Initial Study/Negative Declaration

Portswood Drive General Plan Amendment and Rezoning

File # GP20-001/C20-007

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.

October 2020

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.

NAME OF PROJECT: Portswood Drive Residential General Plan Amendment and Rezoning Project

PROJECT FILE NUMBER: GP20-001/C20-007/ER20-058

PROJECT DESCRIPTION: The project proposes a General Plan Amendment (GPA) and rezoning of the approximately 8.6-acre project site to potentially allow for the development of single-family residential units and expansion of existing single-family residences in the future. The project proposes to change the land use designation from Transportation and Utilities (TU) to Residential Neighborhood (RN). The project also proposes to rezone the project site from A Agriculture and R-1-1 (PD) Planned Development District to R-1-5 Single-Family Residence District.

PROJECT LOCATION: The approximately 8.6-acre site consists of Pacific Gas & Electric (PG&E) property located on Portswood Drive, between Belder Drive and Martwood Way, that extends from Almaden Expressway to McKean Road; and a linear parcel between Queenswood Court and Brooktree Court, that extends from Almaden Expressway to Bret Harte Drive.

ASSESSORS PARCEL NO(S).: 701-48-057, 701-58-048 **COUNCIL DISTRICT:** 10

APPLICANT CONTACT INFORMATION: SummerHill Homes (ATTN: Denise Cunningham, Vice President of Entitlements & Planning); 3000 Executive Parkway, San Ramon, CA 94583, DCunningham@shhomes.com; (925) 244-7537

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study does not identify any potentially significant effects on the environment for which mitigation measures are required to mitigate the effects to a less than significant level.

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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

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

C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

F. **ENERGY –** The project will not have a significant impact on this resource.

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

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

I. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

M. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

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

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

S. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on

this resource, therefore no mitigation is required.

T. WILDFIRE – This project will not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Thursday November 19, 2020** any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

10/26/2020
Date

Deputy

Circulation period: Friday October 30, 2020 and ends on November 19, 2020.

Environmental Project Manager: Thai-Chau Le

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE AND USE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study/Mitigated Negative Declaration (MND) for the Portswood Drive Residential General Plan Amendment (GPA) and Rezoning in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes a GPA to change the land use designation of the 8.6-acre project site from Transportation and Utilities (TU) to Residential Neighborhood, and to rezone the site from A Agriculture and R-1-1 (PD) Planned Development District to R-1-5 Residence District, which would allow for residential development on the project site. This Initial Study evaluates the environmental impacts that might reasonably result from implementation of the proposed project.

The proposed project would result in changes to General Plan land use designations and zoning and would not involve any specific development of the project site. This Initial Study analyzes the proposed General Plan Amendment and rezoning at a programmatic level and does not assess the potential impacts of project-specific residential development of the project site under the proposed General Plan land use designation and zoning. In the event of future proposed development of the project site, additional environmental analysis would be required, taking into consideration project-specific details such as unit counts, building heights and setbacks, and site access and circulation.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study/Negative Declaration (IS/ND) marks the beginning of a 20-day public review and comment period. During this period, the IS/ND 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 IS/ND during the 20-day public review period should be sent to:

Thai-Chau Le
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Thai-Chau.Le@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Portswood Drive Residential General Plan Amendment and Rezoning Project

2.2 LEAD AGENCY CONTACT

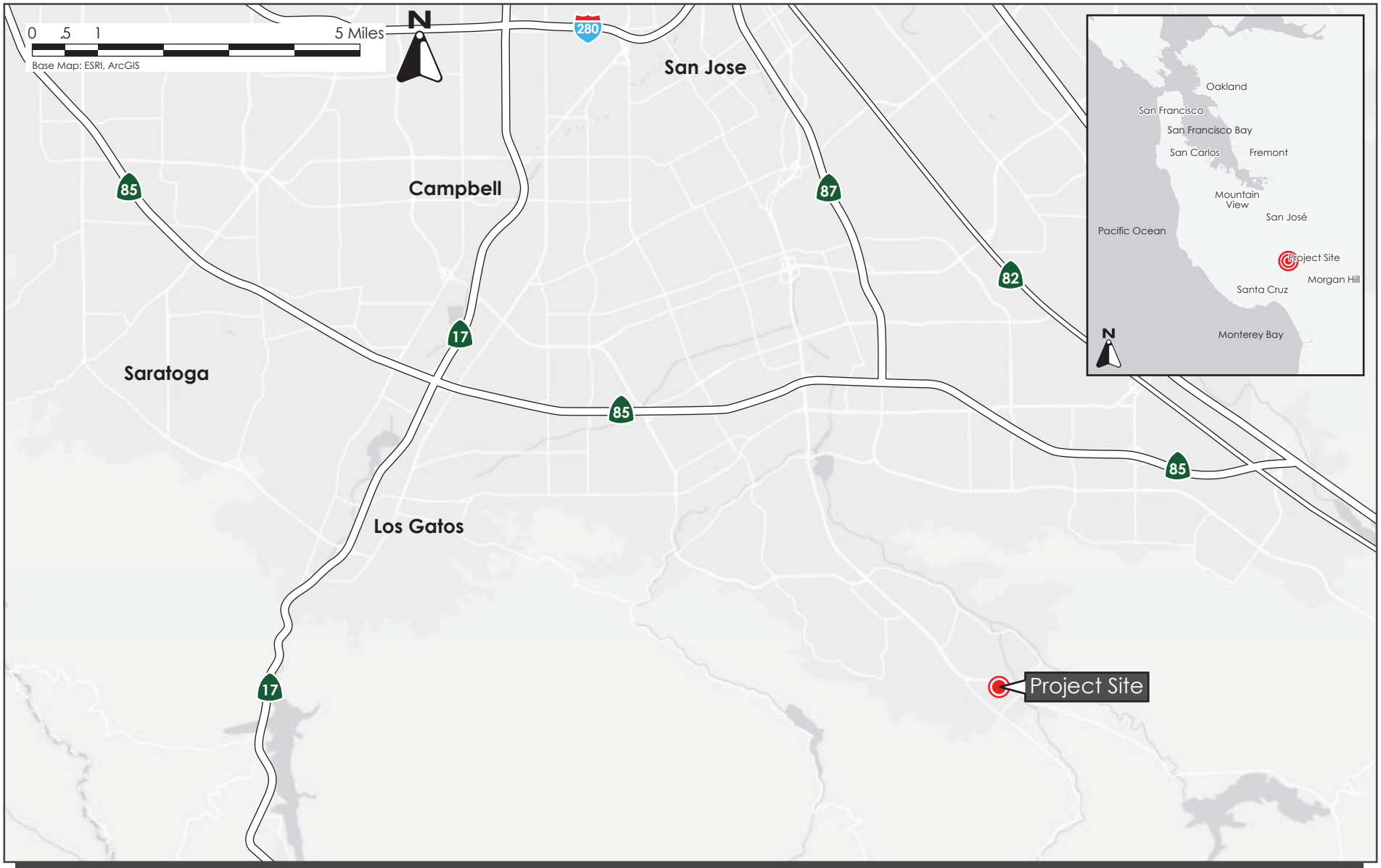
Thai-Chau Le
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Thai-Chau.Le@sanjoseca.gov

