INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for
Mitzi Place Apartments
4146 Mitzi Drive

File No. SP18-033

CITY OF SAN JOSÉ
CALIFORNIA

June 2020

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MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: Mitzi Place Apartments

PROJECT FILE NUMBER: SP18-033

PROJECT DESCRIPTION: The project is application for a Special Use Permit to allow the relocation and conversion of the existing historic single-family residence into a six-unit multi-family building and construction of a new four-story apartment building containing 40 units over a basement parking garage.

PROJECT LOCATION: 4146 Mitzi Drive, San José, California

ASSESSORS PARCEL NO.: 299-16-001 **COUNCIL DISTRICT:** 1

APPLICANT CONTACT INFORMATION: Kurt Anderson, 120 W. Campbell Avenue, Suite D, Campbell, CA 95008, (408) 371-1269

FINDING

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

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

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

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

C. AIR QUALITY.

Impact AIR-1: Project construction would result in an infant cancer risk of 133.3 in one million and a PM2.5 concentration of 0.82 µg/m3 at the maximally exposed individual (MEI), which exceed BAAQMD's cancer risk significance threshold of 10 in one million and single-source threshold for PM2.5 of 0.30 µg/m3.

MM AIR-1.1: Prior to the issuance of any demolition, grading or building permits (whichever occurs the earliest), the project applicant shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 95-percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent.
- Provide electric power to avoid use of diesel-powered generator sets and other portable equipment.

Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Prior to the issuance of the any demolition, grading, or building permit (whichever comes first), the project applicant shall submit the construction operations plan and records of compliance to the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1: Prior to any site disturbance such as tree removal, or issuance of any grading, building or demolition permits (whichever occurs first), the project applicant shall schedule all construction activities to avoid the nesting season (February 1st to August 31st inclusive). The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

If the above-mentioned construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the latter part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

If an active nest is found within 250 feet of the project area, to be disturbed by construction, the ornithologist/biologist shall determine the extent of a construction free buffer zone to be

established around the nest (typically 250 feet for raptors and 100 feet for other birds) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

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

E. CULTURAL RESOURCES

Impact CR-1: Relocation of the historic Graves House and related project construction activities could damage the historic structure.

MM CR-1.1: Prior to and during the relocation of the historic structure and during the construction of the underground garage, the project applicant shall implement the following measures to protect the Graves House from damage:

1. Prepare relocation plans and specifications. Prior to relocation of the structure, a historic preservation architect and a structural engineer shall undertake an Existing Conditions study of the building. The purpose of the study shall be to establish the baseline conditions of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and must be protected and preserved, and recommendations for any structural reinforcement, stabilization or protection before the move. The documentation shall be reviewed and approved by the City's Historic Preservation Officer (HPO) and the City's Director of PBCE or the Director's designee.

   To protect the historic resource during its relocation, the project applicant shall engage a qualified building mover who has experience moving similar historic structures. Prior to its moving, the structural engineer who produced the baseline study shall review the moving plan and work with the moving company to ensure the building is reinforced/stabilized appropriately for the move. Measures to ensure the building is reinforced/stabilized include, but are not limited to the following:

   - Limit access to authorized personnel.
   - Establish protective fencing and other measures to protect structure.
   - Establish protective barriers to protect building from further construction activities.
   - Store construction materials away from historic structure.
   - Emphasize importance of preserving structure to construction crew.
   - In the event of damage, the historic preservation architect/structural engineer shall prepare an assessment and recommend needed repairs.

   Once moved to its temporary location, the project applicant shall implement measures to prevent damage to the structure. These measures include, but are not limited to, the following:

   - Only authorized persons shall have access to the building. Protective fencing and other methods shall be used to protect the building from further damage and deterioration. If the historic preservation architect or structural engineer observe any new damage, an assessment shall be made of the severity of such damage and repairs undertaken if necessary. If the temporary location is on the

construction site of the proposed project, protective barriers shall be constructed to further protect the building from potential damage by construction activities including the operation of construction equipment. Construction materials shall be stored away from the historic building. The project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

When the structure is moved to its final location, again the historic preservation architect or structural engineer will survey the building for any new damage. An assessment shall be made of the severity of such damage and repairs shall be undertaken if necessary. If new construction is still underway on the surrounding site, protective barriers shall be constructed to further protect the building from potential damage by construction activities and equipment. Construction materials shall be stored away from the historic building and the project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

2. Rehabilitate. Upon the final relocation the historic structure shall be repaired and rehabilitated in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features. Upon completion of the rehabilitation, the City shall review and confirm that the rehabilitation of the structure was completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A report documenting the completion of the relocation shall be submitted by the Historic Preservation Officer to the City's Historic Landmarks

MM CR-1.2 Construction-related Impacts. Prior to the issuance of any grading, relocation, or building permits, the project applicant shall implement the following measures to reduce construction related impacts to the historic structure:

- A historic preservation architect and a structural engineer shall prepare an existing conditions survey to establish the baseline condition of the historic building prior to construction, including the location and extent of any visible cracks or spalls.
- The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the issuance of any grading, relocation, or building permits.
    - Any changes to existing conditions shall be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City's Historic Preservation Officer.
    - The structural engineer shall consult with the historic preservation architect, especially if any problems with character defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the monitoring team shall so inform the project applicant, or project applicant's designated representative responsible for construction activities, as well as the City's Historic Preservation Officer. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The historic preservation officer, or equivalent, shall establish the frequency of monitoring and

reporting. Site visit reports and documents associated with claims processing shall be provided to the City's Historic Preservation Officer.

- A qualified geologist, or other professional with expertise in ground vibration and its effect on existing structures, shall prepare a study of the potential of vibrations caused by excavation and construction activities associated with the proposed project. Based on the results of the study, specifications regarding the restriction and monitoring of specific construction activities shall be incorporated into the contract. Initial construction activities shall be monitored and if vibrations are above threshold levels, modifications shall be made to reduce vibrations to below established levels. A copy of the study, contract specifications, and monitoring reports shall be provided to the City's Historic Preservation Officer, or equivalent.

- The historic preservation architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from construction, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the City's Historic Preservation Officer.

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Due to the site's agricultural history, agricultural chemicals may be present in onsite soils, which could be disturbed during project development. Release of these hazardous materials could result in exposure during construction or occupancy.

MM-HAZ-1.1: Prior to issuance of any grading permits, the project applicant shall retain a qualified consultant to take shallow soil samples in the near surface soil to test for organochlorine pesticides and pesticide-based metals (arsenic and lead) to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and residential standard environmental screening levels. The results of the soil sampling testing shall be submitted to the of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

If contaminated soils are found in concentrations above the regulatory environmental screening levels for worker safety or residential standards a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of the future residents and visitors. The applicant shall obtain regulatory oversite from the Santa Clara County Department of Environmental Health (SCCDEH) or Department of Toxic Substances Control (DTSC) under their Voluntary Clean Up Program. The

SMP, RAP, or equivalent evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of grading permits.

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

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

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

M. NOISE

Impact NSE-1: Construction of the project would generate vibration levels exceeding the threshold of 0.2 in/sec PPV at the residential structure to the north when construction is located within 30 feet of the structure.

MM NSE-1: The project applicant shall prepare and implement a construction vibration monitoring plan to document vibration generating construction activities and submit to the Director of Planning, Building and Code Enforcement or the Director's designee for review. The vibration plan shall address vibration impacts to sensitive historic structures of 0.08 in/sec PPV. All tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include, but is not limited to, the following measures during construction:

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. The project contractor shall avoid using vibratory rollers, packers, and other heavy vibration-generating equipment within 30 feet of sensitive areas surrounding the site, whenever possible.
- Use smaller equipment to minimize vibration levels below the limits.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials near property lines shared with sensitive receptors.
- The contractor shall alert heavy equipment operators of the sensitive adjacent structures (i.e., structures within 30 feet of the construction activities) so they can exercise caution.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- The contractor shall retain a qualified firm to conduct a pre- and post-construction cosmetic crack survey of the buildings adjacent to the northern and western boundaries and shall repair or compensate where damage has occurred as a result of construction. The survey shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

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

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

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

Q. **TRANSPORTATION / TRAFFIC** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday, July 8, 2020** any person may:

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

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

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

6/16/2020
Date

Deputy

Cassandra van der Zweep
Environmental Project Manager
Circulation period: **June 19, 2020 through July 8, 2020**

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Chapter 1. Background Information

INTRODUCTION

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

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

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

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Cassandra van der Zweep
cassandra.vanderzweep@sanjoseca.gov

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

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

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

PROJECT DATA

1. **Project Title**: Mitzi Place Apartments, 4146 Mitzi Drive

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

3. **Property Owner**: Pine Investment Group, P.O. Box 3941, Los Altos, CA 94024

4. **Project Proponent:** Kurt Anderson, 120 W. Campbell Avenue, Suite D, Campbell, CA 95008 (408) 371-1269

5. **Project Location:** The project is located on approximately 0.63-gross acre lot at 4146 Mitzi Drive. The site is currently occupied by a historic single-family residence and accessory structures.

   Assessor's Parcel Numbers (APN): 299-16-001 Council District: 1

6. **Project Description Summary:** The project is application for a Special Use Permit to allow the relocation and conversion of the existing historic single-family residence into a six-unit multi-family building and construction of a new four-story apartment building containing 40 units over a basement parking garage.

7. **Envision 2040 San José General Plan Designation**: *Urban Residential*

8. **Zoning Designation**: R-M Multiple Residence District

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

10. **Surrounding Land Uses**:
    - North: Multi-family Residential
    - South: Multi-family Residential
    - East: Multi-family Residential
    - West: Single-family Residential

Chapter 2. Project Description

PROJECT LOCATION

The project site is located within the City limits of San José, in Santa Clara County, at 4146 Mitzi Drive (refer to Figure 1). The 0.63-gross acre property is located on Assessor's Parcel Number (APN) 299-16-001 (refer to Figure 2). The property is currently occupied by a historic single-family residence. The project proposes to retain the existing historic residence but would relocate on the project site and convert it into a 6-unit multi-family building. Aerial photographs of the project site and surrounding area are presented in Figures 3 and 4.

PROJECT DESCRIPTION

The project consists of an application for a Special Use Permit to allow the demolition and removal of existing site features including a driveway, walkways, and unfinished basement, the relocation and conversion of an historic single-family residence into a 6-unit multi-family building, and the construction of an apartment building consisting of 40 units in four levels above an underground garage.

The site plan for the proposed project is presented in Figure 6. Floor plans for the proposed multi-family building are provided in Figures 6A to 6F. Existing and proposed floor plans for the historic single-family residence that is proposed to be relocated are shown in Figures 6G and 6H, respectively. The project would create 46 total multi-family residential units, with 40 units in the proposed apartment building and six in the converted historic residence. The proposed apartment building would be approximately 33,628 square-feet. The four-story apartment building would have a maximum height of approximately 55 feet (from grade to top-of-elevator shaft) and would include an occupied roof deck with residential open space. Elevations of the proposed apartment building are presented in Figures 7A and 7B. The general architectural style of the proposed apartment building is modern. The historic residence would retain its maximum height of 33 feet, as shown in Figures 7C and 7D.

Relocation of Historic House. The project proposes to relocate the existing historic residence on the site. The house would be relocated approximately 35 feet southwest from its current location to the new site near the intersection of Mitzi Drive and Ranchero Way. The relocated building would also be rotated to the southwest (see Figure 8). The proposed underground garage of the new multi-family building would be constructed in two phases to facilitate the retention of the historic house onsite. This would require relocating the house to the eastern side of the property while the garage is constructed on the western side of site. Once the garage construction is complete, the house would be moved to its final location near the western property line while the remainder of the underground garage is constructed (see Figure 8). The project applicant will incorporate the recommendations in the *Historic Sylvester & Kate Graves House/Existing Conditions & Preservation Plan* (Strata Design Studio, March 12, 2020), contained in Appendix C, to maintain the integrity of the historic structure during renovation and relocation. In addition, the applicant has committed to using a construction company with experience in relocating historic buildings.

Parking and Access. Primary access to the project site would be provided via a new 26-foot driveway located at the project's western boundary on Mitzi Drive. The new driveway would lead into the subterranean parking structure, which would provide 47 mechanical and 12 surface stalls, for a total of 59 stalls. In addition, the project would provide 12 new bicycle parking spaces and 12 motorcycle

parking spaces in the parking garage. Pedestrian access would be provided by four walkways connecting to new public sidewalk located along the western and southern boundaries of the site.

Lighting. Exterior lighting is proposed for the relocated historic residence, proposed apartment building, and parking garage for security and access. In addition, the rooftop deck would be lit, and close at 9 PM during the week and 10 PM on the weekends. All outdoor exterior lighting would conform to the City Council's Outdoor Lighting Policy (4-3) and Zoning Ordinance lighting requirements under Municipal Code Section 20.40.530 and 20.40.540.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is proposed that directs runoff to bio-retention areas prior to flowing into the City's storm drainage system, as shown in Figure 9. Features of the stormwater control plan include bioretention areas, pervious pavers, and landscaping.

Public Improvements. The project proposes new sidewalk, curb, gutter, and street landscaping along the Mitzi Drive and Ranchero Way frontage. In addition, the project would construct new driveway access and install utility service laterals for storm, water, sanitary sewer, and gas and electric.

Landscaping and Tree Removal. A landscape plan has been prepared for the project, as shown in Figure 10. Landscaping is proposed along the site perimeter, at the rear of the garage entrance, and on the rooftop deck of the new apartment building. The project proposes to remove all 33 trees on the site, including 17 ordinance-size trees. These trees would be replaced in accordance with the City's requirements.

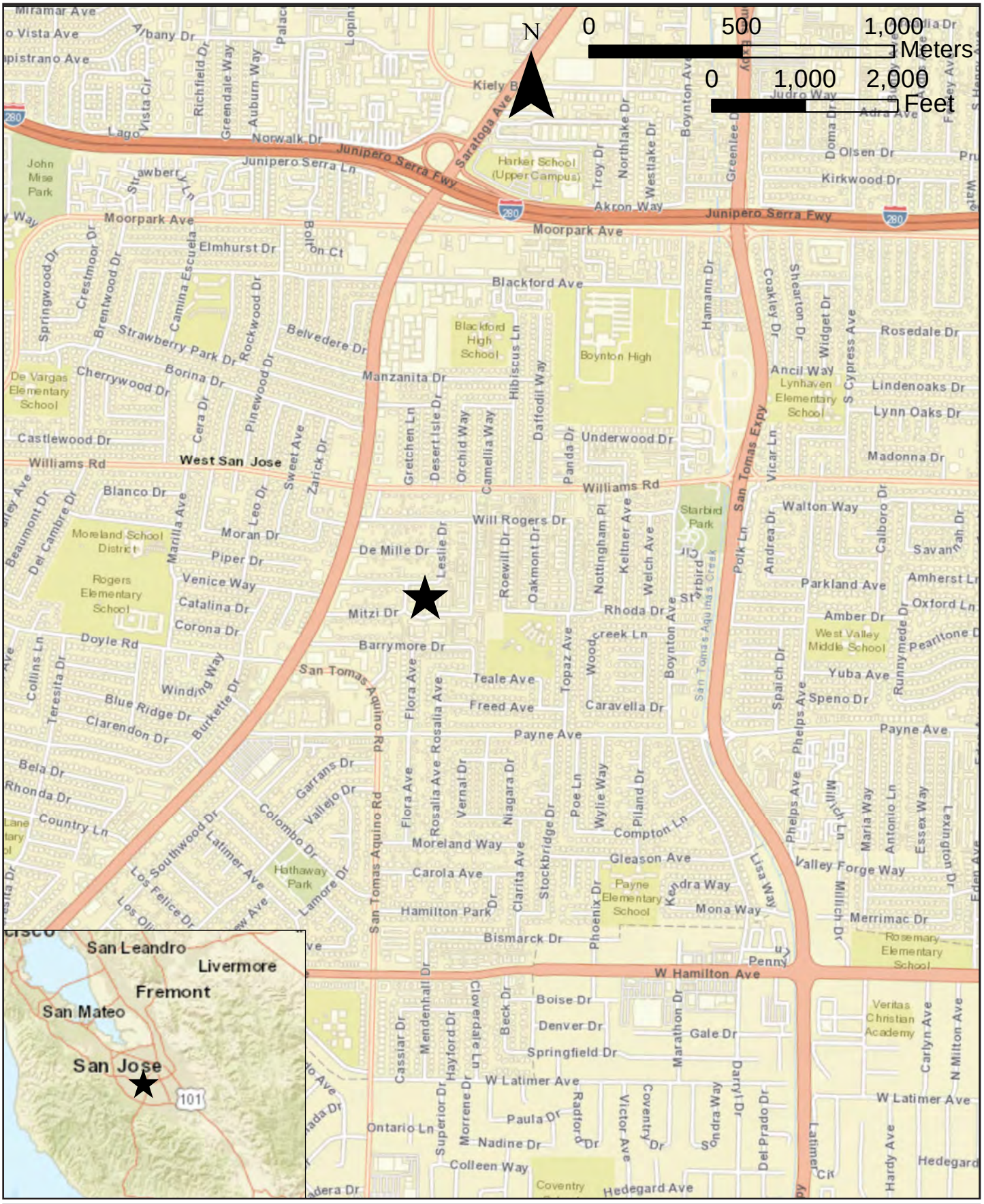
Grading. The grading plan for the project is presented in Figure 11. Development of the project would require the excavation of 8,800 cubic yards of cut, which would be exported from the site.

Construction. A construction schedule for the project has not been provided. Construction is assumed to take approximately 12 months. Construction would include demolition, site preparation and grading, building construction, paving, and architectural coating. During project construction, typical construction equipment that would be used on the project site would include backhoes, dozers, pavers, concrete mixers, trucks, air compressors, saws, and hammers. No pile driving is proposed during construction.

PROJECT-RELATED APPROVALS, PERMITS, AND CLEARANCES

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

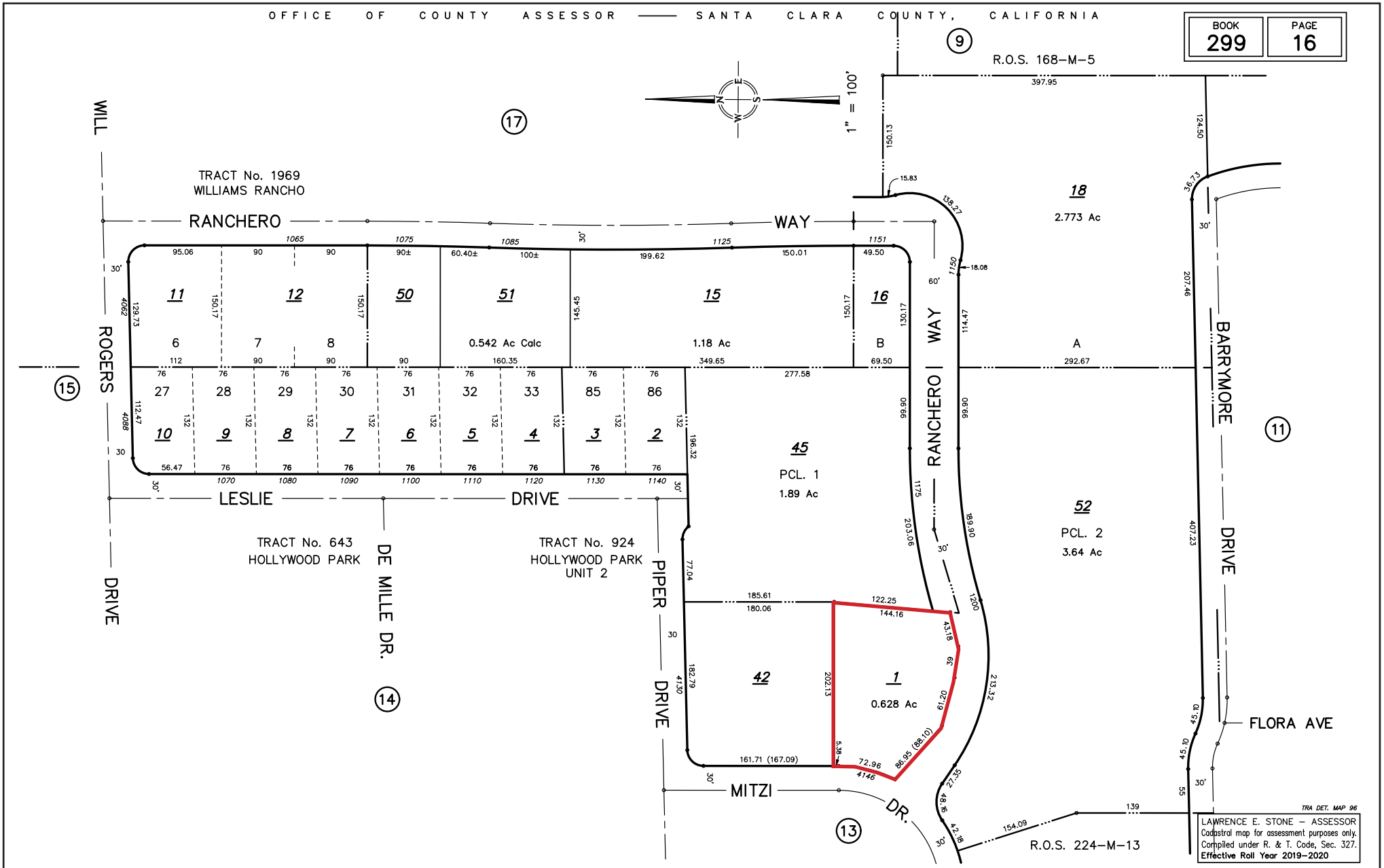
- Special Use Permit,
- Tree Removal Permit,
- Public Works Clearance(s)



