

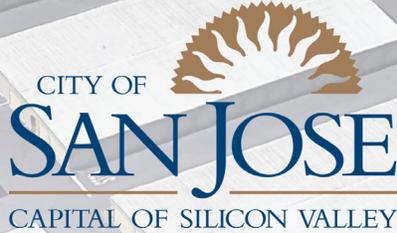
Initial Study

Evans Lane Urban Residential General Plan Amendment

File No. GP19-007



Prepared by



In Consultation with



June 2020

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Evans Lane Urban Residential General Plan Amendment in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et seq.) and the regulations and policies of the City of San José, California.

The project proposes to amend the General Plan land use designation of the approximately 5.93-acre project site from *Mixed Use Neighborhood* to *Urban Residential*. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project. Based on the evaluation contained herein, a Negative Declaration (ND) is the appropriate CEQA documentation for this proposed action.

1.2 PUBLIC REVIEW PERIOD

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

Reema Mahamood
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
reema.mahamood@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider the adoption of the ND and supporting Initial Study for the project at a regularly scheduled meeting. The City shall consider the ND and supporting Initial Study together with any comments received during the public review process. Upon adoption of the MND, the City will proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Evans Lane Urban Residential General Plan Amendment

2.2 LEAD AGENCY CONTACT

Reema Mahamood
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
reema.mahamood@sanjoseca.gov

2.3 PROJECT APPLICANT

Anna Le, Senior Development Officer
City of San José Housing Department
200 East Santa Clara Street
San José, CA 95113

2.4 PROJECT LOCATION

The 5.93-acre project site is comprised of two parcels (APNs 456-09-016 and -017) located on the east side of Evans Lane, north of Curtner Avenue, between Almaden Expressway and State Route (SR) 87, in the City of San José. Regional and vicinity maps are shown on Figure 2.4-1 and Figure 2.4-2 on the following pages. An aerial photograph of the project site and surrounding land uses is shown on Figure 2.4-3.

2.5 ASSESSOR'S PARCEL NUMBER

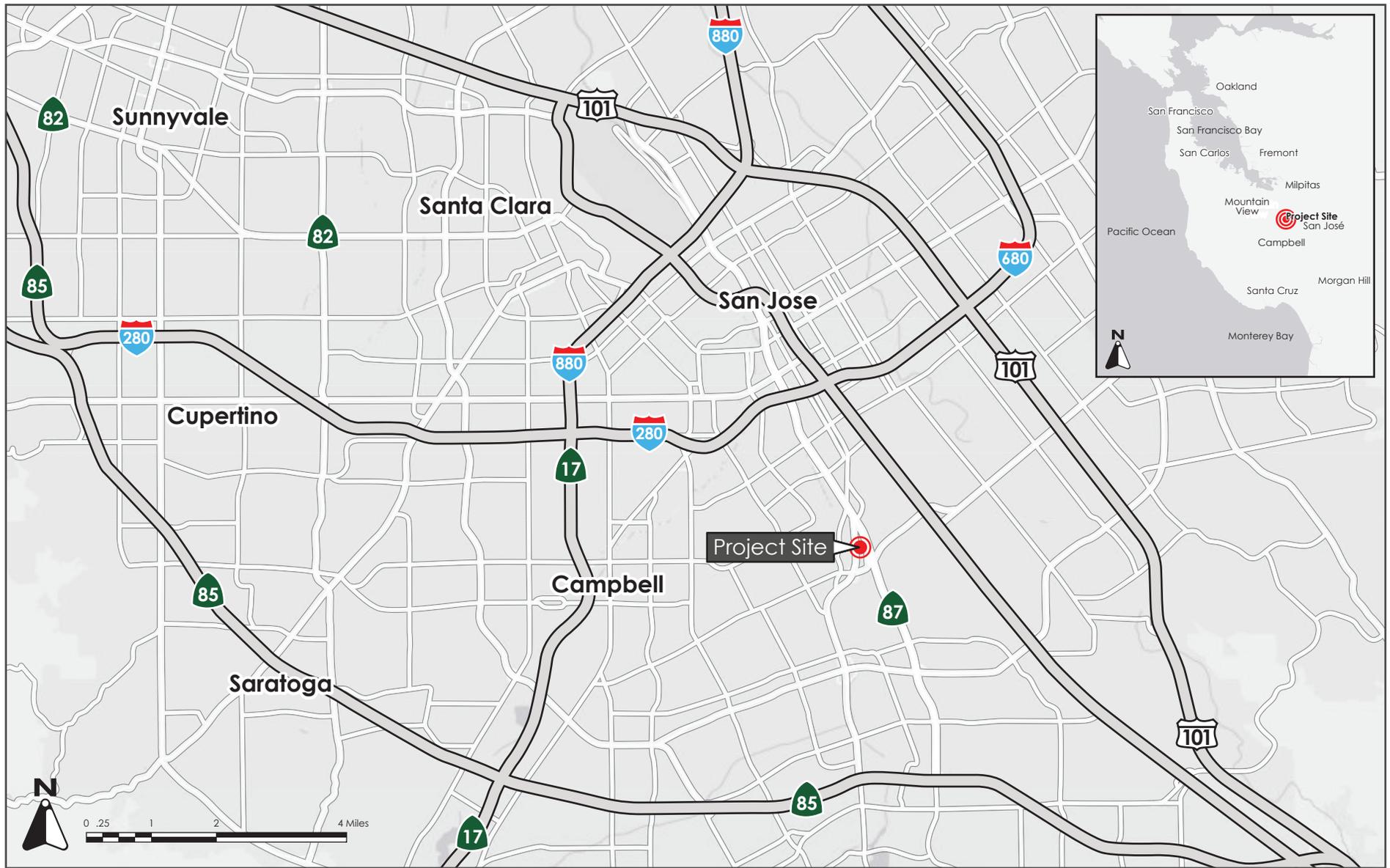
456-09-016 and -017

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Current General Plan Designation: *Mixed Use Neighborhood*
Proposed General Plan Designation: *Urban Residential*
Zoning District: *RM(PD) – Multiple Residence Planned Development*

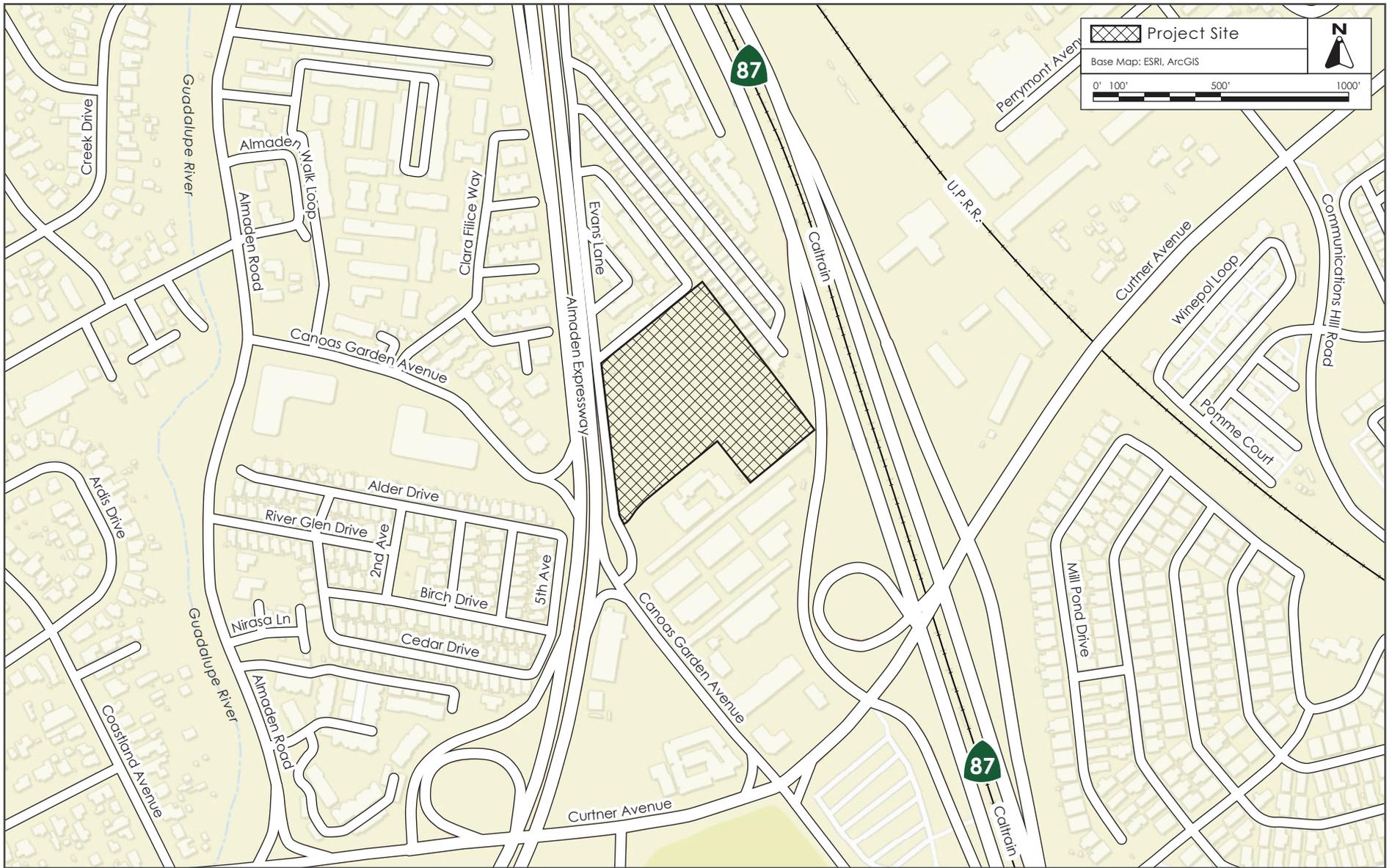
2.7 HABITAT PLAN DESIGNATION

Land Cover Type: Urban/Suburban
Development Zone: Urban Development Equal to or Greater than Two Acres Covered
Fee Zone: Urban Areas (No Land Cover Fee)



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

General Plan Amendment

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The 5.93-acre project site is comprised of two parcels (APNs 456-09-016 and -017) located on the east side of Evans Lane, north of Curtner Avenue, between Almaden Expressway and SR 87, in the City of San José. The project proposes a General Plan Amendment to change the land use designation in the Envision San José 2040 General Plan (General Plan) from *Mixed Use Neighborhood* to *Urban Residential*. The land use designation of the site was previously amended from *Neighborhood Community Commercial* to its current designation of *Mixed Use Neighborhood* (File No. GP16-001). A specific development project is not proposed at this time. Future development under the *Urban Residential* General Plan land use designation would require project-level environmental review prior to issuance of appropriate development permits.

3.2 EXISTING USE AND GENERAL PLAN LAND USE DESIGNATION

The project site has one street frontage, Evans Lane, and backs up to a mobile home park and SR 87. The entire site is currently vacant, fenced and surrounded by perimeter vegetation. The land cover on the site consists of non-native grasses, ruderal vegetation and a few trees. The project site is accessible by one driveway on Evans Lane. A substandard sidewalk is located along the project site frontage.

The project site is designated *Mixed Use Neighborhood* in the General Plan. This land use designation allows a density of up to 30 dwelling units per acre (du/ac) with a Floor Area Ratio (FAR) of 0.25 to 2.0 (one to 3.5 stories).¹ The project site is comprised of two parcels: Parcel 456-09-016 and -017 which are zoned *RM(PD) Multiple Residence Planned Development*. The project site is located within the Curtner Light Rail/Caltrain Local Transit Urban Village (Horizon 2). Urban villages are discussed in greater detail in Section 4.11 Land Use and Planning.

The existing General Plan land use designation and zoning district are defined as follows:

Existing General Plan Designation

The Mixed Use Neighborhood is applied to areas intended for development primarily with either townhouse or small lot single-family residences and also to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the Mixed Use Neighborhood area. Existing neighborhoods with this designation are typically characterized by a prevalence of atypical lot sizes or shapes and a parcel-by-parcel development patterns where small townhouse development may exist adjacent to more traditional single-family development or more intense multi-family development.

¹ The FAR of a building is the total square footage of that building divided by the total square footage of the lot on which the building is located.

Existing Zoning Districts

RM(PD) Multiple Residence Planned Development. The RM zoning district reserves land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development. This RM Planned Development Zoning District allows 61 residential permanent supportive housing and affordable housing dwelling units in eight prefabricated buildings, a residential community building with staff offices, community garden and a satellite public library on a 5.93-gross acre site.

The existing RM(PD) zoning sets development parameters in accordance with the previously approved Evans Lane Community Village Project, which included 61 studio units in eight prefabricated buildings, a community/office building, a satellite public library, a community garden, and a dog park. The proposed General Plan Amendment would allow for more density and commercial uses than allowed under the existing Mixed-Use Neighborhood designation and the existing *RM(PD)* Zoning District. There is no specific development proposed for the site at this time.

3.3 SURROUNDING USES

The project site is surrounded by apartments to the north, a mobile home park to the east, the Santa Clara County (SCC) Evans Lane Wellness and Recovery Center to the south, and Almaden Expressway to the west. The project site is located in a developed urban area of San José comprised of a mix of residential and commercial uses.

The General Plan designation to the north, east and south of the site is *Neighborhood/Community Commercial*. Across Almaden Expressway to the east, the designation is *Urban Residential*.

3.4 PROPOSED GENERAL PLAN DESIGNATION

The project proposes a General Plan Amendment to change the land use designation of the project site to *Urban Residential*. This land use designation allows a density of 30 to 95 du/ac and a FAR of 1.0 to 4.0 (three to 12 stories).

The proposed General Plan land use designation is defined as follows:

The Urban Residential designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas, or on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable

for greater intensification. The allowable density/intensity for mixed-use development will be determined using an allowable FAR (1.0 to 4.0) to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

3.5 DEVELOPMENT ASSUMPTIONS FOR ENVIRONMENTAL REVIEW

Under the proposed *Urban Residential* designation, the maximum number of residential units allowed on-site would be approximately 563 (5.93-acre site multiplied by 95 du/ac). This equates to a net increase of 385 residential units relative to the maximum development allowed by the current General Plan designation (178 units under the *Mixed Use Neighborhood* designation). For the purposes of this Initial Study, this analysis uses an assumption of 563 units to derive the reasonably foreseeable development potential of the project site.

No specific development is proposed for the project site at this time and, therefore, the analysis in this Initial Study is programmatic in nature given the lack of detail about how the property would be developed. Future development of specific projects on the site would require subsequent environmental review to provide project-level analysis of any proposed development(s) that would occur based on the proposed General Plan Amendment.

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.

4.1 AESTHETICS
4.1.1 Environmental Setting
4.1.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

Various policies in the General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from development within the City. Future development allowed under the proposed land use designation would be subject to the following visual and aesthetic policies from the City’s General Plan.

Policy	Description
CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
CD-7.4	Identify a vision for urban design character consistent with development standards, including but not limited to building scale, relationship to the street, and setbacks, as part of the Urban Village planning process. Accommodate all planned employment and housing growth capacity within each Urban Village and consider how to accommodate projected employment growth demand by sector in each respective Urban Village Plan.
CD-7.9	Build new residential development within Urban Village areas at a minimum of four stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single-family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.
CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including U.S. 101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.