2.3 PROJECT APPLICANT

Denise Cunningham
Vice President of Entitlements & Planning
SummerHill Homes
3000 Executive Parkway
San Ramon, CA 94583
DCunningham@shhomes.com

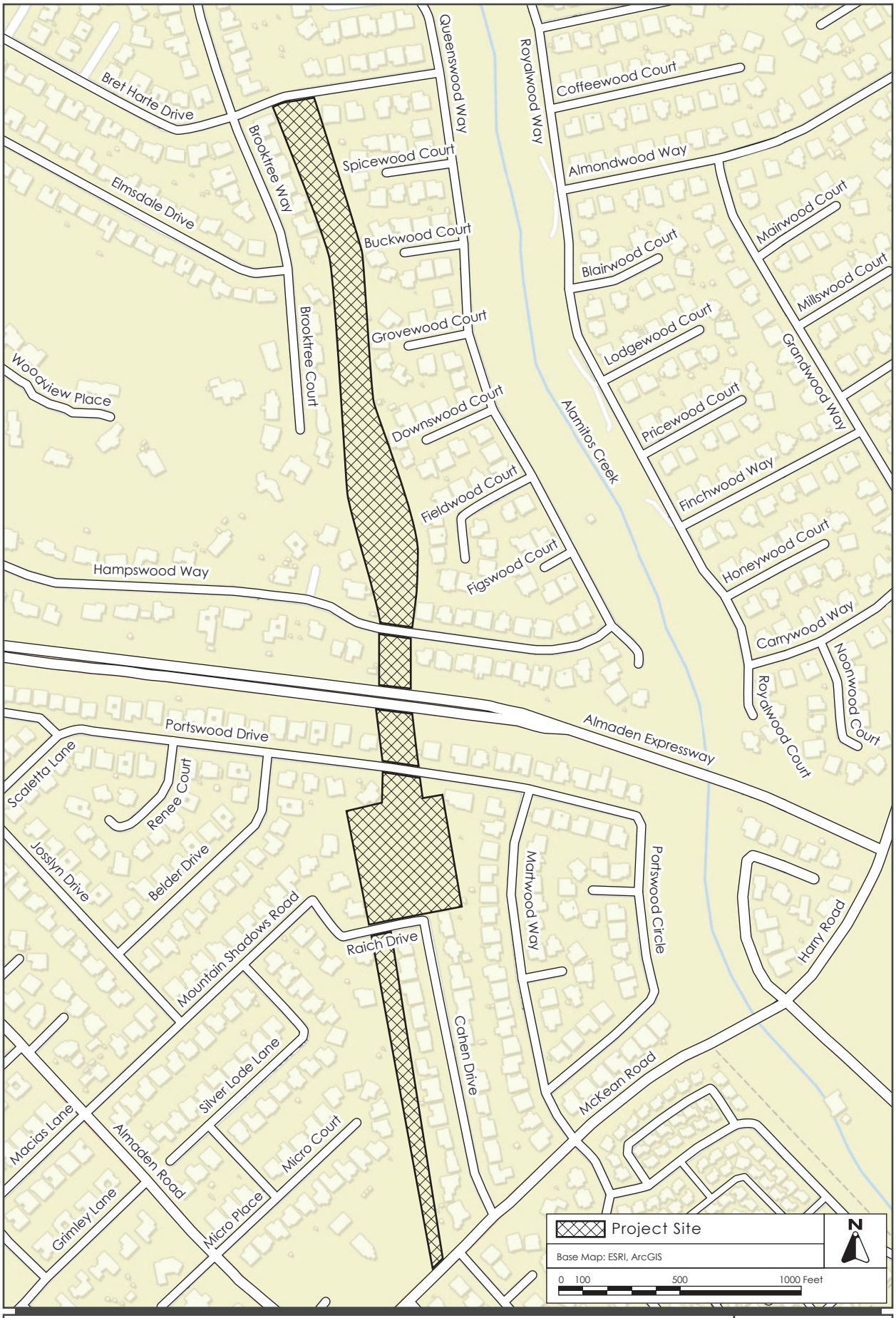
2.4 PROJECT LOCATION

The approximately 8.6-acre site (APNs 701-48-057 and -048) consists of Pacific Gas & Electric (PG&E) property located on Portswood Drive, between Belder Drive and Martwood Way, that extends from Almaden Expressway to McKean Road; and a linear parcel between Queenswood Court and Brooktree Court, that extends from Almaden Expressway to Bret Harte Drive. Regional and vicinity maps are shown on Figure 2.4-1 and Figure 2.4-2 on the following pages. An aerial photograph of the project site and surrounding land uses is shown on Figure 2.4-3 The project site can be divided into three segments: Portswood North, Portswood South, and Portswood Panhandle.