Location Map

Figure 1

Mitzi Place Apartments
Initial Study



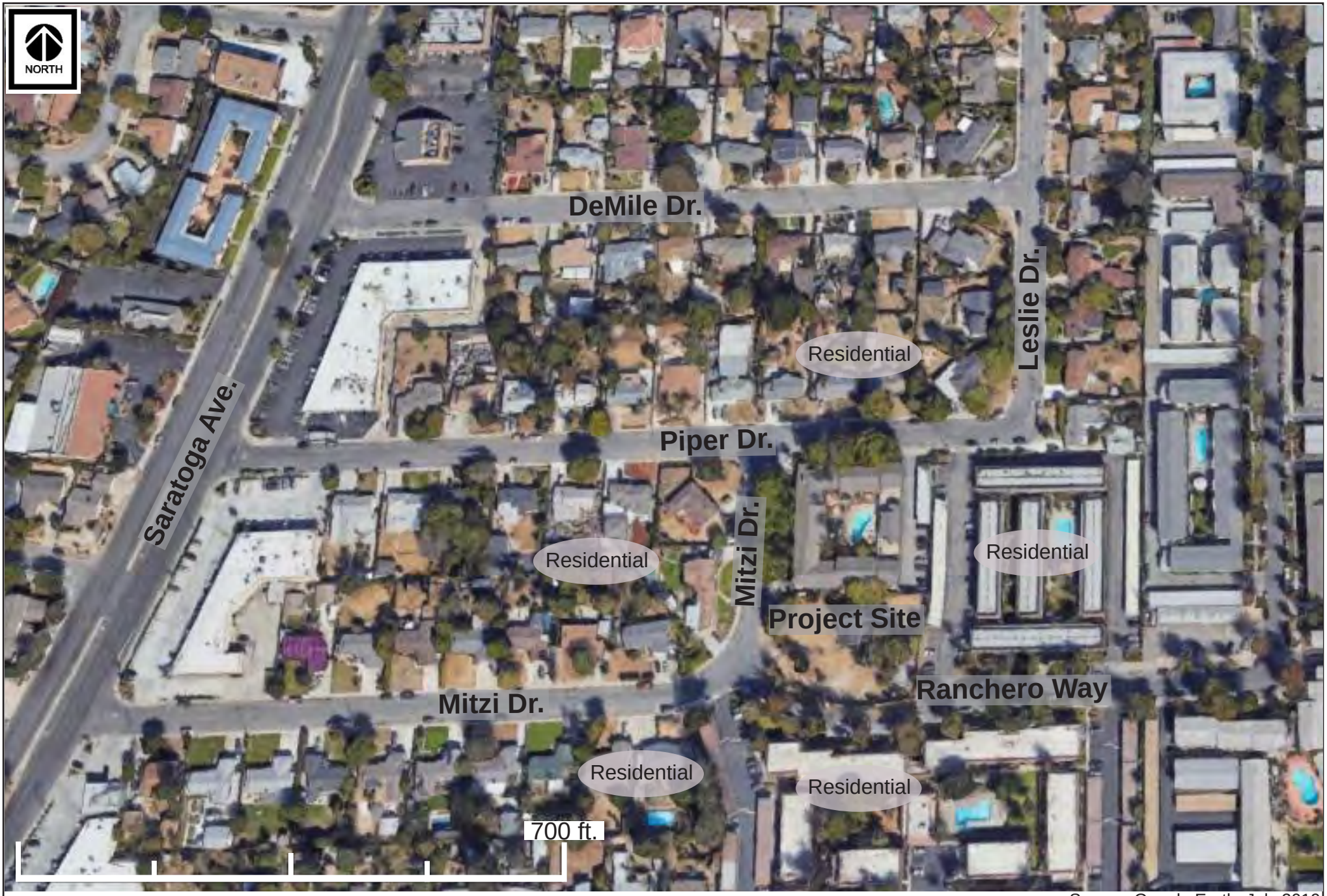
Project Boundaries

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

APN Map

Figure 2

Mitzi Place Apartments
Initial Study



Source: Google Earth, July 2019

Aerial of Surrounding Area

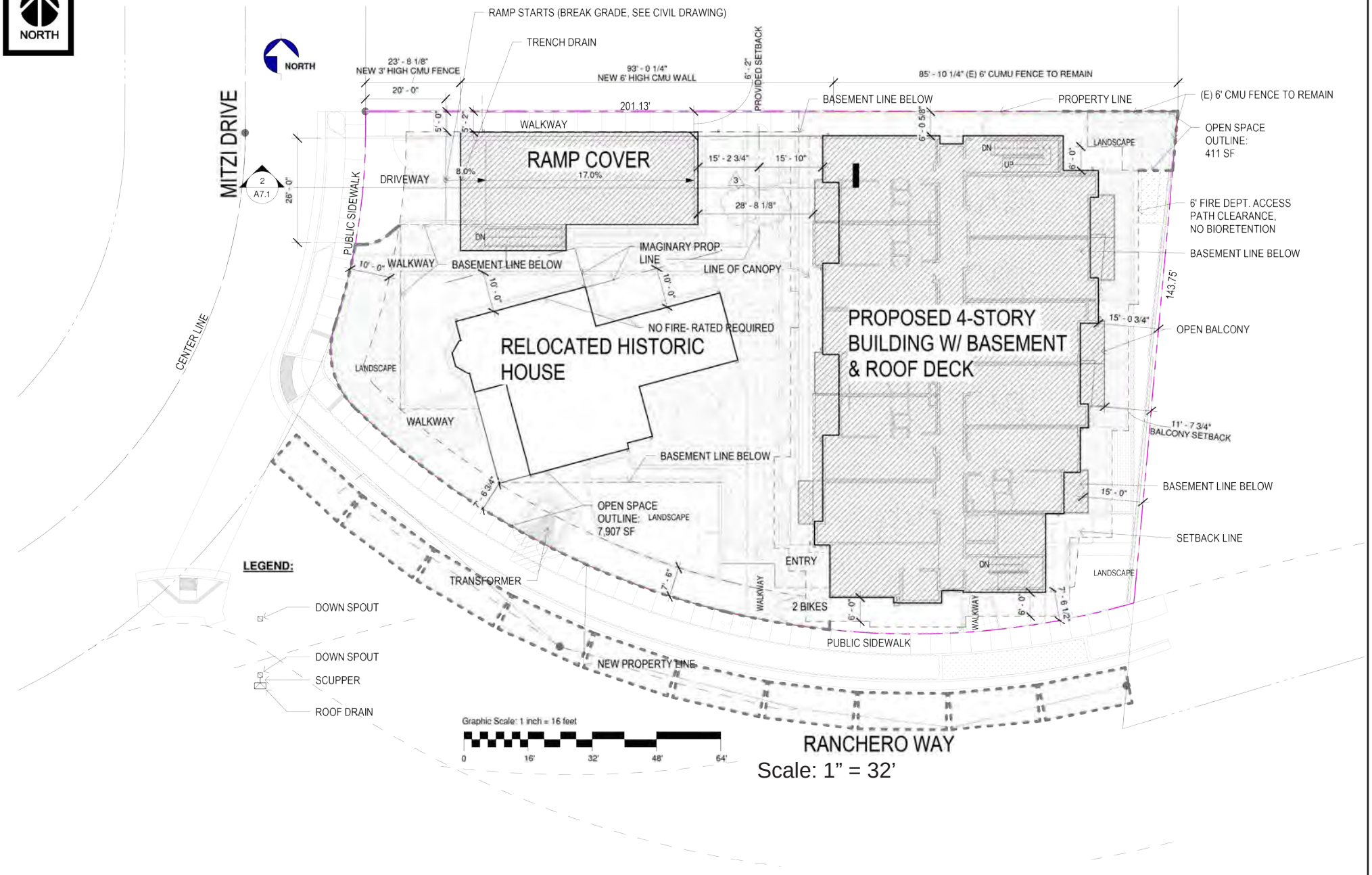
Mitzi Place Apartments
Initial Study

Figure
3

Aerial of Existing Site

Figure 4

Mitzi Place Apartments
Initial Study



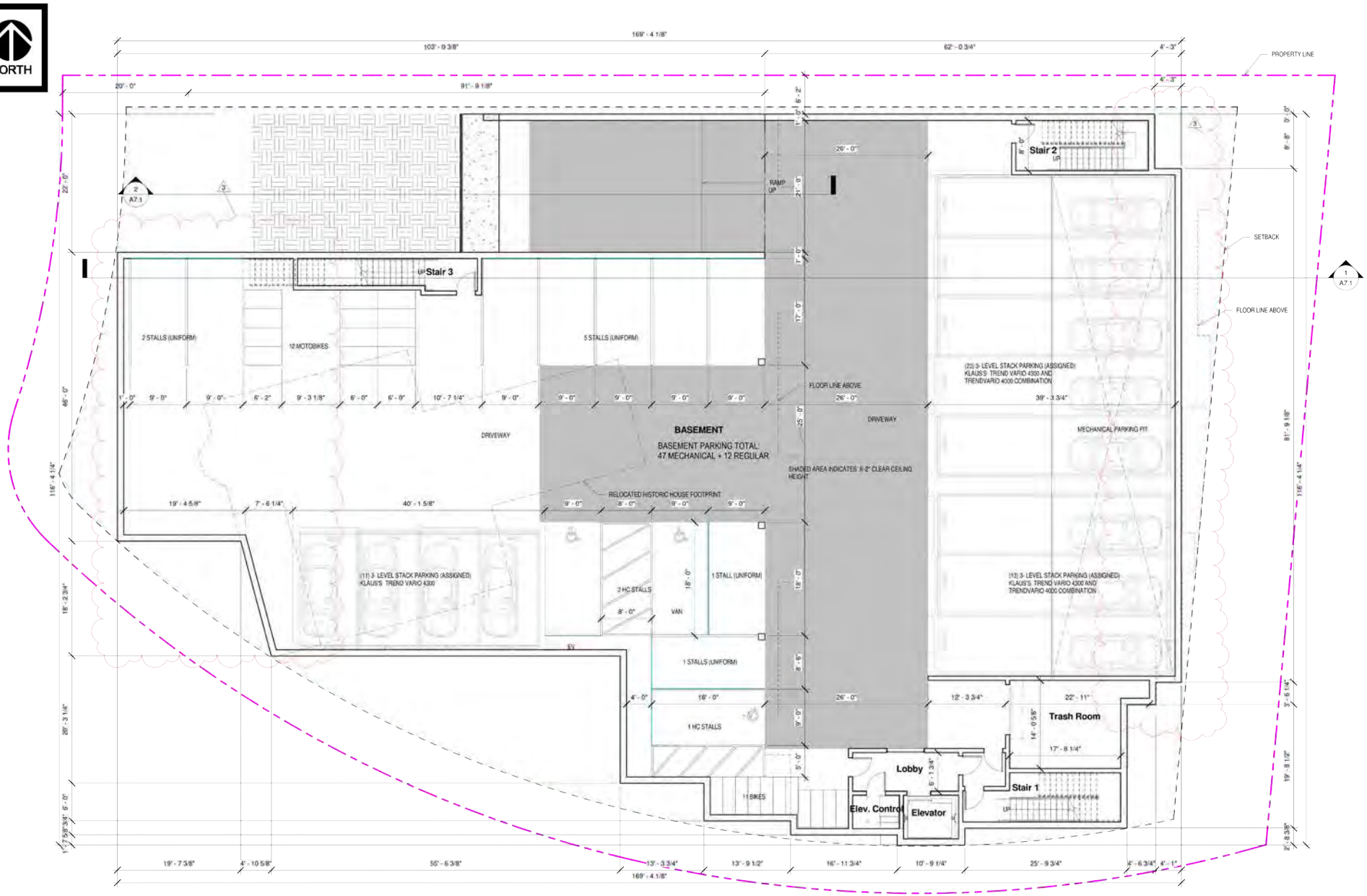
Scale: 1" = 32'

Source: Anderson Architects, May 2020

Site Plan

Figure 5

Mitzi Place Apartments
Initial Study

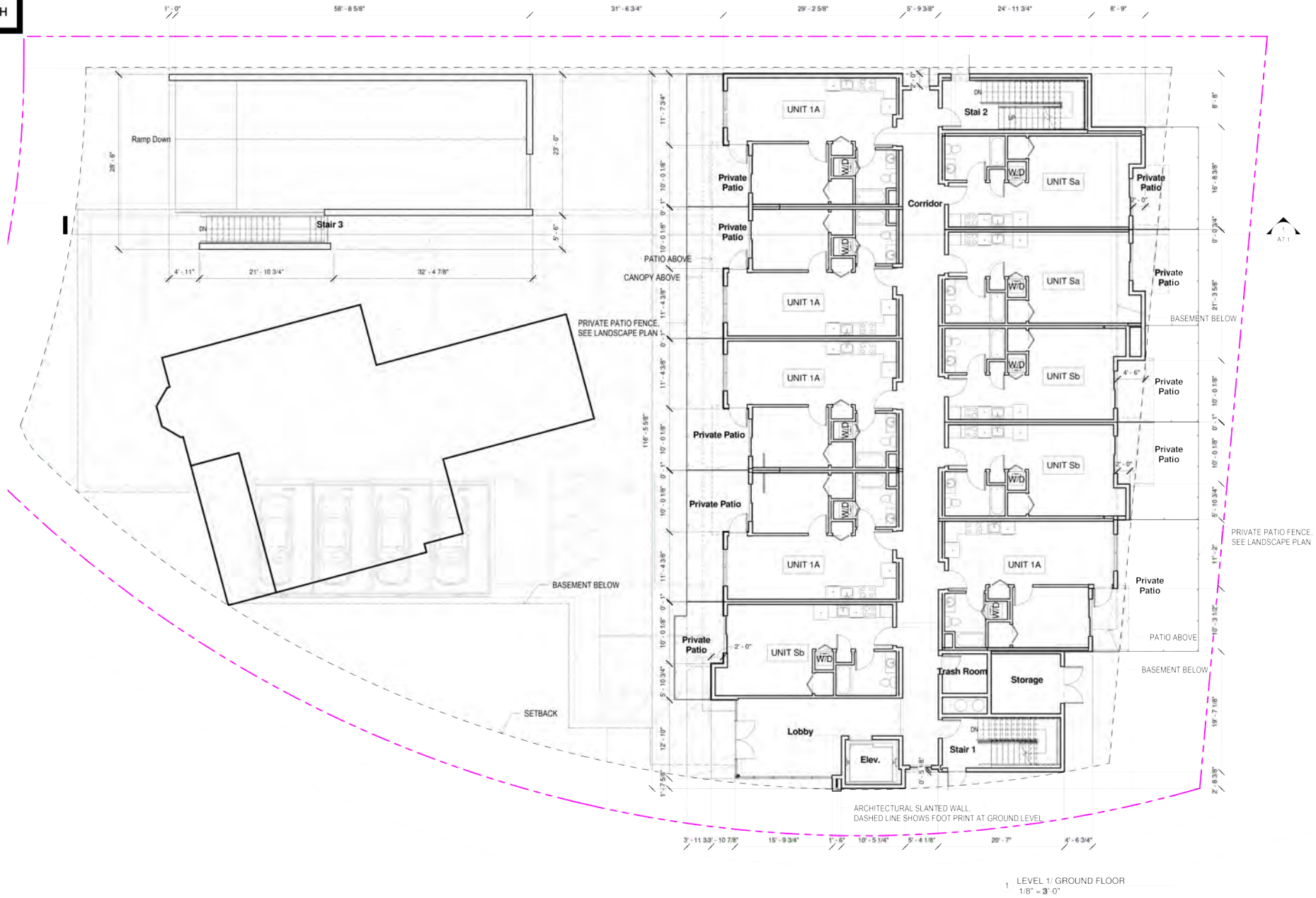


Source: Anderson Architects, May 2020

Floor Plan - Basement

Mitzi Place Apartments
Initial Study

Figure
6A



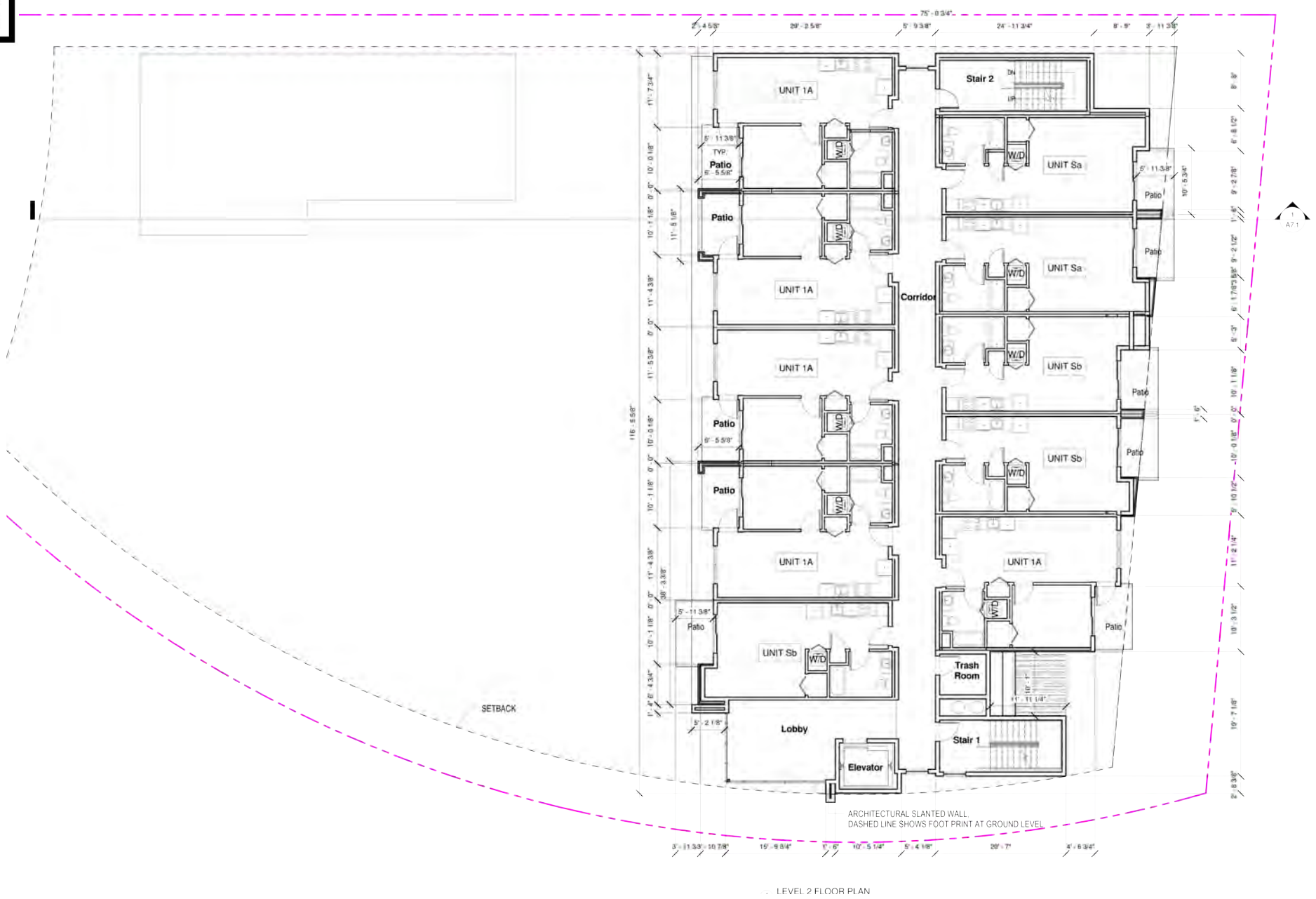
1 LEVEL 1/ GROUND FLOOR
1/8" = 1'-0"