In addition to applicable General Plan policies, future development on the project site under the proposed land use designation would be required to comply with the following City policies and guidelines, as applicable:

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

The purpose of this 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 benefitting from the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

San José Residential Design Guidelines

The City’s Design Guidelines were adopted to assist with the design, construction, review and approval of development in San José. These guidelines provide the minimum design standards to be

applied to various land uses, development types, and locations, and facilitate an efficient review process.

4.1.1.2 Existing Conditions

Project Site

The approximately 5.93-acre project site is located on the east side of Evans Lane, about 250 feet north of Canoas Garden Avenue. The site is vacant and consists predominantly of non-native grasses, ruderal vegetation, and intermittent trees and shrubs. The site is enclosed with a six-foot wood fence along the north and east property lines and chain-link fences with barbed wire along the south and west property lines. The site is bordered by screening vegetation along the northern and western property lines. Views of the project site are shown in photo exhibits (Photos 1 through 6) below.

Surrounding Areas

The site is located in an urban area developed with a mix of residential and commercial uses. To the north of the site is an apartment complex (Catalonia Apartments) which includes three-story multi-family buildings designed in a contemporary style. The buildings have facades of varying depths and exterior materials consisting of wood paneling and cement plaster. An internal driveway, a line of mature conifer trees, and a perimeter wood fence separate the nearest building in the adjacent complex from the project site. To the east of the site is a mobile home park comprised of mobile homes oriented along an internal access road. The mobile home park is well maintained with landscaping along the Evans Lane street frontage and a row of mature trees along the eastern property line. The mobile home park has limited vegetation along the shared property line with the project site due to the minimal setback between the residential units and the fence. Further north and east of the adjacent apartment complex and mobile home park are three- and four-story multi-family buildings (Las Ventanas Apartments). To the south of the site is the SCC Evans Lane Wellness and Recovery Center. The center is comprised of two L-shaped, two-story buildings around a central courtyard. The buildings are set back from Evans Lane by a surface parking lot. There is mature landscaping along the sidewalk and within the parking lot. Further south of the Wellness and Recovery Center is a self-storage facility comprised of eight one-story buildings with a two-story office at the gated entrance.

Evans Lane runs parallel to Almaden Expressway, which is visible from the project site. A six-foot chain-link fence and a small landscape strip separate the expressway from Evans Lane. The chain-link fence ends near the northern boundary of the project site and a solid, cement sound wall extends north along the remaining segment of Evans Lane. In the vicinity of the project site, Almaden Expressway is a six-lane roadway with a three-foot tall concrete barrier separating northbound and southbound traffic.



Photo 1 Looking north across the project site from its southwestern corner.



Photo 2 Looking east across the project site from its southwestern corner.

PHOTOS 1 & 2



Photo 3 Looking north on Evans Lane along the project site's western boundary.



Photo 4 Looking south on Evans Lane along the project site's western boundary.



Photo 5 View of the Santa Clara County Evans Lane Wellness and Recovery Center from the site's northwestern corner.



Photo 6 View of adjacent residential development at the site's northern property line.

Scenic Vistas and Resources

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the Baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City. The project site is visible from surrounding roadways, primarily Evans Lane, Almaden Expressway, and Canoas Garden Avenue. Scenic resources visible from the project site include views of the foothills of the Diablo Range to the east and the Santa Cruz Mountains to the west/southwest.

Scenic Corridors

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.² The project site is located adjacent to a Gateway (the Almaden Expressway and SR 87 interchange) identified in the 2040 General Plan EIR.³ SR 87 is also identified as an Urban Throughway. The site is not located near the eastern part of the City; therefore, it is not visible from any Rural Scenic Corridor.⁴ There are no State-designated scenic highways in San José. The nearest officially designated state scenic highway to the project site is SR 9, located approximately 7.5 miles to the west.⁵ Interstate 280 from the San Mateo County line to SR 17,⁶ which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is 3.9 miles east of that segment.

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 checked="" type="checkbox"/>	<input 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"/>

² City of San José. *Envision San José 2040 General Plan FPEIR*. Page 739. September 2011.

³ City of San José. *Envision San José 2040 General Plan FPEIR*. Figure 3.12-1. September 2011.

⁴ City of San José. “Scenic Corridors Diagram”. Accessed November 4, 2019.

<http://www.sanjoseca.gov/index.aspx?NID=3368>

⁵ California Department of Transportation. *California Scenic Highway Mapping System*. Accessed November 4, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

⁶ The segment at SR 17 is the same segment identified as the City’s Urban Throughways.

	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:				
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ⁷ If the project is in an urbanized area, 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"/>
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. **(Less than Significant Impact)**

The project site is visible from several surrounding streets and roadways. The General Plan describes scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the Baylands. The project site is surrounded by development and does not provide any scenic vistas. The General Plan describes typical development under the *Urban Residential* designation as three to four stories of residential uses over parking, although the proposed designation allows up to 12 stories in height. Additionally, residential development in Urban Villages should be a minimum of four stories in height (General Plan Policy CD-7.9). Maximum development under this designation could result in some blockage of private views of the Diablo Range to the east and the Santa Cruz Mountains to the west from surrounding neighborhoods; however, private views are not protected scenic resources under CEQA. Therefore, future development under the proposed General Plan Amendment would not have an adverse effect on scenic vistas. **(Less than Significant 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 undeveloped and consists of sparse vegetation and a small number of trees. There are no rock outcroppings or historic buildings on the site and the nearest State scenic highway is over seven miles away. Future development of the project site would likely result in the loss of mature trees, which could be considered scenic resources. Tree removal would be required to adhere to City procedures for tree preservation and/or replacement (refer to *Section 4.4, Biological Resources*) which would maintain an acceptable ratio of trees in future development on the site and in the City as a whole. For these reasons, future development of the site would not result in a significant impact on scenic resources in the City. **(No Impact)**

⁷ Public views are those that are experienced from publicly accessible vantage points.

Impact AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Existing public views of the site are generally limited to the Evans Lane, Canoas Garden Avenue, and Almaden Expressway rights-of-way. Future development of the site under the proposed General Plan designation would likely be visible from additional roadways, such as SR 87 and Curtner Avenue. As stated in Section 3.0 Project Description, development under the *Urban Residential* land use designation is typically manifested as three to four stories of residential or commercial uses over parking. By developing a vacant site with multi-story residential structures, future development would alter the visual character of the site and the surrounding area. Although views of the site would change, future development would not be entirely out of character with surrounding residential and commercial developments, particularly the three-story apartment complex to the site's immediate north and other multi-story residential developments in the surrounding area. Additionally, as described below, the City has policies and guidelines which any future development would be required to comply with to reduce its visual impacts.

The project site is zoned *RM(PD) Multiple Residence Planned Development*. This zoning designation does not prescribe standards or set limitations on development of the site in regard to preservation of its scenic quality. The City has adopted Residential Design Guidelines to ensure residential development in the City is architecturally and visually compatible with surrounding land uses. Future residential development under the proposed General Plan Amendment would be reviewed for conformance with these guidelines during the development review process, thereby reducing the potential for visual conflict with surrounding uses. In addition, the General Plan contains policies which govern development adjacent to Gateways and freeways (Policy CD-10.2) and sets standards to ensure new development in the City is considerate of existing visual context (Policies CD-1.1, -1.12, -4.9). By ensuring future development of the project site conforms to the applicable General Plan policies and aligns with the Residential Design Guidelines, residential development of the project site under the *Urban Residential* designation would not result in a significant impact to the scenic quality or visual character of the area. **(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)**

The project site is located in a developed urban area with existing sources of light and glare from street lighting, vehicles traveling on the existing roadways, and lighting from the surrounding developments. While there is no specific development proposed at this time, any future development would be subject to the City's Residential Design Guidelines and Outdoor Lighting Policy, and would have comparable exterior lighting sources (i.e., security and landscaping lighting) and building materials (i.e., building surfaces and windows) to the existing residential and commercial developments in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

California Department of Conservation’s Division of Land Resource Protection generates maps depicting Important Farmlands, which are categorized according to specific criteria, including soil quality and irrigation conditions. The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as Prime Farmland.

4.2.1.2 *Existing Conditions*

Agricultural Resources

The project site is not designated as farmland nor is it under a Williamson Act Contract.⁸ According to the *Santa Clara County Important Farmland 2016* map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least one unit to 1.5 acres, or approximately six units per 10-acre parcel. Common examples include residential, industrial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, or water control structures.⁹

Forestry Resources

The project site does not contain forest land and no forest or timberland is located in the vicinity of the project.

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"/>

⁸ County of Santa Clara Department of Planning and Development. “Williamson Act and Open Space Easement”. <https://www.sccgov.org/sites/dpd/programs/wa/pages/wa.aspx>. Accessed November 4, 2019.

⁹ California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2016*. September 2018.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
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 Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is not designated as important farmland by the California Natural Resources Agency. As a result, approval of the proposed General Plan Amendment would have no impact on agricultural resources. Any future development of the site under the proposed General Plan land use designation would not result in impacts to agricultural resources. **(No Impact)**

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

The project site is not under a Williamson Act contract; therefore, approval of the General Plan Amendment and any future development under the proposed General Plan land use designation would not conflict with an existing contract. **(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 does not contain forest land, there are no forest lands in the vicinity, and the site is not zoned for forest-related or timberland-related uses. As a result, there would be no use conflict or conversion of forest lands or timberland uses as a result of the project. **(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)**

The project site does not contain forest land, there are no forest lands in the vicinity, and the site is not zoned for forest-related uses. Therefore, there would be no use conflict or conversion of forest lands to a non-forest use as a result of the project. **(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)**

The project site is surrounded by urban development and there is no land zoned for forestry-related uses within the City of San José. Therefore, the proposed General Plan Amendment or any future development on the project site would not result in the conversion of agricultural or forest lands to other uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal, State, and Regional

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

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 Air Basin. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and State air quality laws and regulations. For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how State air quality standards would be met. BAAQMD's most recent adopted plan is the 2017 Bay Area Clean Air Plan (2017 CAP), which was approved on April 17, 2017. The 2017 CAP aims to lead the region to a post-carbon economy, to continue progress toward attaining State and federal air quality standards, and to eliminate health risk disparities from exposure to air pollution among Bay Area communities.

Local

Envision San José 2040 General Plan

Various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development under the proposed land use designation would be subject to the air quality policies listed in the General Plan, including the following:

Policy	Description
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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.
MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.1.2 *Existing Conditions*

Regional and Local Criteria Pollutants

Major criteria pollutants, listed in “criteria” documents by the EPA and CARB, include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet State or federal ambient air quality standards for ground level ozone and fine particulate matter (PM_{2.5}) and State standards for particulate matter (PM₁₀). The area is considered in attainment or unclassified for all other pollutants.

Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

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

There are two stationary TAC sources identified within a 1,000-foot radius¹⁰ of the site. The sources are identified as San José Unified Corporation Yard and Rianda Painting by BAAQMD's Stationary Source Screening Analysis Tool.¹¹ The San Jose Unified Corporation Yard is located at 2222 Unified Way, approximately 0.06-mile east of the project site; Rianda Painting is located at 2270 Canoas

¹⁰ The 1,000-foot radius is the “Zone of Influence” established by BAAQMD to evaluate exposure of sensitive receptors to TAC sources.

¹¹ Bay Area Air Quality Management District. “Stationary Source Screening Analysis Tool.” Accessed November 19, 2019. <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

Garden Avenue, approximately 0.14-mile south of the project site. Additionally, the project site is located within 1,000 feet of Almaden Expressway and SR 87, both of which are substantial mobile sources of TACs (roadways with 10,000 average daily trips or more).¹²

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the adjacent residences to the north and east, and patients at the SCC Wellness and Recovery Center to the south.

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"/>

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

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

Determining consistency with the 2017 CAP involves assessing whether the project would conflict with the primary goals of the 2017 CAP (i.e., protecting public health and protecting the climate) or prevent implementation of the Control Measures contained in the 2017 CAP. The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors, and greenhouse gasses. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

¹² City of San José. “Average Daily Traffic Volume 2005-2015”. Accessed November 19, 2019. <https://data.world/sanjoseca>

- Measures to reduce emissions from stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The project is a General Plan Amendment that would allow for an increase in residential density (from 30 du/ac to 95 du/ac) at the currently vacant 5.93-acre project site. While the proposed project would diverge from the growth assumptions in the General Plan, the project site is located within the Curtner Light Rail/Caltrain Local Transit Urban Village, which is a Planned Growth Area of the City. Orienting residential development around existing transit nodes in Planned Growth Areas is one of the major strategies set forth in the City’s General Plan and is in alignment with transportation control measures included in the 2017 CAP.

The project does not include a specific development that could be compared to control measures for stationary, area, or mobile sources or energy control measures. Project design and conditions for vehicle, bicycle and pedestrian access and access to public transit would be reviewed for consistency with City General Plan policies and Residential Design Guidelines by the City (e.g., building energy efficiency, energy use, provision for pedestrian and bicycle modes, appropriate TDM measures) that correspond with control measures in the 2017 CAP. This review would be undertaken during the environmental and permit application phase.

The General Plan Amendment itself would not affect population forecasts used for the 2017 CAP projections. While any future redevelopment on-site would be above population assumptions in the 2017 CAP, the increase in population would be focused in an area of the City where residential growth is expected and encouraged due to the density of existing development and availability of transit services and other amenities. For these reasons, the project would not conflict with or obstruct implementation of 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)**

Table 3-1 in the 2017 BAAQMD *CEQA Air Quality Guidelines* contains screening level sizes for various land use types/development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then a detailed air quality assessment of a project’s air pollutant emissions is not required and the project’s air quality impacts are considered less than significant. As noted previously, there is not a specific project application filed that would allow for a comparison against Table 3-1 screening levels; however the maximum number of residential units allowed on-site would be 563, which is above the “Apartment, mid-rise” screening threshold of 494 dwelling units for operational-related criteria air pollutants and 240 dwelling units for construction-related criteria air pollutants. Future development would also be above the “Apartment, high-rise” screening levels of 510 dwelling units and 249 dwelling units for operational

and construction criteria air pollutants, respectively. Future development, if proposed at the maximum density allowed by the proposed General Plan designation, would exceed BAAQMD screening criteria and would be required to prepare a quantitative assessment of operational and construction-related criteria pollutant emissions. Mitigation measures would be identified, as necessary, to reduce potential criteria pollutant emissions to below adopted BAAQMD thresholds of significance.

Any future development on-site would also be reviewed for compliance with air quality regulations and policies, including Policies MS.10-1 and MS-13.1, which require the implementation of air emissions reduction measures to reduce potential air quality impacts. Therefore, the project would not exceed a BAAQMD threshold or standard and the impact would be less than significant. **(Less than Significant Impact)**

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

The proposed General Plan Amendment would not result in a direct increase in pollutants on the project site. Single-family or multi-family residential uses are not stationary sources of TACs, and do not involve the continued use of diesel-powered trucks that generate mobile TAC emissions. Therefore, any future residential development under the proposed General Plan Amendment would not generate ongoing localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels.