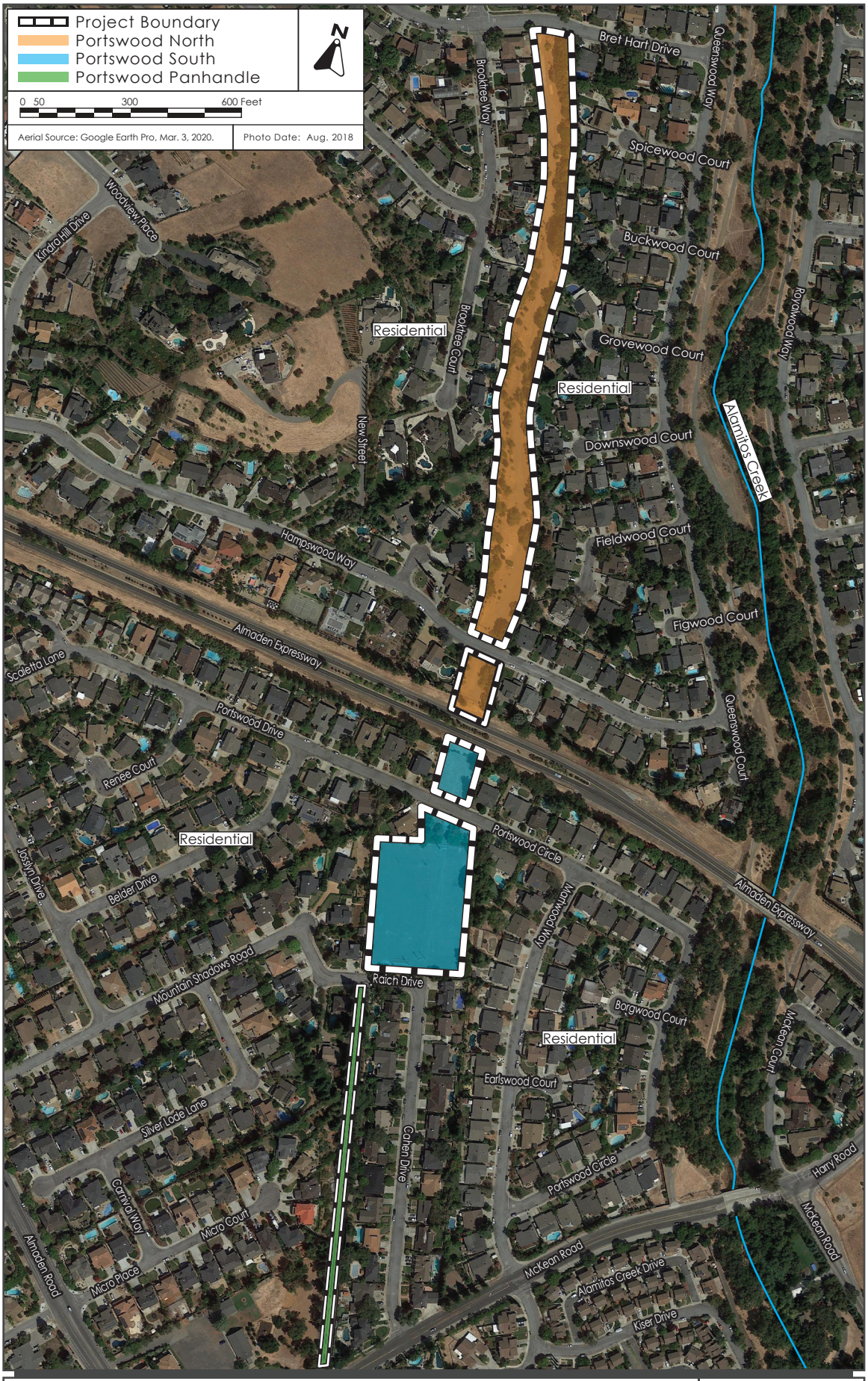
REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.5 ASSESSOR'S PARCEL NUMBER

701-48-057, 701-58-048

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Current General Plan Designation: Transportation and Utilities
Proposed General Plan Designation: Residential Neighborhood

Current Zoning District: A Agriculture, R 1-1 Planned Development District
Proposed Zoning District: R-1-5 Residence District

The entire project site has an existing General Plan land use designation of Transportation and Utilities (TU) and totals to 8.6 acres. An aerial photograph of the site is shown on Figure 2.4-3.

The 3.2-acre portion of the project site located between Almaden Expressway and Raich Drive (referred to as "Portswood South"), and the one-acre narrow linear portion between Raich Drive and McKean Road (referred to as "Portswood Panhandle") are zoned A Agriculture. The approximately four-acre linear portion of the project site located between Hampswood Way and Bret Harte Drive has no zoning designation and the 0.4-acre portion of the site between Hampswood Way and Almaden Expressway is zoned R-1-1 Planned Development (referred to as "Portswood North").

2.7 HABITAT PLAN DESIGNATION

Land Cover Type: Urban-Suburban
Development Zone: Urban Development
Fee Zone: Urban Areas (No Land Cover Fee)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- General Plan Amendment
- Conventional Rezoning

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

The project proposes a General Plan Amendment (GPA) and rezoning of the approximately 8.6-acre project site to potentially allow for the development of single-family residential units and expansion of existing single-family residences in the future. The project proposes to change the land use designation from Transportation and Utilities (TU) to Residential Neighborhood. The current Transportation and Utilities (TU) designation is primarily used for transportation or utility corridors, such as railroad lines or power lines. Trails are also an appropriate use in this designation, provided that the corridor is not used as an active railroad line or other use that would create a hazardous situation. No residential development is permitted under the current designation.

The proposed Residential Neighborhood land use designation has a typical density of eight du/ac with a floor area ratio (FAR) of up to 0.7 (one to 2.5 stories tall) and is applied to encompass most of the established, single-family residential neighborhoods. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development would improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development would be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

The project also proposes to rezone the project site from A Agriculture and R-1-1 (PD) Planned Development District to R-1-5 Single-Family Residence District. The existing A Agriculture district provides for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agriculture uses as well as implementing the goals and policies of the General Plan. The existing R-1-1 (PD) Planned Development District allows for the establishment of site-specific development standards in cases where the application of conventional zoning district development standards may not be practical. Planned Development zoning is effectuated by issuance of a planned development permit; until such a permit is issued, the land in this zoning would operate under its base district zoning. The base zoning of R-1-1 Single-Family Residence reserves land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 district is one to eight dwelling units per acre.

The proposed R-1 Single Family Residence zoning districts support a development density of one to eight dwelling units per acre, with the R-1-5 district setting a minimum lot area of 8,000 square feet and requiring property line setbacks of five feet for side and 20 feet for front and rear. The maximum height allowed under R-1-5 is 35 feet.

A specific development project is not proposed at this time. Future development under the project would require project-level environmental review for a tentative map to subdivide the site and in the event future single-family units do not meet the single-family permit requirements.