Source: Anderson Architects, January 2020

Floor Plan - First Floor

Figure 6B

Mitzi Place Apartments
Initial Study



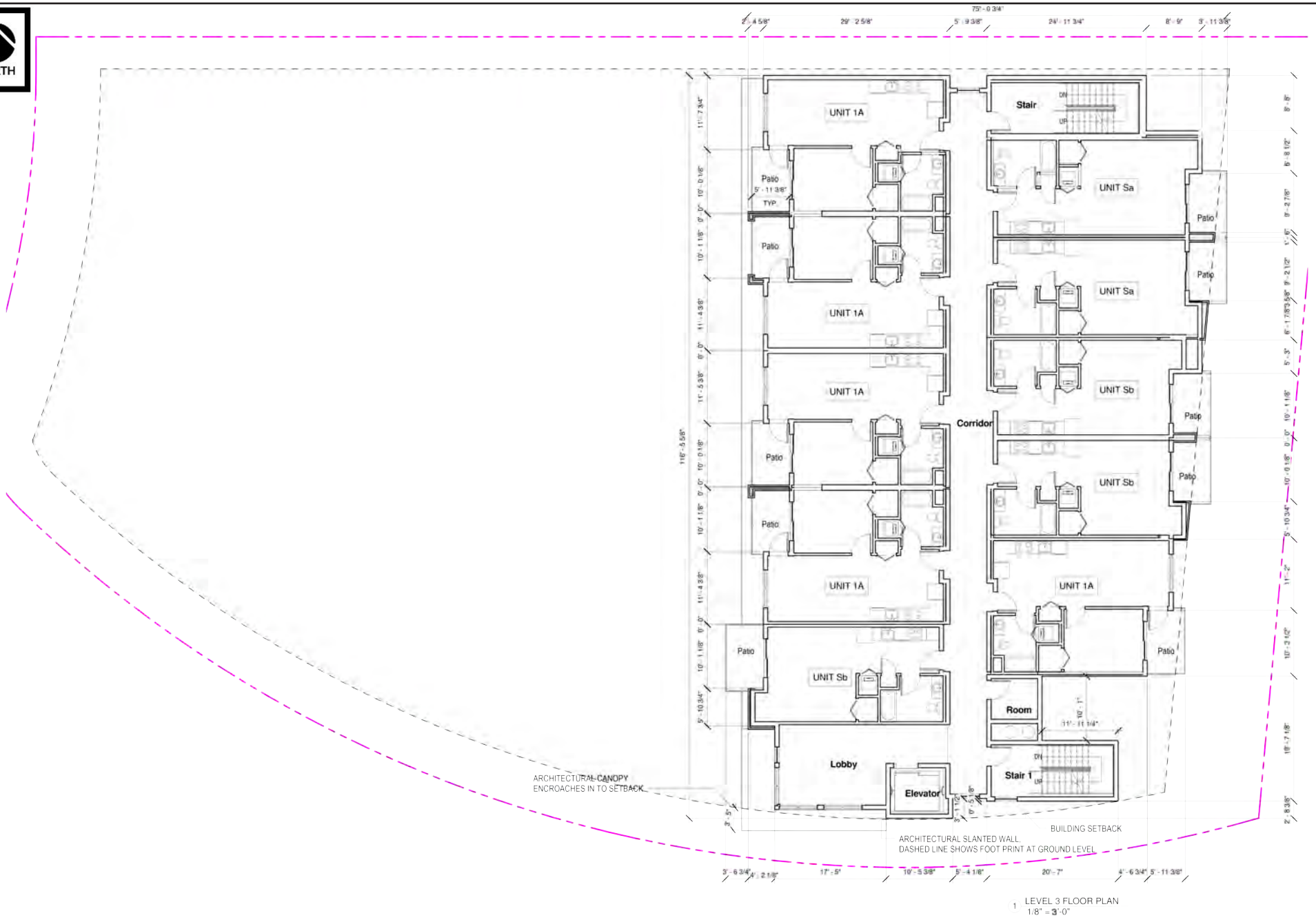
LEVEL 2 FLOOR PLAN

Source: Anderson Architects, January 2020

Floor Plan - Second Floor

Figure 6C

Mitzi Place Apartments
Initial Study

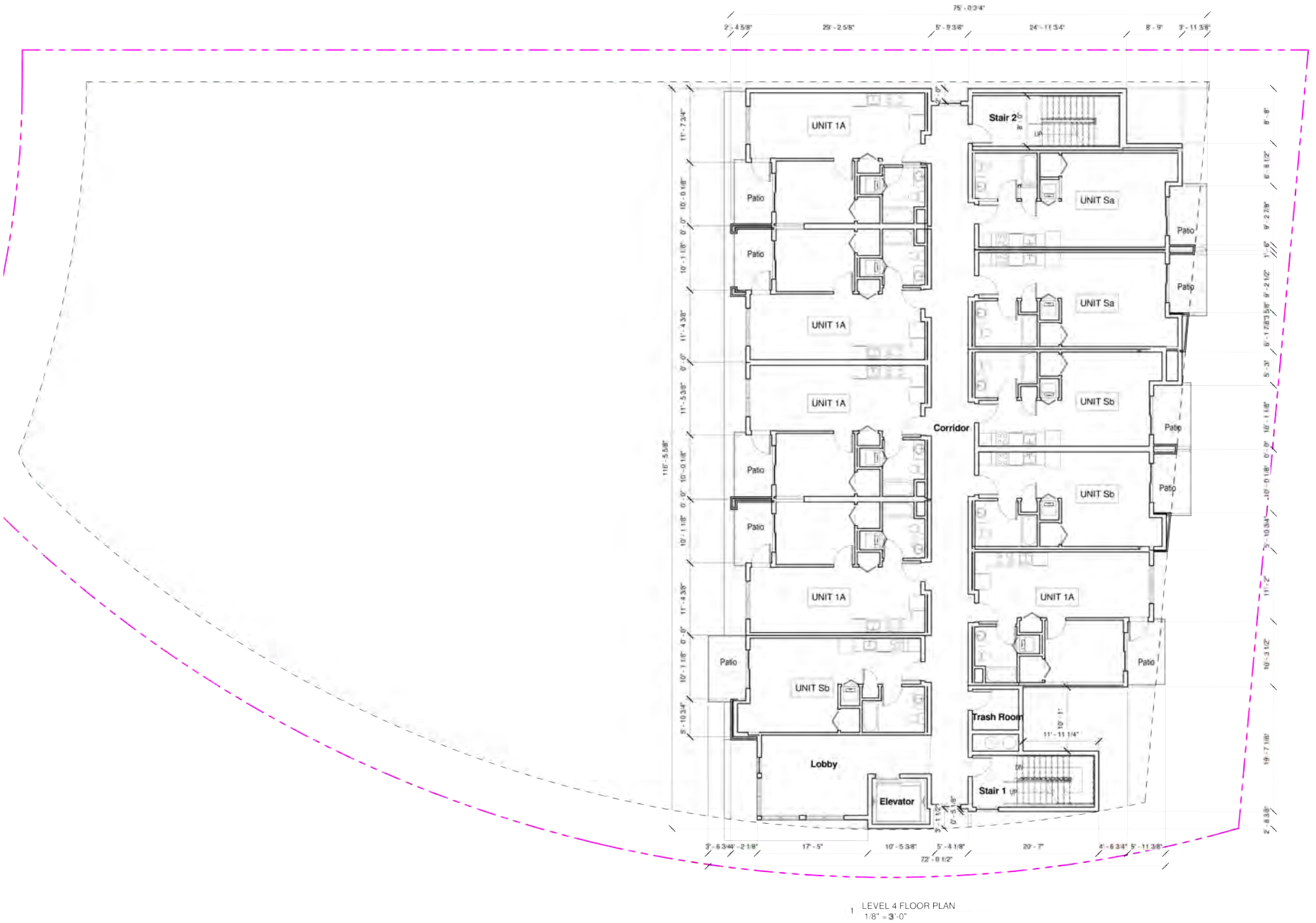


Source: Anderson Architects, January 2020

Floor Plan - Third Floor

Figure
6D

Mitzi Place Apartments
Initial Study

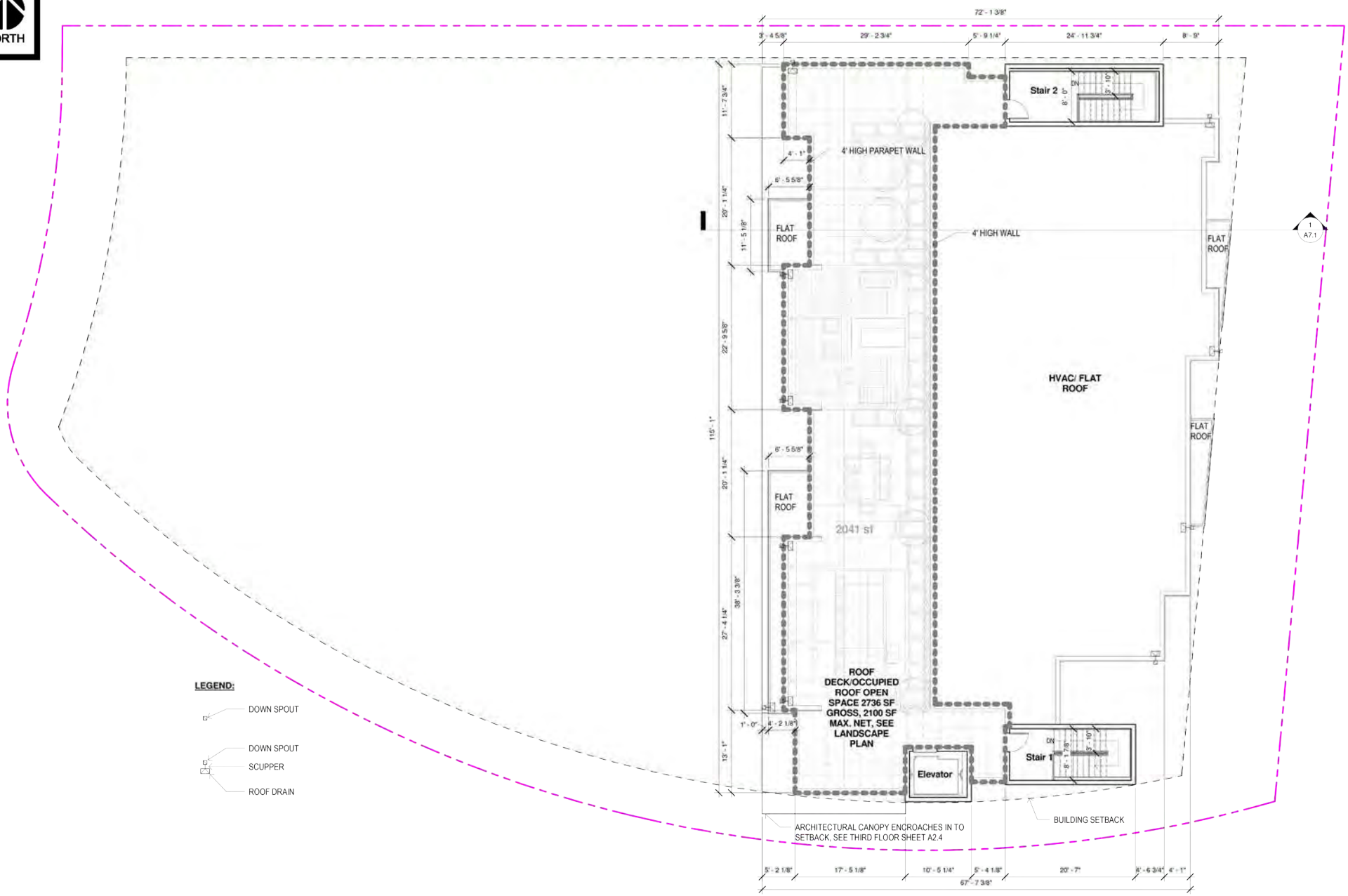


Source: Anderson Architects, January 2020

Floor Plan - Fourth Floor

Mitzi Place Apartments
Initial Study

Figure
6E



Source: Anderson Architects, May 2020

Floor Plan - Roof Deck

Figure
6F

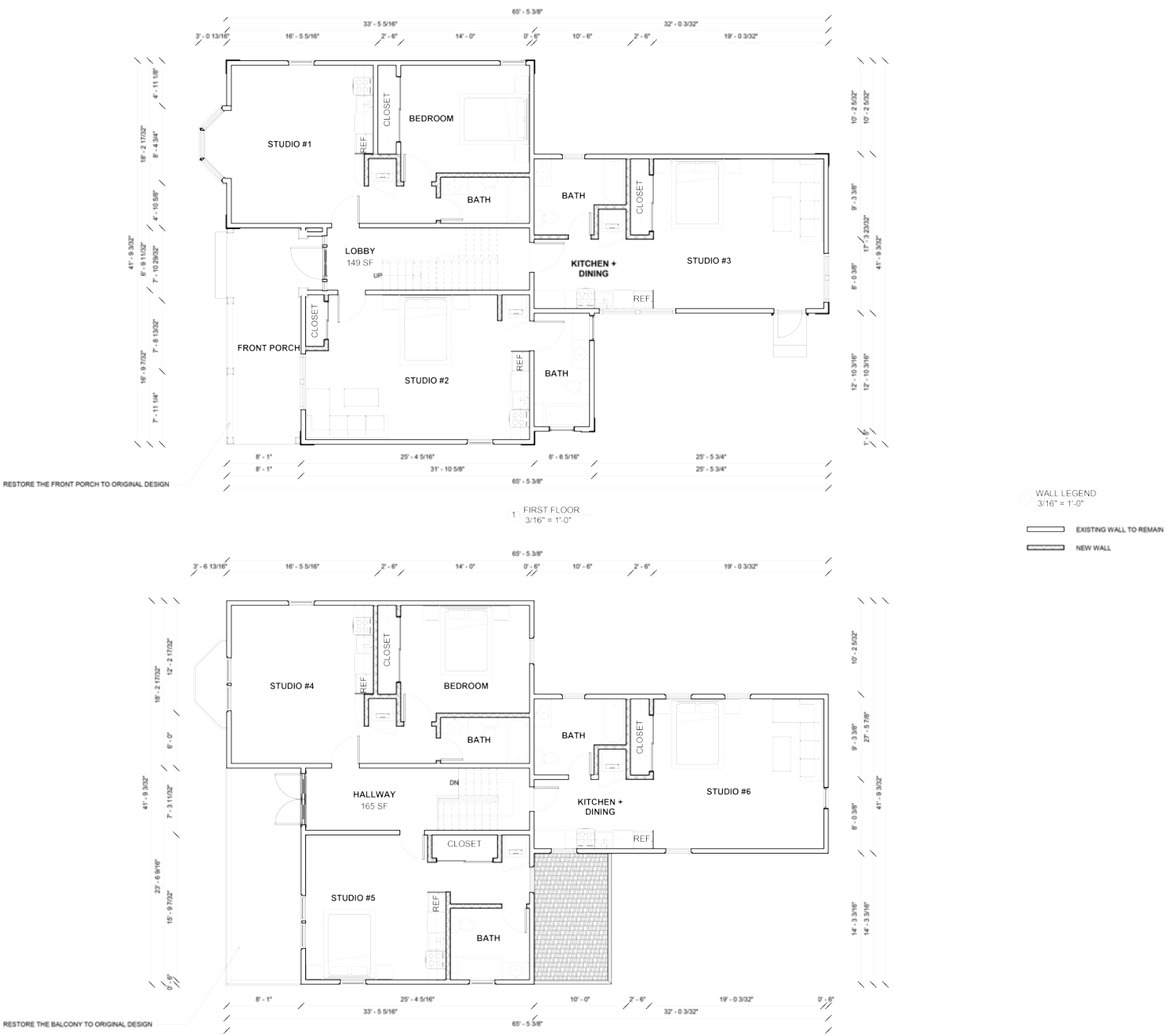
Mitzi Place Apartments
Initial Study

Source: Anderson Architects, June 2019

Floor Plan - Relocated Building - Existing

Mitzi Place Apartments
Initial Study

Figure
6G



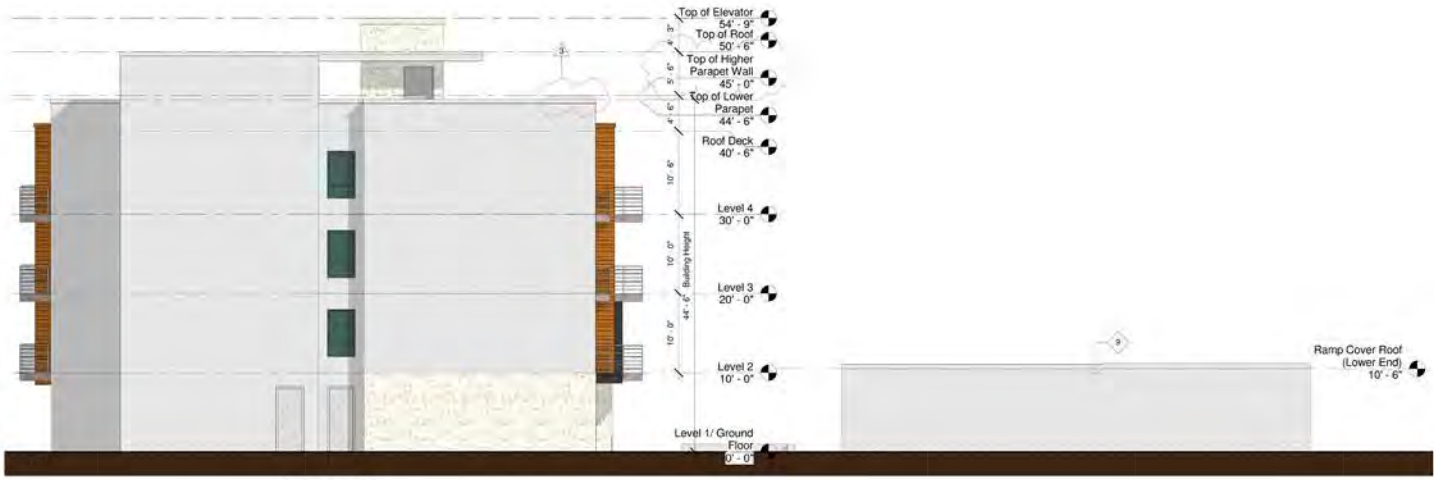
Source: Anderson Architects, June 2019

Floor Plan - Relocated Building - Proposed

Mitzi Place Apartments
Initial Study

Figure
6H

BUILDING KEYNOTES	
KEY #	KEYNOTE TEXT
1	7/8" PAINTED STUCCO SMOOTH FINISH, PAINTED LIGHT GRAY (SW 7016 MINDFUL GRAY)
2	HORIZONTAL COMPOSITION WOOD SIDING/ RAIN SCREEN
3	JAMES HARDIE HORIZONTAL SIDING PAINTED TO MATCH HISTORIC HOUSE
4	SMOOTH STUCCO FINISH PAINED DARK GRAY (SW 7024 FUNCTIONAL GRAY), @ CANOPY AND STUCCO ACCENT WALL
5	STONE VENEER (ELDORADO LEDGECUT33-GOLDEN OAK)
6	RECESSED/ PUNCHED WINDOW IN GRAY
7	GLASS WINDOW/ STOREFRONT W/ GRAY FRAME/ MULLION
8	PAINTED METAL GUARDRAIL, DARK GRAY (SW 7024 FUNCTIONAL GRAY)
9	PAINTED CONCRETE WALL & ROOF (SW 7016 MINDFUL GRAY)

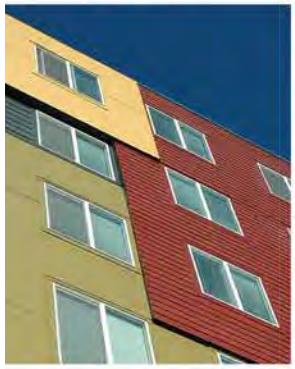


Source: Anderson Architects, May 2020

Elevations - West & North

Figure 7A

Mitzi Place Apartments
Initial Study



BUILDING KEYNOTES	
KEY #	KEYNOTE TEXT
1	7/8" PAINTED STUCCO SMOOTH FINISH, PAINTED LIGHT GRAY (SW 7016 MINDFUL GRAY)
2	HORIZONTAL COMPOSITION WOOD SIDING/ RAIN SCREEN
3	JAMES HARDIE HORIZONTAL SIDING PAINTED TO MATCH HISTORIC HOUSE
4	SMOOTH STUCCO FINISH PAINED DARK GRAY (SW 7024 FUNCTIONAL GRAY), @ CANOPY AND STUCCO ACCENT WALL
5	STONE VENEER (ELDORADO LEDGECUT33-GOLDEN OAK)
6	RECESSED/ PUNCHED WINDOW IN GRAY
7	PAINTED METAL GUARDRAIL, DARK GRAY (SW 7024 FUNCTIONAL GRAY)
8	COMPOSITION SHINGLES ROOF IN DARD GRAY
9	PAINTED CONCRETE WALL & ROOF (SW 7016 MINDFUL GRAY)

1 REAR ELEVATION
1/8" = 1'-0"

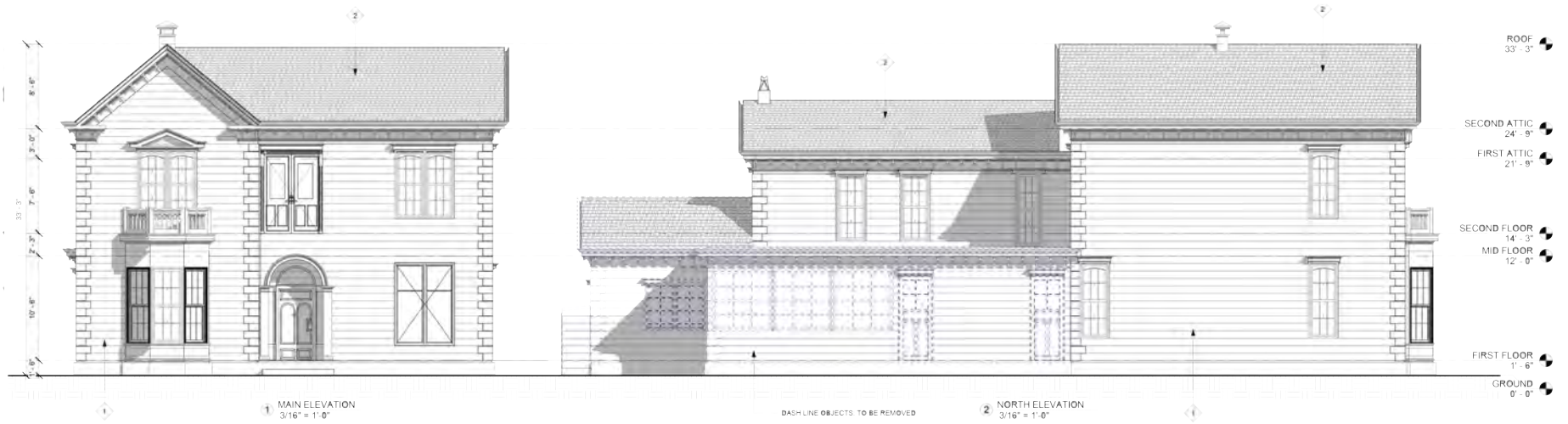
2 RANCHERO WY- RIGHT ELEVATION
1/8" = 1'-0"

Source: Anderson Architects, May 2020

Elevations - East & South

Figure 7B

Mitzi Place Apartments
Initial Study



BUILDING KEYNOTES	
KEY #	KEYNOTE TEXT
1	WOOD SIDING (REFER TO THE REPORT)
2	ASPHALT SHINGLES ROOFING (REFER TO THE REPORT)

NOTE:
REFER TO HISTORIC REPORT "EXISTING CONDITION & PRESERVATION PLAN" BY STRATA DESIGN STUDIO FOR ALL PRESERVATION DETAILS & NOTES

Scale: 1" = 16.75'

Source: Anderson Architects, June 2019

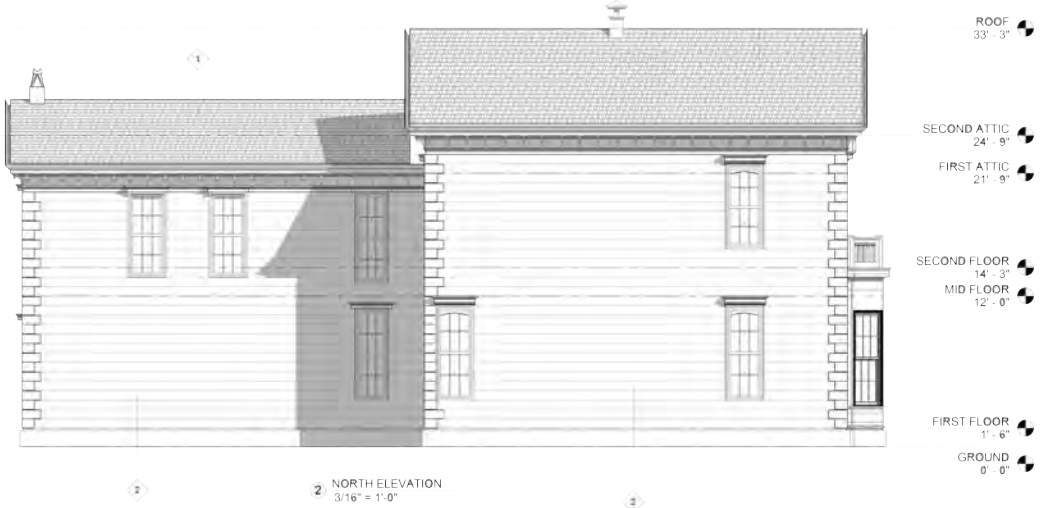
Elevations - Relocated Building - Existing

Mitzi Place Apartments
Initial Study

Figure
7C

1 MAIN ELEVATION
3/16" = 1'-0"

RESTORE THE FRONT PORCH AND BALCONY TO ORIGINAL DESIGN



2 NORTH ELEVATION
3/16" = 1'-0"

BUILDING KEYNOTES	
KEY #	KEYNOTE TEXT
1	ASPHALT SHINGLES ROOFING (REFER TO THE REPORT)
2	WOOD SIDING (REFER TO THE REPORT)

NOTE:
REFER TO HISTORIC REPORT "EXISTING CONDITION & PRESERVATION PLAN" BY STRATA DESIGN STUDIO FOR ALL PRESERVATION DETAILS & NOTES.

3 EAST ELEVATION
3/16" = 1'-0"

4 SOUTH ELEVATION
3/16" = 1'-0"

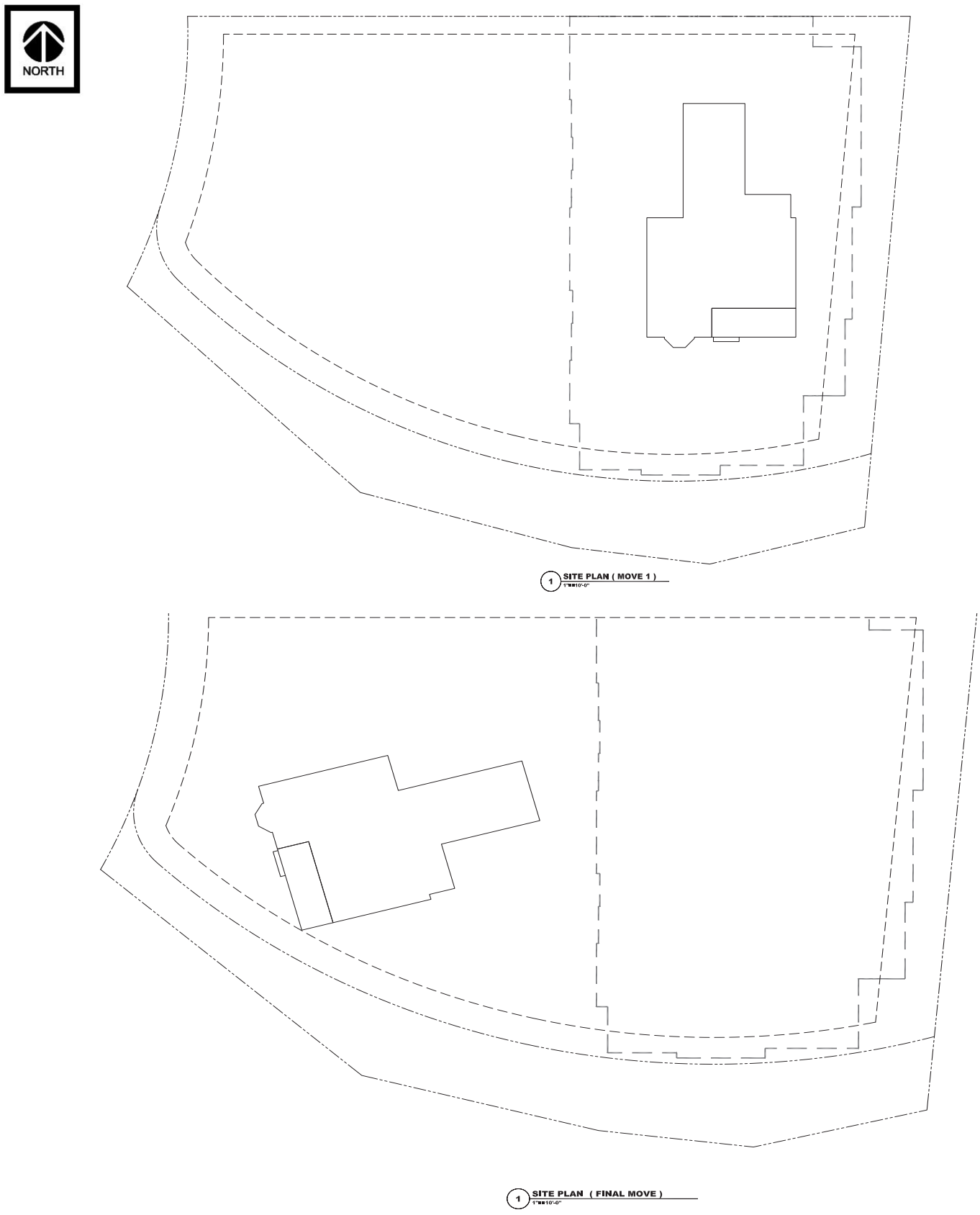
Scale: 1" = 16.75'