Any future construction activities under the proposed General Plan Amendment would result in localized emissions of dust and diesel exhaust that could temporarily impact adjacent sensitive receptors; however, future development would be required to comply with State and local regulations and implement local conditions for dust and diesel exhaust control. Any future development on the site would be required to go through the development application review process which includes evaluation under CEQA. **(Less than Significant Impact)**

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)**

Future development of the project site under the proposed General Plan Amendment would likely result in emissions of diesel exhaust during construction activities. These odors would be minimized with implementation of required conditions for noise (which prohibit unnecessary idling of equipment), would be temporary in nature, and would cease upon project completion. The proposed General Plan Amendment would allow for greater residential density at the project site but residential uses are not substantial odor sources. Therefore, the proposed project would not lead to the generation of odors which would affect a substantial number of people. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing air quality conditions affecting a proposed project. Future development of the site would be required to conform to General Plan Policy MS-11.1. This policy requires air quality modeling for new sensitive land uses, such as residential developments, which would be located near pollution sources such as freeways or industrial uses. Conformance to Policy MS-11.1 would ensure that measures are incorporated into any future project on the site to reduce health risks to future residents (i.e., exposure to substantial mobile or stationary TAC sources).

The overall effect of TACs on future residents of the site would be dependent on final site design (including placement and height of the residential buildings) and overall emissions from the nearby roadways at the time at specific project is proposed.

Based on previous TAC modeling for the project site, emissions on-site are assumed to exceed the excess cancer risk criteria. Roadway volumes and transportation related emissions may, however, change over time. As there is no timeframe or site plan for future development on-site under the proposed General Plan Amendment, it would be speculative to try and quantify the exact health risks to future residents. Nevertheless, based on available data, future residential development on-site would likely be exposed to TAC emissions above established thresholds.

Consistent with General Plan Policy MS-11.1, the following measures would be required for all future residential development proposals on the project site to reduce exposure to TAC emissions and to avoid significant risks to health and safety:

- Project-specific analysis for all future development proposals on the project site shall include a detailed TAC emissions analysis completed by a qualified air quality consultant, consistent with BAAQMD standards.
- Based on the findings of the TAC emissions analysis, the qualified air quality consultant will determine performance standards for air filtration systems for all residential buildings on-site, if required.
- Once building construction is complete, the air filtration systems shall be tested by a qualified air quality consultant to ensure that the systems are operating as designed. A report of the findings will be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.
- An ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration systems shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for review and approval prior to issuance of a building permit. This maintenance plan is typically developed by the contractor responsible for designing and constructing the HVAC system for the project.

- The use agreement and other property documents shall: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners or tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

With implementation of these measures, the health risk to future on-site residents from TAC emissions would be minimized, consistent with General Plan Policy MS-11.1.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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” these 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, Sections 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 Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of 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.¹³ 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 Habitat Regulations

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 United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

¹³ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed November 12, 2019. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

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 approximately 520,000 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 southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Envision San José 2040 General Plan

The General Plan includes the following policies, which are specific to biological resources and are applicable to development projects in San José.

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. 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.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided 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.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

4.4.1.2 Existing Conditions

The project site is vacant, fenced and surrounded by perimeter vegetation. The project site's frontage is lined with dense shrubbery and several mature trees. On the opposite side of the northern perimeter fence are several palm and conifer trees. Vegetation is absent from the southern property line. The land cover on the site consists of non-native grasses, ruderal vegetation and approximately six trees dispersed throughout the site. The site appears to be regularly disked and/or mowed.

Sensitive natural communities in San José include wetland and aquatic habitat, stream and riparian habitat, serpentine habitat, and oak woodland habitat.¹⁴ The site does not contain any riparian areas, wetlands or other sensitive natural communities identified in the City's General Plan.¹⁵ The nearest riparian corridor to the project site is the Guadalupe River, approximately 0.3-mile west of the site.

Developed urban areas, such as the project site, are typically low in species diversity. The existing trees on-site may, however, provide nesting habitat for raptors and other avian species like rock pigeons, mourning doves, house sparrows, finches, northern mockingbird, and European starlings. Due to the extent of human disturbance and development on and within the vicinity of the project site, special status plant and animal species are not expected to occur.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land.¹⁶ *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands.

¹⁴ City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. Page 410. September 2011.

¹⁵ City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. Figure 3.5-1. September 2011.

¹⁶ Santa Clara Valley Habitat Agency. "Geobrowser". <http://www.hcpmaps.com/habitat/>. Accessed November 12, 2019.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<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)**

Special-Status Species

The 5.93-acre project site is located in an urban area of San José and consists predominantly of non-native grassland and ruderal vegetation. Approximately six trees are contained within the boundaries of the site. The site appears to be regularly disked and/or mowed. Due to the history of development

in the project area, the project site lacks suitable habitat for special-status species that have been identified in (or near) San José. Therefore, future development allowed under the proposed General Plan Amendment would not adversely affect any candidate, sensitive, or special-status species. **(Less than Significant Impact)**

Migratory Birds and Raptors

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

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan Policies ER-5.1 and ER-5.2, future residential development under the proposed land use designation would be required to implement conditions to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level. Standard conditions are described below.

Standard Conditions for Future Development:

- Tree removal and construction shall be scheduled 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. If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate an adequate buffer zone (typically 250 feet) to be established around the nest, in consultation with the CDFW. The buffer would ensure that nests shall not be disturbed during project construction.
- If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

- Prior to any tree removal, or approval of any grading or demolition 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 or Director’s designee.

Implementation of the standard conditions described above by a future development project at the site, in conformance with General Plan policies and State and federal laws protecting nesting birds, would reduce potential impacts to special-status 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)**

As mentioned in Section 4.4.1.2 Existing Conditions, the project site does not contain any riparian habitat or other sensitive natural communities. The Guadalupe River is located approximately 0.3-mile west of the site. Future development under the proposed General Plan designation would be confined to the project site and would be reviewed for impacts to birds and habitat associated with the nearby riparian corridor during the development review process. To make assumptions about a future development at this time would be speculative. Therefore, the proposed project would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(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)**

There are no wetlands on-site and, as a result, the project would not affect any federally protected wetlands as defined by Section 404 of 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 site is vacant and bordered by fencing and development on all sides. There are no riparian corridors present on the project site. Due to the highly urbanized nature of the surrounding area, the project site does not provide dispersal habitat for any native resident migratory fish or wildlife species. Because the project site is not used as a migratory wildlife corridor, future development would not interfere with the movement of any migratory fish or wildlife species. There are no

wildlife nursery sites present on the project site.¹⁷ Therefore, future development of the site would have a less than significant impact on migratory fish or wildlife species and wildlife nursery sites. **(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)**

While no specific development is proposed as part of the General Plan Amendment, future development of the project site would likely result in the removal of the trees currently located on the project site or in the public right-of-way along Evans Lane. In accordance with existing City policy and the Municipal Code, trees removed during future development of the site under the proposed General Plan Amendment would be replaced at the ratios shown in Table 4.4-1. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. Tree replacement would occur on-site or the applicant would pay off-site tree replacement fees to the City, prior to the issuance of a grading permit. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Table 4.4-1: City of San José Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

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

Future development of the project site would be required to conform to the City’s tree preservation ordinance including preparation of a tree survey to document the location, size, species, and condition of all trees, and provide replacement trees in conformance with City policy.¹⁸ The project would also be required to implement General Plan Policies MS-21.6, MS-21.8, and CD-1.24 to

¹⁷ A wildlife nursery site is defined as a site where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas and bat colonies.

¹⁸ As no time frame is known for potential future development on-site, a tree survey would be required by future projects to ensure that trees on-site are accurately accounted for and replaced at appropriate ratios.

protect street trees and add new trees and landscaping overall. Compliance with local regulations and policies would reduce impacts resulting from the loss of trees to a less than significant level. **(Less than Significant Impact)**

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

The proposed project is a covered activity under the Habitat Plan (Urban Development Equal to or Greater Than 2 Acres Covered).¹⁹ The project site is designated as *Urban-Suburban* land, which are areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. There is no land cover fee for designated Urban Areas under the Habitat Plan.

The Habitat Plan considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition. Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the Habitat Plan area are subject to paying a “Nitrogen Deposition Impact Fee” which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use. In compliance with the Habitat Plan and General Plan policies, future development under the proposed General Plan Amendment would be required to adhere to the following condition:

Standard Condition for Future Development:

- Future development on-site would be subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The applicant of a future development project would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning or Director’s designee of the City of San José Department of Planning, Building, and Code Enforcement (PBCE) for review and shall complete subsequent forms, reports, and/or studies as needed prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

Implementation of General Plan policies, HCP requirements, and State and federal laws would ensure that future development would not conflict with provisions of the Habitat Plan. **(Less than Significant Impact)**

¹⁹ Santa Clara Valle Habitat Agency. “Geobrowser”. Accessed November 12, 2019. <http://www.hcpmaps.com/habitat/>.

4.5 CULTURAL RESOURCES

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 of 1966 (NHPA) 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 [CFR] 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.²⁰

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.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on

²⁰ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” March 14, 2006.

projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

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.

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

Envision San José 2040 General Plan

The following General Plan policies are specific to cultural resources and are applicable to the proposed project.

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

4.5.1.2 Existing Conditions

The project site is undeveloped and consists of non-native grasses, ruderal vegetation, and a few trees. No historic structures are present on or adjacent to the site. The nearest historic resources to the project site are an Identified Site/Structure located at 2434 Almaden Expressway (McDonalds Drive-in Restaurant), approximately 0.4-mile southwest of the project site, and a State Landmark located at 300 Curtner Avenue (Oakhill Cemetery), approximately 0.5-mile east of the project site.²¹ According to the City’s archaeological sensitivity map, the project site is located in an archaeologically sensitive area due to its proximity to the Guadalupe River. Prehistoric archaeological sites have been identified within 0.5-mile of the project site.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<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)**

As discussed in Section 4.5.1.2 Existing Conditions, there are no historic resources on the project site and the nearest historic resource is located approximately 0.4-mile from the site. Therefore, the proposed General Plan Amendment would not result in a significant impact to historical 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)**

The 2040 General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric and historic resources. The project site is located in an archaeologically

²¹ City of San José. “Historic Resources Inventory”. February 8, 2016. <https://www.sanjoseca.gov/index.aspx?NID=2172>. Accessed November 12, 2019

sensitive area due to its proximity to the Guadalupe River. Future development would be required to comply with the following condition to reduce or avoid impacts to subsurface cultural resources, in accordance with General Plan Policy ER-10.3.

Standard Condition for Future Development:

- In the event that 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 or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist will examine the find. The archaeologist will 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 would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials

Adherence to the condition described above would ensure any future development of the site would not significantly impact 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)**

The project site is currently undeveloped. Future development of the project site could disturb human remains during construction activities, such as grading and excavating. Consistent with General Plan Policy ER-10.2, future development would be required to comply with the following conditions to ensure human remains would not be disturbed.

Standard Conditions for Future Development:

- 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 human remains are uncovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the NAHC within 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.

Implementation of the conditions identified above would ensure that future development of the site would not disturb any human remains. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

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, and the 2016 Title 24 updates went into effect on January 1, 2017.²² Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.²³

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. The most recent update to CALGreen went into effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

²² California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed November 12, 2019. <http://www.bsc.ca.gov/>.

²³ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards." Accessed November 12, 2019. <http://www.energy.ca.gov/title24/2016standards/index.html>.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing 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.²⁴

Local

City of San José Green Building Standards

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)²⁵, GreenPoint²⁶, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 4.6-1 below.

Table 4.6-1: Private Sector Green Building Policy Applicable Projects	
Applicable Project*	Minimum Green Building Rating
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard. Source: City of San José. “Private Sector Green Building.” Accessed November 19, 2019. http://www.sanjoseca.gov/index.aspx?NID=3284 .	

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated into the City’s GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

The City’s GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all

²⁴ California Air Resources Board. “The Advanced Clean Cars Program.” Accessed November 12, 2019.
<https://www.arb.ca.gov/msprog/acc/acc.htm>.

²⁵ 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.

²⁶ 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.

proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City’s discretion. Certain GHG reduction measures serve the dual purpose of reducing GHG emissions and reducing wasteful and inefficient use of energy in new developments.

The General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

Policy	Description
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.3	Consistent with the California Public Utilities Commission’s California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code

The City’s Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, a Reach Code Ordinance which encourages building electrification and energy efficiency (Ordinance No. 30311), Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees

(Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

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.²⁷ 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.²⁸ 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.²⁹

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.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.³⁰ In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2016, Santa Clara County used approximately three percent of the state's total consumption of natural gas.³¹

²⁷ United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed November 12, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁸ United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed November 12, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁹ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed November 12, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁰ California Gas and Electric Utilities. 2017 California Gas Report. Accessed November 12, 2019.

https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf

³¹ CEC. "Natural Gas Consumption by County". Accessed November 12, 2019.

<http://ecdms.energy.ca.gov/gasbycounty.aspx>.

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.³² 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 2018.³³ 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.^{34,35}

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy 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"/>

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)**

Any future housing development on the project site would be required to be designed for energy efficiency and conservation, in accordance with the City’s Private Sector Green Building Policy, Reach Code, Climate Smart San José, and Greenhouse Gas Reduction Strategy. Future residential development would be subject to the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. Any proposed buildings would be constructed to meet the latest California Building Energy Efficiency Standards (Title 24 California Code of Regulations). Adherence to General Plan policies, existing regulations, and adopted plans and policies would reduce possible energy consumption and new development at the project site would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less than Significant Impact)**

³² California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

³³ United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

³⁴ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

³⁵ 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-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Future development of the project site would be required to conform to General Plan policies and regulations which promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. Implementation of local policies and regulations would ensure future development on the site is compliant with regional and statewide energy efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code) By conforming to applicable General Plan policies related to renewable energy and energy efficiency, and the Green Building Ordinance, future development under the proposed General Plan designation would not preclude the City from meeting regional or statewide renewable energy or energy efficiency goals. **(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 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.

Local

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. The Building Codes include requirements for building foundations, walls, and seismic resistant design. 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 City's Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (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.

Envision San José 2040 General Plan

The General Plan includes the following geology and soils policies applicable to the proposed project.

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	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 1 and April 30.

Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
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.

4.7.1.2 Existing Conditions

Geology and Soils

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

Soils underlying the project site are comprised predominantly of Urbanland-Still complex and Urbanland-Hangerone complex. Small portions of the site contain Urbanland-Elpaloalto complex and Urbanland-Clear Lake complex soils. The Urbanland-Still complex consists of well-drained soils with a very low runoff class and moderate to moderately high expansion potential. A typical profile of this complex contains sandy loam, silt loam and loam soils. The Urbanland-Hangerone complex consists of poorly drained soils with a low runoff class and moderate expansion potential. A typical profile of this complex contains clay, clay loam, and gravelly loam soils.³⁶

Seismicity and Seismic Hazards

The project site is located within the San Francisco Bay Area, the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Based on a 2015 to 3009 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes will occur in the San Francisco Bay Area by 2044.³⁷ Active faults near the project site are shown below in Table 4.7-1.³⁸

According to California Geological Survey maps, the project site is not located within an Earthquake Fault Zone for any regional faults.³⁹ Very strong ground shaking would occur at the project site during seismic events; however, the project site would not be subject to fault rupture.

³⁶ United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California*. November 14, 2019.

³⁷ U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." Accessed November 14, 2019. <http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>.