3.2 DEVELOPMENT ASSUMPTIONS FOR ENVIRONMENTAL REVIEW

Portswood South would be subdivided into individual lots with access via an extension of Cahen Drive into a new cul-de-sac. A private driveway would be provided from the proposed cul-de-sac that would continue north of Portswood Drive and Almaden Expressway and potentially extend to Bret Harte Drive through the Portswood North portion of the site, depending on development standards and regulations. Due to the narrowness of the Portswood Panhandle, the irregular shape of the overall project site, division of the project site by roadways, and the development constraints of the R-1-5 zoning (i.e., required setbacks, lot sizes, and other development regulations), it is reasonably anticipated that future development on the project site may contain up to approximately 20 dwelling units on the entire 8.6-acre project site. For the purposes of this Initial Study, this analysis uses an assumption of 20 single-family dwelling units as the development potential of the project site. It is assumed the existing aboveground and overhead electricity infrastructure and lines would be placed underground, in the locations of the new homes, as part of future development.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State and Local

Streets and Highway Code Sections 260 through 263

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

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to aesthetic resources and applicable to future development under the proposed project.

Policy	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
CD-1.23	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.

[1] California Department of Transportation." Scenic Highways." Accessed March 9, 2020. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Policy	Description
CD-1.25	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.
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).

San José Outdoor Lighting Policy (City Council Policy 4-3)

The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefitting the enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

San José Residential Design Guidelines

The City's Residential Design Guidelines were adopted to assist with the design, construction, review and approval of development in San José. These guidelines provide the minimum design standards to be applied to residential development and facilitate an efficient review process.

4.1.1.2 *Existing Conditions*

Project Site

The project site is located within the Almaden Valley, between the Santa Teresa Hills and the Santa Cruz Mountains. The project site is located in a developed suburban, residential neighborhood, with a uniform, single-family residential character. The irregular shaped, linear, approximately 8.6-acre project site is approximately 0.6 miles in length and extends from Bret Hart Drive to the north and McKean Road to the south. The project site is segmented by existing roadways (i.e., Hampswood Way, Almaden Expressway, Portswood Circle, and Raich Drive). The largest physical separation is from Almaden Expressway, which is a two-lane expressway, over 100 feet wide.

Portswood South is the largest aggregated portion of the site (approximately 3.2 acres) and is mostly paved and contains overhead PG&E electric distribution lines and light poles. The central, square shaped area part of Portswood South is enclosed by chain link fencing topped with barbed wire, and an access driveway to a locked gate is located at the southwest corner of the site on Raich Drive. A driveway leading to locked gates is also located on the north side, off of Portswood Drive.

The remainder of the site, Portswood North and Panhandle (approximately 5.4 acres), is linear and narrow in shape compared to Portswood South. Portswood North and Portswood Panhandle are undeveloped corridors containing overhead PG&E distribution lines, trees, and shrubs. The undeveloped corridors are fenced off from the public streets with chain link fencing and gates, but vehicular access for PG&E maintenance vehicles is provided via driveways on Bret Harte Drive and Hampswood Way.

Electrical utility lines are present overhead throughout the site and some subsurface utility conduits are present within the Portswood Panhandle portion of the site. Views of the project site are provided in Photos 1 through 4.

Surrounding Area

The project site is surrounded by single-family residences and the Alamitos Creek corridor runs roughly parallel to the site, approximately 500 feet to the east. Surrounding properties contain single-family, one- and two-story residences. Neighboring development is mixed in age, with a variety of styles and building materials. Adjacent residences feature wood panel, brick, and cement plaster construction. Houses on adjacent properties are separated from the project site, with rear setbacks of at least 25 feet and seven-foot wooden perimeter fencing. The perimeter of the project site contains mature trees, and the neighboring landscaping features well-maintained, mature vegetation.

Photo 1: Looking south at the vacant parcel on the south side of Portswood Drive

Photo 2: Looking north at the vacant parcel between Portswood Drive and Almaden Expressway

Photo 3: Looking south at the linear parcel between Almaden Expressway and Hampswood Way.

Photo 4: Looking north at the linear parcel from the north side of Hampswood Way.

Scenic Vistas and Resources

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City.

The project site is visible from surrounding roadways, including Raich Drive, Portswood Drive, Almaden Expressway, Hampswood Way, and Bret Harte Drive. The project site is vacant and does not contain any scenic vistas or resources. The project area offers some views of the Santa Teresa Hills and the Santa Cruz Mountains, but viewsheds are obstructed by existing development and tree cover.

Scenic Corridors

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[2] There are no state-designated scenic highways in San José. The nearest officially designated state scenic highway to the project site is State Route (SR) 9, located approximately eight miles to the west.[3] Interstate 280 (I-280) from the San Mateo County line to SR 17,[4] which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. I-280 is located approximately five miles north of the project site.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

[2] City of San José. *Envision San José 2040 General Plan FPEIR.* Page 739. September 2011.
[3] California Department of Transportation. *Officially Designated Scenic Highways*. Accessed January 22, 2020. https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf.
[4] The segment at SR 17 is the same segment identified as the City's Urban Throughways.

a) Would the project have a substantial adverse effect on a scenic vista?

The project site does not contain any scenic vistas. As discussed under Section 4.1.1.2 Existing Conditions, there are intermittent and obscured views of the hills and mountains visible from the local streets in the project vicinity. The proposed project would allow for the future development of residences on-site of up to two-stories (35 feet) tall, within an existing residential neighborhood of similar density. The project proposes a change in General Plan Land Use Designation and Zoning District, which would not result in a substantial adverse effect on any scenic vista. Given the limited views of scenic resources from the project area and the developed nature of the area, any future development of the site under the proposed General Plan designation and zoning would not substantially affect scenic vistas. **(Less than Significant Impact)**

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no state scenic highways in the vicinity of the project site. For these reasons, the proposed project and any future development on-site would have no impact on scenic resources within a scenic highway. **(No Impact)**

c) Would the project conflict with applicable zoning and other regulations governing scenic quality?

