a 120 million gpd dry weather effluent flow constraint.⁶⁶ The Facility has an excess treatment capacity of 38.8 million gpd. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately 10 percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the San Francisco Bay after treatment.

For the purposes of this initial study, wastewater flow rates are assumed to be 95 percent of the total site water use due to the limited landscaping. The existing occupied residences on-site are estimated to generate approximately 1,270 gpd of wastewater total. The existing residences connect to a six-inch sanitary sewer line on Glen Eyrie Avenue.

Stormwater Drainage

The project site is located in a developed area served by storm drainage systems. The project site currently contains four occupied residences, paved driveways, and landscaping, with 19,163 square feet of impervious surfaces (i.e., 51 percent of the total site area). Storm drainage lines in the project area are owned and maintained by the City of San José.

Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Los Gatos Creek (a tributary of the Guadalupe River), located approximately 330 feet west of the site. The creek flows north, merges with the Guadalupe River, carrying runoff from the storm drains into the San Francisco Bay.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁶⁷ Solid waste generated within the County is transported to Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road

⁶⁵ BAWSCA. Per Capita Water Use: 2017-2018 BAWSCA Annual Survey. Accessed January 9, 2020. <http://bawasca.org/water/use/percapita> 104.5 gallons per capita per day x 3.20 persons = 334.4 gallons per day x 4 units = 1,337.6 gallons per day

⁶⁶ City of San José. 2018 Self-Monitoring Report. December 2018. <https://www.sanjoseca.gov/Home/ShowDocument?id=45331>.

⁶⁷ Santa Clara County. *Five -Year CIWMP/ RAIWMP Review Report*. June 2016.

landfills. The existing occupied residences on-site are estimated to generate approximately 40 pounds of waste per day.⁶⁸

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

⁶⁸ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed December 11, 2019. Available at: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

Water and Wastewater

The proposed project would generate a water demand of approximately 6,019 gpd of water.⁶⁹ Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, available water supply would not be exceeded. The proposed project would be consistent with planned growth in existing residential neighborhoods (such as Willow Glen). In addition, the project would comply with CALGreen requirements and the City's Private Sector Green Building Policy. As a result, relocation or construction of new or expanded water facilities would not be needed. **(Less Than Significant Impact)**

Sanitary Sewer

The project would generate approximately 5,718 gpd of wastewater.⁷⁰ The City currently has approximately 38.8 million gpd of excess wastewater treatment capacity. As discussed in the General Plan EIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. Since the proposed development is consistent with planned growth anticipated in the General Plan, the project would not exceed the City's allocated capacity at the Facility. The project would not result in the relocation or construction of facilities. **(Less Than Significant Impact)**

Stormwater Drainage

The project site is currently developed with residential uses and associated paved parking. Runoff from the project site currently enters the storm drainage system untreated and unimpeded. The project proposes to construct three new townhome buildings containing 18 residential units. The project would have 30,926 square feet (83 percent) of impervious surfaces, and 6,239 square feet (17 percent) of pervious surfaces. The project proposes to connect to the 15-inch storm drain in Glen Eyrie Avenue. The project would increase the site's impervious surfaces by approximately 11,763 square feet. While the project would increase the impervious surfaces on-site, the project would install filtration area, bioretention area, and flow-through planters, removing pollutants and decreasing the rate and volume of stormwater runoff entering the City storm drainage system. The project would also comply with the San Francisco Bay MRP. For these reasons, development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunication Facilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to

⁶⁹ BAWSCA. Per Capita Water Use: 2017-2018 BAWSCA Annual Survey. Accessed January 9, 2020. <http://bawasca.org/water/use/percapita> 104.5 gallons per capita per day x 3.20 persons = 334.4 gallons per day x 18 units = 6,019.2 gallons per day

⁷⁰ Assumes waste water generation is 95 percent of total water demand. $6019 \times 0.95 = 5,718.05$

serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities. **(Less Than Significant Impact)**

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

As mentioned above, the project site is estimated to use approximately 1,337 gpd of water under existing conditions. The proposed project would result in the construction of 18 new residential units and would use approximately 6,019 gpd of water,⁷¹ a net increase of 4,681 gpd.