³⁸ United States Geological Survey. "The San Andreas and Other Bay Area Faults". Accessed November 14, 2019. <https://earthquake.usgs.gov/earthquakes/events/1906calif/virtualtour/bayarea.php>

³⁹ California Geological Survey. "Earthquake Zones of Required Investigation". Accessed November 15, 2019. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

Table 4.7-1: Active Faults Near the Project Site	
Fault	Physical Distance from Site
Hayward	13.1 miles north
San Andreas	10.7 miles west
Calaveras	9.2 miles east

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the California Geological Survey maps, the project area is located within a potential liquefaction zone.⁴⁰

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. The terrain on the site is relatively flat and it is not located within a California Geological Survey Landslide Hazard Zone.⁴¹ There are no sloped areas or steep embankments in the vicinity of the site which could pose a landslide hazard.

Groundwater

The project site is located within the Santa Clara Valley Groundwater Basin. There are no groundwater recharge areas on or adjacent to the project site. Groundwater at the project site is estimated to be encountered between 10 to 20 feet below ground surface (bgs).⁴² Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

Paleontological Resources

The City of San José has been mapped to show the varying degrees of paleontological sensitivity throughout the City. The site is located in an area of high paleontological sensitivity at depth.⁴³

⁴⁰ California Geological Survey. “Earthquake Zones of Required Investigation”. Accessed November 15, 2019. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

⁴¹ Ibid.

⁴² Santa Clara Valley Water District. “Santa Clara County Depth to First Groundwater”. http://data-valleywater.opendata.arcgis.com/datasets/6310e5e6ce364c50a4df094332c85b8a_18. Accessed November 15, 2019.

⁴³ City of San José. *Envision San José 2040 General Plan FPEIR*. Figure 3.11-1. September 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 type="checkbox"/>	<input checked="" 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)**

Faults in the area are considered active and have a long history of seismic activity. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 6.7 in magnitude. Although the project site is not located within a fault rupture hazard zone, it would still experience intense ground shaking in the event of a large earthquake. The project site is also located within a Liquefaction Hazard Zone. Seismically-induced liquefaction could affect structural stability of any future development on the site. The project site is not located within a Landslide Hazard Zone and would not be subject to landslide hazards.

To minimize any impacts, future development would be required to utilize design and construction practices in accordance with seismic building criteria, as described in the current City of San José Building Standards Code and Fire Code. A design-level geotechnical investigation report addressing the potential seismic (and any other) geologic hazards affecting the site would also be required. Consistent with City requirements, the following condition shall be adhered to by any future development project on the site.

Standard Condition for Future Development:

- To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement 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 condition described above, future residential development of the site under the proposed land use designation would address seismic hazard risk and would not exacerbate existing geologic hazards on the project site. **(Less than Significant Impact)**

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

Future residential development of the project site under the proposed land use designation would disturb the ground, thereby increasing the potential for wind or water-related erosion and sedimentation at the site during construction. The National Pollutant Discharge Elimination System

(NPDES) General Permit for construction, urban runoff policies, and the San José Municipal Code (which are discussed in more detail in Section 4.10 Hydrology and Water Quality) are the primary means of enforcing erosion control measures. Additionally, General Plan Action EC-4.5 requires an Erosion Control Plan for private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Any future project disturbing more than one acre of soil would prepare an Erosion Control Plan in conformance with General Plan policies. The Erosion Control Plan will provide a site-specific analysis to determine necessary mitigation measures, design features, and/or off-site improvements to reduce the possibility of substantial erosion on-site. Further, future development would be required to abide by the following standard conditions.

Standard Conditions for Future Development:

- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.
- Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works prior to the issuance of a Public Works clearance. These standard practices would ensure future buildings on the site are designed to properly account for soils-related hazards on the site.

Future construction activities would be subject to the requirements of the aforementioned policies and regulations and, therefore, the proposed project would have a less than significant soil erosion impact. **(Less than Significant Impact)**

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

The project site is located on relatively flat terrain on the floor of the Santa Clara Valley. A design-level geotechnical investigation would be prepared for future development at the site that would analyze the potential for liquefaction or any other soil conditions to adversely affect any proposed structures or uses. Any buildings constructed at the project site would be built according to standard engineering methods and would be required to adhere to the recommendations set forth in the design-level geotechnical investigation. For these reasons, future development at the project site would adequately address potential impacts that could result from unstable geologic units or soil. **(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)**

Soils underlying the project site have a moderate to high expansion potential. Site-specific conditions would be evaluated during the design review process for any future development of the site under the proposed land use designation. Soil sampling and analysis, as a component of the geotechnical investigation, would accurately characterize the soil profile present at the project site and ensure that future development of the site is designed in a manner that addresses site-specific conditions and accounts for potential hazards. For these reasons, future development supported by the proposed land use designation would not create substantial risks to life or property due to the soils underlying the site. **(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. **(No Impact)**

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

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)**

As described in Section 4.7.1.2 Existing Conditions, the project site is located in an area of San José with high paleontological sensitivity at depth. The proposed General Plan Amendment, by itself, would not impact paleontological resources. If future development of the site involves substantial excavation, it is possible that previously undiscovered paleontological resources could be uncovered and disturbed during site development.

Consistent with General Plan Policy ER-10.3, the following condition would be applied to future development of the project site to reduce and avoid impacts to as of yet unidentified paleontological resources.

Standard Condition for Future Development:

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

implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

Implementation of General Plan policies would ensure any future development of the site would not significantly impact paleontological resources. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on greenhouse gas modeling completed using the California Emissions Estimator Model (CalEEMod) by *David J. Powers & Associates, Inc.* A memorandum detailing the results of the model, and the CalEEMod outputs, is attached to this Initial Study as Appendix A.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

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

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

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is located within a PDA (San José: Communications Hill).⁴⁴

⁴⁴ City of San José. "Priority Development Areas". Accessed November 15, 2019. <https://www.sanjoseca.gov/index.aspx?NID=2041>

Regional

Bay Area Air Quality Management District

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

- **Regional Clean Air Plans:** BAAQMD and other agencies prepare clean air plans as required under the State and federal Clean Air Acts. The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the State of California, the 2017 CAP lays the groundwork for BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term, and to decrease emissions of CO₂ by reducing fossil fuel combustion. The 2017 CAP is described in more detail in *Section 4.3, Air Quality*.
- **BAAQMD CEQA Air Quality Guidelines:** The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by BAAQMD. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

Post 2020-Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of CO₂e per year or 4.6 MT CO₂e per service population per year through 2020. A project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

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

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. Although BAAQMD has not published a quantified threshold for 2030 yet, this Initial Study uses a “Substantial Progress” efficiency metric of 2.6 MT CO₂e/year/service population. This is 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.⁴⁵

Local

Municipal Code

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

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

City of San José Private Sector Green Building Policy

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed land use designation would be subject to this policy and would be required to achieve a GreenPoint Rated 50 Points or LEED Certification, at minimum.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

⁴⁵ Association of Environmental Professionals. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. October 2016. Accessed November 12, 2019. https://www.califaep.org/climate_change.php

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as supplemented). Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO₂e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City's target for 2035.⁴⁶

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

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be

⁴⁶ As described in General Plan FEIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO₂e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

The following General Plan policies are related to GHG emissions and are applicable to future residential development at the site:

Policy	Description
Action MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

San Jose Transportation Analysis Policy (Council Policy 5-1)

This policy, which was adopted in 2018, changed the methodology for the evaluation of traffic impacts of all projects from a delay-based metric (i.e., level of service) to one based on vehicle-miles-traveled (VMT). The intent of the policy is to reduce the emission of GHGs and other pollutants associated with vehicular travel. Please see Section 4.17 Transportation for a detailed discussion of this policy and its applicability to the proposed project.

Climate Smart San José

The City Council adopted Climate Smart San Jose (CSSJ) on February 28, 2018. Climate Smart San José is a new San José community-wide initiative to reduce air pollution, save water, and create a strong and healthy community. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our Californian climate
- Densify our City to accommodate our future neighbors
- Make homes efficient and affordable for our families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our City to reduce vehicle miles traveled (VMT)
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

4.8.1.2 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. The principal GHGs contributing to global warming include CO₂, methane, nitrous oxide, and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, manufacturing, utility, and agricultural sectors.

The project site is vacant and does not contribute to the regional GHG emissions portfolio.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<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"/>

4.8.2.1 BAAQMD Significance Thresholds

The BAAQMD’s CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified GHG reductions plan (i.e., a Climate Action Plan). The plan has to address emissions associated with the period that the project would operate (e.g., beyond year 2020). For quantified emissions, the guidelines recommended a GHG threshold of 1,100 MT or 4.6 MT per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a “Substantial Progress” efficiency metric of 2.6 MT CO₂e/year/service population and a bright-line threshold of 660 MT CO₂e/year based on the GHG reduction goals of EO B-30-15. This service population threshold is calculated for 2030 based on the GHG reduction goals of EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.⁴⁷

⁴⁷ Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April 2016.

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)**

Construction Emissions

Future development would result in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, etc. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction-related GHG emissions are significant. Additionally, there is no specific development proposal at this time and estimates of construction timing, duration, and equipment would be overly speculative. Because project construction would be temporary and would not result in a permanent increase in GHG emissions that would interfere with the implementation of SB 32, construction-related emissions would be less than significant. **(Less than Significant Impact)**

Operational Emissions

The proposed General Plan Amendment from *Mixed Use Neighborhood* to *Urban Residential* would allow for up to 563 multi-family residential units to be developed on the 5.93-acre project site. Future residential development under the proposed land use designation would generate GHG emissions primarily from vehicular travel to and from the site. The project site is located in an area of San José with average VMT⁴⁸ per capita, meaning the project site is located near some complementary land uses (such as amenities or services) or transit options which reduce the number of vehicle trips workers and residents generate in the area.⁴⁹ Using the City's VMT evaluation tool to generate a preliminary estimate of VMT at the site, future development of the proposed General Plan designation would result in VMT of 9.23. The estimated VMT per capita of the project would be below the threshold of 10.12 VMT per capita (15 percent below the citywide average) for residential uses. The project's VMT impact would be less than significant (refer to Section 4.17 Transportation for further discussion). However, the maximum residential development allowed under the proposed land use designation would exceed BAAQMD screening criteria for residential uses (87 and 91 dwelling units for mid-rise and high-rise apartments, respectively). For this reason, the operational GHG emissions for the future residential development were quantified and compared to the Substantial Progress Efficiency metric of 2.6 metric tons of CO₂e per year per service population to determine the operational GHG emission impact of future development.

Operation of a future project would generate GHG emissions due to energy consumption, vehicular transport to and from the site, solid waste generation, and water use. CalEEMod was used to predict GHG emissions from operation of the future residential development assuming full build out of 563 standard mid-rise apartment units under the proposed General Plan Amendment. The estimated

⁴⁸ As defined by the City of San José, VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day.

⁴⁹ City of San José. "VMT per Capita Map". Accessed November 15, 2019. <http://www.sanjoseca.gov/vmt>

population, assuming full occupancy, would be 1,802 residents, which was input into the model.⁵⁰ The operational year included in the model was 2022.

Table 4.8-1 below summarizes the estimated operational GHG emissions of a future residential project at the maximum development capacity permitted by the proposed General Plan Amendment.

Table 4.8-1: Annual Project GHG Emissions (CO₂e) in Metric Tons and Per Capita	
Source Category	Proposed Project in 2021
Area	44.7
Energy Consumption	569.5
Mobile	1,888.8
Solid Waste Generation	130.2
Water Usage	87.0
Total Operational GHG Emissions (MT CO ₂ e per year)	2720.2 MT CO ₂ e/year
Service Population Emissions for Year 2021 (MT CO ₂ e/year/service population)	1.5
2030 Significance Threshold	2.6
Significant (Exceeds threshold)?	No

As shown in Table 4.8-1, operation of a future residential development at the site would not result in GHG emissions above the service population threshold (i.e., Substantial Progress Efficiency metric) of 2.6 MT CO₂e per year. Therefore, the maximum development allowed by the proposed General Plan Amendment would not result in a 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)**

City of San José Greenhouse Gas Reduction Strategy

The City of San José’s GHG Reduction Strategy is the primary benchmark used for assessing whether the proposed project will contribute significantly to GHGs in the region. The GHG Reduction Strategy was developed in accordance with the BAAQMD CEQA Guidelines, and in accordance with CEQA Guidelines Section 15183.5, where GHG Reduction Plans are specifically addressed.

It is expected that future development accommodated by the proposed General Plan Amendment would contribute to regional GHG emissions. As the project site is largely undeveloped, any future development would result in a net increase in GHG emissions. These GHG emissions would be reduced by adherence to the mandatory criteria for development projects that are listed in the GHG Reduction Strategy, consistent with City goals and policies. The mandatory criteria for development projects are listed below.

⁵⁰ Based on the occupation rate of 3.20 persons per household included in the Envision San José 2040 General Plan.

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
 - a. Solar site orientation
 - b. Site design
 - c. Architectural design
 - d. Construction techniques
 - e. Consistency with City Green Building Ordinances and Policies
 - f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
3. Pedestrian/Bicycle Site Design Measures
 - a. Consistency with Zoning Ordinance
 - b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

By proposing a General Plan Amendment to allow for greater residential density at the site, the project is inherently inconsistent with Criteria 1 above. The greater residential density allowed by the proposed General Plan Amendment would increase GHG emissions beyond what is expected under the current land use designation; however, as discussed above, the maximum residential development of the site would not exceed the Substantial Progress Efficiency metric of 2.6 metric tons of CO₂e per year per service population and would not result in an operational GHG impact. Furthermore, future site development would be required to implement Green Building Measures and be designed in a manner that would accommodate pedestrian and bicycle transportation, consistent with Criteria 2 and 3, respectively. Criteria 4 through 7 are not applicable to the proposed project because the site does not contain historic structures, the project does not propose an energy-intensive use, and the project site would be used for residential purposes and would not be occupied by large employers. While the project would be inconsistent with land use designations that formed the basis of the analysis in the GHG Reduction Strategy, the increase in residential density allowed by the General Plan Amendment would not preclude the City from achieving its GHG reduction goals. Therefore, the proposed General Plan Amendment would not conflict with the GHG Reduction Strategy. **(Less than Significant Impact)**

Climate Smart San José

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with

General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 4.6 Energy, future development on the project site would be subject to the Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. As discussed in Section 4.17 Transportation, the proposed project would result in a less than significant VMT impact. Furthermore, the proposed project is an infill development in a PDA which would densify the use of the site and bring new residences to an already developed area. The proposed project would facilitate growth in an area of the City planned for development and supported by transit. For these reasons, the project is consistent with the climate action goals set forth in Climate Smart San José. **(Less than Significant Impact)**

Association of Bay Area Governments Final Plan Bay Area 2040

ABAG's Plan Bay Area is the RTP/SCS for the San Francisco Bay Area. Plan Bay Area establishes GHG emissions goals for automobiles and light-duty trucks, a potent source of GHG emissions attributable to land use development. As previously described, ABAG was tasked by CARB to achieve a seven percent per capita reduction in mobile-source GHG emissions compared to 2005 vehicle emissions by 2020 and a 15 percent per capita reduction by 2035. Plan Bay Area 2013-2040 establishes an overall mechanism to achieve these GHG targets for the project region consistent with both the target date of AB 32 (2020) and the post-2020 GHG reduction goals of SB 32. CARB has confirmed the project region will achieve its GHG reduction targets by implementing Plan Bay Area (CARB 2014).