Source: Anderson Architects, June 2019

Elevations - Relocated Building - Proposed

Mitzi Place Apartments
Initial Study

Figure
7D

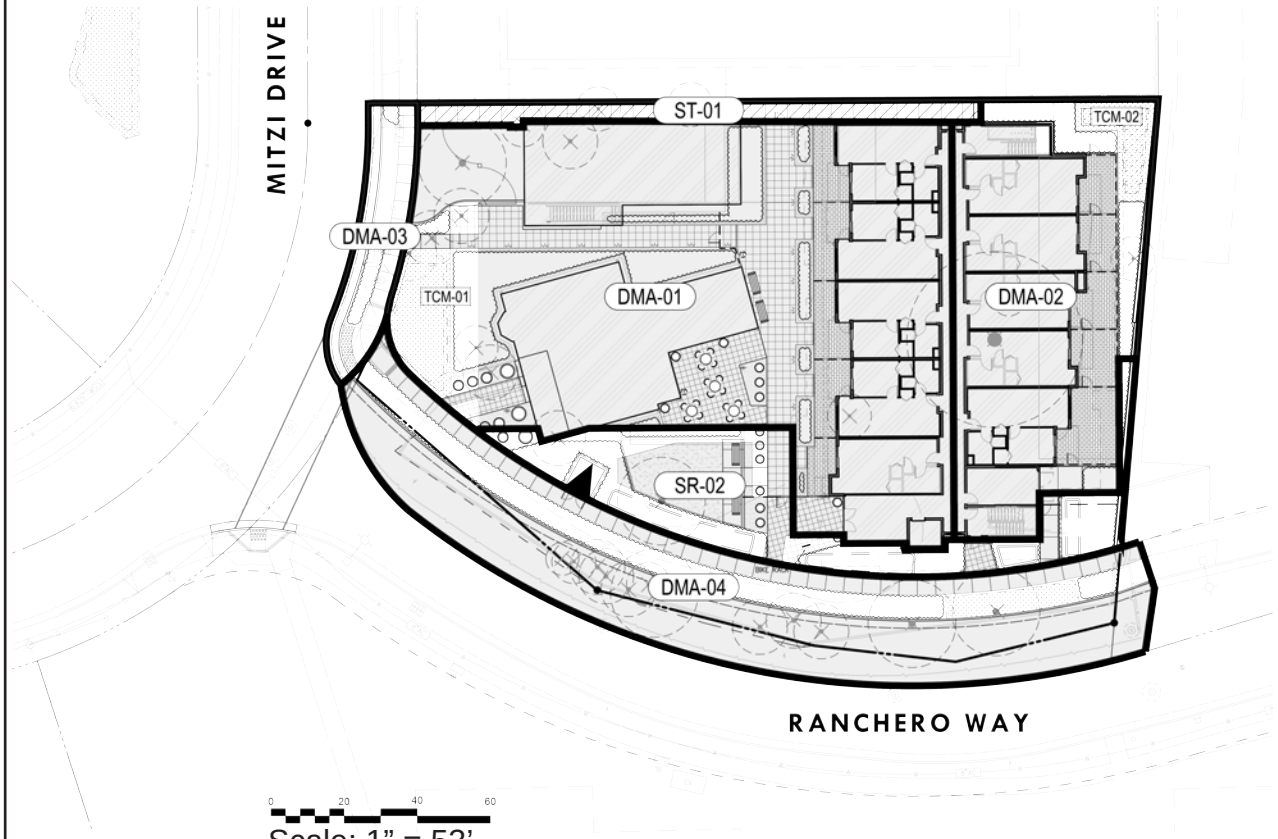


Source: Anderson Architects, June 2019

Relocation Plans for Historic Building

Mitzi Place Apartments
Initial Study

Figure
8



PLAN LEGEND

- DRAINAGE MANAGEMENT AREA LIMITS
- TREATMENT CONTROL MEASURE (BIORETENTION AREA)
- TREATMENT CONTROL MEASURE (PERVIOUS PAVERS)
- PROPOSED ROOF AREA

Source: Anderson Architects, January 2020

Stormwater Management Plan

Mitzi Place Apartments
Initial Study

Figure
9

PROPOSED STORMWATER TREATMENT PLANT PALETTE

STORM WATER TREATMENT AREAS SHRUBS, PERENNIALS, and GRASSES

KEY	SIZE	BOTANICAL NAME	COMMON NAME	SPACING	COMMENTS	BASIN	BANK	UPLAND
AR	5 Gal	Arctostaphylos 'Emeralz Carpet'	Emerald Carpet Manzanita	30" O.C.	Native/Low Water Use		•	•
AN	5 Gal	Anigozanthus spp.	Kangaroo Paw	24" O.C.	Low Water Use		•	•
BP	5 Gal	Baccharis pilularis 'Twin Peaks'	Coyotis Brush	36" O.C.	Native/Low Water Use		•	•
CA	5 Gal	Calamagrostis acutifolia 'Karl Foerster'	Feather Reed Grass	36" O.C.	Low Water Use			•
CD	5 Gal	Carex divulsa c. tumulicola	Berkeley Sedge	24" O.C.	Low Water Use	•	•	•
CT	5 Gal	Chondropetalum tectorum	Small Cape Rush	36" O.C.	Low Water Use	•	•	•
CP	5 Gal	Cistus purpureus	Orchid Rock Rose	36" O.C.	Low Water Use		•	•
ER	1 Gal	Erigeron glaucus 'Wayne Roderick'	Beach Aster	18" O.C.	Native/Low Water Use		•	•
HS	1 Gal	Helictotrichon sempervirens	Blue Oat Grass	24" O.C.	Low Water Use		•	•
JP	1 Gal	Juncus patens	California Gray Rush	18" O.C.	Native/Low Water Use	•	•	•
MC	5 Gal	Muhlenbergia capillaris	Pink Muhly Grass	30" O.C.	Native/Low Water Use		•	•
PH	5 Gal	Penstemon heterophyllus 'Blue Springs'	Foothill Penstemon	24" O.C.	Native/Low Water Use		•	•
RS	5 Gal	Ribes sanguineum	Red-Flowering Currant	60" O.C.	Native/Low Water Use		•	•
SA	5 Gal	Stipa arundinacea	New Zealand Wind Grass	24" O.C.	Low Water Use	•	•	•
TV	1 Gal	Tulbaghia violacea	Society Garlic	20" O.C.	Low Water Use		•	•
VL	5 Gal	Verbena lilacina	De La Mini Lilac	30" O.C.	Low Water Use		•	•

**NOTE: This plant palette is suggested for use, but does not preclude use of other appropriate plant material. Water-conserving plants and other climate appropriate varieties of trees, shrubs and ground covers have been selected to complement the character of the project. All plants in stormwater treatment areas are to be consistent with Appendix D of the C.3 Stormwater Handbook, provided by the City of San Jose.

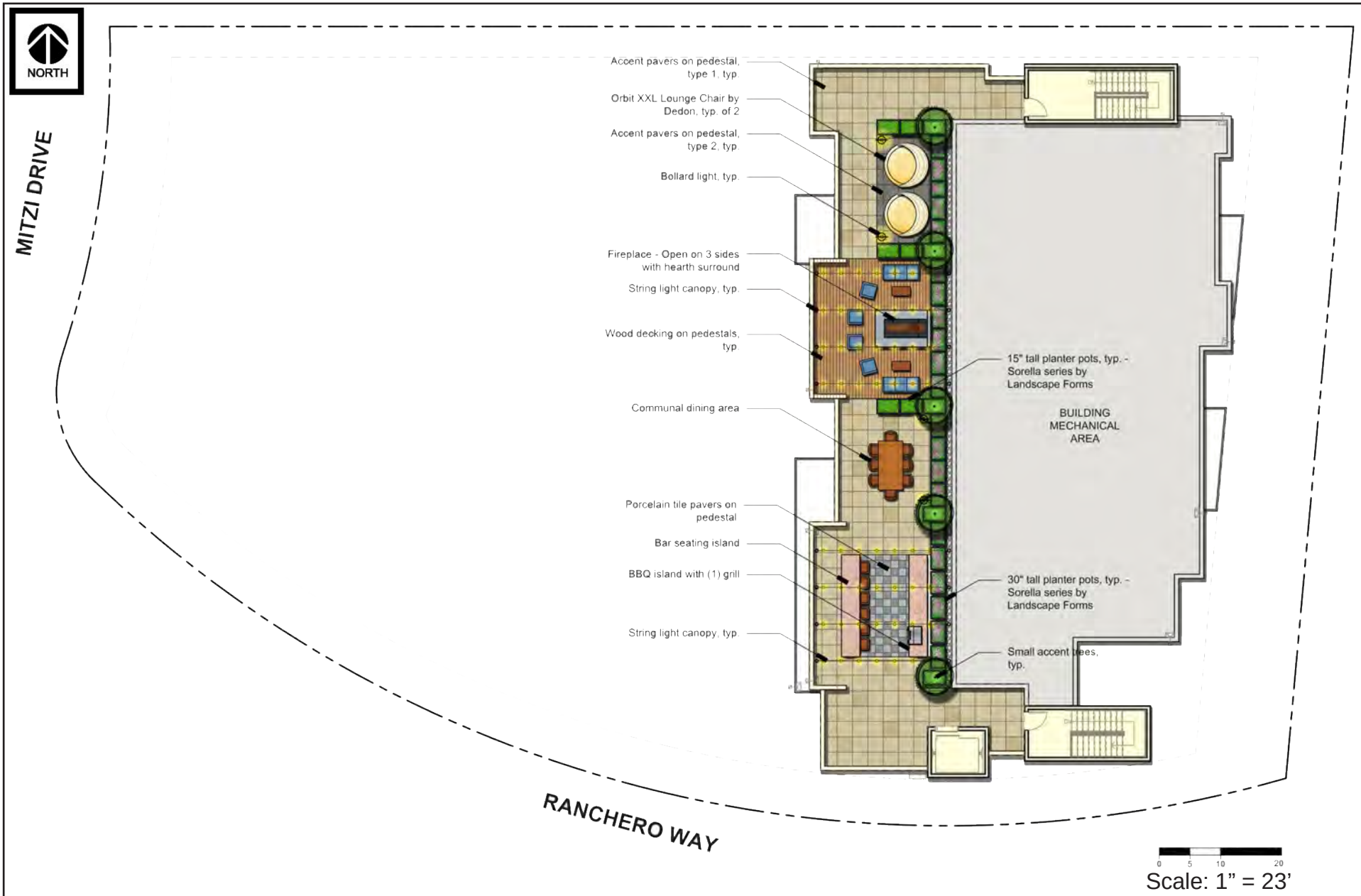
Notes:
1. Street trees shown in the public right-of-way are for reference only. The Planning Permit does not authorize the installation or removal of trees in the public right-of-way. Actual street tree locations will be determined by the Public Works Department at the implementation stage on the Public Improvement Plan. The installation or removal of the street trees requires a permit from the Department of Transportation. The City Arborist will specify the species.
2. The project will not locate trees within the basin or bank planting zones of Bioretention Areas, per Appendix D of the SCVURPPP C.3 Stormwater Handbook. Trees will also not be located directly in-line with or next to stormwater inlets (curb openings, bubble box emitters, etc.). Trees will be offset or relocated where necessary outside of the Bioretention Area basin and back planting zones to maximize runoff dispersal throughout the Bioretention Areas.
3. Include 3 inches of compostable, non-floatable mulch in areas between stormwater treatment plantings. Refer to civil plans for mulch selection.

Source: Anderson Architects, January 2020

Landscape Plan

Figure 10A

Mitzi Place Apartments
Initial Study

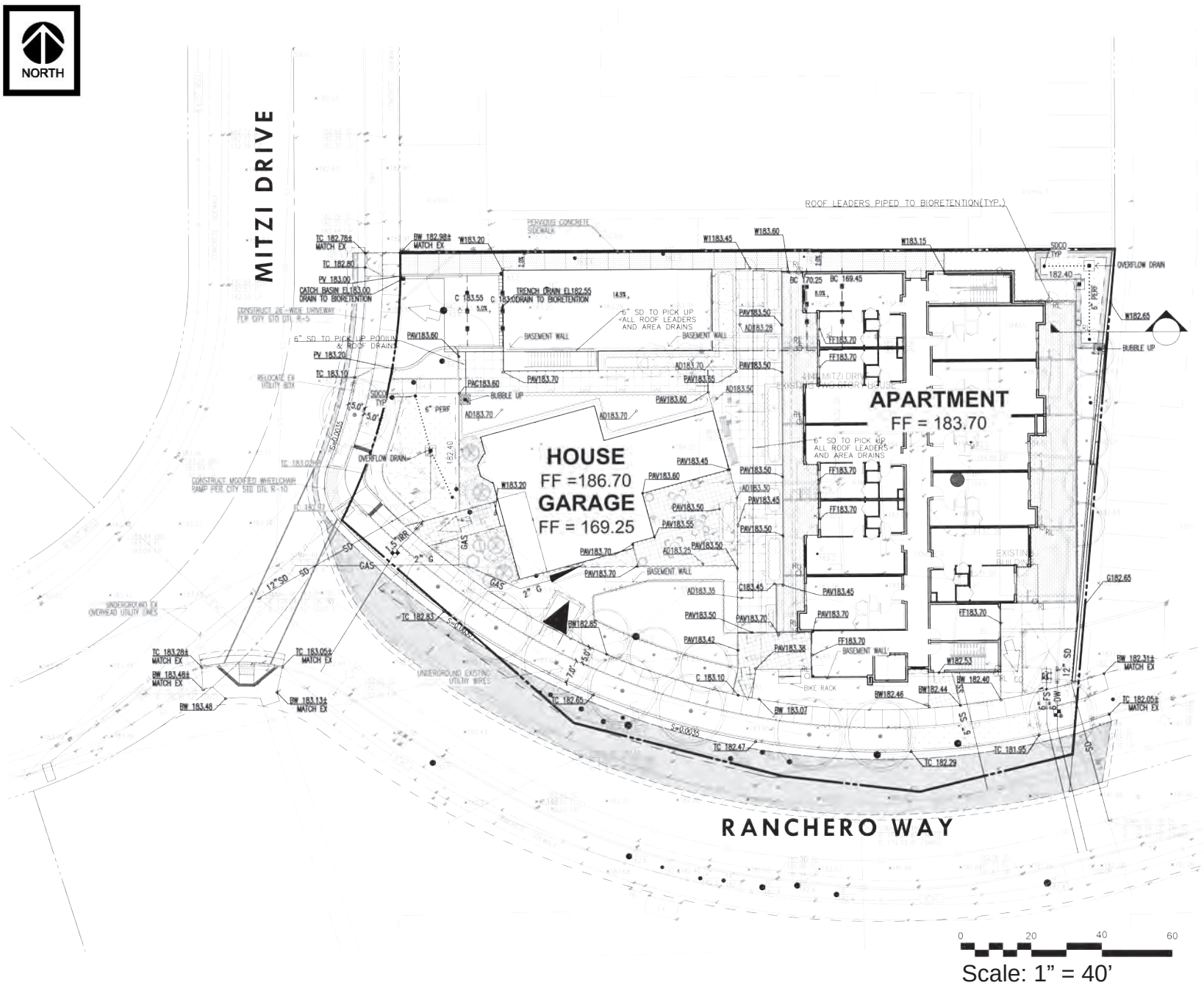


Source: Anderson Architects, January 2020

Landscape Plan - Roof Deck

Mitzi Place Apartments
Initial Study

Figure
10B



Source: Anderson Architects, June 2019

Grading Plan

Figure 11

Mitzi Place Apartments
Initial Study

Photo 1. View of the project site from the intersection of Mitzi Drive and Ranchero Way looking east, showing the existing historic building, fencing, and existing access driveway.

Photo 2. View of the project site from Ranchero Way looking north, showing the existing historic building and fencing.

Photo 3. View of the project site from Ranchero Way looking north, showing the existing accessory structure and fencing on the southeastern portion of the property.

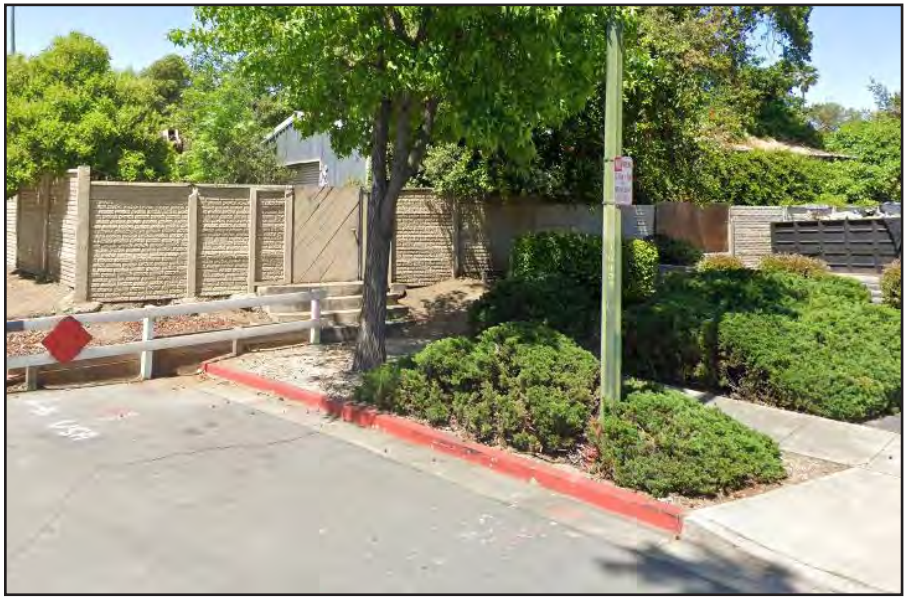


Photo 4. View of the project site from Ranchero Way looking west, showing the existing accessory structure and the fenceline on the eastern boundary of the property.

Site Photos

Mitzi Place Apartments
Initial Study

Figure
12

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

Important Note to the Reader:

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

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

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

ENVIRONMENTAL SETTING AND IMPACTS

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

A. AESTHETICS

Environmental Setting

The project is located on a developed parcel within an urbanized area of San José. The property is currently occupied by the Graves House (constructed circa 1868), accessory structures, an access driveway, and an unfinished basement. The site is located in a predominantly residential area at the corner of Mitzi Drive and Ranchero Way. The project property is surrounded by the following uses:

- North: Multi-family Residential
- South: Multi-family Residential
- East: Multi-family Residential
- West: Single-family Residential

Photographs of the property are presented in Figure 12, and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site is a residential lot, characterized by an existing single-family residence, accessory structures, and a gravel access driveway and gate. The site is surrounded by a fence that has been damaged in some sections. The site also contains some scattered trees and landscaping.

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways.

Local

Council Policy 4-3 Outdoor Lighting Policy

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

General Plan

The Envision 2040 San José General Plan (General Plan) defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

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

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?			X		1, 2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2, 3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2, 3

Explanation

a) **Less Than Significant Impact**. Based on the City's General Plan, 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 scenic features in the San José area. The project site is located in an urbanized location surrounded by one and two-story residential development. The site and surrounding area is relatively flat and the visibility of prominent viewpoints, other than buildings, are limited. The development of the proposed four-story building would not impact scenic vistas, since no scenic vistas are observable in the project vicinity due to existing topography and buildings that generally obstruct distant views.

b) **Less Than Significant Impact**. The project site is not located within any City or state-designated scenic routes. The nearest Caltrans officially designated scenic route is SR 9, located more than four miles from the site in Saratoga.

The project is proposing to relocate the historic building on the site in accordance with mitigation and recommendations identified in this Initial Study and will still be visible from the adjacent street. In addition, the project would remove 33 existing trees on the site and would replace them in accordance with the City's Tree Replacement Ratio requirements as described in *D. Biological Resources*. Any street tree removal and replacement would be conducted in consultation with the City Arborist.

c) **Less Than Significant Impact**. The project site is located on a developed parcel within an urbanized area. The project would alter the existing visual character of the site and its immediate surroundings by introducing a new 33,628 square-foot, four-story building. The historic Graves House would remain. Building elevations are presented in Figure 6. The general architectural design of the proposed building is modern. The new apartment building height is approximately 55 feet with its rooftop projections. Landscaping is proposed on the site, as shown in Figure 8. The proposed project would be required to conform to the City's Residential Design Guidelines and undergo design review during the development review process to ensure the scale and mass are compatible with surrounding development and other publicly accessible vantage points (e.g. sidewalks, public streets) through the development review process.

The project would be consistent with the R-M Multiple Residence District zoning for the site. The project would be consistent with its land use designation of *Urban Residential* in the City's 2040 General Plan Land Use Map, which allows for medium density residential development

and a range of commercial uses at a density of 30-95 du/ac. The project proposes a total of 46 units at a density of 73 du/ac.

The project would also be consistent with General Plan policies relating to scenic quality focused on creating a well-designed development, specifically including policies CD-1.1, CD-4.0, and CD-8.1 (see policy table above).

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

d) **Less Than Significant Impact**. The project does not propose any major sources of lighting or glare. All lighting would conform to the Council Policy 4-3 Outdoor Lighting Policy and be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties. Consistent with the San José Municipal Code Section 20.40.540, all lighting facilities adjacent to residential properties are required to be arranged and shielded to cast light away from nearby residential uses and eliminate glare. In addition, the project does not propose to introduce materials into the design that would create substantial glare.

Based on the discussion above, the project would have a less than significant impact related to light and glare.

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

B. AGRICULTURAL AND FOREST RESOURCES

Environmental Setting

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

Regulatory Framework

State

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "Urban and Built-Up Land" on the 2014 Santa Clara County Important Farmland Map (California Department of Conservation, 2016).

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

Local

General Plan Policies

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

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means: • Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	2

Explanation

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

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

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

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

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

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

C. AIR QUALITY

A construction community health risk assessment was prepared for the project by Illingworth & Rodkin, Inc. (May 15, 2020). This report is contained in Appendix A.

Environmental Setting

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

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. The project is located in a residential area and does not generate significant odors.

Air Pollutants of Concern

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

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

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

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

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses.

Sensitive residential receptors surround the project site. This project would also introduce new sensitive residential receptors to the area.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

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

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

State

California Clean Air Act

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

Regional and Local

Bay Area Air Quality Management District

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

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

2017 Bay Area Clean Air Plan

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

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

General Plan

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

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

BAAQMD Thresholds

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

Table 1
BAAQMD Air Quality Significance Thresholds

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

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

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan, 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented below in Table 2. Based on this analysis, the project would comply with the adopted air quality plan and have a less than significant effect on clean air planning efforts.

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include long-term and short-term bicycle parking consistent with City's Zoning Ordinance standards. Additionally, the project would construct sidewalks along the project frontage for pedestrian access. Therefore, the project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), and the most recent California Building Code, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water. Therefore, the project is consistent with this control measure.

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

As described in discussion c) below, the project would not result in a significant increase in any criteria pollutant during project construction and operations, since it does not exceed the BAAQMD screening criteria. The project, therefore, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment.

c) **Less Than Significant Impact**. The City of San José uses the thresholds of significance established by the BAAQMD to assess the air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. In their 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for land use projects that could result in significant air pollutant emissions. For the land use category "apartment, mid-rise," the construction screening size is 240 units. For operational impacts, the screening size is 494 units. Since the project proposes to operate a 46 unit development (i.e., the construction of 40 residential units and the reuse the historic single-family structure for a 6-unit multi-family building), it is concluded that the emissions would be well below the BAAQMD significance thresholds and less than significant. The project would, however, generate dust during construction.

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

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

d) **Less Than Significant Impact with Mitigation Incorporated**. Project impacts related to increased community risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Sensitive residential receptors are adjacent to and surround the project site (see Figure 13 below). Project impacts would include temporary construction activity. The operation of the residential project would generate some traffic, consisting of light-duty vehicles, which are not a source of substantial TACs or $PM_{2.5}$ emissions.

Temporary project construction activities would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks (see Table 1 above). A community health risk assessment was completed for the project, and the results are in Appendix A and summarized below.

Community Risk Impacts Associated with Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions may pose health risks for sensitive receptors. The health risk assessment prepared for the project evaluated the potential health effects to nearby sensitive receptors from construction emissions of Diesel Particulate Matter (DPM) and $PM_{2.5}$ (see Appendix A). This assessment included dispersion modeling to predict the off-site and on-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors, as shown in Figure 13, to identify the maximally exposed individuals (MEI). Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure

parameters. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated.

Results of this assessment indicate that the construction MEI is at the 2nd floor of the apartment located south of the project site across Ranchero Way. The maximum excess residential cancer risks at this location would exceed the BAAQMD significance threshold of greater than 10 in one million and the maximum annual $PM_{2.5}$ concentration would exceed the BAAQMD single-source threshold of greater than 0.3 µg/m3. Table 3 below summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities affecting the residential MEI.

Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ at Discovery Charter School Phoenix Campus and Anderson Elementary School. Discovery Charter School is a transitional kindergarten through eighth grade school, while Anderson Elementary School is a transitional kindergarten to fifth grade school. Both schools are over 700 feet east of the project site. Children attending the schools were assumed to be between the ages of five to 13 years old.

The method for calculating school child cancer risks uses a 95th percentile eight-hour child breathing rate for moderate intensity activities and is recommended by the District for children at schools. This breathing rate was used along with the modeled annual TAC concentrations and assuming the exposure would occur for 180 days per year at the school site, as recommended by BAAQMD. As described above, the modeled annual TAC concentrations for project construction activities were based on emissions occurring for nine hours per day (i.e., from 7 AM to 4 PM). Per BAAQMD recommendations, the annual concentrations were adjusted to account for the average concentration the students would be breathing during the school day. Therefore, the long-term annual concentrations from construction emissions were adjusted based on the hours when the students are present while construction activities occur.[1] Table 3 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities affecting the students at the nearby schools. None of the BAAQMD thresholds would be exceeded at the nearby schools and daycare centers.