The project is a General Plan Amendment and rezoning that would allow residential development. The General Plan Amendment and rezoning do not conflict with regulations governing scenic quality. Future residential development under the proposed project would be subject to applicable regulations governing scenic quality, including the General Plan policies identified in Section 4.1.1.1 Regulatory Framework. **(Less than Significant Impact)**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed project would result in changes to the General Plan designation and zoning of the site and would permit, but not result in, future residential development of the project site. Future residential development that would be permitted by the proposed project could include nighttime security lighting, similar to what exists in the project area. Lighting from future development would be required to conform to the City's Residential Design Guidelines and Outdoor Lighting Policy to minimize light and glare impacts. For these reasons, lighting from future development under the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The proposed project itself is a General Plan Amendment and rezoning that would not directly result in any light or glare impacts. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

California Resources Agency Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[5]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[6]

CAL FIRE and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[7] Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas could be affected by a project.[8]

California Timberland Productivity Act

Title 5 of the California Government Code contains Chapter 6.7, known as the California Timberland Productivity Act, which pertains to the management of timberland resources in the state. Article 1 of the Timberland Productivity Act regulates the ability of counties, cities, and local agencies to manage natural resources including forest, agricultural or grazing lands. Under Article 1 (Government Code section 51104(f-g)), timberland is defined as land used for producing at least 15 cubic feet of timber

[5] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed February 24, 2020. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[6] California Department of Conservation. "Williamson Act." Accessed February 24, 2020. https://www.conservation.ca.gov/dlrp/lca
[7] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[8] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed February 24, 2020. http://frap.fire.ca.gov/.

per acre of land per year; land that meets this definition can be zoned Timberland Production Zone or Timberland Preserve Zone.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to agricultural resources and are applicable to the proposed project:

Policy	Description
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.
LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

4.2.1.2 *Existing Conditions*

The project site is located in a developed, suburban area. According to the *Santa Clara County Important Farmland 2016* map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least one unit to 1.5 acres, or approximately six units per 10-acre parcel. Common examples include residential, industrial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, or water control structures.[9] The project site is not under a Williamson Act Contract.[10]

The Portswood South portion of the project site is zoned A Agriculture. Agricultural zoning is intended to support existing and future agricultural uses on properties including grazing, dairying, raising of livestock, feedlots, orchards, row crops, nursery stock, flower growing, ancillary residential uses, ancillary commercial uses such as fruit stands, and the processing of agricultural products. Most of Portswood South is paved and used for parking utility maintenance vehicles; it has not been utilized agriculturally for the last 40 to 50 years.[11] The remainder of the site (Portswood North and Portswood Panhandle) is not zoned or used for agriculture or forestry uses.

[9] California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2016*. January 17, 2020.
[10] County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement". Accessed January 17, 2020. https://www.sccgov.org/sites/dpd/programs/wa/pages/wa.aspx.
[11] ERM-West Inc. *Phase I Environmental Site Assessment Portswood Drive and Hampswood Way.* April 26, 2018.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
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))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

As discussed in Section 4.2.1.2 Existing Conditions, the project site is designated Urban and Built-Up Land. The project site is not designated as prime, unique, or important farmland. For this reason, future development allowed by the proposed project would not result in the conversion of important farmland to non-agricultural use. The project itself is a General Plan Amendment and rezoning which would result in no direct physical changes to the existing environment. **(No Impact)**

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is not part of a Williamson Act contract. Only the Portswood South portion of the site is zoned for agriculture, but it has not been used for agricultural uses for several decades. The rezoning of the project site (including Portswood South) to R-1-5 would be consistent with the residential zoning of the adjacent properties and non-agricultural character of the area. Therefore, the

project would not result in a significant conflict with existing zoning for agricultural use, or a Williamson Act contract **(Less than Significant Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site and surrounding properties are not zoned for forest or timberland-related uses. As a result, the project would not conflict or cause the rezoning of forest lands or timberland uses. **(No Impact)**

d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

The project site does not contain forest land are there are no forest lands in the vicinity. As a result, the project would not result in the loss or conversion of forest lands to a non-forest use. **(No Impact)**

e) Would the project 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?

The project site is surrounded by urban development and there is no land currently used or zoned for agriculture or forestry-related uses in the project area. For these reasons, the project would not result in the conversion of agricultural or forest lands to other uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[12] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
O_3	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

[12] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (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 emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[13] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels

[13] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed March 10, 2020. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[14]

CEQA Air Quality Guidelines

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

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

Local

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to air quality and applicable to future development under the proposed project.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and state law.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures for Construction, Grading, Quarrying, and Surface Mining Operations.
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.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

There are no stationary TAC or $PM_{2.5}$ sources identified by BAAQMD within 1,000 feet of the project site.[15] The other, more significant, common source of TACs is motor vehicles on roadways and freeways. Mobile TAC sources located within 1,000 feet of the project site include Almaden Expressway, which bisects the project site. With an estimated Average Daily Traffic count of 12,000 vehicles, Almaden Expressway is considered to be a mobile TAC source by the BAAQMD.[16] In addition to Almaden Expressway, the project site is crossed by several smaller roadways.

The closest sensitive receptors to the project site include the residences adjacent to the site (see Figure 2.4-3).

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

[15] BAAQMD. "Stationary Source Screening Analysis Tool". Accessed February 12, 2020 https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools

[16] Caltrans. "2017 Traffic Volumes: Route 82-86". Accessed February 12, 2020. https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-82-86

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

A project is considered consistent with the 2017 CAP if, a) the plan supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures.[17]

The project would support the primary goals of the CAP, which are to attain air quality standards, reduce population exposure and protect public health, and reduce greenhouse gas emissions and protect the climate. The project is a GPA and rezoning that would allow for development of residential uses at the currently vacant 8.6-acre project site. While the proposed GPA and rezoning would diverge from the General Plan policies intended to focus development in specified Growth Areas, the proposed project would facilitate infill development of land uses consistent with surrounding residential use. Additionally, as discussed below under checklist question b) and in Section 4.8 Greenhouse Gas Emissions, any future development project at the site would make a minimal contribution to local and regional air pollutant and greenhouse gas emissions during both construction and operation.

The 2017 CAP contains 85 control measures that describe specific actions to reduce emissions and are categorized based on the economic sector framework used by CARB for the AB 32 Scoping Plan Update. The sectors covered by the control measures are: Stationary (Industrial Sources), Transportation, Energy, Buildings, Agriculture, Natural and Working Lands, Waste Management, Water, and Super-GHG Pollutants. Many strategies are related to industrial sources and are not applicable to the project. The key strategies related to buildings and energy are: (1) expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind and ground-source heat pumps; (2) support the expansion of community choice energy programs throughout the Bay Area; (3) promote energy and water efficiency in both new and existing buildings; and (4) promote the switch from natural gas to electricity for space and water heating in Bay Area buildings. The project would not disrupt, delay, or otherwise hinder the implementation of any of the control measures. For these reasons, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

b) Would the project 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?