The RTP/SCS identifies 200 "Priority Development Areas," which are areas focused for growth and development. Priority Development Areas are defined by the RTP/SCS as existing neighborhoods that are served by public transit and have been identified as appropriate for additional, compact development. The project site is located in a PDA in the vicinity of local and regional transit connections. Furthermore, future development under the proposed General Plan designation would be infill development which increases site land use densification. The project would increase density in the vicinity over current conditions. Increased density, measured in terms of persons, jobs, or dwelling units per unit area, reduces emissions associated with transportation as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies such as enhanced transit services.

For these reasons, the proposed project is consistent with Plan Bay Area and it can be assumed that regional mobile emissions would decrease in line with the goals of Plan Bay Area with implementation of the proposed project and future development on the site. Implementing ABAG's RTP/SCS would reduce the regional GHG emissions from transportation, and the proposed project would not obstruct the achievement of Plan Bay Area's emission reduction targets. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and State laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the City of Santa Clara Fire Department 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. The California Department of Industrial Relations, Division of Occupational Safety and Health (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.

Cortese List (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 the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

Asbestos-Containing Material and Lead Paint Regulations

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 asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA

Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site’s historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District’s Asbestos Air Toxic Control Measure requirements.
EC 7.8	Where an environmental review process identifies the presence of hazardous materials on a

Policy	Description
	proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any 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-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.9.1.2 Existing Conditions

The 5.93-acre project site is vacant and covered by non-native grasses, ruderal vegetation, and a few trees. The site is located in southern San José and is surrounded by development on all sides. To the north and east of the site are residential developments, and to the south is the SCC Evans Lane Wellness and Recovery Center. Immediately west of the site is Evans Lane; further west is Almaden Expressway.

Site History

The project was most recently used for RV storage. Based on available records, the project site was orchard land from at least 1939 until approximately 1975 (approximately 36 years). By the early 1980s the site was vacant. The site was purchased by the City of San José in 1981 and leased to Almaden RV and Board Storage from 1985 to 2003.

On-Site Sources of Contamination

The project site is not included on the Cortese List.⁵¹ The project site is not listed on any other hazardous materials regulatory databases. Because of the past agricultural uses on-site, it is reasonable to assume that pesticides and other agricultural chemicals were used on-site. It is common to find arsenic, lead, and dichlorodiphenyltrichloroethane (DDT) residue in the soil in Santa Clara County from historic farming operations. While contaminant concentrations become diluted over time, particularly when located in exposed soils, there is some potential for residual soil

⁵¹ CalEPA. "Cortese List Data Resources". Accessed November 15, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

contamination to be on-site. In addition, prior site investigations identified the presence of piles of soil of unknown origin on the smaller parcel to the northeast (Parcel 456-09-017). The former agricultural use of the site and the presence of unknown soils were both identified as Recognized Environmental Conditions⁵² in the Phase I ESA prepared for the site in 2016.⁵³

Off-Site Sources of Contamination

The Phase I ESA identified previously documented and currently known hazardous materials locations within a one-eighth mile radius of the project site. Generally, hazardous materials sites beyond a one-eighth mile radius would not be considered significant because concentrations of contaminants in groundwater dissipate with distance. Two sites were identified within the one-eighth mile radius.

The San Jose Unified Corporation Yard is located at 2222 Unified Way, approximately 0.06-mile east (cross gradient) of the project site. The corporation yard is considered a large quantity generator. A leaking underground storage tank (LUST) containing diesel fuel was previously reported. The LUST was remediated and a case closure was issued in 2005.

Riandas Painting is located at 2270 Canoas Garden Avenue, approximately 0.13-mile south (up gradient) of the project site. The business is considered a small quantity generator with no violations reported.

Airports

The project site is not located within the Norman Y. Mineta San José International Airport or Reid-Hillview Airport Influence Areas which are composites of the areas surrounding the airports that are affected by noise, height, and safety considerations. The project site is not located within the vicinity of a private airstrip.

⁵² A Recognized Environmental Condition is defined as the presence of likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

⁵³ Aqua Science Engineers, Inc. *Phase I Environmental Site Assessment of APN 455-31-53/55 – 2090 Evans Lane, San José, California*. June 8, 2016.

Wildfire Hazards

The site is within the city limits and is not within a State of California Very High Fire Hazard Severity Zone at the wildland and urban interface.⁵⁴

4.9.2

4.9.3 N-----

	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

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)**

⁵⁴ California Department of Forestry and Fire Protection. *Fire Hazard Severity Zones Maps*. Accessed November 15, 2019. http://www.fire.ca.gov/fire_prevention/fhsz_maps_santaclara

The proposed General Plan amendment, from *Mixed Use Neighborhood* to *Urban Residential*, is unlikely to result in the routine use, transport, or release of hazardous materials. Future residential development at the project site may include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities typical of residences. These small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. **(Less than Significant Impact)**

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

The project site is located on land which was previously used for agricultural purposes. Lands previously used for agriculture have the potential to be contaminated due to the historical application of pesticides and/or other agricultural chemicals. Future development under the proposed General Plan Amendment would disturb on-site soils, potentially leading to exposure of construction workers and adjacent uses to residual agricultural chemicals. In accordance with General Plan Policy EC-7.11, future development of the site would be required to complete soil sampling for the presence of residual agricultural chemicals (including, but not limited to, pesticides, herbicides, lead, arsenic, and mercury) and determine if levels of contamination are appropriate for residential uses. Levels of contaminants would be compared to the most recent (2019) RWQCB Environmental Screening Levels (ESLs) and/or background conditions for Santa Clara County to determine if on-site contamination warrants additional testing or mitigation measures. The presence of contaminants in exceedance of relevant screening levels could be addressed by preparation of a Soil Management Plan, which would be subject to review and approval by the City of San José Environmental Services Division and the Santa Clara County Department of Environmental Health prior to permitting of any future development project.

In addition to past agricultural use of the site, the presence of fill material of unknown origin on the site was identified as a Recognized Environmental Condition and warranted soil sampling. The previous Phase I ESA recommended that three samples be collected from the soil piles and analyzed for multi-range petroleum hydrocarbons, volatile organic compounds, semi-volatile organic compounds, pesticides, PCBs, herbicides, and CAM 17 Metals. At the time of a future development proposal, soil sampling would be necessary to determine any potential contamination in this area of the site.

The most recent Phase I ESA was prepared in 2016 and on- or off-site soil, soil vapor, and groundwater conditions may have changed by the time a specific development is proposed for the site. Therefore, in accordance with General Plan Policy EC-7.1, an updated Phase I ESA shall be prepared for any future development of the site. The Phase I ESA would disclose the historical uses of the project site and the surrounding areas, and provide recommendations for any site-specific soil/groundwater sampling, if necessary. As described above, the site was previously used for agriculture and soil sampling would be required to characterize the levels of contamination on-site. Adherence to the recommendations of the Phase I ESA (and any site management plan determined to be necessary upon soil sampling) would ensure that the construction activities of any proposed

developments would not expose construction workers or the public to hazardous materials, and that hazardous materials would not be released into the environment as a result of future development. By implementing local policies and regulations, future development supported by the proposed General Plan Amendment would not create an undue risk to human or environmental health as a result of the release of hazardous materials. **(Less than Significant Impact)**

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

The nearest school to the project site is My School Preschool, located approximately 0.3-mile south of the site. Future development of the site would establish residential uses, which are not sources of hazardous materials. Therefore, the proposed project would not result in significant hazardous materials impacts to existing or proposed schools. **(Less than Significant Impact)**

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

The project site is not listed on the Cortese List. Future development of the site would not create a significant hazard to the public or the environment due to its listing as a hazardous materials site. Thus, 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. **(Less than Significant Impact)**

The project site is located approximately 4.3 miles southeast of the Norman Y. Mineta San José International Airport and approximately 3.8 miles southwest of Reid-Hillview Airport. The project site is not located in the Airport Influence Area (AIA) of either airport.^{55,56} Future development allowed under the proposed General Plan land use designation would not result in a safety hazard related to airport activities or expose people residing or working in the project area to excessive noise. **(Less than Significant Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

⁵⁵ Santa Clara County. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. Adopted May 25, 2011. Amended November 16, 2016.

⁵⁶ Santa Clara County. *Reid-Hillview Airport Comprehensive Land Use Plan*. October 24, 2007. Amended November 16, 2016.

Future residential development allowed under the proposed General Plan land use designation would not physically interfere with an adopted emergency response or evacuation plan. During construction and operation of any future project, roadways would not be permanently blocked such that emergency vehicles would be unable to access the site or surrounding sites. Evans Lane would provide emergency ingress and egress to the project site during the construction and operation of any residential development proposed for the site. Any improvements to site access would be subject to review and approval by the City. Thus, any impacts would be less than significant. **(Less than Significant 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 not located in a Very High Fire Hazard Severity Zone as identified by Cal Fire, nor is it located in a Wildland-Urban Interface Area as identified by the San José Fire Department (SJFD).⁵⁷ Future residential development allowed under the proposed General Plan land use designation would not be exposed to wildland fire hazards. **(Less than Significant Impact)**

⁵⁷ San José Fire Department. *Wildland Urban Interface (WUI) Fire Conformance Policy*. January 2017.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

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

National Flood Insurance Program

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

National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activity

The SWRCB has implemented a National Pollution Discharge Elimination System (NPDES) General Construction Permit for the State of California. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. In order to obtain coverage under the Construction General Permit, a Notice of Intent (NOI) must be filed with the RWQCB, and Storm Water Pollution Prevention Plan (SWPPP) must be developed by a certified Qualified SWPPP Developer (QSD) prior to commencement of construction.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and 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

are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Dam Safety Act

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.⁵⁸ Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and State level. In accordance with the State Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

Regional

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit⁵⁹ (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the 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 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.

⁵⁸ California Governor's Office of Emergency Services. 2018. *2018 State Hazards Mitigation Plan*. Accessed November 15, 2019. <https://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan>

⁵⁹ MRP Number CAS612008.

Local

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

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

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

The City of San José’s Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.⁶⁰

Envision San José 2040 General Plan

Future development allowed by the proposed land use designation would be subject to the hydrology policies of the City’s General Plan, including the following:

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 for proposed developments 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.

⁶⁰ Santa Clara Valley Urban Runoff Pollution Prevention Program. “Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José.” July 2011.

- 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

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. The project site is comprised of mainly pervious surfaces and contributes minimal surface runoff into the City’s storm drain system. Surface runoff from adjacent roadways and buildings could contain contaminants such as oil and grease, plant and animal debris, pesticides, litter, and heavy metals that could adversely affect the aquatic habitats to which they drain. Surface runoff from impervious surfaces in the project vicinity is collected by a network of public storm drains in the streets and discharged to the Guadalupe River and ultimately, the San Francisco Bay. CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants. The Guadalupe River is listed as an impaired water body for diazinon (an organophosphate insecticide), mercury, and trash.⁶¹

Groundwater quality can be affected by various construction processes, such as dewatering of groundwater encountered during excavation or discharge of contaminated water from a construction site to a local aquifer. Additionally, shallow aquifers can be affected via infiltration from surface runoff. Groundwater supply can be affected by unrestricting pumping of individual wells, typically those which are used for agricultural irrigation, or the removal of supplemental recharge ponds. Groundwater levels are estimated to be approximately 10 to 20 feet bgs at the project site. The project site is not located within or adjacent to any groundwater recharge facility used by the Santa Clara Valley Water District (SCVWD).⁶²

Hydrology and Drainage

The approximately 5.93-acre project site is located in the Guadalupe River watershed.⁶³ The Guadalupe River watershed is a 171-square mile area that drains the Guadalupe River and its tributaries through downtown San José.⁶⁴ The Guadalupe River is located approximately 0.3-mile west of the site.

⁶¹ California State Water Resources Control Board. “Impaired Water Bodies.” Accessed November 15, 2019. http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

⁶² SCVWD. *2016 Groundwater Management Plan*. Figure 1-3. 2016.

⁶³ City of San José. “Watershed Maps”. Accessed November 15, 2019. <http://www.sanjoseca.gov/index.aspx?NID=1868>

⁶⁴ Santa Clara Valley Urban Runoff Prevention Program. “Guadalupe Watershed”. Accessed November 18, 2019. http://www.scvurppp-w2k.com/ws_guadalupe.shtml.

Flooding and Other Hazards

The majority of the project site is located within Zone D. Zone D is an area where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. (Map No. 06085C0241H, May 18, 2009).⁶⁵ A portion of the site adjacent to SR 87 is located in Zone AH. Zone AH is an area within the 100-year floodplain with flood depths of one to three feet.

The project site is located within the dam failure inundation zone for the Anderson Dam, as identified in the General Plan FEIR.⁶⁶ The site could be subject to inundation following potential failure of the Anderson Dam.

Due to the project site’s inland location and distance from large bodies of water (i.e., the San Francisco Bay), it would not be subject to seiche or tsunami hazards, or sea level rise.

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"/>
– 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"/>

⁶⁵ Federal Emergency Management Agency. “FEMA Flood Map Service Center”. Accessed November 4, 2019. <https://msc.fema.gov/portal/home>.

⁶⁶ City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. Figure 3.7-5. September 2011.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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-Related Water Quality

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in adjacent waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system after surface runoff flows across the site. Assuming the entirety of the 5.93-acre project site would be disturbed during future development, over one-acre of soil would be disturbed and future projects would be required to conform to the requirements of the Construction General Permit. As such, an NOI would need to be submitted to the RWQCB and a SWPPP must be developed to establish methods for controlling discharge associated with construction activities.

In addition to the Construction General Permit, development projects in San José are required to comply with the City’s Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. An Erosion Control Plan would be prepared for any proposed development of the site because over one acre of soil would be disturbed (refer to Section 4.7 Geology and Soils). The Erosion Control Plan will detail the BMPs that would be implemented to prevent the release of stormwater pollutants and reduce excessive erosion and siltation.

Construction of any future development at the site would be required to comply with the City’s Grading Ordinance and NPDES General Permit and would not result in significant construction-related water quality impacts. **(Less than Significant Impact)**

Post-Construction Water Quality

Future development of the project site would result in the addition of more than 10,000 square feet of impervious surface areas. The MRP requires projects that would add or replace more than 10,000 square feet of impervious surface area to implement post-construction stormwater treatment controls, using LID techniques to the maximum extent feasible. Future development would be required to comply with the City’s Post-Construction Urban Runoff Management Policy, which requires

implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.

Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the MRP would be included in the future project design, to the satisfaction of the Director of Planning, Building and Code Enforcement. With the regulatory programs currently in place, stormwater runoff from new residential development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, future development on the site would have a less than significant water quality impact. **(Less than Significant Impact)**

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

The proposed project is located within the Santa Clara subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundary. Future development of the site would rely on existing sources of water and the City's existing water delivery system. Groundwater levels at the site are estimated to be between 10 to 20 feet bgs. Future development of the site could include below-grade excavation and require dewatering of subsurface groundwater during construction. If construction dewatering occurs, it would be temporary in nature and would not substantially affect regional groundwater supplies. Residential uses of the project site would increase the demand for water in the City; however, this increase would be marginal and would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to one of the SCVWD's 18 major groundwater recharge systems. Therefore, development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(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)**

Future development of the site could alter the existing drainage patterns of the site as a result of increased impervious surfaces. However, future development of the site would be required to comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion, siltation, and flooding on and off the site. Consistent with General Plan Policy EC-4.5, an Erosion Control Plan will be

prepared for any future development project which would address the potential for site development to result in on- or off-site erosion. Compliance with existing policies and regulations for the management of surface runoff and erosion would reduce the drainage impacts of any proposed development on the site to be less than significant. **(Less than Significant Impact)**

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

A portion of the site adjacent to SR 87 is located in Zone AH. Zone AH is an area within the 100-year floodplain with flood depths of one to three feet. Future development of the site would not be permitted to build structures within Zone AH; thus, project structures or insurable property would not be located in a FEMA-designated Special Flood Hazard Area. Future development of the site would not risk release of pollutants due to project inundation in a flood hazard zone. The project site is located at a distance from the San Francisco Bay and other large bodies of water where it would not be exposed to risk of inundation by tsunami or seiche. The project site is located in the dam failure inundation zone for the Anderson Dam; however, inundation risks following dam failure are adequately addressed by hazard mitigation planning at the local and regional level. Future development of the site would not increase the risk of inundation at the site, or subsequent pollutant release. Thus, the impact would be less than significant. **(Less than Significant Impact)**

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

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft. Implementation of the proposed project would not interfere with any actions set forth by the SCVWD in its GMP in regard to groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not preclude the implementation of the GMP.