[1] OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

Source: Illingworth & Rodkin, August 2019

Locations of Off-Site Sensitive Receptors and Construction TAC Impacts

Mitzi Place Apartments
Initial Study

Figure
13

Table 3 Construction Risk Impacts at the Nearby Schools & Daycare Centers			
Source	**Maximum Cancer Risk (per million)**	**$PM_{2.5}$ concentration ($\mu g/m^3$)**	**Hazard Index**
Project Construction Unmitigated	1.3 (child)	0.3	0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceed Threshold?	*No*	*No*	*No*

Cumulative Impact on Construction MEI

Cumulative community risk impacts were addressed through an evaluation of TAC sources located within 1,000 feet of the construction MEI. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. For local roadways, BAAQMD has provided the *Roadway Screening Analysis Calculator* to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed project. A review of the project area using the BAAQMD *Roadway Screening Analysis Calculator* Tool indicates that traffic on Saratoga Avenue is the only roadway with over 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth map tool did not identify any stationary sources with the potential to affect the construction MEI.

Table 4 reports both the project and cumulative community risk impacts. Without mitigation, the project would have a significant impact with respect to community risk caused by project construction activities, since the maximum cancer risk exceeds the single-source threshold of 10.0 per million for cancer risk and the $PM_{2.5}$ concentration exceeds the single-source threshold of 0.3 $\mu g/m^3$. The cumulative cancer risk and $PM_{2.5}$ concentration would also exceed their cumulative source thresholds of greater than 100 per million and greater than 0.8 $\mu g/m^3$, respectively.

Table 4 Impacts from Combined Sources at Off-Site Construction MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Construction			
Unmitigated	133.3 (infant)	0.82	0.15
Mitigated	6.7 (infant)	0.06	0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Significant?			
Unmitigated	***Yes***	***Yes***	*No*
Mitigated	*No*	*No*	*No*
Saratoga Avenue (north-south) with MEI 1,000 feet east: ADT 29,265	1.1	0.04	<0.03
Combined Sources			
Unmitigated	134.4 (infant)	0.86	0.18
Mitigated	7.8 (infant)	0.10	0.04
BAAQMD Cumulative Source Threshold	***>100.0***	***>0.8***	***>10.0***
Significant?			
Unmitigated	***Yes***	***Yes***	*No*
Mitigated	*No*	*No*	*No*

Impact AQ-1: Project construction would result in an infant cancer risk of 133.3 in one million and a $PM_{2.5}$ concentration of 0.82 $\mu g/m^3$ at the maximally exposed individual (MEI), which exceed BAAQMD's cancer risk significance threshold of 10 in one million and single-source threshold for $PM_{2.5}$ of 0.30 $\mu g/m^3$.

Mitigation Measures

MM AQ-1 Prior to the issuance of any demolition, grading, or building permits (whichever occurs the earliest), the project applicant shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 95-percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent.

- Provide electric power to avoid use of diesel-powered generator sets and other portable equipment.

Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Prior to the issuance of the any demolition, grading, or building permit (whichever comes first), the project applicant shall submit the construction operations plan and records of compliance to the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

With the implementation of MM AQ-1, the computed maximum increased lifetime residential cancer risk from construction, assuming infant exposure, would be 6.7 in one million or less, the maximum annual $PM_{2.5}$ concentration would be 0.06 $\mu g/m^3$, and the Hazard Index would be 0.01. As a result, impacts would be reduced to less than significant with respect to community risk caused by construction activities.

d) **Less Than Significant Impact**. The proposed project consists of a residential development. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. The proposed residential project would not create new sources of odor. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion and would not result in a significant impact.

Non-CEQA Effects

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

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

A review of the project area indicates that traffic on Saratoga Avenue is the only roadway with over 10,000 vehicles per day.[2] Other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth map tool identified zero stationary sources with the potential to affect the construction MEI. The average daily traffic (ADT) on Saratoga Avenue is estimated to be 29,265 vehicles. This estimate was based on the background plus project traffic volumes included in the traffic analysis (see Appendix F). The BAAQMD Roadway Screening Analysis Calculator for Santa Clara County was used for Saratoga Avenue. The results are shown in Table 4 above. BAAQMD has found that non-cancer hazards from all local roadways would be below the HI threshold of 0.03. No stationary sources of TACs are located within 1,000 feet of the project site. Based on these factors, the proposed residential uses would not be exposed to substantial sources of TACs.

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

[2] Illingworth & Rodkin, Inc., *4146 Mitzi Drive Construction Community Risk Assessment*, February 2020.

D. BIOLOGICAL RESOURCES

An arborist report/tree impact assessment was prepared for the project by Bo Firestone Consulting & Design (January 10, 2020). This report is provided in Appendix B.

Environmental Setting

The project site is currently occupied by a single-family residence and associated structures. Vegetation on the site is limited to planted trees and landscaping. The nearest waterway to the project site is San Tomas Aquinas Creek, located approximately 0.6 miles east of the site. Due to its developed nature and urbanized location, the habitat value of the project site is considered low. However, existing trees on and surrounding the site may contain habitat for nesting birds.

Regulatory Framework

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protection

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

Sensitive Habitats

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated as follows:

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

In addition, the HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The San José Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height,

species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

General Plan

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

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?				X	1, 2
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 8
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 2, 9, 10

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. Mature trees within or directly adjacent to the project site may provide nesting habitat for migratory birds, including raptors (birds of prey). The project includes the removal of 33 on-site trees. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. These species could be disturbed during tree removal and construction activities.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measures

MM BIO-1 Prior to any site disturbance such as tree removal or issuance of any grading, building or demolition permits (whichever occurs first), the project applicant shall schedule all construction activities to avoid the nesting season (February 1st to August 31st inclusive). The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

If the above-mentioned construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the latter part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

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

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

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

b) **No Impact**. No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service were identified within the boundaries of the project site. Therefore, the project would not impact any such habitat types.

c) **Less Than Significant Impact**. The project would not have a substantial adverse effect on state or federally protected wetlands, since none are located on or near the site.

d) **Less Than Significant Impact**. The project is proposed on an infill site surrounded by development and has not been found to contain any native resident or wildlife species. Surrounding urban land uses discourage the site as a wildlife corridor.

Tree removal or other construction activities could potentially disrupt nesting raptors. However, with the implementation of MM BIO-1, the proposed project would reduce this potential impact to a less than significant level. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **Less Than Significant Impact**. Below is a discussion of the project's consistency with local policies and ordinances protecting biological resources, including the City's Tree Protection Ordinance.

Tree Protection Ordinance

An arborist report was prepared for the project site by a certified arborist and is contained in Appendix B. This study included a survey of on-site trees. A total of 33 trees of various species were surveyed, including two native oak species (trees 20 and 22). A description of the trees by type, size, and general condition is provided in Table 5. A total of 17 trees surveyed exceed 38 inches in circumference (12 inches in diameter) at 4.5 feet above ground and are considered ordinance size trees. There are no designated heritage trees on or adjacent to the project site.

As indicated in the arborist report, because the site was not formally occupied for an extended period of time, most of its trees are weedy volunteer sprouts of low-value species such as multi-trunk ash saplings, acacia, and palm "pups." The original trees on-site appeared to include a row of Mexican fan palms in fair condition as well as a large valley oak looming to the side of the house that was in poor condition. The removal of the trees is required to accommodate the development footprint; the entire site is being used for the underground garage and widening of Ranchero Drive would require removal of the palm trees along this frontage. In addition, the arborist report found that these trees have "low" suitability for retainment.

Table 5
Tree Survey Results

No.	Species	Scientific Name	Trunk Diameter (inches)	Condition	Proposed Action
1	White Ash	*Fraxinus americana*	7	Good	Remove
2	White Ash	*Fraxinus americana*	8	Good	Remove
3	White Ash	*Fraxinus americana*	9	Good	Remove
4	White Ash	*Fraxinus americana*	5, 2	Fair	Remove
5	**White Ash**	***Fraxinus americana***	**4, 4, 3, 2, 2**	**Fair**	**Remove**
6	**Blackwood Acacia**	***Acacia melanoxylon***	**16**	**Fair**	**Remove**
7	Mexican Fan Palm	*Washingtonia robusta*	10	Good	Remove
8	Mexican Fan Palm	*Washingtonia robusta*	10	Good	Remove
9	Mexican Fan Palm	*Washingtonia robusta*	10	Good	Remove
10	**Mexican Fan Palm**	***Washingtonia robusta***	**18**	**Fair**	**Remove**
11	Mexican Fan Palm	*Washingtonia robusta*	10	Good	Remove

Table 5 Tree Survey Results					
No.	**Species**	**Scientific Name**	**Trunk Diameter (inches)**	**Condition**	**Proposed Action**
12	**Mexican Fan Palm**	***Washingtonia robusta***	**18**	**Fair**	**Remove**
13	**Mexican Fan Palm**	***Washingtonia robusta***	**16**	**Fair**	**Remove**
14	**Mexican Fan Palm**	***Washingtonia robusta***	**16**	**Fair**	**Remove**
15	Mexican Fan Palm	*Washingtonia robusta*	10	Good	Remove
16	**Mexican Fan Palm**	***Washingtonia robusta***	**16**	**Fair**	**Remove**
17	**Mexican Fan Palm**	***Washingtonia robusta***	**12**	**Good**	**Remove**
18	**Mexican Fan Palm**	***Washingtonia robusta***	**12**	**Good**	**Remove**
19	White Ash	*Fraxinus americana*	8	Poor	Remove
20	**Valley Oak**	***Quercus lobata***	**40**	**Poor**	**Remove**
21	Holly Oak	*Quercus ilex*	9	Excellent	Remove
22	Coast Live Oak	*Quercus agrifolia*	9	Good	Remove
23	Holly Oak	*Quercus ilex*	6	Good	Remove
24	Holly Oak	*Quercus ilex*	8	Good	Remove
25	**Siberian Elm**	***Ulmus pumila***	**(4) 5", (2) 4"**	**Fair**	**Remove**
26	**Blackwood Acacia**	***Acacia melanoxylon***	**7, 7, 3, 3, 2**	**Fair**	**Remove**
27	**Mexican Fan Palm**	***Washingtonia robusta***	**14**	**Fair**	**Remove**
28	White Ash	*Fraxinus americana*	5, 4	Fair	Remove
29	**Mexican Fan Palm**	***Washingtonia robusta***	**12**	**Good**	**Remove**
30	**Mexican Fan Palm**	***Washingtonia robusta***	**18**	**Fair**	**Remove**
31	**Blackwood Acacia**	***Acacia melanoxylon***	**10, 10, 7**	**Fair**	**Remove**
32	Blackwood Acacia	*Acacia melanoxylon*	10	Fair	Remove
33	**Blackwood Acacia**	***Acacia melanoxylon***	**12, 9**	**Fair**	**Remove**
Numbers correspond to tree locations provided in Appendix B. Ordinance size trees are shown in **bold**. Source: Bo Firestone Consulting & Design, January 10, 2020.					

The project proposes to remove all 33 trees on the project site, as presented in Table 5. The City requires replacement of all removed trees in accordance with established tree replacement ratios, as outlined in the standard permit condition below in compliance with the City's Tree Protection Ordinance. The arborist report did not include tree preservation measures because all trees on-site would be removed. According to the arborist report, the trees have a low suitability for retainment (see Appendix B).

Standard Permit Conditions

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

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size Replacement Tree
	Native*	Non-Native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
x:x = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial and industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees				

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

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

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

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

Standard Permit Condition

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

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

E. CULTURAL RESOURCES

A historic evaluation was prepared for the existing two-story residence on the project site by Archives & Architecture in July 2018 and found the house eligible for listing in the California Register of Historical Resources. TreanorHL prepared an analysis of the project's consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties dated July 30, 2019 and updated April 22, 2020. These reports are contained in Appendix C.

An Archaeological Literature Review was prepared by Holman & Associates for the project site (December 2018). *The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the Department of Planning, Building and Code Enforcement located at 200 East Santa Clara Street, 3rd Floor, during normal business hours or by contacting the environmental planner.*

Environmental Setting

Historic Resources

The existing house on the project site was evaluated by Archives & Architecture to determine its historical significance. Constructed in 1868 for Sylvester and Kate Graves, the house is associated with the early agricultural development of Santa Clara Valley from the Early American Period through World War II. The house is also a distinctive example of early Italianate residential architecture in the region. The property maintains sufficient integrity to exhibit the qualities that existed at the time of construction.

The historic evaluation found that the existing house maintains its significant original location in West San José, east of Saratoga Avenue, a historic thoroughfare. It remains within a large parcel that provides separation from the now densely suburban neighborhood of single and multifamily residential buildings nearby that were developed after World War II and has remaining historic trees that appear associated with the original ranch headquarters. The house and property embody a rural 19th century residential feeling and continue to illustrate the property's associations with the Graves family ranch and settlement. Although the house has been expanded to the rear and rear side, and the front porch lost, these alterations are reversible, and the original house itself has significant integrity with its Italianate design. Its trim, although possibly renovated in the late 1970s, is intact and with the underlying structure and fenestration represents the era's workmanship and use of materials, and its original character-defining materials have been preserved, including its siding, doors, windows, and trim. The property continues to embody an authentic historic resource. Character-defining features of the property include the following:

- Two-story, complex massing
- Wood-frame construction
- Steeply pitched cross gable roof with return eaves
- Block modillions at eaves
- Channel-rustic redwood siding with quoins[3]
- Asymmetrical front (west) façade

[3] The external angle of a wall or building.

- A wide offset porch
- Tall single and/or double-hung windows with wide trimmed casings, bracketed sills, and deep hoods on the main wing
- Four-over-four second floor windows with arched upper sash and one with a pedimented[4] hood
- A set of three window units set in a bay and capped with a decorative wood railing on the front façade
- Front door with arched panels and a two-part arched glass transom

The historical evaluation concluded that the property is eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction), and as a San José City Landmark. These criteria are discussed further below in "Regulatory Framework."

Archaeologic Resources

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

No cultural resources are recorded within the project site or within a quarter mile. No historic resources/or properties are listed on federal, state, or local inventories within or abutting the project footprint. The closest resource recorded was a single-story bungalow-style dwelling with Craftsman elements and a water tower. Constructed in the second decade of the 20th century, this house postdates the historic Graves House.

In this portion of northern Santa Clara Valley, Native American sites have been identified adjacent to springs, at the base of hills near a water source, or within a half mile of the two major waterways: Coyote Creek and the Guadalupe River and their major tributaries. Native American sites have also been identified adjacent to major creeks. The project site is located over a mile east of channelized Saratoga Creek and approximately 0.6 miles west of channelized San Tomas Aquinas Creek. The geology is mapped as Holocene-age Alluvial fan deposits, which are generally not highly sensitive for buried archaeological sites. The parcel has a low potential for buried Native American resources.

A records search identified no cultural resources within or adjacent to the project site. The archaeological report concluded that there is a moderate potential for specific historic-era resources with the most likely locations to the north beyond the current site, and a low potential for prehistoric-era deposits. Holman & Associates did not recommend any additional archaeological work.

Regulatory Framework

National Register of Historic Places

The National Register of Historic Places (National Register or NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National

[4] The triangular upper part of the front of a building in classical style, typically surmounting a portico of columns.

Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the National Register if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or
2. are associated with the lives of persons significant to our past; or
3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. yielded, or may be likely to yield, information important in prehistory or history.

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

CEQA requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

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

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

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

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

Secretary of the Interior's Standards

A project that meets the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) is considered mitigated to less than significant under CEQA. The Standards state that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." The Rehabilitation Standards include language about additions and alterations to a property, which were applied for analyzing the proposed relocation of the historic Graves House and development of the adjacent apartment building.

Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Assembly Bill 52

California Assembly Bill (AB) 52 went into effect on July 1, 2015 and establishes a new category of CEQA resources for "tribal cultural resources" (Public Resources Code §21074). The intent of AB 52 is to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also creates a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

City of San José Policies and Historic Preservation Ordinance

Policies and regulations in the General Plan and the City's Historic Preservation Ordinance have been adopted for the purpose of avoiding or minimizing cultural resource impacts resulting from planned development. The project may be subject to the following cultural resources policies and regulations:

Envision San José 2040 Relevant Cultural Resource Policies	
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy LU-13.3	For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping and residential areas.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

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

the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan. The historic evaluation for the project (Archives & Architecture, July 2018) found that the Graves House is eligible as a City Landmark based on these criteria.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?		X			1, 2, 11
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		1, 2, 12
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2
TRIBAL CULTURAL RESOURCES: Would the project:					
d) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
1. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		2, 12
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.			X		2, 12

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. The historical evaluation for the project concluded that the property is eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction), and is also eligible as a San José City Landmark. The proposed project includes moving and converting the existing historic residence on-site and constructing a new four-story apartment building at the east end of the parcel.

Because the existing house is eligible for listing in the CRHR, the proposed project must comply with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties to determine compatibility with the historic structure. Consistency of the project with the Standards was evaluated by TreanorHL (see Appendix C), and the results are summarized as follows:

Standard 1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The proposed project would change the historic resource's use as a single-family building to a multi-family building. This reuse involves the relocation and rehabilitation of the historic building. The property's use would remain residential which is still compatible with its surrounding. The proposed conversion of the historic Graves House to a multi-family building does not require significant exterior alterations, and the building's character-defining features will remain unaltered.

The construction of the new multi-family building and entry to the subterranean parking garage would alter the site and environment of the historic house. Archives & Architecture found that under Criterion 1, although only a remnant of the original ranch site remains, "given the age of the structure (140 years old), its prominence in an early publication of prominent sites in Santa Clara County, and the over half-acre site that exists today with broad front and side setbacks that includes large trees that are likely associated with the early ranch headquarters, it appears that the property may be eligible for the California Register..." The proposed project would develop most of the site, diminish the broad front and side setbacks and removed the large trees. Therefore, the project only partially meets Standard 1.

Standard 2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.*

Overall, the project does not call for the removal of character-defining historic materials or features of the historic building. At the rear, the project would remove a porch that was enclosed in the 1970s. The enclosed porch is not a character-defining feature according to previous reports. The porch is on a side elevation that is not currently visible from public right-of-way. While it is likely the porch was enclosed with the materials that date pre-1970s – the siding and windows – the use of older materials for enclosing the porch does not elevate this modification to a level of having historic significance. After the relocation, this elevation would be partially hidden behind the garage ramp cover. The removal of the enclosed porch would not affect the historic character of the property.

The one-story rear extension and the concrete ramp leading to the basement, both non-historic 1970s additions, would also be removed. These removals would not affect the historic character of the property as they were later additions to the building and are not considered character-defining features. Therefore, the project meets Standard 2.

Standard 3. *Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

No such changes are proposed for the historic resource or the new apartment building. The new building would be contemporary in character and would not create a false sense of historical development. The new front porch structure would be constructed to match original. This work would not create a false sense of historical development and would be guided by photographic and physical evidence. The DPR form[5] prepared by Archives & Architecture (July 2018 report contained in Appendix C) includes an illustration from Thompson and West, Historical Atlas of Santa Clara County (1876) that depicts the Graves House. The form also notes that stored on site appear to be pieces of the former porch. These elements would be used to provide documentation helpful in recreating the porch. Therefore, the proposed project meets Standard 3.

Standard 4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The Graves House has received some additions and alterations in the 1970s: the rear porch was enclosed, a one-story extension was added at the rear, a larger foundation/basement and a concrete ramp were added, and the multi-lite windows on the rear wing were replaced. The garage/shop building was constructed in the mid-20th century. However, none of the changes, which are proposed for removal in the project, have acquired historic significance. Therefore, the proposed project complies with Standard 4.

Standard 5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property are found on the exterior façades. Most of the materials and exterior character-defining features would be preserved and repaired. If deteriorated beyond repair, they would be replaced in-kind to match the existing size, shape, and material. Therefore, the proposed project meets Standard 5.

Standard 6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The architectural drawings refer to the Existing Condition & Preservation Plan by Strata Design studio for all preservation details and notes. According to this document, the existing architectural features, such as roof eaves, gutters, doors, windows, railings, siding, and trim

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

would be preserved and repaired in place when possible. If elements deteriorated beyond repair, it recommends replacing in-kind. As proposed, the project complies with Standard 6.

Standard 7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

The architectural drawings refer to the Existing Condition & Preservation Plan by Strata Design studio for all preservation details and notes. The Preservation Plan does not recommend severe chemical or physical treatments. For removing or reducing lead, light scraping, and sanding was recommended to re-finishing historic materials as outlined in the National Park Service Preservation Brief No. 37, "Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing." As proposed, the project complies with Standard 7.

Standard 8. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

There are no known archeological resources on the property. However, should any be encountered during the course of the project, a professional archeologist would be contacted and the resources documented. Therefore, the proposed project complies with Standard 8.

Standard 9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

The new four-story apartment building does not destroy historic materials that characterize the historic resource and the new work is clearly differentiated from the old. The proposed building would be generally compatible with the size and scale of the existing house. The proposed façades of the new building appear to be byproducts of the floor plan—the projections and recesses of the surfaces as well as the use of numerous materials result in lack of cohesion. The overall massing and façades appear busy, missing a unifying element. In terms of compatibility of architectural features, the square-proportions of the proposed windows do not refer to the existing house. Neither the angled main entrance at the southwest corner nor the flat roof of the apartment building refer to the existing building or surrounding residential neighborhood. The 11-foot tall ramp cover to the north of the historic residence would be painted concrete. The design of this structure appears visually heavy and modern next to the Italianate house. However, the project proposes landscaping to soften the visual effect, which has been deemed acceptable by the City's Historic Preservation Officer.

Standard 10. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed four-story building and the garage ramp cover are standalone structures. These new buildings would not physically affect the character-defining features of the historic house. If new construction were to be removed in the future, the essential form and integrity of the historic building would be unimpaired, however the setting on the property would remain somewhat altered. Therefore, the proposed project partially complies with Standard 10.

Conclusion

In cases of a substantial addition to an existing building or site, the Secretary's Standards are applied to determine the compatibility of the proposed project with the character-defining features of the existing building. The proposed project retains but relocates the historic structure and calls for the construction of a new four-story apartment complex.

The project fully complies with Standards 2, 3, 4, 5, 6, 7, and 8, and partially complies with Standards 1, 9, and 10. The majority of the character-defining features that contribute to the building's individual historic integrity would be maintained. The design of the new apartment building and garage ramp were refined to enhance the overall compatibility with the historic structure.

Impact CR-1: Relocation of the historic Graves House and related project construction activities could damage the historic structure. Mitigation provided below would reduce this impact to less than significant.

Mitigation Measures

MM CR-1.1: Prior to and during the relocation of the historic structure and during the construction of the underground garage, the project applicant shall implement the following measures to protect the Graves House from damage:

1. Prepare relocation plans and specifications. Prior to relocation of the structure, a historic preservation architect and a structural engineer shall undertake an Existing Conditions study of the building. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and must be protected and preserved, and recommendations for any structural reinforcement, stabilization or protection before the move. The documentation shall be reviewed and approved by the City's Historic Preservation Officer (HPO) and the City's Director of PBCE or its designee.

To protect the historic resource during its relocation, the project applicant shall engage a qualified building mover, who has experience moving similar historic structures. Prior to its moving, the structural engineer who produced the baseline study shall review the moving plan and work with the moving company to ensure the building is reinforced/stabilized appropriately for the move. Measures to ensure the building is reinforced/stabilized include, but are not limited to, the following:

- Limit access to authorized personnel.
- Establish protective fencing and other measures to protect structure.
- Establish protective barriers to protect historic structure from further construction activities.
- Store construction materials away from historic structure.
- Emphasize importance of preserving structure to construction crew.
- In the event of damage, the historic preservation architect/structural engineer shall prepare an assessment and recommend needed repairs.