As discussed in Section 4.3.1.2 Existing Conditions, the San Francisco Bay Area Air Basin is currently designated as a non-attainment area for O_3, $PM_{2.5}$, and PM_{10}.

The BAAQMD CEQA Air Quality Guidelines contains screening level sizes for various land use types and development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the project is below the screening criteria, a detailed air quality assessment of a project's air pollutant emissions is not required, and the project's air quality impacts are considered less than significant. The proposed

[17] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2017. Pages 9-2 and 9-3.

project includes an amendment to the General Plan and rezoning that would result in changes at the policy level and does not include a specific development proposal. Therefore, the proposed project would not directly result in any criteria air pollutant emissions.

Future development of the project site will require further environmental review and would be required to adhere to the following measures consistent with the standard BAAQMD construction Best Management Practices (BMPs) for reduction in construction-related emissions.

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of "running in proper condition" prior to operation.
- Post a publicly visible sign with the telephone number and person at the lead agency to contact regarding dust complaints.

As mentioned above, the proposed GPA and rezoning would not directly result in any emissions. Any future project under the proposed land use designation and zoning would adhere to the standard measures required of all development projects in the City to reduce construction dust and exhaust emissions, along with any other measures identified in project-level analyses. Therefore, the impact would be less than significant. **(Less than Significant Impact)**

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community health risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. In addition, project construction activities would generate dust and equipment exhaust that could affect nearby sensitive receptors.

The operation of the future residential development that would be consistent with the proposed project would not result in any localized emissions that could expose sensitive receptors in the

surrounding environment to unhealthy air pollutant levels. When operating, future residences would generate automobile traffic; however, these emissions are anticipated to result in fairly low impacts in terms of TAC or $PM_{2.5}$ exposure and there would be no other operational sources of TAC or $PM_{2.5}$. Stationary sources of TACs, such as generators, are generally not included in single-family residential uses.

Furthermore, the proposed project would amend the General Plan land use designation and zoning of the project site to allow residential uses in the future and does not include a specific development proposal. Thus, the proposed project would not directly result in operational or construction related health risks. Air quality analyses would be completed for future specific development proposals to evaluate the impacts of operational and construction emissions that may yield measures to mitigate health risk impacts that are above BAAQMD thresholds of significance.

Any future project would also be reviewed for compliance with Policy MS.10-1, requiring the implementation of air emissions reduction measures to reduce the potential for impacts. Any future development would also be reviewed for compliance with air quality regulations and policies (including the construction emissions reduction measures in Policy MS-13.1) as part of the overall development review process. Therefore, the proposed General Plan Amendment and rezoning would not result in a significant construction or operational criteria pollutant impact under CEQA. **(Less than Significant Impact)**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Examples of land uses that generate considerable odors include wastewater treatment plants, landfills, and chemical plants. The project proposes changes to the General Plan land use designation and rezoning that would facilitate residential land uses, which is not a land use that generates emissions leading to objectionable odors. Future development under the proposed project would result in minor emissions of diesel exhaust during construction activities. These odors would be temporary in nature and minimized with the implementation of the measures identified under checklist question b). For these reasons, the project would not result in significant odors. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a biological constraints analysis prepared for the project site by Live Oak Associates, Inc. The report, dated November 2019, is included in this Initial Study in Appendix A.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[18] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to

[18] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed January 20, 2020. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12 inches in diameter) at the height of 54 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree, regardless of tree size or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

City of San José Riparian Corridor Protection Policy (Council Policy 6-34)

San José has more than 30 streams that form approximately 136 miles of riparian corridors. These riparian resources preserve greenery, benefit water quality, provide possible habitat, and facilitate trail networks along these waterways. City Council Policy 6-34 provides guidance for how riparian projects should be designed to protect and preserve the City's riparian corridors.

The policy establishes a minimum setback requirement from riparian corridors of 100 feet for new buildings, parking facilities, and roads. Setbacks of as much as 300 feet and as few as 10 feet are identified for uses such as chemical storage and multi-use trails, respectively. The policy also identifies limited circumstances under which a reduced setback can be considered for development, including within the downtown area, urban infill locations with most properties developed on parcels

less than one acre in size, and sites with unique geometric characteristics or disproportionately long riparian frontages in relation to the width of the minimum setback.

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to biological resources and applicable to development projects in San Jose.

Policy	Description
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas, and which historically supported these species.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

4.4.1.2 *Existing Conditions*

The project site consists of disturbed habitat and paved land and is bordered and/or segmented by roadways and residential development. The site was historically tilled or disked and has been compacted by vehicle traffic from PG&E maintenance vehicles. The central portion of Portswood South consists of a paved parking lot, electrical poles, light poles, and several species of trees along

the perimeter. Tree species present in and immediately adjacent to the project site include coast live oak, valley oak, olive, almond, and red ironbark. There are several mature trees within the project site, none of which were identified as ordinance sized.

The remainder of the project site that is not paved, contains ruderal grassland habitat with compacted dirt areas, disturbed grassland, and electrical poles. Tree species present in this area of the project site are consistent with the project site as a whole, including coast live oak, valley oak, olive, and Chinese pistache. The ruderal grassland areas contain several species of disturbed-area-tolerant grasses, forbs, and shrubs. These include wild oats, summer mustard, and coyote brush. Due to the developed and disturbed nature of the project site, there is no habitat suitable for locally occurring special-status plant species. Eight special-status plant species have been observed within approximately three miles of the project site, however, all species are absent from the project site itself.

Bird species observed within the project site include the turkey vulture, mourning dove, and California scrub-jay. Trees, shrubs, and electrical poles on-site also have the potential to host a variety of tree-nesting raptors and breeding migratory birds. All species of migratory birds and all nesting raptors are protected by state and federal laws.

Other animal species observed, or highly likely to occur, on-site include the coast range fence lizard, and typical urban mammals such as raccoon, opossum, and feral and domesticated cats and dogs. Bats are also likely to occur within the project site, either roosting in mature trees or foraging in the area at night. Of 10 special-status animal species observed within approximately three miles of the project site, nine are absent from the site due to lack of suitable habitat, and one, the golden eagle, is unlikely to occur due to the low quality of extant habitat.