The RWQCB updates its Basin Plan triennially to reflect current conditions and track progress towards meeting water quality objectives. Future development on the site would comply with the Construction General Permit, the MRP, and City policies and code regarding stormwater runoff and water quality. By adhering to these policies and regulations the proposed project would not prevent the RWQCB from attaining the water quality objectives set forth in the Basin Plan. **(Less than Significant Impact)**

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 land use change is subject to the land use policies of the City’s General Plan, including the following:

Policy	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).
CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
CD-7.2	Designated Urban Villages should not proceed with residential development until an Urban Village Plan has been completed. Residential development that is purely ancillary to a primary employment use, such as penthouse residences in an office building, may be considered in advance of an Urban Village Plan. “Signature” projects, and other types of development expressly allowed in accordance with <i>Envision General Plan</i> policies may proceed prior to acceptance or approval of the Urban Village Plan.
CD-7.3	Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with General Plan design policies and any other applicable design policies pertaining to the proposed use. Following adoption of an Urban Village Plan, review new development for consistency with design goals, policies, standards, and guidelines included within the Urban Village Plan.
CD-7.7	Maintain and implement land use policies that are consistent with the urban nature of Urban Village areas. Incorporate spaces and support outdoor uses for limited 24-hour uses, so long as the potential for significant adverse impacts is mitigated.
LU-2.3	To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.
LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the General Plan Land Use/Transportation Diagram.

LU-10.5 Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Local Transit Urban Villages

The development of Urban Villages is one of the Major Strategies (Strategy #5) set forth in the Envision San José 2040 General Plan. An Urban Village Plan will be prepared for each Urban Village in the General Plan to realize the City’s vision of concentrating new job and residential growth in areas oriented around existing or proposed transit facilities. As set forth in General Plan Policy CD-7.2, new residential development in Urban Villages should not precede adoption of an Urban Village Plan, aside from “Signature” projects or other projects expressly allowed under General Plan policies.

Local Transit Urban Villages are located along light rail or bus rapid transit facilities which are used primarily for travel on a more localized basis. Accordingly, the Urban Villages at these locations are planned for a balanced mix of job and housing growth at relatively high densities with greater emphasis placed upon building complete communities at each Urban Village location while also supporting use of the local transit system.

4.11.1.2 Existing Conditions

The 5.93-acre project is vacant; land cover on-site consists of grasses, ruderal vegetation, and sparse trees. The site is surrounded by residential developments to the north and east, the SCC Wellness and Recovery Center to the south, and Evans Lane to the west.

The current General Plan land use designation of the site is *Mixed Use Neighborhood*. This designation allows a density of up to 30 du/ac with a FAR of 0.25 to 2.0 (one to 3.5 stories). The *Mixed Use Neighborhood* designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and also to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the *Mixed Use Neighborhood* area.

The project site is comprised of two parcels: Parcel 455-09-016 and -017 which are zoned *RM(PD) Multiple Resident Planned Development*. The RM zoning district reserves land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development. This RM Planned Development Zoning District allows 61 residential permanent supportive housing and affordable housing dwelling units in eight prefabricated buildings, a residential community building with staff offices, community garden and a satellite public library on a 5.93-gross acre site.

The project site is located within the Curtner Light Rail/Caltrain Urban Village (Horizon 2). This Local Transit Urban Village has a planned job capacity of 500 jobs and a planned housing yield of 1,440 dwelling units.⁶⁷

⁶⁷ City of San José. *Appendix 5: Growth Area Capacity by Horizon – Envision San José 2040 General Plan*. Accessed November 18, 2019. <https://www.sanjoseca.gov/index.aspx?nid=3368>.

The land use designation to the north and south of the site is *Neighborhood/Community Commercial*. Across SR 87 to the east the land use designation is *Heavy Industrial*, and across Almaden Expressway to the west the land use designation is *Urban Residential*. The surrounding zoning is *A(PD) Planned Development* to the north, *R-MH Mobilehome Park* to the east, *LI Light Industrial* to the south, and *A(PD) Planned Development* and *CO Commercial Office* to the west.

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 checked="" type="checkbox"/>	<input 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. **(Less than Significant Impact)**

The project proposes a General Plan Amendment which would allow for greater residential density at the project site. Amending the land use designation of the site from *Mixed Use Neighborhood* to *Urban Residential* would allow for development of the site with up to 563 residential units. Future development would not require construction of dividing infrastructure like highways, freeways, or major arterial streets. The project site is undeveloped and abuts existing residential developments to the north and east. The adjacent residential developments are not accessed by way of the project site. At this time, there are no proposed modifications to the surrounding roadways or roads providing access to the site. The project site is directly accessible from Evans Lane and access to nearby neighborhoods would not be restricted or hindered by future development of the project site. For these reasons, the proposed project would not result in a significant impact by physically dividing an established community. **(Less than Significant Impact)**

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

The proposed General Plan Amendment would allow for development at a greater intensity than is supported by the site’s current General Plan designation. Inherently, future development at the site would be inconsistent with conclusions made in the General Plan FEIR regarding the environmental effects of General Plan build out. However, future development of the site under the proposed *Urban Residential* designation would still be required to conform to applicable General Plan policies and zoning code requirements. The potential environmental effects of the proposed General Plan Amendment are analyzed throughout this Initial Study and would be supplemented by project-level

analyses at the time of a specific development proposal. Future development would be reviewed for compliance with applicable land use plans and policies (i.e., the Santa Clara Valley Habitat Plan, City of San José Greenhouse Gas Reduction Strategy, and BAAQMD 2017 Clean Air Plan). Therefore, the proposed would not conflict with land use plans, policies, or regulations adopted to avoiding or mitigate environmental effects. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of aggregate mineral materials. Other than the Communications Hill area, San José does not have mineral deposits subject to SMARA.

4.12.1.1 *Existing Conditions*

The project site is located approximately 600 feet from the lowest northern slope of Communications Hill. Although in proximity to the Communications Hill area, mineral resources have not been previously found on the valley floor. The project site is not located in an area containing known mineral resources.

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 project site is vacant and is not located in an area containing known mineral resources. Future development of the site would not result in the loss of availability of any known mineral resources. **(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 only mineral resource recovery site that has been identified in San José is located in the Communications Hill area. The northernmost slopes of Communications Hill are located approximately 600 feet southeast of the project site. While in proximity to an area containing mineral resources, no mineral resources are known to occur in the valley floor. Therefore, future development of the project site would not result in the loss of a mineral resource recovery site. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.⁶⁸ Using one of these descriptors is a way for a location’s overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). The City’s 2040 General Plan applies the DNL descriptor, which represents the average noise level over a 24-hour period and penalizes noise occurring between 10 PM and 7 AM by 10 dB. 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. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

⁶⁸ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

4.13.1.2 Regulatory Framework

State

State Building Standards Code

The California Building Standards Code (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 dBA DNL or 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, industrial source or fixed-guideway noise source.

Local

Envision San José 2040 General Plan

The City’s Envision San José 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City. The City’s noise and land use compatibility guidelines are shown in Table 4.13-1, below.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care 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						

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

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
 Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
 Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
 Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.						

Policy	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 Initial Study). Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
EC-1.2	<p>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 Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.
EC-1.3	<p>Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.</p>
EC-1.7	<p>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.</p>

Policy	Description
EC-2.3	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a 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 vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.</p>

Municipal Code

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

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

4.13.1.3 Existing Conditions

Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87 and Almaden Expressway. Based on noise measurements completed at the site in 2018, the existing ambient noise levels at the project site are 71 to 72 dBA DNL at the site's western boundary on Evans Lane and 65 dBA DNL at the site's eastern boundary.⁶⁹ The project site is approximately 4.3 miles south of the Norman Y. Mineta San José International Airport and is outside the airport's noise contours.⁷⁰

The project site is surrounded by multi-family residences, a mobile home park, the SCC Evans Lane Wellness and Recovery Center, and a self-storage facility. The nearby residences are considered noise-sensitive receptors.

⁶⁹ Illingworth & Rodkin. *Evans Lane NEPA Noise Assessment*. July 26, 2018.

⁷⁰ Mineta San José International Airport. "2027 CNEL Contours". <https://www.flysanjose.com/node/2206>. Accessed November 20, 2019.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

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 from future development of the project site would temporarily increase ambient noise impacts at nearby sensitive receptors. It is anticipated that the effects of construction noise levels on nearby sensitive receptors would be reduced through implementation of regulations in the City’s Municipal Code on construction hours (which limits construction hours near residential land uses) and General Plan Policy EC-1.7 (which identifies requirements for limiting construction noise).

Policies and standards within the City’s Municipal Code and General Plan would be implemented for future development of the project site and would avoid potentially significant construction-related

noise impacts. The 2040 General Plan FEIR concluded that short-term construction noise would be mitigated by identified General Plan policies. Therefore, construction noise during future development of the project site would not result in a significant noise impact. **(Less than Significant Impact)**

Operational Noise

Future development of the project site under the proposed land use designation would not substantially increase permanent ambient noise levels in the project area because it would not include substantial noise sources. A future residential project could generate noise due to operation of mechanical equipment; however, project-generated traffic would be the main contributor to existing noise levels. It is estimated that the allowable build out of the site would generate a maximum of 3,063 new vehicle trips per day.⁷¹ As discussed above, a 3 dBA noise increase would be considered significant when the resulting noise levels would exceed the acceptable levels for a residential use (75 dBA as shown in Table 4.13-1). For traffic noise levels to result in a 3 dBA increase, a doubling of traffic volumes on adjacent roadways would have to occur. The estimated increase in vehicle trips could result in a doubling of traffic volumes along Evans Lane; however, the resultant noise levels would likely not exceed 75 dBA. Therefore, the relevant threshold for traffic noise increases at the project site would be 5 dBA. Future residential projects on the project site would be required to quantify project-generated traffic noise levels and determine whether the increase would exceed the 5 dBA threshold. Mitigation measures will be identified, as necessary, to reduce potential noise impacts induced by project traffic and any mechanical equipment on-site. Therefore, future development under the proposed land use designation would not result in a substantial increase in permanent noise levels. **(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)**

Future development on the project site could generate temporary construction vibration that could affect adjacent uses. Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity.

According to General Plan Policy EC-2.3, a vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of normal conventional construction. The closest residences to the project site are in the mobile home park immediately adjacent to the site's eastern property line. If heavy construction activities were to occur along this property line, the vibration limit of 0.2 in/sec PPV could be exceeded. Future development would comply with all applicable City policies set forth to reduce construction vibration impacts, particularly General Plan Policy EC-1.7. Pursuant to this policy, future development would be required to prepare a construction noise logistics plan to reduce construction noise and vibration impacts if construction of the project would last over 12 months. The construction noise logistics plan would be subject to review and approval by the City.

⁷¹ Institute of Transportation Engineers. *Trip Generation Manual 10th Edition – Volume 2: Data. Residential (Land Uses 200-299)*. Page 73. September 2017.

There are no nearby historic structures that would be impacted by groundborne vibration generated by construction of any future development. For these reasons, future development under the proposed land use designation would not generate excessive groundborne vibration or groundborne noise levels. **(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. **(Less than Significant Impact)**

The project site is located approximately 4.3 miles southeast of the Norman Y. Mineta San José International Airport and approximately 3.8 miles southwest of Reid-Hillview Airport. The project site is not located in the AIA or noise contours of either airport. There are no private airstrips in the vicinity of the site. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

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

Based on the General Plan noise and land use compatibility guidelines (Table 4.13-1), residential development is allowed in areas with ambient noise levels up to 60 dBA DNL and is conditionally allowed in areas with noise levels up to 75 dBA DNL. The project area has existing noise levels of 65 to 72 dBA CNL. The existing noise levels which future residents of the site would be exposed to would be conditionally acceptable, per the City's noise compatibility guidelines. Future development would be subject to the City's General Plan Policy EC-1.1 which would ensure noise reduction and needed noise insulation features are included in the project design as appropriate, given the ambient noise level. For this reason, future development would not expose future residents to noise levels in excess of applicable standards.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. California’s Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.⁷² The City of San José Housing Element and related land use policies were last updated in January of 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).⁷³

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.⁷⁴ The City had approximately 335,887 housing units as of January 1, 2019. The Association of Bay Area Governments (ABAG) estimates that there will be an approximate City population of 1,377,145 and 448,310 households by the year 2040.⁷⁵

⁷² California Department of Housing and Community Development. “Regional Housing Needs Allocation and Housing Elements” Accessed November 19, 2019. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁷³ Association of Bay Area Governments and Metropolitan Transportation Commission. “Project Mapper.” <http://projectmapper.planbayarea.org/>. Accessed November 19, 2019.

⁷⁴ State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019.” Accessed November 19, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁷⁵ Association of Bay Area Governments. *Projections 2040*. November 2018.

The project site is vacant and located in a developed area of San José. Nearby housing includes multi-family and mobile home developments located north and east of the site, respectively, and multi-family developments across Almaden Expressway to the west of the site. The project site is located within the Curtner Light Rail/Caltrain Urban Village, an area of San José designated for moderate job and residential growth through 2040. The site is located within a PDA as identified in Plan Bay Area.

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 type="checkbox"/>	<input checked="" 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)

Examples of ways in which a project can induce substantial population growth include:

- proposing new housing beyond projected or planned development levels;
- generating demand for housing as a result of new businesses;
- extending roads or other infrastructure to previously undeveloped areas; or
- removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The proposed General Plan Amendment to *Urban Residential* would allow for a future development of approximately 563 multi-family housing units (approximately 1,802 residents⁷⁶) at the project site. This amounts to a total of 1,232 residents that were not accounted for in the population estimates used in the General Plan.⁷⁷ Although the General Plan Amendment (and any future housing development on-site) would diverge from General Plan growth estimates, the additional population growth would not be substantial given the overall population growth projected within San José. In

⁷⁶ Using the estimate of 3.20 persons per household based on the latest Department of Finance estimates for San José.

⁷⁷ The estimate population allowed under the current General Plan designation (178 dwelling units x 3.20 person per unit ≈ 570 persons) was subtracted from the maximum estimated residential population under the proposed General Plan designation (563 dwelling units x 3.20 persons per unit ≈ 1,802 persons)

addition, the proposed project is located within the Curtner Light Rail/Caltrain Urban Village which has a projected housing yield of 1,440 dwelling units. The proposed project would not allow for housing growth in exceedance of what is planned for the Urban Village. Future development of the project site would also not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence. As a result, impacts would be 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. **(No Impact)**

The project site is currently undeveloped and does not provide any housing. The proposed General Plan Amendment would not reduce the City's housing stock; rather, it would facilitate an increase in available housing by allowing greater residential density at the site. Therefore, the project would not displace people or housing or require the construction of replacement housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due 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 at the discretion of the City.