The General Plan FEIR determined that the City's water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated into new development which would substantially reduce water conservation policies and regulations, full build out under the General Plan would not exceed the available water supply under standard and drought conditions. The project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan EIR. As a result, implementation of the proposed program would have a less than significant impact on the City's water supply. **(Less than Significant Impact)**

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

Sanitary sewer lines serving the site are owned and maintained by the City of San José. The project would include lateral connections to the existing six-inch sanitary sewer main in Glen Eyrie Avenue. As discussed above, existing development on the site generates 1,270 gpd of waste water.⁷² Redevelopment of the site under the proposed project would result in waste water generation of approximately 5,718 gpd, an increase of 4,448 gpd wastewater compared to current baseline conditions.⁷³

As noted in Section 4.19.1.2, the Facility currently operates with the City having reserved an excess treatment capacity of 38.8 million gpd. Thus, increased wastewater generation resulting from the proposed project represents less than one percent of the excess wastewater treatment capacity, and the project would be adequately served by the Facility. Furthermore, the project would comply with applicable Public Works requirements to ensure sanitary sewer mains would have adequate capacity for water and sewer services. Therefore, the project would not have a significant impact related to provision of wastewater treatment service for the project site. **(Less than Significant Impact)**

⁷¹ BAWSCA. Per Capita Water Use: 2017-2018 BAWSCA Annual Survey. Accessed January 9, 2020. <http://bawasca.org/water/use/percapita>

⁷² BAWSCA. Per Capita Water Use: 2017-2018 BAWSCA Annual Survey. Accessed January 9, 2020. <http://bawasca.org/water/use/percapita> 104.5 gallons per capita per day x 3.20 persons = 334.4 gallons per day x 18 units = 6,019.2 gallons per day

⁷³ Ibid.

Impact UTL-4: The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Impact UTL-5: The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

The proposed project would generate approximately 154 pounds of solid waste per day, which would be an increase of 114 pounds of solid waste per day.⁷⁴ Santa Clara County’s IWMP requires each jurisdiction in the County to achieve a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁷⁵ The project would be required to conform to City plans and policies to reduce solid waste generation during project construction and operations and would be served by a landfill with adequate capacity. **(Less than Significant Impact)**

⁷⁴ CalRecycle. “Estimated Solid Waste Generation Rates.” Accessed December 11, 2019. Available at: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

⁷⁵ Santa Clara County. *Five-Year CIWMP/ RAIWMP Review Report*. June 2016.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California’s building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

4.20.1.2 *Existing Conditions*

The project site is located in an urbanized area of San José. The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.⁷⁶

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁷⁶ California Department of Forestry & Fire Protection. Santa Clara County Very High Fire Hazard Severity Zones. October 8, 2008.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.20.2.1 *Project Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

4.21

MANDATORY FINDINGS OF SIGNIFICANCE

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

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified standard permit conditions and mitigation measures. As discussed in Section 4.3, Biological Resources, with implementation of the identified standard permit conditions, the project would not significantly impact sensitive habitats or special status species. As discussed in Section 3.5, Cultural Resources, with implementation of the identified standard measures, the project would result in a less than significant impact on archaeological resources and TCRs. The project would have no impact on historic resources. **(Less than Significant Impact)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

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

The proposed development would result in temporary air quality, biological, and noise impacts during construction, as well as potential cultural resources impacts with regard to archaeology and human remains. With the implementation of the identified standard permit conditions, and mitigation measures identified in the General Plan EIR (as amended), mitigation measures, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary, localized, and would be mitigated, the proposed project would not have a cumulatively considerable impact on air quality, biology, and noise impacts in the project area. Other cumulative developments in the City of San José would also be required to implement archaeology resources protective measures (similar to the proposed project) such that a cumulative impact would not occur.

The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Nitrogen deposition fees would be paid to offset cumulative impacts to serpentine habitats. Therefore, the project would not have a cumulatively considerable impacts on biological resources.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, land uses mineral resources, noise, population and housing, public services, recreation, transportation, and utility and service facilities. Given the project’s urban location and small size (and with implementation of standard permit conditions), the project would not have a cumulatively considerable impact on these resource areas.

The proposed project would be consistent with the City’s General Plan and would not generate regional criteria pollutants and GHG emissions above BAAQMD’s thresholds and, as a result, the project would not have a cumulatively considerable impact on air quality or global climate change. The proposed project and all future development under the proposed General Plan would be required to comply with all applicable City land use regulations. **(Less than Significant Impact)**

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

The project site is currently developed with four existing residential units. Urban development, including the proposed project, are consistent with the long-term goals for the site outlined in the General Plan. Construction of the project would result in temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

As discussed in Section 4.3, the project would implement the standard permit conditions and conditions of approval to reduce temporary toxic air contaminant emissions from construction activities. Furthermore, standard permit conditions would be implemented to reduce potential release of lead-based paint and asbestos containing materials into the environment. The project would implement conditions of approval to reduce construction noise and vibration impacts from the heavy construction equipment. Additionally, the project would implement Best Management Practices to reduce construction noise impacts to sensitive receptors to a less than significant level.

With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project would not cause substantial adverse effects on human beings. **(Less than Significant Impact)**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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