Once moved to its temporary location, the project applicant shall implement measures to prevent damage to the structure. These measures include, but are not limited to, the following:

- Only authorized persons shall have access to the building. Protective fencing and other methods shall be used to protect the building from further damage and deterioration. If the historic preservation architect or structural engineer observe any new damage, an assessment shall be made of the severity of such damage and repairs undertaken if necessary. If the temporary location is on the construction site of the proposed project, protective barriers shall be constructed to further protect the building from potential damage by construction activities including the operation of construction equipment. Construction materials shall be stored away from the historic building. The project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

  When the structure is moved to its final location, again the historic preservation architect or structural engineer will survey the building for any new damage. An assessment shall be made of the severity of such damage and repairs shall be undertaken if necessary. If new construction is still underway on the surrounding site, protective barriers shall be constructed to further protect the building from potential damage by construction activities and equipment. Construction materials shall be stored away from the historic building and the project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

2. Rehabilitate. Upon the final relocation the historic structure shall be repaired and rehabilitated in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features. Upon completion of the rehabilitation, the City's Historic Preservation Officer (HPO) shall review and confirm that the rehabilitation of the structure was completed in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties.* A report documenting the completion of the relocation shall be submitted by the Historic Preservation Officer to the City's Historic Landmarks Commission prior to the Certificate of Occupancy for the project.

MM CR-1.2: **Construction Related Impacts**. Prior to the issuance of any grading, relocation, or building permits, the applicant shall implement the following measures to reduce construction related impacts to the historic structure:

- A historic preservation architect and a structural engineer shall prepare an Existing Conditions survey to establish the baseline condition of the historic building prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the issuance of any grading, relocation, or building permits.

- Any changes to existing conditions will be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City's Historic Preservation Officer.

- The structural engineer shall consult with the historic preservation architect, especially if any problems with character defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the monitoring team shall so inform the project applicant, or project applicant's designated representative responsible for construction activities, as well as the City's Historic Preservation Officer. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The historic preservation officer, or equivalent, shall establish the frequency of monitoring and reporting. Site visit reports and documents associated with claims processing shall be provided to the City's Historic Preservation Officer.

- A qualified geologist, or other professional with expertise in ground vibration and its effect on existing structures, shall prepare a study of the potential of vibrations caused by excavation and construction activities associated with the proposed project. Based on the results of the study, specifications regarding the restriction and monitoring of specific construction activities shall be incorporated into the contract. Initial construction activities shall be monitored and if vibrations are above threshold levels, modifications shall be made to reduce vibrations to below established levels. A copy of the study, contract specifications, and monitoring reports shall be provided to the City's Historic Preservation Officer.

- The historic preservation architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from construction and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the City's Historic Preservation Officer.

Additionally, the following conditions of approval would be incorporated in the Planning Approval to ensure consistency with the project description.

Conditions of Approval

- The project applicant will incorporate the recommendations in the *Historic Sylvester & Kate Graves House/Existing Conditions & Preservation Plan* (Strata Design Studio, March 12, 2020), contained in Appendix C, to maintain the integrity of the historic structure during rehabilitation, relocation, and use.

- The applicant shall provide a plaque on the historic residence describing the background of the Graves House and its significance to the history of San José due to its association with early agricultural development of Santa Clara Valley and its distinctive Italianate architecture. A typical historic plaque is sized 4"x 6," 8" x 12," or 12" x 18."

Incorporation of Mitigation Measures MM CR-1.1 and MM CR-1.2 would ensure the project and the rehabilitation, relocation and reuse of the historic resource on-site would result in a less than significant impact.

b) **Less Than Significant Impact**. The archaeological study for the project site by Holman Associates (December 2018) did not identify any specific concerns and no additional archaeological study was recommended. While it is unlikely to encounter prehistoric or historic archaeological deposits during project development, the project would conform to the following standard permit conditions to further avoid impacts associated with accidental discovery of buried archaeological resources during construction.

Standard Permit Condition

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make

appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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

Standard Permit Condition

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

d) 1,2 **Less Than Significant Impact**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal

cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes have sent written requests for notification of projects to the City of San José except for in Coyote Valley (approximately 14 miles from the site) and Downtown San José (approximately four miles from the site). Due to the distance of the project site from these areas, the project would not have a significant impact on tribal cultural resources. Additionally, if any subsurface resources are encountered, the project is required to comply with the standard permit conditions as outlined in b) and c) above.

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

F. ENERGY

Environmental Setting

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG free electricity from entirely renewable resources.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; and renewable energy facilities including solar, geothermal, and biomass provided 39 percent.[6]

Regulatory Framework

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

State

California Renewable Energy Standards

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

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

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

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[7]

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

Local

San José Reach Code

In September 2019, San José City Council approved a building reach code ordinance that encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and requires electric vehicle (EV)-readiness and EV equipment installation. In October 2019, Council approved an ordinance prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multi-family buildings that would supplement the reach code ordinance. Both of these ordinances apply to new construction starting January 1, 2020.

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[8] GreenPoint,[9] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that would minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown below.

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

Private Sector Green Building Policy Applicable Projects	
Applicable Project Minimum Green Building Rating	**Minimum Green Building Rating**
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/DocumentCenter/Home/View/363	

Climate Smart San José

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

General Plan

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

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

Envision San José 2040 Relevant Energy Policies	
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. Energy use consumed by the project is expected to be low due to the few number of proposed residential units, the proximity of the proposed residential project to retail and other commercial services (restaurants, shops, dry cleaners, etc.) that would reduce transportation energy usage, and because the proposed construction of the project would conform to state and local standards for energy efficiency, as described below.

Construction Impacts

The anticipated construction schedule assumes that the project would be built over a period of approximately 12 months. The project would require demolition activities, site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. Equipment and fuel are not used wastefully due to the added expense associated with renting, maintaining, and fueling the equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project would implement standard permit conditions that would improve the efficiency of the construction process including the implementation of the BAAQMD Best Management Practices, detailed as standard permit conditions in the impact discussion of *Section C. Air Quality* of this Initial Study would restrict equipment idling times to five minutes or less and would require the

applicant to post signs on the project site reminding workers to shut off idle equipment. The project would also recycle or salvage at least 30 percent of construction waste as part of its LEED certification (discussed further below under Operational Impacts).

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

Operational Impacts

The proposed project would be fully electric and consume energy in the form of electricity for building heating and cooling, lighting, cooking, and water heating. The project would be built to 2019 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), the San José Reach Code, which prohibits natural gas infrastructure for single-family, detached accessory dwelling units, and low rise multi-family development, and the CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Compliance with these regulations would improve the efficiency of the overall project. Further, the project would include on-site renewable energy resources in the form of solar panels and the project would be required to be built to LEED Checklist standards consistent with Council Policy 6-32, further reducing the amount of energy consumed. The project proponent anticipates that LEED certification would be achieved in part by conforming to the City's Green Building Measures and incorporation of solar panels. Based on the measures required for LEED Certification, the proposed project would comply with existing California energy standards. As a result, implementation of the proposed project would not result in substantial operational energy impacts related to building design.

The proposed project would result in an increase in traffic to the project site of approximately 209 total daily traffic trips (see Appendix F). Assuming that the average trip length in Santa Clara County is 12.21 miles the total annual VMT for the project would be approximately 93,440 miles. Using the U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 40,148 gallons of gasoline per year.[10] Further, the proposed project would be compliant with the new San José Reach Codes. As a result, this estimate of gasoline usage is likely overstated as the proposed project would also incorporate electric vehicle (EV) charging infrastructure, enabling residents and visitors the opportunity to purchase EVs and easily fuel them.

The project is served by VTA bus routes 25, 57, and 58. The closest bus stop for route 25 is located approximately ½ mile from the site on Williams Road near Saratoga Avenue. The closest bus stop for routes 57 and 58 are located approximately 600 feet from the site on Saratoga Avenue near Mitzi Drive. The proposed project would enhance pedestrian circulation by building sidewalks along its frontage where none exist today. The proposed residential project is located as close as 600 feet from retail and other commercial services along Saratoga Avenue, which would reduce transportation energy use. In addition, the proposed project would provide bicycle parking consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. As a result,

[10] 209 daily trips (X 365 days) = 76,285 yearly trips (X 12.21 miles) = 93,440 annual VMT ÷ 23.2 mpg = 40,148 gallons/year

implementation of the proposed project would not result in a substantial increase on transportation-related energy use.

Based on the discussion above, the project's construction and operation would have less than significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

b) **Less Than Significant Impact**. As stated above the project would be required to be built to LEED Certification pursuant Council Policy 6-32. By reducing single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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

G. GEOLOGY AND SOILS

Environmental Setting

Topographically, the site is essentially flat. The site is located within the Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast.

Soils within the project site are entirely *Urban land-Flaskan complex, 0 to 2 percent slopes.* This parcel is composed of approximately 70% urban land, 20% Flaskan and similar soils, and 10% minor components. Urban land consists of disturbed and human-transported material, and the Flaskan series consists of very deep, well drained soils with low runoff potential.[11]

The project site is located within the seismically active San Francisco Bay Area. Santa Clara Valley is located between the active San Andreas Fault to the west, and the active Hayward and Calaveras faults to the east. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project.[12] In addition, the Santa Clara County Geologic Hazard Zones Map does not identify any fault or other geologic hazard zones in the project area.[13]

Regulatory Framework

State

California Building Code

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

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

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

[11] U.S. Department of Agriculture Soil Survey, www.nrcs.usda.gov, accessed 10/9/19.
[12] California Geological Service, Earthquake Zones of Required Investigation Los Gatos Quadrangle, 2002.
[13] Santa Clara County, Santa Clara County Geologic Hazard Zones, 2012.

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

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

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

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

Paleontological Resources Regulations - California Public Resources Code

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

General Plan

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

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2

Explanation

ai) **Less Than Significant Impact**. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone. In addition, the Santa Clara County Geologic Hazard Zones map does not identify any fault hazard zones in the project area. Therefore, the potential for fault rupture on the site is low.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed project and related infrastructure would likely be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults.

The significant earthquakes in this area are generally associated with crustal movement along well-defined, active fault zones which regionally trend in a northwesterly direction. This could pose a risk to proposed structures and infrastructure. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. In addition, the project would be constructed in accordance with a geotechnical investigation, as outlined in the standard permit condition below.

Standard Permit Condition

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

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

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

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

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. The project site is located within the State of California Seismic Hazard Zone of Required Investigation for Liquefaction; however, it is not located in a mapped liquefaction zone.[14] With implementation of the above standard permit condition, the proposed project would not expose people or structures to substantial adverse effects due to ground failure.

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

b) **Less Than Significant Impact**. Development of the project would require the excavation of approximately 8,800 cubic yards of cut, which could result in a temporary increase in erosion. The City's National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (discussed in *Section I. Hydrology and Water Quality* of this Initial Study) are the primary means of enforcing erosion control measures. Construction activities would be subject to the requirements of those policies and regulations including relevant standard permit conditions to minimize erosion. The project would not, therefore, result in substantial soil erosion or loss of topsoil.

c) **Less Than Significant Impact**. The project may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed structures. Impacts associated with these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition outline in section aii) above. This would reduce any potentially significant geotechnical impacts to a less than significant level.

d) **Less Than Significant Impact**. The project may contain expansive soils, which could damage proposed structures on the site. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A

[14] California Geological Service, Earthquake Zones of Required Investigation San Jose West Quadrangle, 2002.

geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for aii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less than significant level.

e) **No Impact**. The project is within an urban area and an existing sanitary main line runs along Ranchero Way near the project site. The proposed project would tie into the City's existing sanitary sewer system.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the General Plan EIR.[15] The project proposes excavation for the basement garage to a depth of 12 feet. Consistent with General Plan Policy ER-10.3, the following standard permit condition will be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on this infill site.

Standard Permit Condition

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

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

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

H. GREENHOUSE GAS EMISSIONS

Environmental Setting

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

Regulatory Framework

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[16]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

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

[16] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

Senate Bill 1368

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

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

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

Regional and Local

Bay Area Air Quality Management District

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

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

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the*

Air, Cool the Climate (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

City of San José Municipal Code

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

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

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

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

Climate Smart San José

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

General Plan

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

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 6
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 6

Explanation

a) **Less Than Significant Impact**. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are consistent with the City's GHG Reduction Strategy and considered to have a less than significant impact related to GHG emissions. The project is consistent with the site's General Plan land use designation of *Urban Residential*, and thus complies with the City's GHG Reduction Strategy through 2020. In addition, the project screens out for GHG impacts since it proposes 46 units and the BAAQMD GHG screening criteria for mid-rise apartments is 87 units. The project is not expected to generate excessive GHG emissions beyond 2030 since the project is a small infill development is below the screening size. Thus, the project would not be expected to exceed the BAAQMD's GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per service population (residents + employees) of annual GHG emissions of carbon dioxide equivalent (CO_2e).[17]

b) **Less Than Significant Impact**. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the proposed project would not substantially increase GHG emissions as described above.

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), GreenPoint, or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. In addition, Climate Smart San José, adopted in February 2018, promotes policies to reduce air pollution through decarbonizing and sustainability measures.

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

[17] Mimi McNamara, Illingworth & Rodkin, pers. comm., 10/4/19

Consistency with Mandatory Criteria

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-2, MS-14)
    a. Solar Site Orientation
    b. Site Design
    c. Architectural Design
    d. Construction Techniques
    e. Consistency with the City Green Building Ordinance and Policies
    f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-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-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The project would be consistent with mandatory criteria 1, 2, and 3, since it is consistent with the General Plan land use designation, and the proposed project would comply with Policy 6-32 and California Building Code requirements. In addition, the project would provide 12 bike parking spaces, consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. The project would not result in the demolition of any historic structures, therefore, criteria 4 is not applicable. In addition, criteria 5 and 7 are not applicable to the proposed residential project, since it does not involve an energy-intensive or drive-through use. Finally, the proposed residential development is not considered a "large employer" and a TDM Program is not required for the project as per criteria 6.

The proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. For example, proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which require high-efficiency water fixtures and water-efficient irrigation systems. In addition, the project would implement and comply with the GHG reduction policies found in the Envision San José 2040 General Plan. The project would implement and comply with all relevant GHG reduction measures as determined by the City.

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

I. HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Assessment was prepared for the project site by AEI Consultants (February 28, 2020). This report is contained in Appendix D.

Environmental Setting

The project site is currently occupied by the Graves House (constructed circa 1868), accessory structures, an access driveway, and an unfinished basement. The site is located in a predominantly residential area. The project property is surrounded by the following uses:

- North: Multi-family Residential
- South: Multi-family Residential
- East: Multi-family Residential
- West: Single-family Residential

The regional topographic gradient direction slopes toward the north and, therefore, the direction of groundwater flow beneath the subject property is inferred to be to the north. Based on a review of the United States Geological Survey (USGS) Geologic Map, the area surrounding the subject property is underlain by Holocene alluvium. The estimated depth to groundwater 70 feet below ground surface (bgs), which was obtained from the California State Water Resources Control Board's GeoTracker database for a property located at 1199 Saratoga Avenue approximately 1,300 feet southwest of the site (February 5, 2004).

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

A chronological summary of historical data found included aerial photographs, historical city directories, Sanborn fire insurance maps, and agency records. The project site is occupied by single-family residence originally known as the Sylvester Graves House, built in 1868. The earliest aerial photograph from 1939 depicts the project property improved with a residence. The property is identified in city directories beginning in 1960 with residential occupancy. Two commercial businesses occupied the property in the 1980's when a shed/workshop was built on the project site. According to site observations, the workshop has been removed from the property and the foundation for that building remains on the property. It is unclear when the workshop was removed.

The Phase I Assessment contracted with EDR to conduct a search of publicly available information from federal, state, tribal, and local databases containing known and suspected sites of environmental contamination and sites of potential environmental significance. In determining if a listed site is a potential environmental concern to the subject property, the Phase I Assessment generally applies the following criteria to classify the site as lower potential environmental concern: 1) the site only holds an operating permit (which does not imply a release), 2) the site's distance from, and/or topographic position relative to, the subject property, and/or 3) the site has recently been granted "No Further Action" by the appropriate regulatory agency. The database search did not identify any properties that pose a risk to the project site.

The Phase I Assessment included a site inspection conducted on February 20, 2020. The site inspection did not identify any hazardous conditions. The project site contains one pole-mounted transformer. Transformers can contain toxic Polychlorinated Biphenyls (PCBs). The management of potential PCB-containing transformers is the responsibility of the local utility or the transformer owner, in this case PG&E. AEI did not observe evidence of spills, staining, or leaks on or around the transformer. Based on the good condition of the equipment, the transformer is not expected to represent a significant environmental concern.

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

Based on a review of historical records, the project site was historically used as a ranch and the surrounding property was used for orchards/agricultural purposes from at least 1939-1963. Given the prolonged use and proximity of the immediately adjacent land for orchards/agricultural use, there is a potential for minor concentrations of pesticides, herbicides, and fertilizers to be present in onsite soils. The City of San José requires soil sampling to be conducted if a property was formerly used for agricultural purposes, especially if redevelopment involves grading or sensitive future use, such as residential use.

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

A Historical Recognized Environmental Condition (HREC) is defined as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. The Phase I did not identify evidence of HRECs during the course of its assessment.

Regulatory Framework

Federal

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

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

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

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

California State Water Resources Control Board

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

Regional and Local

Regional Water Quality Control Board

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

Santa Clara Department of Environmental Health

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

may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

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

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Envision San José 2040 Relevant Hazardous Material Policies	
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 13
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 2, 13
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 2, 13
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 13
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The proposed residential development would not involve the routine transport, use, or disposal of hazardous materials. The apartment complex would use small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer's specifications.

b) **Less Than Significant Impact with Mitigation Incorporated**. The potential hazardous materials effects associated with the proposed project are described below.

Previous Agricultural Chemical Use

Based on a review of historical records, the project site was historically used as a ranch and the surrounding property was used for orchards/agricultural purposes from at least 1939-1963. Given the prolonged use and proximity of the immediately adjacent land for orchards/agricultural use, there is a potential for minor concentrations of pesticides, herbicides, and fertilizers to be present in onsite soils. If not handled correctly during excavation, soils containing these chemicals could be disturbed, resulting in a release that could significantly impact the environment, project construction workers, or the public

Impact HAZ-1: Due to the site's agricultural history, agricultural chemicals may be present in onsite soils, which could be disturbed during project development. Release of these hazardous materials could result in exposure during construction or occupancy.

Mitigation Measures

MM HAZ-1 Prior to issuance of any grading permits, the project applicant shall retain a qualified consultant to take shallow soil samples in the near surface soil to test for organochlorine pesticides and pesticide-based metals (arsenic and lead) to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and residential standard environmental screening levels. The results of the soil sampling testing shall be submitted to the of the City of San José Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

If contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the project, the project applicant shall obtain regulatory oversight from the SCCDEH or Department of Toxic Substances Control under their Voluntary Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified consultant that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

Building Demolition

The project proposes the demolition and removal of existing site features including a driveway, walkways, and unfinished basement, and the relocation and conversion of the historic single-family residence on the site. Due to the age of the historic building and other structures on the project site, these could contain asbestos containing materials (ACMs) and/or lead-based paint. Incorporation of standard permit conditions identified below will assure that ACMs or lead-based paint are not released during renovation of the historic building and demolition of other onsite structures.

Permit Conditions

- In conformance with state and local laws, a visual inspection/pre-renovation or demolition survey, and possible sampling, shall be conducted prior to the renovation of the on-site building(s) to determine the presence of asbestos-containing materials and/or lead-based paint.

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

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

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

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

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

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

    - During renovation and demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.

    - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

c) **Less Than Significant Impact**. The project site is located approximately 0.1 miles from Anderson Elementary School and the Discovery Charter School. As described in section a) above, the proposed residential project would not routinely emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. As discussed in section b) above, the project site may contain soils that contain residual pesticides. In addition, structures to be removed and renovated may contain asbestos containing materials (ACMs) and/or lead-

based paint. The mitigation measure and Standard Permit Conditions are identified to reduce impacts from these sources to a less than significant level.

d) **Less Than Significant Impact**. The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List) based on the database search conducted as part of the Environmental Hazards Report.

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

f) **No Impact**. The proposed residential development would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to comply with all Fire Code and Building requirements.

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

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

J. HYDROLOGY AND WATER QUALITY

Environmental Setting

The approximately 0.6-acre site project site is essentially flat and lies at an elevation of about 185 feet above mean sea level (USGS West San José quadrangle, 2018). The site is currently occupied by the historic Graves House. Stormwater runoff from the project site currently drains to an existing 12-inch reinforced concrete pipe (RCP) storm drain in Ranchero Way.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D (Panel 236 of 830 effective May 18, 2009). Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

The project site does not contain any waterways or features. The nearest waterway to the project site is San Tomas Aquinas Creek, located approximately 0.6 miles to the east of the site.

Regulatory Framework

Federal and State

National Flood Insurance Program

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

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the State Water Resources Control Board (SWRCB) to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

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

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would not require CGP coverage based on area of land disturbed, which is 0.63 acre.

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Stormwater Permit

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

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

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

drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

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

General Plan Policies

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2
iv)	Impede or redirect flood flows?				X	1, 2, 14
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project is located in an urban environment and operation of the residential uses would not utilize materials that would significantly harm the water quality in the area. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality as described further below (in subsection c).

b) **Less Than Significant Impact**. The depth of groundwater in the site vicinity is expected to be 30 – 50 feet below ground surface.[18] The project is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin.[19] The project proposes excavation for a subsurface parking garage to a depth of approximately 12 feet and does not propose the installation of new ground water wells. It is not anticipated that the project would decrease groundwater supplies or interfere substantially with groundwater recharge (such that the project may impede sustainable groundwater management of the basin) because the project is proposed on a

[18] Source: https://gis.valleywater.org/GroundwaterElevations/report.php
[19] Santa Clara Valley Water District, *2016 Groundwater Management Plan,* Figure 2-1.

developed site that is not effectively recharging groundwater, and project construction would not access groundwater beneath the property.

ci) **Less Than Significant Impact**. Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. Because the project site is less than one acre in size, it is not subject to CGP coverage. The City's implementation requirements to protect water quality are described below.

Construction Impacts

The project applicant is required comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs would be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restrict grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season; Grading will not be allowed between October 1st and April 30th of any year without Erosion Control Plans and Measures approved by the Director of Public Works. Stormwater Pollution Prevention Measures in accordance with City specifications and with the document "Clean Bay Blueprint" shall be implemented through the year to the satisfaction of the Director of Public Works;
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

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

Standard Permit Conditions

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

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

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

Post-Construction Impacts

The project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project would be required to implement BMPs, which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

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

cii) **Less Than Significant Impact**. The project would increase the amount of impervious area on the project site compared to existing conditions. The project would implement a stormwater control plan to manage runoff from the site (refer to Figure 7). Runoff would be collected in a storm drain system and conveyed to bioretention facilities on the site, where it would be treated prior to discharging into the City's drainage system. Features of the stormwater control plan include bioretention areas, pervious pavers, and landscaping. New storm drain laterals would be built and connect to the existing 12-inch storm drain in Ranchero Way. As a result, the

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

Therefore, the project would not contribute runoff water that would exceed the capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff, or impede/redirect flood flows.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The infill project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also a) above. Therefore, the project would not contribute runoff water that would exceed the capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff, or impede/redirect flood flows.

civ) **No Impact**. The project site is located in Flood Zone D, defined as an area of undetermined but possible flood hazard outside the 100 year floodplain and, therefore, would not impede or redirect flood flows.[20]

d) **Less Than Significant Impact**. The project site is not located in an area subject to significant seiche or tsunami. The project site is not located within the inundation area for any dams, based on the map entitled "Dam Failure Inundation Areas" in the General Plan EIR (Association of Bay Area Governments).[21] In addition, the project is located in FEMA Flood Zone D, which is undetermined and outside any flood hazard zones. Therefore, the project would not be subject to the release of pollutants due to inundation.

e) **Less Than Significant Impact**. The project consists of development on an approximately 0.6-acre infill site. As described above, the project would not result in significant water quality or groundwater quality impacts that would conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan because, as outlined above, the proposed project would be required to comply with the City of San José Grading Ordinance as well as standard BMPs during construction.

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

[20] Federal Emergency Management Agency, Flood Insurance Rate Maps, Panel 236 of 830, effective May 18, 2009.
[21] Figure 3.7-5 of the General Plan EIR.