School Impact Fees

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. Sections 65995-65998 sets 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]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) 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 over 50 units, it is the City's decision whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

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

Policy	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 SF of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service (LOS) 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 publicly-visible and accessible spaces.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 sf per 1,000 population of community center space.
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 PDO and PIO fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 0.75-mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.15.1.2 Existing Conditions

Fire and Police Protection

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 in the City. The closest station to the project site is Station 33, approximately 1.1 miles southeast of the site.

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

Schools

The project site is located within the San José Unified School District (SJUSD). Students at the project site would attend Galarza Elementary School (approximately 0.6-mile northwest of the site), Willow Glen Middle School (approximately 1.1 miles west of the site), and Willow Glen High School (approximately 1.1 miles west of the site).

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The closest parks to the project site include River Glen Park (approximately 0.7-mile northwest of the site) and Canoas Park (approximately 0.7-mile south of the site).

Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the project area are served by the Gene and Mickey Long Library, located 1.1 miles west of the site at 1996 Cottle Avenue.

Community Centers

The City of San José operates 51 community centers within the City limits. The nearest community center to the site is the Willow Glen Community and Senior Center, located approximately 0.8-mile west of the site at 2175 Lincoln Avenue.

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"/>

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

The project site is currently served by the SJFD. The proposed General Plan land use designation would facilitate an increase in residential density at the project site beyond what is allowed by the current designation. Future development of the site would introduce a maximum of approximately 1,802 residents to the area, thereby incrementally increasing the demand for fire protection services in the area. While there would be increased demand placed on the SJFD, the site is located in a developed area within the SJFD’s service area and in proximity to existing fire stations. Additionally, future development of the site would be constructed in a fire-safe manner in accordance with current building codes. Future development of the site would not require existing fire protection facilities or services to be expanded. Therefore, the proposed General Plan Amendment would not result in a significant impact on fire protection services. **(Less than Significant Impact)**

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

The project site is currently served by the SJPD. The addition of residential units at the project site would incrementally increase the demand placed on the SJPD for police protection services. While there would be greater demand on the SJPD, the residential development accommodated by the proposed General Plan Amendment would not warrant the expansion or construction of police facilities. Future development of the project site would be constructed in accordance with building codes and maintained in accordance with City policies, such as General Plan Policy ES-3.9 to promote public and property safety. For these reasons, the proposed General Plan Amendment would not result in a significant impact to police protection services. **(Less than Significant Impact)**

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

The proposed General Plan Amendment to *Urban Residential* would allow a maximum build out of 563 residential units. It can reasonably be expected that future residents of any residential development proposed for the site could include elementary, middle, and high school students. Using SJUSD student generation factors of 0.238 students per dwelling unit, maximum build out of the project site would increase the student population in the area by approximately 134 students.⁷⁸ Increasing the student population in the project area by 134 students would not require the construction of new schools; however, full build out of the project site would place a new demand on school facilities in the area.

In accordance with California Government Code Section 65996, the developer of any future project would be required to pay a school impact fee to the School District to offset the increased demands on school facilities caused by the project. Payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. Therefore, the proposed General Plan Amendment would have a less than significant impact on school facilities. **(Less than Significant Impact)**

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

Future residents of the site would likely use existing parks in the area to meet their recreational needs. Based on the maximum development allowable under the proposed General Plan designation, a future residential project would result in a new demand placed on nearby parks.

⁷⁸ San José Unified School District. *Development Fee Justification Study*. April 2014.

Consistent with City policies, future redevelopment under the proposed land use designation will be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (PDO/PIO), and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities resulting from future residential development on the site. The PDO/PIO fees generated by new residential development will be used to provide neighborhood-serving facilities within a 0.75-mile radius of the development site and/or community-serving facilities within a three-mile radius (as stated in General Plan policies PR-2.4 and PR-2.5). Thus, the project's impact on parks would be less than significant. **(Less than Significant Impact)**

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

The maximum build out of the project site would result in approximately 1,802 new residents. It can reasonably be assumed that future residents at the project site would use nearby libraries and community centers. These public facilities would not be substantially degraded by the increase in use created by residential development on-site. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the Envision San José 2040 General Plan by the year 2035, which is above the City's service goal. Although the proposed General Plan Amendment would incrementally increase the amount of residential development and population growth anticipated in the General Plan, future development of the project site would not substantially increase use of San José library facilities or require the construction of new library facilities to meet City service goals. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

Policy	Description
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 ¼ mile radius of the project site that generates the funds.

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including 197 neighborhood parks, nine regional parks, and 61 miles of trails.⁷⁹ The City also manages 51 community centers, 17 community gardens, seven public skate parks, and six aquatic facilities. The City’s Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest public parks to the project site are River Glen Park (approximately 0.7-mile northwest of the site) and Canoas Park (approximately 0.7-mile south of the site).

Based on General Plan level of service goals, the City has sufficient neighborhood/community and combined City and other Citywide/regional parkland. However, the City is deficient in school recreation and City-owned Citywide/regional parkland.⁸⁰ Following General Plan build out, it is projected that the City will have a surplus of approximately 7,500 acres of combined city and other citywide/regional parkland, a deficit of approximately 8,000 acres of City-owned Citywide/regional

⁷⁹ City of San José Department of Parks, Recreation, and Neighborhood Services. “Fast Facts.” Accessed June 4, 2020.

⁸⁰ City of San José. *Envision San José 2040 General Plan FEIR*. Page 616. September 2011.

parkland, a deficit of approximately 1,300 acres of recreational school grounds, and a deficit of approximately 400 acres of neighborhood/community serving parkland.

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 approximately 1,802 residents resulting from maximum residential development of the project site would moderately increase demand on existing neighborhood and regional parks and other recreational facilities. Any future residential project would be required to conform to Section 14.25 of the Municipal Code, which describes parkland dedications/in-lieu fees that new residential developments must contribute to the City. Fees collected from the PDO/PIO would serve existing park facilities within a 0.75-mile radius of the proposed project, or community centers within a three-mile radius, and would ensure that existing facilities would not be degraded by the increased intensity of use. **(Less than Significant Impact)**

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)**

The proposed General Plan Amendment, by itself, does not include any recreational facilities. Future residential development facilitated by the proposed General Plan Amendment could include on-site recreational facilities, which would be analyzed during the development review process for any development proposed for the site. No new off-site recreational facilities would be required to be constructed to serve the incremental population increase that would result from future residential development on-site. The proposed project, therefore, would not result in the construction or expansion of recreational facilities with the potential to adversely affect the environment. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a cumulative long-range transportation analysis prepared for the 2019 General Plan Amendment cycle by Hexagon Transportation Consultants, Inc. The transportation analysis, dated August 29, 2019, is included in this Initial Study as Appendix B.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Planning

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

Congestion Management Program

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

Local

Transportation Analysis Policy (City Council Policy 5-1)

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

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

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

City of San José Transportation Analysis Handbook, Volume II

The City of San José sets forth procedures for analyzing the transportation impacts of General Plan Amendments in its Transportation Analysis Handbook under the section titled *Methodology for Transportation Network Modeling & Analysis*. The traffic analysis guidelines provide a trip threshold for General Plan land use amendments that require a site-specific General Plan Amendment analysis. With the exception of General Plan Amendment sites located within the identified North San José, Evergreen, and South San José subareas, a proposed land use amendment that would result in an increase of more than 250 peak-hour trips would be required to prepare a site-specific General Plan Amendment traffic analysis.

Envision San José 2040 General Plan

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

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

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future redevelopment allowed by the proposed land use designations would be subject to the transportation policies of the City’s General Plan, including the following:

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 vehicle miles traveled (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

Policy	Description
	existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
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.
TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

Residential Design Guidelines

In addition to the policies of the *Envision San José 2040 General Plan*, future redevelopment of the project site with residential uses would be required to comply with the San José Residential Design Guidelines, with regards to pedestrian access.

4.17.1.2 Existing Conditions

Roadway Network

Regional access to the project site provided via SR 87 and Almaden Expressway. Local access to the site is provide by Curtner Avenue, Canoas Garden Avenue, and Evans Lane. These roadways are described below.

SR 87 is a north/south, six-lane freeway that extends from SR 85 in the south to US 101 in North San José. SR 87 has two mixed-flow lanes and one high-occupancy vehicle lane in each direction in the vicinity of the project site. Site access is provided to and/or from SR 87 via a partial interchange at Almaden Expressway and a full interchange at Curtner Avenue.

Almaden Expressway is a north/south expressway that extends from Harry Road in South San José to Almaden Road, just south of downtown San José. Near the project site, Almaden Expressway is six lanes wide and has a posted speed limit of 50 mph. The northbound direction provides direct access to and from the project site via the ramps at Canoas Garden Avenue. Access to and from the southbound direction on Almaden Expressway is available via Curtner Avenue.

Curtner Avenue is an east/west arterial that extends from Camden Avenue in Campbell, near Highway 17, to Monterey Road in the east, where it becomes Tully Road. In the vicinity of the project site, Curtner Avenue is four- to five-lanes wide and has a posted speed limit of 40 mph.

Canoas Garden Avenue is a north/south collector that extends from Sands Drive in the south to Almaden Road in the north. The collector is split into two segments by Almaden Expressway.

Evans Lane is a local road that extends from Canoas Garden Avenue in the south to a dead end in the north. The intersection of Evans Lane and Canoas Garden Avenue incorporates ramps to and from Almaden Expressway. There is a stop sign on Evans Lane at this intersection.

Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks exist along both sides of Canoas Garden Avenue and on the east side of Evans Lane, except along the project frontage. There are marked crosswalks with pedestrian signal heads and push buttons on all approaches of the Canoas Garden/Curtner Avenue intersection. There are no crosswalks at the intersection of Almaden/Canoas Garden/Evans Lane. Although some crosswalk connections are missing, the overall network of sidewalks and crosswalks in the study area has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest in the vicinity of the project site.

Transit Services

The project site is located approximately 300 feet west of the existing Santa Clara Valley Transportation Authority (VTA) light rail, which runs in a north-south direction along SR 87. The closest light rail station is located approximately 975 feet southeast of the site at the corner of Curtner Avenue and Canoas Garden Avenue (Curtner Station). The project area is also served by VTA Bus Line 26. Line 26 runs from the Lockheed Martin Transit Center in the City of Sunnyvale to the Eastridge Transit Center in the City of San José.

Site Access

Vehicle access to the project site is currently provided via an existing driveway located on Evans Lane, at the southwestern corner of the site. Pedestrian access is provided via a substandard sidewalk along the Evans Lane frontage.

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)**

As described above, the City adopted the Transportation Analysis Policy 5-1 which uses VMT as the metric to evaluate transportation impacts. Using the City’s VMT Evaluation Tool, the VMT per capita for development of 563 multi-family units on-site is estimated to be 9.23, which is below the residential threshold of 10.12. Residential projects that are estimated to result in fewer than 10.12 VMT per capita can be exempted from a project-specific VMT analysis per City policy. Assuming that the maximum allowable residential build out of the project site is proposed, future development of the project site would not be required to complete a quantitative VMT analysis and the project would not conflict with Transportation Analysis Policy 5-1.

Since no development is proposed at this time, an LTA was not prepared to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. A near term traffic analysis would be prepared in conjunction with any future development permit applications at the project site. The City would review future designs for vehicle, bicycle, and pedestrian access, and access to public transportation for consistency with General Plan policies and Residential Design Guidelines at the Planning permit phase. The proposed General Plan Amendment would not conflict with existing or planned multimodal transportation facilities.

General Plan Amendments in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year is when the development anticipated in the General Plan is built out. There are two types of GPA transportation analyses: 1) a site-specific long-range transportation analysis for individual GPAs that result in an increase of 250 peak hour trips⁸¹; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle. When determining whether an individual GPA would result in a net increase of 250 peak hour trips, the peak hour trips which would be generated by the existing land use designation are used as the baseline.⁸² The maximum residential development of the site under the proposed *Urban Suburban* General Plan designation would allow for approximately 563 multi-family residential units on the project site. Based on the City’s Traffic Demand Forecasting (TDF) Model, the proposed General Plan Amendment would result in a net increase of 143 AM peak hour and 168 PM peak hour trips, which is less than the 250 peak hour trip threshold requiring a site-specific transportation analysis. Therefore, a site-specific long-range transportation analysis for the proposed General Plan Amendment is not required.

For the reasons described above, the proposed GPA and future residential development on the project site under the proposed land use designation would not conflict with an adopted plan, ordinance, or policy related to the effectiveness of the circulation system. **(Less than Significant Impact)**

⁸¹ With the exception of GPA sites located within the identified North San José, Evergreen, and South San José subareas. In these areas, different screening criteria apply based on the type of land use change proposed. The project site is not located within any of these areas.

⁸² The baseline of the current land use designation is used (as opposed to the existing physical condition) because the General Plan FEIR and subsequent reviews have already evaluated the potential transportation impacts of building out the General Plan using existing physical conditions as the baseline in 2015.

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

CEQA Guidelines Section 15064.3 describes specific considerations for evaluating a project's transportation impacts. Included in this section is the requirement for analyzing transportation impacts of projects using the VMT metric. As discussed in the previous impact question, the City of San José has adopted City Council Policy 5.1 which parallels the CEQA Guidelines update for analyzing transportation impacts and specifically sets VMT thresholds to be used when determining impact significance of new land use projects in the City. City Council Policy 5.1 requires a project-specific VMT analysis if the project is above screening levels for residential projects. The City allows for residential projects to be screened out if there are less than 15 units proposed or if the project provides 100 percent affordable housing and is located within a growth area with high quality transit.

The proposed General Plan Amendment would allow for a maximum build out of 563 multi-family residential units on the project site. Assuming that future residential projects would utilize the maximum allowable density, future development of the site would result in a VMT per capita of 9.23, which is below the residential threshold of 10.12. Therefore, future projects proposed for the site would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3. **(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)**

The City would review future plans for development of the project site for consistency with General Plan policies and Residential Design Guidelines at the Planning permit phase. Pedestrian, bicycle, and vehicular access and circulation and safety would be reviewed during this phase. As identified in previous transportation analyses (Hexagon, 2018), the Canoas Garden/Evans Lane intersection has operational issues, primarily related to ambiguous rights-of-way and disallowed traffic movements. Future residential development of the project site would be required to analyze these issues as a component of its LTA. Future development of the project site, in accordance with City design standards, would not result in a significant impact due to hazards from any features of the project's design. **(Less than Significant Impact)**

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

Future development plans for the project site would be reviewed and approved by the San José Fire Department and Department of Public Works to ensure adequate emergency access. Any modifications made to the circulation system to improve site accessibility, such as road widening and/or right-of-way dedications, would be analyzed at the time of a specific development proposal. **(Less than Significant Impact)**

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources⁸³
 - 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.

Local

On July 12, 2018, a representative of the Ohlone Indian Tribe requested notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the Downtown area of the City of San José. In accordance with AB 52, a monthly list of submitted projects that meet this criteria will be forwarded from the City to representatives of the Ohlone Indian Tribe for additional consultation to determine potential effects the projects may have on a tribal cultural resource.