The project site is located within the SCVHP area; therefore, future development at the project is subject to the conditions and fees of the SCVHP. Under the SCVHP, the site landcover is defined as Urban-Suburban. The project site is not located within, and is not adjacent to, a parcel containing a stream, riparian woodland or forest, wetland, pond, or serpentine habitat. There are no areas on-site which meet the regulatory definition of jurisdictional waters of the USACE, CDFW, or RWQCB.

4.4.2 Impact Discussion

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

Special-Status Species

As discussed in Section 4.4.1.2 Existing Conditions, the project site lacks suitable habitat for special-status plant and animal species. Therefore, future development of the project site would not adversely affect any candidate, sensitive, or special-status species. The project itself is a General Plan Amendment and rezoning which would not result in direct physical changes to the environment; thus, no impacts to special-status species would occur.

Nesting Birds

The trees and shrubs within and bordering the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future construction activities on-site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact.

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan policies ER-5.1 and ER-5.2, future redevelopment under the proposed land use designation would be required to implement measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level. Potential measures include the following:

- Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31, inclusive.

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

- Prior to the issuance of any grading or building permit, the developer shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning.

The proposed project would not result in ground disturbance activities and would, therefore, would not result in substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Future development of the site would be required to implement the measures listed above to ensure compliance with applicable regulations (including the MBTA) and reduce impacts to nesting birds to a less than significant level by avoiding construction during nesting bird season or completing pre-construction nesting bird surveys and requiring buffer zones (if needed). **(Less than Significant Impact)**

Bats

As described in the biological constraints analysis (Appendix A), bats are likely to forage at night on and around the project site. Special-status bat species are not expected to roost on the site; however, the site has larger trees with cavities that could potentially be used as bat roosts by common locally

occurring bat species. Future development pursuant to the proposed amendment to the General Plan and rezoning could impact roosting bats, if present on-site during construction and the following measures would be required to avoid and/or reduce impacts to bats to a less than significant level.

- The developer shall complete a pre-construction survey for roosting bats before tree removal or trimming. If a non-breeding and non-wintering bat colony is found, the individuals shall be humanely evicted by a qualified biologist. If a maternity colony or overwintering colony is detected in on-site trees (or any off-site trees requiring removal or trimming), then a construction-free buffer shall be established around the tree(s) and remain in place until it has been determined that the nursey is no longer active.

- The developer shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, prior to the issuance of any demolition or grading permit.

The proposed project would not result in ground disturbance activities and would, therefore, would not result in substantial adverse effect, either directly or through habitat modifications, on any bat species. Future development under the project, with the implementation of above stated measure, would reduce impacts to bats to a less than significant level by completing a pre-construction survey for roosting bats, properly evicting individuals if appropriate, and/or designating a buffer zone to protect individuals. **(Less than Significant Impact)**

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

As mentioned in Section 4.4.1.2 Existing Conditions, the project site does not contain any riparian habitat or other sensitive natural communities. Alamitos Creek is located approximately 500 feet east of the site and separated from the project site by roadways and residential units. For these reasons, the proposed project and any future development under the proposed General Plan designation and zoning would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

There are no wetlands on or adjacent to project site and, as a result, the project will not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act**. (No Impact)**

d) Would the project 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?

The site is surrounded by development on all sides and there are no sensitive habitats or waterways on or adjacent to the site. Due to the highly urbanized nature of the surrounding area, the project site does not provide dispersal habitat for any native resident migratory fish or wildlife species and does not act as a substantial wildlife corridor. There are no identified wildlife nursery sites present on the project site.[19] For these reasons, future development under the project would have a less than significant impact on migratory fish or wildlife species, wildlife corridors, and wildlife nursery sites. In addition, as described under checklist question b), measures to mitigate impacts to roosting bats will be implemented, if they are present on-site during construction of future projects. The project itself is a General Plan Amendment and rezoning which would result in no direct impacts to native resident or migratory fish or wildlife species. **(Less than Significant Impact)**

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Future development made possible by the project would likely result in the removal of the trees currently located on the project site or in the public right-of-way along the streets crossing the project site. There are no heritage trees on-site.[20] Pursuant to City policy and the Municipal Code, the following measures shall be implemented for future development of the site to reduce impacts to trees to a less than significant level.

- The developer shall have a qualified arborist complete an arborist report per the City of San José standards to document the existing trees on-site (species, size, health, etc.), trees to be removed and protected, and measures to protect remaining trees during construction.

- Meet the City's tree replacement ratios in accordance with all applicable laws, policies, and guidelines (Chapter 13 of the San José Municipal Code and General Plan policies MS-21.4, MS-21.5, MS-21.6, and CD-1.24), as outlined in Table 4.4-1 below.

Table 4.4-1: City of San José Tree Replacement Ratios

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

[19] A wildlife nursery site is defined as a site where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas and bat colonies.
[20] City of San José. "Heritage Trees". Accessed March 9, 2020. https://www.sanjoseca.gov/your-government/departments/transportation/roads/landscaping/trees/heritage-trees.

[1]As measured 4.5 feet above ground level

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

[3]Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

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

Single-family and two-dwelling properties may be mitigated at a 1:1 ratio

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. In the event the project site does not have sufficient area to accommodate the required tree replacement, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE), 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.
- 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 would use the off-site tree replacement fee(s) to plant trees at alternative sites.

Conformance to the City's Tree Ordinance, which protects ordinance-sized trees and street trees, and implementation of the above stated measures to replace trees removed and protect trees to be preserved during future development, would reduce impacts to trees to a less than significant level. The project itself is a General Plan Amendment and rezoning which would not result in any direct impacts to trees. **(Less than Significant Impact)**

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site has a land cover designation of Urban-Suburban land and future development made possible by the project would be a covered activity under the SCVHP; the project site is not located in a survey area for any special-status plant or wildlife species. The SCVHP considers covered activities to result in a certain amount of indirect impacts from urban development, mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition.

Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and

these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the SCVHP area are subject to paying a "Nitrogen Deposition Impact Fee" which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

Consistent with the SCVHP, future development made possible by the project would be required to implement the following measure:

- Future development on the project site is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to the start of any ground-disturbance activities. The project proponent shall submit a Santa Clara Valley Habitat Plan Reporting Form for Public Projects to the Director of Planning or Director's designee for review and shall complete subsequent forms, reports, and/or studies as needed.