K. LAND USE

Environmental Setting

The project site is located in an existing residential neighborhood in west San José. The project site is surrounded by residential uses, as follows:

- North: Multi-family Residential
- South: Multi-family Residential
- East: Multi-family Residential
- West: Single-family Residential

The project site is designated *Urban Residential* in the General Plan Land Use/Transportation Diagram. The *Urban Residential* land use designation allows for medium density residential development (of 30-95 dwelling units per acre) and a range of commercial uses with a floor area ratio up to 4:1. 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. Developments in this designation would typically be three to four stories of residential or commercial uses over parking, with an allowable density of 30-95 du/ac. The project site is located in an R-M, Multiple Residence Zoning District, which permits multi-family developments.

General Plan

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

Envision San José 2040 Relevant Land Use Policies	
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.

San José Zoning Ordinance

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The project is proposed on a developed site that is surrounded by single and multi-family residential developments. The proposed project, which includes the construction of a residential development and the relocation and use of the historic house, would not physically divide an established community.

b) **Less Than Significant Impact**. The project site is designated *Urban Residential* in the City's General Plan Land Use/Transportation Diagram, which allows medium density residential development and a range of commercial uses. The project proposes a total of 46 residential units, a density of 73 du/ac, consistent with the densities allowed under the *Urban Residential* designation.

The project site is located in the R-M, Multiple Residence Zoning District. The project would be subject to the development standards for the R-M, Multiple Residence Zoning District as outlined in the City's Zoning Ordinance. Compliance with the applicable development standards and requirements is confirmed as part of the development review process. The project would require a Special Use Permit to allow the proposed development's alternative parking arrangement (including parking lifts). With approval of the Special Use Permit, the project would be in conformance with applicable land use policies.

The project is located in an urban area that does not contain sensitive habitat or resources. With the implementation of the mitigation measures and standard permit conditions identified in this Initial Study, the proposed residential development would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

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

L. MINERAL RESOURCES

Environmental Setting

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

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

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

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (March 20, 2020), which is contained in Appendix E. The following discussion summarizes the results of this assessment.

Environmental Setting

Noise Fundamentals

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

Vibration Fundamentals

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

Existing Noise Environment

The project site is surrounded by residential uses to the north, east, south, and west, with multi-family residential complexes sharing the property lines to the north and the east of the site. A field noise monitoring survey was performed at the project site from July 19, 2019 to July 24, 2019. The survey included one long-term and two short-term noise measurements, as shown in Figure 14.

Long term measurements were made to characterize the diurnal trends in noise levels at the site. Short-term measurements were taken to quantify the variation of noise levels throughout the site by comparing the results to noise levels taken by the long-term meters. The short-term measurements help identify noise sources for associated noise levels and are also used to quantify typical daytime conditions.

Long-term noise measurement LT-1 was made approximately 75 feet from the center of the intersection of Mitzi Drive and Ranchero Way, near the proposed site of the relocated historical house. The primary noise source at this location was distant vehicular traffic. The day-night average noise level on from July 20, 2019 through July 23, 2019 ranged from 50 to 51 dBA DNL.

Source: Illingworth & Rodkin, July 2019

Noise Measurement Locations

Figure 14

Mitzi Place Apartments
Initial Study

Short-term noise measurement ST-1 was made over two consecutive 10-minute periods. This measurement was concurrent with the long-term noise data on Friday, July 19, 2019, between 12:20 p.m. and 12:40 p.m. The sound of light gusts of wind (10 to 15 mph) blowing through the palm trees was the predominant noise source at this location, with vehicle traffic from local roadways and occasional aircraft also contributing to the noise environment. Table 6 summarizes the data collected at the short-term measurement locations.

Table 6
Summary of Short-Term Noise Measurement

ID	Noise Measurement Location (Date, Time)	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1a	Northeast corner of 4146 Mitzi Drive (7/19/19, 12:20-12:30 p.m.)	63	59	52	48	45	50
ST-1b	Northeast corner of 4146 Mitzi Drive (7/19/19, 12:30-12:40 p.m.)	60	57	52	48	44	49

Regulatory Framework

State

California Building Code

The current 2019 version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

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

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José							
Land Use Category	**Exterior DNL Value In Decibels**						
	55	**60**	**65**	**70**	**75**	**80**	
1. Residential, Hotels and Motels, Hospitals and Residential Care							
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds							
3. Schools, Libraries, Museums, Meeting Halls, and Churches							
4. Office Buildings, Business Commercial, and Professional Offices							
5. Sports Arenas, Outdoor Spectator Sports							
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters							
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)						

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

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified

Envision San José 2040 Relevant Noise and Vibration Policies	
	land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

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

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		15
b) Generation of excessive groundborne vibration or groundborne noise levels?		X			15
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		15

Explanation

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

Construction Noise

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

Construction activities generate considerable amounts of noise, especially during earth-moving activities and during construction of the building's foundation when heavy equipment is used. Construction of the project would involve demolition, grading, foundation construction, building development, and paving. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well. The project does not propose any pile driving.

The site is surrounded on all sides by residential development. The closest noise sensitive receptors are adjacent residential uses to the north and east.

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Construction activities would be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work within 500 feet of residential land uses to between the hours of 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval by the City. Construction is prohibited on weekends at sites located within 500 feet of residential units. Further, the City shall require the construction crew to adhere to the following construction best management practices listed below as Standard Permit Conditions to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Standard Permit Conditions

- The project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. As a part of the noise logistic plan and project,

construction activities for the proposed project shall include, but is not limited to, the following best management practices:

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

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

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

- Prohibit unnecessary idling of internal combustion engines.

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

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

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

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

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

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

Operational Noise

The proposed project is not expected to cause a substantial permanent noise level increase. Policy EC-1.2 of the City's General Plan identifies a significant noise increase would occur if the project would increase the noise levels by 5 dBA DNL or more where ambient noise levels are below the "normally acceptable" noise level standard. The "normally acceptable" outdoor noise level for a residential land use is 60 dBA per the City's General Plan; the existing ambient

levels at the project site are less than 60 dBA. The project's contribution to the overall noise level increase was determined to be an increase of less than 1 dBA DNL along each roadway segment in the project vicinity and, therefore, the project would not have a permanent noise increase.

The project would not have a less than significant impact on the permanent noise level and with the incorporation of the standard permit conditions above, the temporary construction impacts would be reduced to a less than significant level.

b) **Less Than Significant with Mitigation Incorporated**. Operation of the proposed residential development would not generate substantial vibration impacts to surrounding areas. However, construction of the project, including construction activities related to the relocation of the existing historic building on the site, may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site demolition work, preparation work, excavation, trenching, concrete work, new building framing, interior architectural work and paving. Construction activities, such as use of saws, excavators, scrapers and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

Policy EC-2.3 of the City of San José General Plan establishes a vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. These thresholds are applicable for neighboring structures apart from the considered project. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint, or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

The project proposes the relocation of an existing historic structure (Graves House) on the site. An assessment of potential damage to the existing historic structure during the relocation process was beyond the scope of the noise and vibration assessment. Any minor or major damage that results from excessive vibration during the relocation of the historic structure should be repaired according to recommendations in the Existing Conditions and Preservation Plan prepared by Strata Design Studio (see Appendix C). The City of San José Historic Resource Inventory does not identify any additional historic structures within a 500-foot vicinity. Based on the above factors, a significant impact would result at nearby buildings of normal conventional construction if groundborne vibration levels attributable to project construction would exceed 0.20 in/sec PPV.

Table 7 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet, as given by FTA, and at distances of 10 and 70 feet, representative of the nearest structures to the north and east of the project, respectively. Project construction activities, such as the use of jackhammers, rock drills and other high-power or vibratory tools,

and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Pile driving is not proposed as a method of construction.

Table 7
Vibration Source Levels for Construction Equipment

Equipment		Reference PPV at 25 ft. (in/sec)	PPV at 10 ft. (in/sec)	PPV at 70 ft. (in/sec)
Clam shovel drop		0.202	0.553	0.065
Hydromill (slurry wall)	In soil	0.008	0.022	0.003
	In rock	0.017	0.047	0.005
Vibratory Roller		0.210	0.575	0.068
Hoe Ram		0.089	0.244	0.029
Large Bulldozer		0.089	0.244	0.029
Caisson drilling		0.089	0.244	0.029
Loaded trucks		0.076	0.208	0.024
Jackhammer		0.035	0.096	0.011
Small bulldozer		0.003	0.008	0.001

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., July 2019.

Structures are located as close as 10 feet from proposed construction activities. As indicated in Table 7, heavy vibration generating construction equipment, such as vibratory rollers or clam shovel drops, would have the potential to produce vibration levels of 0.2 in/sec PPV or more within 25 feet of construction. At distances of 10 feet, vibration levels from construction are conservatively calculated to reach up to 0.58 in/sec PPV, which would exceed the 0.2 in/sec PPV threshold for buildings of normal conventional construction.

The US Bureau of Mines (USBM) has analyzed the effects of blast-induced vibration on buildings in USBM RI 8507,[22] and these findings have been applied to vibrations emanating from construction equipment on buildings.[23] These studies indicate an approximate 5 to 8% probability of "threshold damage" (referred to as cosmetic damage described above) at vibration levels of 0.58 in/sec PPV or less and no observations of "minor damage" or "major damage." Based on this data, cosmetic or threshold damage would be manifested in the form of hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. However, minor damage (e.g., hairline cracking in masonry or the loosening of plaster) or major structural damage (e.g., wide cracking or shifting of foundation or bearing walls) would not occur, assuming a maximum vibration level of 0.58 in/sec PPV.

In summary, construction of the project would generate vibration levels exceeding the threshold of 0.2 in/sec PPV at the residential structure to the north when construction is located within 30 feet of the structure and such vibration levels would be capable of cosmetically damaging these buildings. Project-generated vibration levels would fall below the 0.2 in/sec PPV threshold at structures located 30 feet or further from construction. This is a potentially

[22] Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.
[23] Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

significant impact, which can be reduced to a less than significant impact with incorporation of the mitigation measure identified below:

Mitigation Measures

MM NSE-1: The project applicant shall prepare and implement a construction vibration monitoring plan to document vibration generating construction activities and submit to the Director of Planning, Building and Code Enforcement or the Director's designee for review. The vibration plan shall address vibration impacts to sensitive historic structures of 0.08 in/sec PPV. All tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include, but is not limited to, the following measures during construction:

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. The project contractor shall avoid using vibratory rollers, packers, and other heavy vibration-generating equipment within 30 feet of sensitive areas surrounding the site, whenever possible.
- Use smaller equipment to minimize vibration levels below the limits.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials near property lines shared with sensitive receptors.
- The contractor shall alert heavy equipment operators of the sensitive adjacent structures (i.e., structures within 30 feet of the construction activities) so they can exercise caution.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- The contractor shall retain a qualified firm to conduct a pre- and post-construction cosmetic crack survey of the buildings adjacent to the northern and western boundaries and shall repair or compensate where damage has occurred as a result of construction. The survey shall be submitted to the Director of Planning, Building and Code Enforcement or its designee.

The implementation of these measures would reduce the impact to a less than significant level.

c) **Less Than Significant Impact**. The project is not within two miles of a public airport or public use airport and is outside the 65-dB noise contour for the Mineta San José International Airport. Therefore, would not expose people residing or working in the project area to excessive noise levels.

Non-CEQA Effects

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

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

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

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

- The California Green Building Code limits interior noise levels within new non-residential land uses to an hourly equivalent noise level ($L_{eq\ (1\text{-}hr)}$) of 50 dBA in occupied areas during any hour of operation.

Future Exterior Noise Environment. Exterior use areas would include a rooftop deck planned as a common use space on the new residential building. Based on the transportation analysis for the project, future traffic noise levels along the roadway segments in the vicinity of the project are anticipated to increase by up to 1 dBA DNL. The estimated cumulative noise increase would be less than 3 dBA DNL along each roadway segment included in the traffic study. As a result, future traffic noise levels at the site were calculated based on measurements made during the noise monitoring survey.

The roof deck and exterior balconies would be exposed to noise levels up to 51 to 52 dBA DNL. These noise levels would meet the City's residential exterior noise level objective of 60 dBA DNL or less.

Future Interior Noise Environment. General Plan Policy EC-1.1 requires that interior noise levels be maintained at 45 dBA DNL or less for residences, consistent with the California Building Code. The proposed residential units facing the intersection of Mitzi Drive and Ranchero Way, within the relocated historic building, would be exposed to future exterior noise levels up to 52 dBA DNL. The southern façade of the proposed apartment building would also be exposed to future exterior noise levels up to 52 dBA DNL under worst-case conditions. Noise levels at the remaining residences would decrease with greater setbacks from Mitzi Drive and Ranchero Way.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Assuming windows to be partially open for ventilation, the interior noise levels for the proposed project would be up to 37 dBA DNL at the units facing the intersection of Mitzi Drive and Ranchero Way and at or below 37 dBA DNL for all other units. This is below 45 dBA DNL

and compatible with the State of California and City of San José criteria for interior noise levels for residential land uses, assuming standard residential construction.

Standard new residential construction with the windows closed provides approximately 25 dBA of noise reduction in interior spaces. Should quieter noise levels be desired, the inclusion of forced-air mechanical ventilation can reduce interior noise levels by allowing occupants the option of closing the windows to control noise. For consistency with the General Plan, the following permit conditions are recommended.

Permit Condition

- A suitable form of forced-air mechanical ventilation, as determined by the City's Building Official, shall be provided for all occupied areas of the proposed buildings with east and north fronting façades, so that windows can be kept closed to control noise.

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

N. POPULATION AND HOUSING

Environmental Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,043,058 in January 2019 and had an estimated total of 335,887 housing units, with an average of 3.2 persons per household.[24] ABAG projects that the City's population will reach 1,445,000 with 472,000 households by 2040.

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant**. The development of the 46 residential units could increase the number of residents in the project area by approximately 148 residents based on the Department of Finance data of 3.2 average persons per household for San José. This represents a minor increase in the City's overall population and is consistent with growth planned in the 2040 General Plan. The proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond that anticipated from buildout of the General Plan.

b) **No Impact**. The project consists of the development of an apartment building and the relocation and conversion of an existing single-family residence into a multi-family residence. No housing would be removed as a result of the project. The project would not displace existing housing or require the construction of replacement housing.

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

[24] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State— January 1, 2011-2019." May 2019. Accessed October 7, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

O. PUBLIC SERVICES

Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 14, located at 1201 San Tomas Aquino Road, about 0.25 miles from the project.

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

Parks: The nearest City of San José park facility is Hathaway Park located about 0.58 miles from the project site at 1497 Vallejo Drive. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools: The project site is in the Moreland School District (MSD) for K-8th grades and Campbell Union High School District (CUHSD) for grades 9-12. These districts operate a combined 12 schools (four elementary schools, two K-8 schools, one middle school, and five high schools) serving approximately 13,000 students.[25] The project site is within the Leroy Anderson Elementary School (elementary school) and Easterbrook Discovery Middle School attendance boundaries assigned by the MSD, and within Prospect High School attendance boundary assigned by the CUHSD. Leroy Anderson Elementary School is located at 4000 Rhoda Drive, Easterbrook Discovery Middle School is located at 4835 Doyle Road, and Prospect High School is located at 18900 Prospect Road.

Library and Community Centers: The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the West Valley Branch Library, approximately 0.23 miles southwest of the project site. The nearest community center is the West San José Community Center, located at 2039 Kammerer Avenue, approximately 0.6 miles northeast of the site.

State

California Government Code Section 65996

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

[25] Campbell Union High School District Website, October 2019. https://www.cuhsd.org
Moreland School District Website, October 2019. https://www.moreland.org

Quimby Act – California Code Sections 66475-66478

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

Local

Parkland Dedication Ordinance and Park Impact Ordinance

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

General Plan Policies

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

Envision San José 2040 Relevant Public Service Policies	
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a

Envision San José 2040 Relevant Public Service Policies	
	combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?			X		1, 2
d) Parks?			X		1, 2
e) Other public facilities?			X		1, 2

Explanation

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

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

residential development would not significantly impact police protection services or require the construction of new or remodeled facilities.

c) **Less Than Significant Impact**. The proposed residential project would generate additional new students, resulting in an incremental increase in the demand for school services. Students generated by the project would attend schools in the MSD and CUHSD. Pursuant to Senate Bill 50, which became effective in 1998, payment of the School Facilities Mitigation Fee has been deemed by the State to be full and complete mitigation for the impacts of a development project on the provision of adequate school facilities. The project applicant would be required to pay the applicable School Facilities Mitigation Fee, which is based on the number of new housing units developed. With payment of these fees, the project would have a less than significant impact on schools.

d) **Less Than Significant Impact**. The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be subject to developer fees to accommodate its incremental demand on park services, resulting in a less than significant impact on park facilities.

e) **Less Than Significant Impact.** The General Plan FEIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. The project could have an incremental increase in the demand for other public services, including library services.

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

P. RECREATION

Environmental Setting

The City of San José owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks. The City has 51 community centers and over 57 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest City of San José park facility is Hathaway Park, a 7.7 acre park featuring two basketball courts, two unlighted softball fields, three exercise courses, restrooms, youth playground structures and BBQ pits, located about 0.58 miles from the project site at 1497 Vallejo Drive.

Regulatory Framework

Local

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

General Plan

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

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, 2

Explanation

a), b) **Less Than Significant Impact**. The development of the 46 residential units could increase the number of residents in the project area by approximately 148 residents.[26] This would incrementally increase the demands on nearby recreational facilities. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities.

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

[26] Based on the U.S. Census Data of 3.21 average persons per household for San José.

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (November 29, 2018). This study is contained in Appendix F. The transportation analysis was conducted to determine the potential transportation impacts related of the project based on the standards and methodologies set forth the City of San José's Transportation Analysis Handbook 2018, the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program's Transportation Impact Guidelines (October 2014), and CEQA. Based on the City of San José's Transportation Policy and Transportation Analysis Handbook 2018, the transportation study performed a CEQA vehicle-miles-traveled (VMT) analysis and a supplemental Local Transportation Analysis (LTA).

Environmental Setting

Existing Roadway Network

Local roadways in the vicinity of the project include Saratoga Avenue, Mitzi Drive, Ranchero Way, Williams Road, and Piper Drive. These roads are shown in Figure 15 and described below.

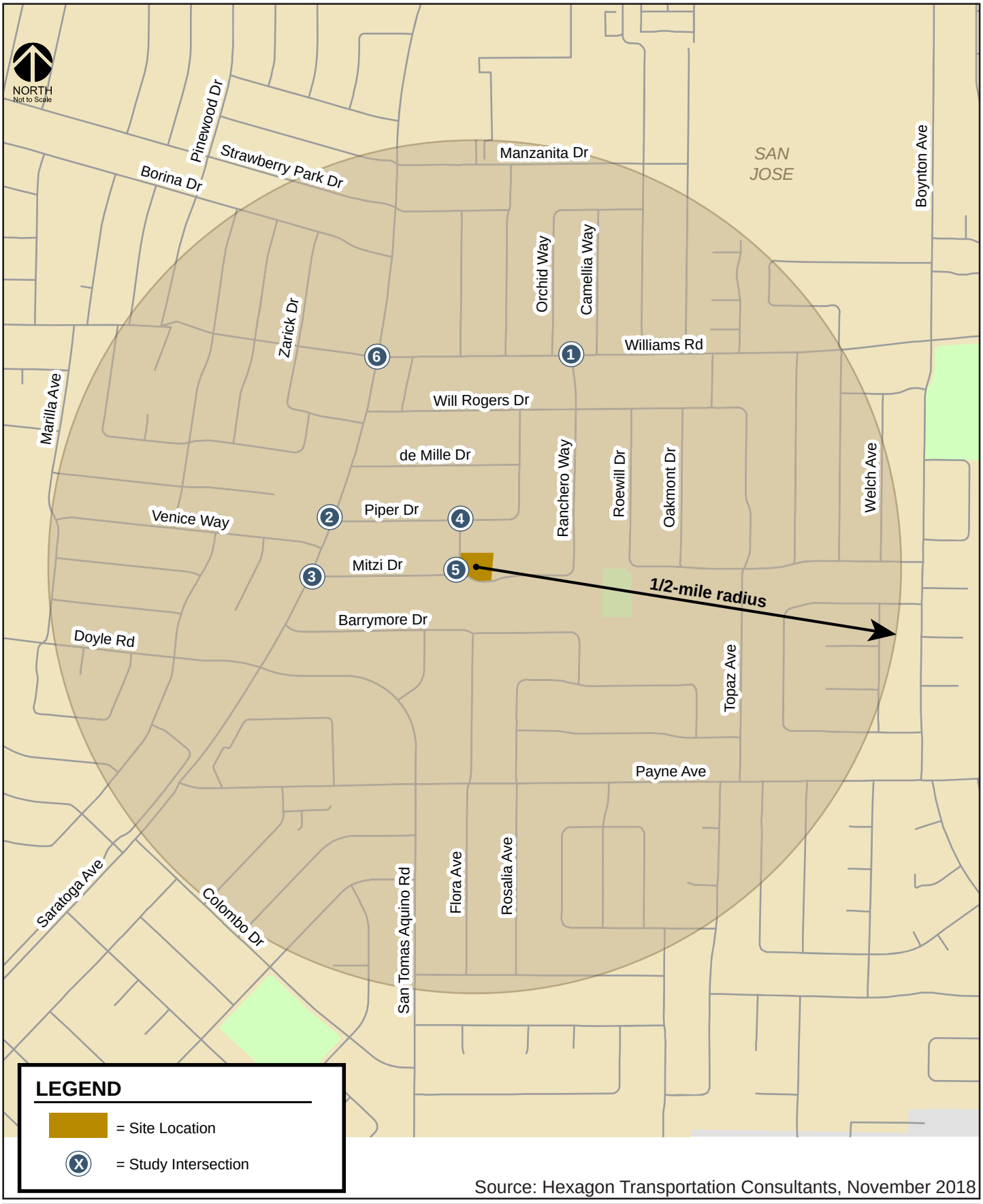
Saratoga Avenue is a north-south arterial roadway that extends between Saratoga-Sunnyvale Road/Los Gatos-Saratoga Road to the south and Fallon Avenue to the north. Saratoga Avenue has a posted speed limit of 40 mph and is six lanes wide in the project vicinity.

Mitzi Drive is a local roadway that extends east-west between Saratoga Avenue and Ranchero Way and bends north-south between Ranchero Way and Piper Drive. Mitzi Drive has a posted speed limit of 25 mph and is two lanes wide. Mitzi Drive generally has sidewalks on both sides of the street, but discontinuous sidewalks exist on one side of Mitzi Drive near the project site.

Ranchero Way is a local roadway that extends between Mitzi Drive and Williams Road. Ranchero Way has a posted speed limit of 25 mph and is two lanes wide. Ranchero Way runs east-west and then runs north-south at a 90-degree bend approximately 700 feet east of Mitzi Drive. Ranchero Way has a constrained width along the project frontage, and parking is not allowed. Also, sidewalks do not exist along the project frontage.

Williams Road is an arterial roadway that extends between Moorpark Avenue to the west and Daniel Way to the east. Williams Road has a posted speed limit of 35 mph and is two lanes wide with a two-way left-turn lane in the project vicinity. In the vicinity of the project site, Williams Road provides bike lanes in both directions and has sidewalks and on-street parking allowed on both sides of the street.

Piper Drive is a local roadway that extends between Saratoga Avenue to the west and Leslie Drive to the east. Piper Drive has a posted speed limit of 25 mph and is two lanes wide. There are sidewalks and on-street parking on both sides of the street.



Source: Hexagon Transportation Consultants, November 2018

Site Location & Study Intersections

Mitzi Place Apartments
Initial Study

Figure
15

Existing Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities. Pedestrian facilities near the project site consist of sidewalks along all of the nearby streets in the study area, except along the project frontage. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at the intersection of Saratoga Avenue and Williams Road.

Bicycle Facilities. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- Williams Road, from Moorpark Avenue to Daniel Way

Although none of the residential streets near the project site provide bike lanes or are designated as bike routes, due to their low traffic volumes, many of them are conducive to bicycle usage.

Public Transit Services. Public transit services in the project area are provided by the Santa Clara Valley Transportation Authority (VTA). The project site is primarily served by VTA bus routes 25, 57, and 58. The nearest bus stop for route 25 is located on Williams Road near Saratoga Avenue. The nearest bus stop for routes 57 and 58 are located on Saratoga Avenue near Mitzi Drive.