The City of San José sets forth the following policies pertaining to tribal cultural resources in its General Plan.

⁸³ See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR “shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Envision San José 2040 Tribal Cultural Resources Policies

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

4.18.1.2 *Existing Conditions*

The approximately 5.93-acre project site is vacant and covered with non-native grasses, ruderal vegetation, and a few trees. According to the City’s archaeological sensitivity map, the project site is located in an archaeologically sensitive area. The Guadalupe River is located approximately 0.3-mile west of the project site. A majority of identified Native American sites in San José have been buried under alluvium or recent layers, indicative of the correlation between Native American site locations and waterways throughout the City.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>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:</p> <p>1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</p>	<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 California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

As mentioned, the project site is listed as sensitive for archaeological resources on the City of San José archaeological sensitivity map. Although the project site has previously been disturbed, future development activities (particularly grading, trenching, and/or excavating) could damage as-yet unrecorded subsurface resources, including tribal resources. As yet undiscovered tribal resources at the project site could potentially be eligible for listing in local or statewide registers of historical resources. Accordingly, an appropriate process must be followed during the course of future site development which would ensure that any resources that are uncovered are properly accounted for and preserved for study. Consistent with General Plan Policies ER-10.2 and ER-10.3, standard conditions would apply to the project site which would avoid any significant impacts to tribal cultural resources discovered during future development of the site (refer to *Section 4.5, Cultural Resources*).

Adherence to General Plan policies, AB 52, and standard conditions discussed in *Section 4.5, Cultural Resources*, would ensure that future development of the site does not cause a substantial adverse change in tribal cultural resources. **(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)**

As mentioned, the City of San José has not identified any significant tribal cultural resources at the project site or in its vicinity. Implementation of future development projects on the project site could potentially unearth significant tribal cultural resources. Adhering to the standard conditions described in *Section 4.5, Cultural Resources*, AB 52 requirements, and applicable General Plan policies would ensure that any future development proposed for the project site would not result in a significant impact to tribal cultural resources. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

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 José Water Company adopted its most recent UWMP in June 2016.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (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

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

Senate Bill 1383

Senate Bill (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 not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Senate Bill 610

Senate Bill (SB) 610 requires public water agencies, parties or purveyors that may supply water to certain proposed development projects to prepare a WSA for use by the City in environmental documentation for such projects. Under SB 610, developments that contain more than 650,000 square feet of industrial floor space, provide more than 500 dwelling units, and occupy more than 40 acres of land are required to prepare a WSA. SB 610 requires documentation of water supply sources, quantification of water demands, evaluation of drought impacts, and provision of a comparison of water supply and demand to assess water supply sufficiency.

Local

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 (which has been accomplished) and zero waste by 2022.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the building design process. This policy establishes baseline green building standards for private sector new 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 would minimize the use and waste of energy, water and other resources in the City of San José.

Envision San José 2040 General Plan

Future development of the project site allowed by the proposed general plan designation would be subject to the utilities and services policies of the City's General Plan, including the following:

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.
MS-3.3	Promote the use of drought-tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.1	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal National Pollutant Discharge Elimination System (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-3.5 Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
 - 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 NPDES permit.
-

4.19.1.2 Existing Conditions

The project site is vacant and located in a developed area of San José. As the site is undeveloped, it is not served by existing utilities. The project site is surrounded by development which is served by the City’s water, wastewater, stormwater, and solid waste utilities.

Water Service

Water service to the surrounding developments is provided by the San José Water Company. In the project area, water sources include groundwater from wells in the Santa Clara Valley groundwater basin, imported water from the Santa Clara Valley Water District and local water from San José Water Company reservoirs. Water is supplied to the surrounding developments by existing water lines in Evans Lane.

Sanitary Sewer and Wastewater Treatment

The City of San José maintains the wastewater collection system in the project area. Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity.⁸⁴ The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City’s wastewater treatment demands.⁸⁵

There are six-, eight- and 15-inch sanitary sewer mains in Evans Lane which serve the adjacent housing development to the north of the site, although no sewer mains currently exist on the site’s

⁸⁴ San José-Santa Clara Regional Wastewater Facility, 2017. <http://www.sanjoseca.gov/index.aspx?NID=1663>. Accessed November 20, 2019.

⁸⁵ City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 648.

Evans Lane frontage.⁸⁶ Downstream, the larger sewer interceptors in the City’s system include four sewer lines in North San José that convey wastewater flows from the entire South Bay drainage basin to the RWF.

Storm Drainage

The project site is located within an urbanized area served by an existing storm drainage system. Storm drain lines serving the project site are owned and maintained by the City of San José. The City’s stormwater drainage system is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations that collect, convey, and discharge runoff to receiving water bodies.

There is an existing 12-inch storm lateral line which extends from the northwestern corner of the site to an 18-inch main adjacent to Almaden Expressway.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.⁸⁷ The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.⁸⁸ The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County’s Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.⁸⁹

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"/>

⁸⁶ City of San José. “Utility Viewer”.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>. Accessed November 20, 2019.

⁸⁷ City of San José. *Envision San José PEIR*. September 2011.

⁸⁸ City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

⁸⁹ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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)**

Future residential development of the project site would utilize existing water infrastructure, dispose of wastewater at the RWF via the City's sewer system, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system. Existing mains in Evans Lane could be extended to the south to serve the project site. Any necessary expansions or relocations of sewer mains would be analyzed during the environmental review process for future development projects. The project would comply with all applicable Public Works requirements to ensure sanitary sewer and water mains would have capacity for water and sewer services required by the proposed project. The 2040 General Plan EIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level.

Any future residential projects proposed for the site would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by a 563-unit residential project (as described under Impact UTL-3). The RWF would not need to be expanded or relocated to accommodate the incremental increase in wastewater created by future residential development under the proposed General Plan land use designation. **(Less than Significant Impact)**

Storm Drainage

Runoff from the project site directly enters the storm drainage system untreated and unimpeded. Future development of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. 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. Therefore, future development of the site would not result in significant environmental impacts due to construction or relocation of storm drain facilities. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

Future residential development of the project site would require utility connections for electric power, natural gas, and telecommunications, as the project site is currently undeveloped. Connecting to the City's energy and communications grid could require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. Site specific development proposals would be required to detail the specific locations for any utility connections and would be subject to design review by the City. During the development review stage, modifications to the project's design can be made to avoid any identified impacts from new utility connections. Therefore, the proposed project would not result in significant impacts from construction or relocation of utilities. **(Less than Significant Impact)**

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

Currently, the project site does not use any water. San José Water Company provides water to the project area. Their most recent Urban Water Management Plan (adopted in July 2016 by City Council) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.⁹⁰

Maximum build-out allowed by the proposed General Plan Amendment would result in a total of 563 residential units on-site. The current land use designation would allow for a total of 178 residential units on the site. Based on the Water Supply Assessment (WSA) prepared for the Envision San Jose 2040 General Plan, development under the current land use designation would use approximately 32,574 gallons per day (gpd) of water for interior uses and landscaping. Under the proposed land use change, the water usage would increase to 103,029 gpd.⁹¹ Based on these estimates, future development under the proposed General Plan designation would result in a net increase of 70,455 gpd when compared to the existing General Plan designation.

⁹⁰ City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.

⁹¹ The total daily water usage was conservatively based on the multi-family water demand of 183 gpd per unit in the Envision San Jose 2040 WSA (page 5).

The General Plan FEIR determined that the three water suppliers for the City could serve planned growth under the General Plan until 2025. 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 FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions. While the proposed project would increase the development capacity of the City (and associated water demand) beyond General Plan conditions, any future project would be required to adhere to General Plan policies and Municipal Code requirements regarding water conservation. Furthermore, any development of greater than 500 residential units would be required to prepare a project-specific WSA pursuant to SB 610. Therefore, the proposed project 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)**

In 2011, the 2040 General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity remaining for the City of San José. Future development of the project site under the proposed land use designation would allow for a maximum of 563 multi-family units, which would result in wastewater generation of 87,575 gallons per day, or 0.087 million gallons per day.⁹² This increase in wastewater generation would not increase the demand for wastewater treatment at the RWF beyond its capacity. **(Less than Significant Impact)**

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

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁹³

Maximum build out of the project site (563 residential units) would generate approximately 259 tons of solid waste per year.⁹⁴ Future development projects would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate

⁹² Based on the standard wastewater generation rate of 85 percent of total water use.

⁹³ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

⁹⁴ California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Apartments Mid Rise.

capacity. Therefore, the proposed General Plan Amendment would not exceed the capacity of existing landfills or solid waste disposal infrastructure. **(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)**

Any future development proposed for the site would be required to conform to City plans and policies to reduce solid waste generation, including the City's Zero Waste Strategic Plan and 75 percent diversion goal. By ensuring that future development meets the standards set forth by City policies and plans, the proposed General Plan Amendment would not prevent solid waste reduction goals from being reached or interfere with the provision of solid waste services. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The proposed project is located in an urban area of San José, in an area which has not been designated as a very high fire hazard severity zone on CalFire maps.⁹⁵

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"/>
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"/>

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)**

⁹⁵ CalFire. “California Fire Hazard Severity Zone Map Update Project”. Accessed November 20, 2019. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide

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 individual sections, future development resulting from the proposed General Plan Amendment to *Urban Residential* would not degrade the quality of the environment with the implementation of measures in accordance with the City’s General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances.

As discussed in Section 4.4 Biological Resources, the project site contains several trees. The trees on-site could provide potential nesting habitat for migratory birds and/or raptors and future site disturbances could lead to nest abandonment or direct impacts to avian species. Future development on-site would be required to retain a qualified biologist or ornithologist to complete pre-construction nesting bird surveys (or schedule construction outside of the nesting season). Any active nests found during the surveys would be adequately buffered from construction, in accordance with the

recommendations of the biologist/ornithologist. By incorporating these measures into future development of the site, potential impacts to nesting birds and/or raptors would be reduced or avoided. There are no special-status plant or animal species known to occur on the site and the site is located in a highly developed area. No impacts to rare or endangered plant or animal species would occur upon implementation of a future development project at the site. All Habitat Plan fees described in Section 4.4 would be levied at the time of a development proposal and would contribute to the implementation of off-site remediation and restoration efforts by the Santa Clara Valley Habitat Agency.

As discussed in Section 4.5 Cultural Resources, adherence to applicable General Plan policies and implementation of standard conditions would reduce any potential impacts resulting from the accidental discovery of archaeological resources or human remains during future site development. These conditions would also reduce impacts to tribal cultural resources, as discussed in Section 4.18 Tribal Cultural Resources. The project site does not contain historic structures and is not located adjacent to any historic structures which could be affected by future site development.

As discussed in Section 4.9 Hazards and Hazardous Materials, future site development would require the preparation of a Phase I ESA and soil sampling, at a minimum. The Phase I ESA would characterize the existing site and provide recommendations for management of any hazardous materials conditions on or off the project site. The soil sampling would determine the potential for any residual contamination to be present on the site and provide recommendations for proper management of any identified contaminants. By preparing a Phase I ESA and soil sampling report and adhering to the recommendations contained therein, future development of the site would reduce hazardous materials impacts to a less than significant level. As discussed in Section 4.10 Hydrology and Water Quality, construction activities during development of the site could result in temporary impacts to surface water quality. Implementation of measures in accordance with the City's General Plan and Grading Ordinance would reduce the risk of impacts to surface water quality and associated wildlife habitat to a less than significant level. As discussed in Section 4.7 Geology and Soils, future development of the site would require a design-level geotechnical investigation and Geologic Hazard Clearance from the Department of Public Works due to the site's location in a liquefaction hazard zone. An Erosion Control Plan would also need to be prepared to reduce potential erosion impacts. **(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."

With the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances, future residential development

allowed under the proposed land use designation would not result in significant cultural resources, geology and soils, or hydrology and water quality impacts and would not contribute to cumulative impacts to these resources. Future development would not contribute to cumulative impacts to these resources, since these are specific to the site, and do not have the potential to contribute to or combine with localized, specific conditions on other development sites across the City. Also, the project would have no impact on agricultural and mineral resources and, therefore, the project does not have the potential to combine with other projects to result in cumulative impacts to these resources. As stated in Section 4.9 Hazards and Hazardous Materials, a Phase I ESA and soil sampling would be prepared at the time a specific development is proposed to determine if soil or groundwater contamination exists at the site. The site is not listed in a database of hazardous materials sites pursuant to Government Code Section 65962.5 and is not anticipated to result in a significant cumulative hazardous materials impact.

With the implementation of conditions in the Habitat Plan and payment of applicable fees required, future development at the site would not substantially contribute to a cumulative biological impact. Future development may require the removal of trees. With the implementation of the City's tree replacement policy or payment of an in-lieu fees which would offset impacts to trees, future residential development on-site would not result in a significant cumulative impact to trees.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were designed such that a project impact would also be a cumulatively considerable impact. Future development, if proposed at the maximum density allowed by the proposed General Plan designation, would exceed BAAQMD screening criteria and would be required to prepare a quantitative assessment of operational and construction-related criteria pollutant emissions. Mitigation measures would be identified, as necessary, to reduce potential criteria pollutant emissions below adopted BAAQMD thresholds of significance. Mitigation measures could include the use of diesel-particulate matter filters in construction equipment or preparation of a TDM plan to reduce operational emissions from increased vehicle transport. This analysis would be completed at the time of a specific development proposal. Incorporation of appropriate mitigation measures to reduce any identified construction or operational criteria pollutant emissions would ensure that future development does not result in a cumulatively considerable air quality impact.

Cumulative noise and transportation impacts will be evaluated at the time a specific development is proposed. With the implementation of construction noise measures (refer to Section 4.13 Noise), future residential development would not substantially contribute to cumulative noise impacts. As stated in Section 4.17 Transportation, a future residential project at maximum density at the site would result in a less than significant VMT impact, based on the City's threshold of 10.12 VMT per capita. Future residential development of the site, therefore, would not result in a cumulatively considerable contribution to VMT in the area. In accordance with City policy, a long-range transportation impact analysis was prepared for all the proposed GPAs in 2019 (see Appendix B). This analysis evaluated the site-specific long-range transportation impacts for one GPA which exceeded 250 net peak hour trips per day and the cumulative impacts of the other nine GPAs in the 2019 GPA cycle. The cumulative analysis found that none of the proposed GPAs would result in any new, or substantially more severe transportation impacts than those already analyzed in the General Plan, as amended by the City Council in December 2017.

As described in Section 4.19 Utilities and Service Systems, future development of the site under the proposed land use designation would be adequately served by existing utilities and the expansion or construction of service systems would not be required. Future development of the site is anticipated to have adequate water supply, given the service provider's existing commitments and expected development in the City. Any development greater than 500 residential units in size would be required to prepare a WSA pursuant to SB 610. Further, the project would not result in an exceedance of wastewater treatment capacity at the RWF.

The project site is located in an urban area and, given its size, development under the proposed land use designation would not substantially contribute to a cumulative impact on aesthetics, land use, population and housing, public services, or recreation with the implementation of General Plan policies, Municipal Code requirements, and Residential Design Guidelines. **(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)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City's General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however, would ensure that these impacts would be less than significant. No other direct or indirect adverse effects on human beings have been identified. **(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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Reema Mahamood, Environmental Project Manager

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Danny DeBrito, Associate Project Manager

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