Regulatory Framework

Regional and Local

Final Plan Bay Area 2040

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

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

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

Santa Clara County Congestion Management Program

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

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new Transportation Analysis Policy (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[27]

General Plan

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

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

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

Envision San José 2040 Relevant Transportation Policies	
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 16
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 16
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2
d) Result in inadequate emergency access?			X		1, 2, 16

Traffic Study Methodologies

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

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

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

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

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

The VMT impact threshold is 15% below the regional average for office developments and 15% below the citywide average for residential developments. The threshold of significance for general residential uses (10.12 VMT per capita) is applied to the proposed project, which is based on the existing regional average VMT level.

LTA. An LTA was prepared for the project to address transportation operational issues that may arise due to a development project. The LTA evaluates the effects of the project on transportation, access, circulation, and related safety elements in the proximate area of the project and supplements the VMT analysis.

As part of the LTA, a project is required to conduct an intersection operations analysis if the project is expected to add 10 vehicle trips per hour per lane to a signalized intersection that meets the parameters outlined in the City's Transportation Analysis Handbook.

Explanation

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

Pedestrian, Bicycle, Transit Impacts

Pedestrian Facilities. The existing network of sidewalks and crosswalks in the immediate vicinity of the project site has good connectivity and provides pedestrians with safe routes to various points of interest in the study area, including nearby bus stops on Saratoga Avenue and Williams Road. The project would provide sidewalks along its frontage, which are currently lacking. The closest school to the site is Anderson Elementary School, which is located west of the project site. However, the walking distance to the school is more than ½ mile, so it is unlikely that students would walk to school.

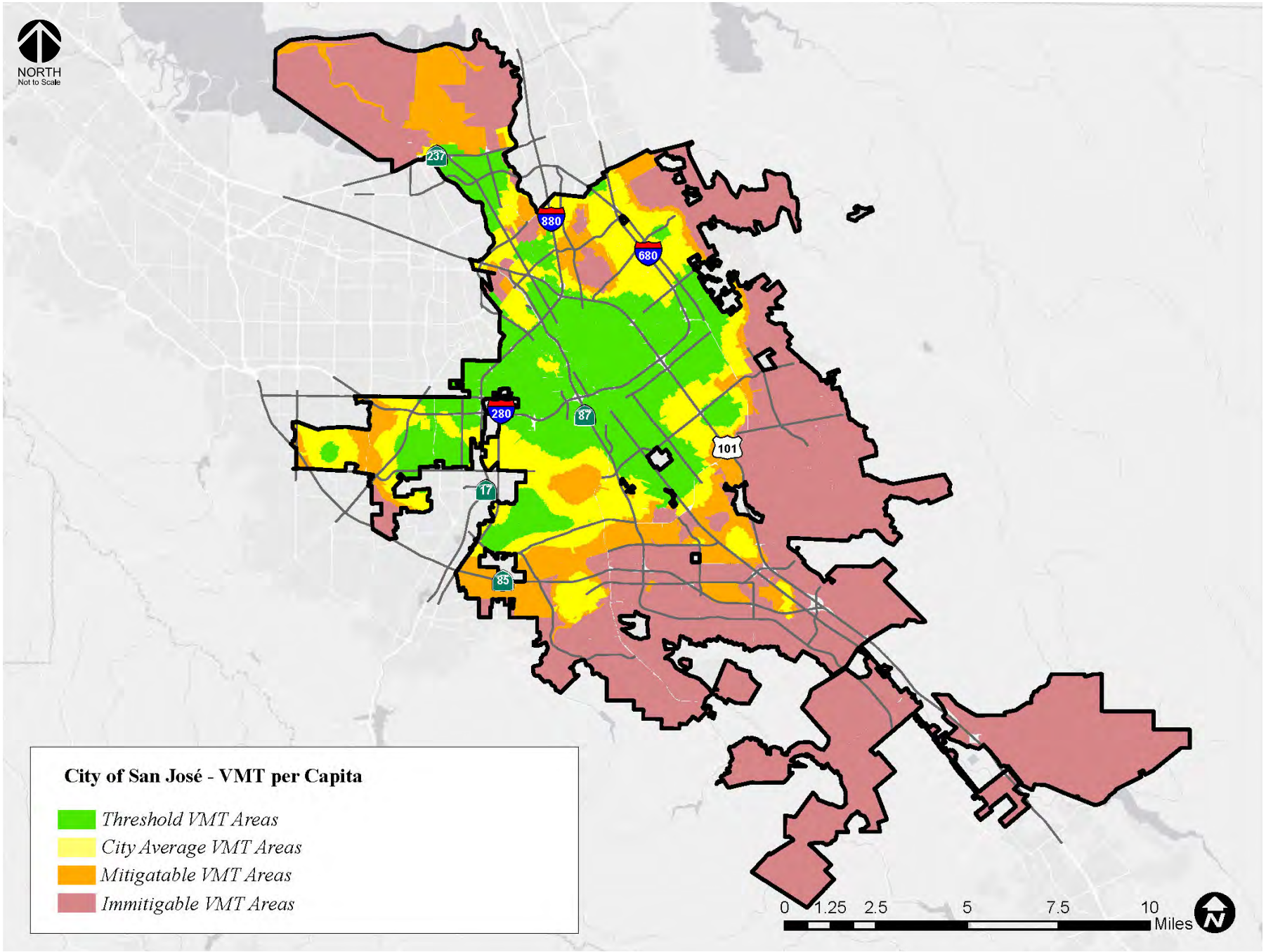
Bicycle Access and Circulation. There are bike lanes on Williams Road. The local streets of Mitzi Drive, Ranchero Way, and Piper Drive carry low traffic volume and are conducive to bicyclists. The project would provide on-site bicycle parking. The existing bike lanes provide bicyclists with safe routes to various points of interest in the study area, including nearby bus stops on Saratoga Avenue and Williams Road and Anderson Elementary School. The elementary school is just over ½ mile from the project site, and bicyclists could ride there using bike lanes and low-volume residential streets.

Transit Services. The site is well-served by bus transit. There are three VTA local bus lines (Routes 25, 57 and 58) that serve the immediate project area. The bus stops closest to the project site are on Saratoga Avenue at Mitzi Drive located about 600 feet to the west. The bus routes run throughout the day and on weekends with 15-30 minute headways. The nearest bus station is Hamilton, located about three miles east of the site. The new transit trips generated by the project are not expected to create demand in excess of the transit service that is currently provided.

b) **Less Than Significant Impact**. A VMT analysis was prepared for the project in accordance with the City's methodologies, as described in a) above. The project is consistent with CEQA Guidelines Section 15064.3(b), which calls for evaluation of a project's transportation impacts based on VMT. The results of the VMT analysis are summarized below. The VMT heat maps are presented in Figures 16 through 17.

As discussed earlier, the transportation analysis under CEQA uses the VMT metric to evaluate a project's transportation impacts by comparing project trips against the VMT thresholds of significance established in the Transportation Analysis Policy. The San José VMT evaluation tool was used to estimate the project VMT, based on the project location, type of development, project description, and proposed trip reduction measures. The project is evaluated as a residential use in the evaluation tool. The threshold of significance for general residential uses was applied for the VMT analysis. The VMT threshold is the existing regional average VMT level (11.64 per resident) minus 15 percent, which is 10.12 VMT per resident.

The project VMT estimated by the evaluation tool is 8.52 per capita. The project VMT would not exceed the threshold of 10.12 VMT per capita. Therefore, the project's VMT impact is considered less than significant.

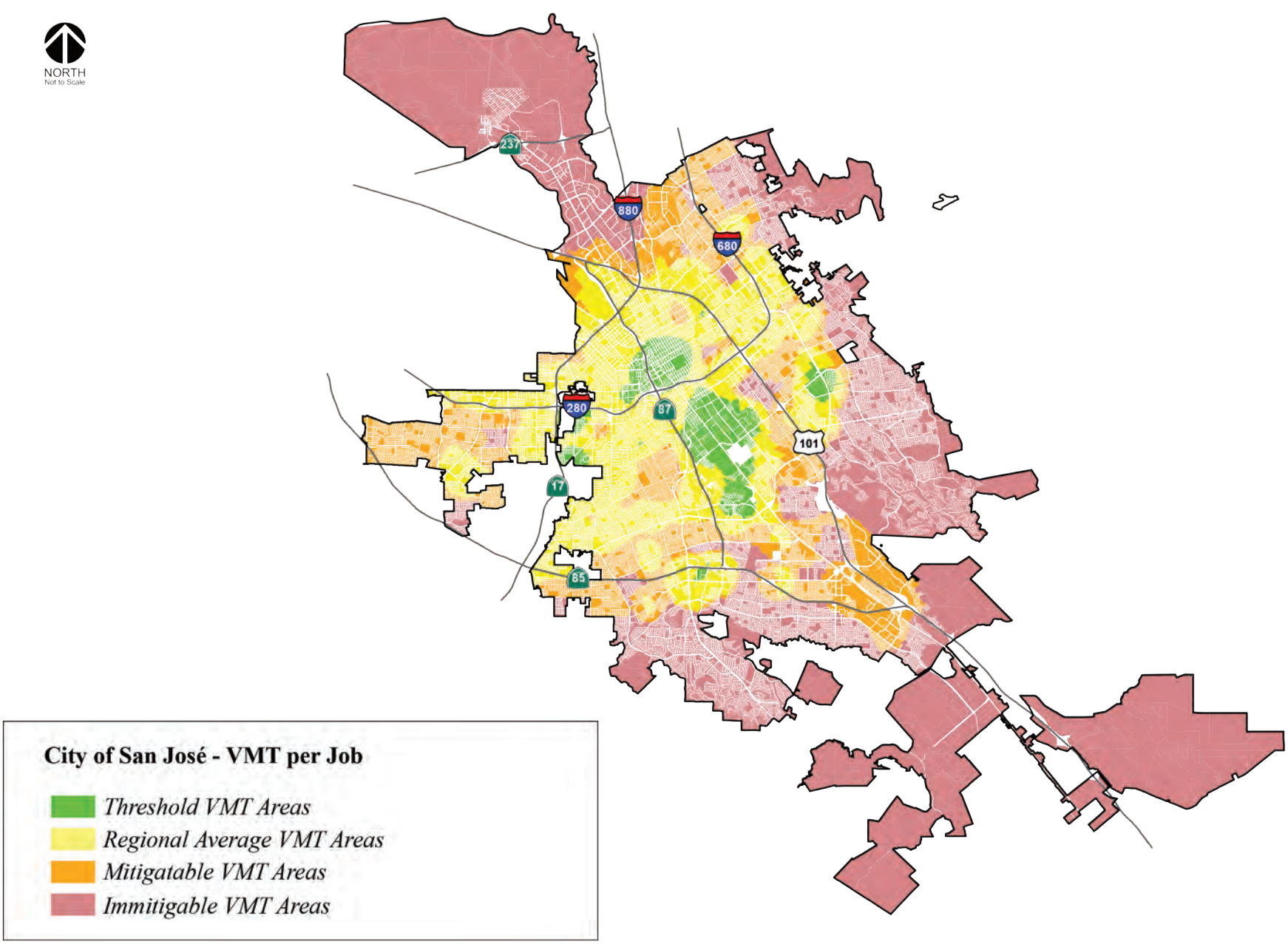


Source: Hexagon Transportation Consultants, November 2018

VMT Per Capita Heat Map

Mitzi Place Apartments
Initial Study

Figure
16



Source: Hexagon Transportation Consultants, November 2018

VMT Per Employee Heat Map

Mitzi Place Apartments
Initial Study

Figure
17

Cumulative VMT Impacts

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required per the City's Transportation Analysis Handbook. The project is consistent with the General Plan goals and policies for the following reasons:

- The project site is near bus stops on Saratoga Avenue and Williams Road and bicycle lanes on Williams Road.
- The project would increase the residential density in the project area.
- The project would provide bicycle parking.

Therefore, the project would be considered as part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative impact.

c) **Less Than Significant Impact**. The project would not substantially increase hazards due to a design feature or incompatible use. Adequate sight distance would be required at the project driveway along Mitzi Drive. The project would maintain landscaping so that the access point is clear of any obstructions to allow adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on Mitzi Drive.

d) **Less Than Significant Impact**. The project would not result in inadequate emergency access. Emergency vehicle (EVA) access would be provided along Ranchero Way and Mitzi Lane and at the project driveway. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access. The project driveway would measure approximately 21 feet wide, and therefore would comply with the City's fire code.

Non-CEQA Effects

An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only, as the metric for determining the CEQA impact is based on VMT as discussed in b) above.

The project would increase traffic to/from the site. Vehicle trips that would be generated by the project were estimated using the trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017), for "Single-Family Detached Housing" and "Mid-Rise Multi-Family Housing" (Land Use Code 254).

Based on the 2018 San José guidelines, the project qualifies for a location-based adjustment. The location-based adjustment reflects the project's vehicle mode share based on the place type in which the project is located per the San José Travel Demand Model. The project's place type was obtained from the San José VMT Evaluation Tool. The project site is located within an area designated as

suburban with multi-family homes. Therefore, the baseline project trips were adjusted to reflect a suburban multi-family home mode share. Residential developments within suburban with multi-family homes areas have a vehicle mode share of 88%. Thus, a 12% reduction was applied to the trips generated by the project.

Based on the ITE rates with trip adjustments and reductions, the project would generate a total of 209 daily vehicle trips, with 15 trips (4 inbound and 11 outbound) occurring during the AM peak hour and 17 trips (10 inbound and 7 outbound) occurring during the PM peak hour. The project trip generation estimates are presented in Table 8.

Table 8
Project Trip Generation Estimates

Land Use	Size	Unit	Daily		AM Peak Hour				PM Peak Hour			
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Uses												
Multifamily Housing[1]	46	DU	5.41	249	0.35	4	12	16	0.46	13	8	21
Location-based Adjustments (Suburban with Multifamily Homes - 12%)[2]				*(30)*		*0*	*(1)*	*(1)*		*(2)*	*(1)*	*(3)*
Project-Specific Adjustments (0.5%)[3]				*(1)*		*0*	*0*	*0*		*0*	*0*	*0*
Total				**218**		**4**	**11**	**15**		**11**	**7**	**18**
Existing Use												
Single Family Homes[4]	1.0	DU	9.44	(9)	0.74	0	(1)	(1)	0.99	(1)	0	(1)
Net Project Trips				**209**		**4**	**10**	**14**		**10**	**7**	**17**

Notes:
Trip rates for multifamily uses are from the ITE Trip Generation Manual, 10th Edition, 2017.
1. Mid-Rise Multifamily Housing (Land Use 221), average rates expressed in trips per dwelling unit (DU) are used.
2. A 12% reduction was applied based on the location-based vehicle mode share percentage outputs (Table 6 of the City's Transportation Analysis Handbook, 2018) produced from the San José Travel Demand Model for the place type Suburban with Multifamily Homes.
3. A 0.5% reduction was applied based on the VMT reductions obtained from the City's VMT evaluation tool.
4. Single-Family Detached Housing (Land Use 210), average rates expressed in trips per dwelling unit (DU) are used.

The results of the level of service evaluation are presented in Table 9. The results of the analysis show that the signalized intersection of Saratoga Avenue and Williams Road intersection currently operates at an acceptable level of service (LOS D or better) during the AM and PM peak hours, which meets the City's standard.

The results of the analysis show that the left turn from Piper Drive to Saratoga Avenue operates at LOS F during the AM peak hour. However, the City of San José does not have a level of service standard for unsignalized intersections. The traffic count showed that there were only 17 vehicles making the left-turn movement during the AM peak hour. Field observations showed that there was a maximum queue of two vehicles making the left turn from Piper Drive onto Saratoga Avenue during the AM peak hour.

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

Table 9
Intersection Level of Service Summary

#	Intersection	Peak Hour	Count Date	Existing Conditions		Background Conditions						Cumulative Conditions	
						No Project		With Project				No Project	
				Delay (sec)[1]	LOS	Delay (sec)[1]	LOS	Delay (sec)[1]	LOS	Incr. in Critical Delay (sec)	Incr. in Critical V/C	Delay (sec)[1]	LOS
1	Ranchero Way and Williams Road (Unsignalized)	AM	11/6/18	23.6	C	23.6	C	23.7	C	0.1	0.001	23.6	C
		PM	11/6/18	21.6	C	21.6	C	21.7	C	0.0	0.002	21.6	C
2	Saratoga Avenue and Piper Drive (Unsignalized)	AM	11/6/18	**>90**	**F**	**>90**	**F**	**>90**	**F**	**0.2**	**0.038**	**>90**	**F**
		PM	11/6/18	41.3	E	41.3	E	41.4	E	0.1	0.024	43.3	E
3	Saratoga Avenue and Mitzi Drive (Unsignalized)	AM	11/6/18	15.1	B	15.1	B	15.1	B	0.0	0.000	15.1	B
		PM	11/6/18	11.7	B	11.7	B	11.7	B	0.0	0.000	11.8	B
4	Piper Drive and Mitzi Drive (Unsignalized)	AM	11/6/18	8.7	A	8.7	A	8.8	A	0.4	0.003	8.7	A
		PM	11/6/18	8.6	A	8.6	A	8.7	A	0.2	0.000	8.6	A
5	Ranchero Way and Mitzi Drive (Unsignalized)	AM	11/6/18	9.2	A	9.2	A	9.2	A	0.0	0.000	9.2	A
		PM	11/6/18	9.2	A	9.2	A	9.3	A	0.0	0.000	9.2	A
6	Saratoga Avenue and Williams Road	AM	11/6/18	36.9	D	37.0	D	37.0	D	0.0	0.001	36.9	D
		PM	11/6/18	41.1	D	40.5	D	40.5	D	0.1	0.002	40.4	D

Note:
1. Delays based on worst approach delay for unsignalized intersections and average delay for signalized intersections.
Bold indicates a substandard level of service.

R. UTILITIES & SERVICE SYSTEMS

Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Green Team of San José (Garbage/Recycling), GreenWaste Recovery (Yard Trimmings)
- Natural Gas & Electricity: PG&E

Regulatory Framework

State

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

California Green Building Standards Code

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Green Vision

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

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects, and provides a framework for the implementation of these standards. The Council Policy 8-13 is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan

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

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the small scale of the project (46 residential units), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed residential uses.

The City of San José owns and maintains the sanitary sewer drain system in the project area. Existing 6-inch vitrified clay pipe (VCP) sanitary sewer main extends along Mitzi Drive and Ranchero Way and would serve the proposed project. The project proposes to construct a sanitary sewer lateral that would tie into the City's existing sanitary sewer system.

As described in *Section F. Energy,* the project would have a less than significant impact related to natural gas and electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of the project.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. While the project would result in an increase in the amount of impervious surfaces on the site, the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Water service to the site would be supplied by SJWC, a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed residential uses during normal, dry, and multiple dry year conditions. Additionally, as the project is consistent with the City's General Plan, the growth as proposed in the project and associated water use was identified in the General Plan EIR.

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards.[28] Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Development allowed under the General Plan (which includes the project) would not exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The project would generate approximately 396 pounds per day of solid waste (about 72 tons per year).[29] The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The increase in solid waste generation from development of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full buildout of the General Plan would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

e) **Less Than Significant Impact**. Final project design would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal.

Conclusion: The project would have a less than significant impact on utilities and service systems.

[28] City of San José, *San José/Santa Clara Regional Wastewater Facility*, 2016.
[29] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: October 2019. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates Multi-family residential waste generation was estimated at a rate of 8.6 pounds per unit per day.

S. WILDFIRE

Environmental Setting

The project site is surrounded by residential development and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan

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

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Impacts and Mitigation

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		2, 3
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		2, 3, 17
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		2, 3, 17
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		2, 3, 17

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As described above in *Section J. Hazards and Hazardous Materials* of this Initial Study, the project would not create any barriers to emergency or other vehicle movement in the area and final design would comply with all Fire and Building Code requirements.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high fire hazard severity for the local responsibility area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State responsibility area.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

Conclusion: The project would result in a less than significant impact related to wildfire.

T. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20. MANDATORY FINDINGS OF SIGNIFICANCE.					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			1-17
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		1-17
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			1-17

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Mitigation measures are identified for potential impacts of the project on special status species (nesting birds) and historic resources (relocation of the historic Graves House). In addition, standard permit conditions are provided for potential disturbance to buried archaeological resources during construction. These mitigation measures and standard permit conditions would reduce these impacts to a less than significant level.

b) **Less Than Significant Impact**. Based on the analysis provided in this Initial Study, the proposed project would not significantly contribute to cumulative impacts, because the proposed residential development represents an infill project on a small site surrounded by existing residential development. The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By their very nature, GHG emissions are largely a cumulative impact. As discussed in *Section C. Air Quality* and *Section H. Greenhouse Gas Emissions*, the project would have a less than significant impact related to criteria air pollutants and GHG emissions. For this reason, the project would have a less than significant cumulative impact on air quality overall.

The project impacts related to biological resources (nesting birds), hazardous materials (soil contamination), and historic resources (relocation of historic Graves House) would be minimized by implementation of identified mitigation measures and standard permit conditions, and would not significantly contribute to cumulative impacts in these areas.

c) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and standard permit conditions.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures and standard permit conditions identified in this document.

Chapter 4. References

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BIBLIOGRAPHY

Archives & Architecture, *4146 Mitzi Dr., San José (APN #299-16-001), Historic Report*, July 11, 2018.

Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, revised May 2017.

Bay Area Air Quality Management District, *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate*, April 2017.

California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). Accessed September 20, 2018. Available at: http:/www.bsc.ca.gov/Codes.aspx.

California Department of Conservation, *Santa Clara County Important Farmlands Map*, accessed online.

California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State— January 1, 2011-2019." May 2019. Accessed October 7, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

California Geological Service, 2002. Earthquake Zones of Required Investigation Los Gatos Quadrangle, 2002.

California Geological Service, Earthquake Zones of Required Investigation San Jose West Quadrangle, 2002.

CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: October 2019. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates

Campbell Union High School District Website, October 2019. https://www.cuhsd.org

CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.

Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps, Panel 236 of 830, effective May 18, 2009

Hexagon Transportation Consultants, Inc., *4146 Mitzi Drive Residential Development Transportation Analysis,* November 29, 2018.

Holman & Associates, Results of CEQA Records Search for 4161 Mitzi Drive, San Jose, Santa Clara County, California, December 5, 2018.

IFC International, *Final Santa Clara Valley Habitat Plan*, August 2012.

Illingworth & Rodkin, *4146 Mitzi Drive Residential Noise and Vibration Assessment*, July 30, 2019.

Illingworth & Rodkin, *4146 Mitzi Drive Construction Risk Assessment*, updated May 2020.

Illingworth & Rodkin, Personal Communication with Mimi McNamara, 2019-2020.

Moreland School District Website, October 2019. https://www.moreland.org

Pacific Gas & Electric Company, 2018. Delivering low-emission energy. Accessed September 19, 2018. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

San José, City of, San José/Santa Clara Regional Wastewater Facility, 2016.

San José, City of, *San José 2040 Envision San José General Plan*, adopted November 2012 and updated through 2018.

San José, City of, *Historic Landmarks Commission Memorandum, Special Use Permit (File No. SP18-033),* October 3, 2018.

Santa Clara, County of, 2012. Santa Clara County Geologic Hazard Zones, 2012.

Santa Clara Valley Water District, 2016 Groundwater Management Plan.

Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.

Treanor HL, *4146 Mitzi Drive, San Jose, California, Secretary of Interior's Standards Analysis*, July 30, 2019, Revised April 22, 2020.

U.S. Department of Agriculture Soil Survey, www.nrcs.usda.gov, accessed 10/9/19.

CHECKLIST SOURCES

1. CEQA Guidelines and professional expertise of consultant
2. Project plan and site review
3. 2040 Envision San José General Plan
4. 2014 Santa Clara County Important Farmlands Map
5. BAAQMD 2017 CAP
6. BAAQMD CEQA Guidelines, 2017
7. TAC Assessment, 2019
8. Tree Survey, 2019
9. Santa Clara Valley Habitat Plan
10. Santa Clara Valley Habitat Agency Geobrowser
11. Historic Evaluations, 2018, 2019
12. Archaeological Review, 2018
13. Environmental Hazards Report, 2018
14. FEMA FIRM Maps
15. Noise & Vibration Assessment, 2019
16. Transportation Analysis, 2019
17. Cal Fire, Fire Hazard Severity Maps, 2007 & 2008

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