With the implementation of the above stated measure, the project and the future development made possible by the project would be consistent with the SCVHP. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places

The National Historic Preservation Act is the primary federal law dealing with historic preservation. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history; or
- Is associated with the lives of persons significant to our past; or
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

State

California Register of Historical Resources

The California Register of Historic Resources (CRHR) is administered by the State Office of Historic Preservation and encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords protections under CEQA. A historic resource listed in, or formally determined to be eligible for listing in the NRHP is, by definition, included in the CRHR (Public Resources Code Section 5024.1[d][1]).

For a historical resource to be eligible for listing on the CRHR, it must be significant under one or more of the following criteria:

- 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;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Archaeological Resources and Human Remains

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

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

Senate Bill 18

The intent of Senate Bill 18 (SB 18) is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Local

Envision San José General Plan

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

Policy	Description
LU-13.1	Preserve the integrity and fabric of candidate or designated Historic Districts
LU-13.7	Design new development, alterations, and rehabilitations/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

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

4.5.1.2 *Existing Conditions*

The project site is undeveloped and consists of asphalt paving, ruderal grassland, and trees and shrubs. No historic structures are present on or adjacent to the site.[21] The nearest historic resources to the project site are a City Landmark Site located at 6468 Almaden Expressway (Baker Ranch Buildings), approximately two miles northwest of the project site, an Identified Site/Structure at 18611 Greystone Lane (Pfeiffer Residence), approximately 1.4 miles northwest of the project site, and numerous structures along Almaden Road associated with the New Almaden NRD, approximately 1.8 miles south of the project site.[22] The New Almaden NRD is a National Historic Landmark district which is centered around a former mercury mining community. The New Almaden NRD is the site of California's oldest mining operation.[23]

According to the City's archaeological sensitivity map, the project site is located in an archaeologically sensitive area. A prehistoric/historic archaeological site has been identified within the project site.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐

[21] City of San José. "Historic Resources Inventory". February 2016.
[22] City of San Jose. "New Almaden National Register Historic District". Map. May 2008.
[23] National Park Service. "New Almaden Mining Historic District." Accessed March 13, 2020. https://www.nps.gov/nr/travel/american_latino_heritage/New_Almaden_Mining_Historic_District.html

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

The site does not contain any structures and there are no designated historic resources on or adjacent to the site.[24] The New Almaden NRD is located approximately 1.8 miles south of the site and the project would not detract from the integrity of this historic district. The site does not contain any structures, and therefore cannot contain buildings of historic value. The proposed GPA and rezoning would not result in a significant impact to historical resources in the City. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

The project site is within an area of archaeological sensitivity. Future construction activities on-site could significantly impact archaeological resources, if encountered. Future development would be required to implement the following measures, in accordance with General Plan Policy ER-10.3, to reduce impacts to archaeological resources to a less than significant level.

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

Future development made possible by the project, with the implementation of the above standard condition, would not significantly impact archaeological resources by ensuring accurate identification, documentation, and collection of any archaeological resources encountered during ground disturbing activities. The proposed project itself is only a General Plan Amendment and rezoning and would not result in any development which could directly impact archaeological

[24] City of San José. "Historic Resources Inventory". February 2016.

resources. Therefore, the project would not adversely impact archaeological resources. **(Less than Significant Impact)**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Future development of the project site could disturb human remains during construction activities, such as grading and excavating. Consistent with General Plan Policy ER-10.2, future development shall be required to implement the following measures reduce impacts to human remains (if present) to a less than significant level.

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

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

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

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

Future development made possible by the project, with the implementation of the above measures, would not result in significant impacts to human remains (if present) by identifying, protecting, and reinterring them if necessary. The proposed project is only a General Plan Amendment and rezoning and does not include a specific development which could directly impact any human remains. Therefore, the project would not result in significant impacts to human remains. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.[25] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[26]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to State environmental directives. The most recent update to CALGreen went into effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

[25] California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed February 24, 2020. http://www.bsc.ca.gov/.
[26] California Energy Commission (CEC). "2016 Building Energy Efficiency Standards." Accessed February 24, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[27]

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

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

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

Policy	Description
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.

[27] California Air Resources Board. "The Advanced Clean Cars Program." Accessed February 24, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.

Policy	Description
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

City of San José Green Building Standards

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[28], GreenPoint[29], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 4.6-1 below.

Table 4.6-1: Private Sector Green Building Policy Applicable Projects

Applicable Project	Minimum Green Building Rating
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Notes: For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. "Private Sector Green Building." Accessed November 19, 2019. http://www.sanjoseca.gov/index.aspx?NID=3284.

City of San José Municipal Code

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

[28] Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[29] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

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

Climate Smart San José

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

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

Reach Building Code

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.[30] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.[31] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

[30] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed February 24, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[31] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed February 24, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[32]

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

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[33] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and the other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[34]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[35] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[36] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020. [37,38]

[32] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed February 24, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx
[33] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed February 11, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[34] California Energy Commission. "Natural Gas Consumption by County". Accessed February 24, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[35] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 11, 2020. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[36] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[37] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed February 11, 2020. http://www.afdc.energy.gov/laws/eisa.
[38] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed February 11, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Future development made possible by the project would be designed for energy efficiency and conservation, in accordance with the City's Private Sector Green Building Policy, Climate Smart San José, Reach Code, and Greenhouse Gas Reduction Strategy. Future residential development would also comply with the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. Future residences would be constructed to meet the latest California Building Energy Efficiency Standards (Title 24 California Code of Regulations) and the City's Reach Code. Adherence to General Plan policies, existing regulations, adopted plans and policies, and the standard measures identified in 0intended to limit idling of construction equipment, would ensure that any future residential project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. The proposed project is a General Plan Amendment and rezoning which would not result in any direct impacts due to increase energy consumption. **(Less than Significant Impact)**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Electricity for future development made possible by the project would be provided by SJCE from sources of renewable and carbon-free power including wind, solar, geothermal, and hydroelectric. Future development would also be constructed in accordance with the City's Private Sector Green Building Policy. In addition, future development made possible by the project would comply with existing General Plan policies and regulations (including Title 24, CALGreen, and Municipal Code identified in Section 4.6.1.1 Regulatory Framework), which support state and local plans for renewable energy and energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based, in part, on a Preliminary Geotechnical Exploration completed for the project by *ENGEO Inc.* The report, dated January 17, 2020, is included in this Initial Study in Appendix B.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and

Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
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.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. The Building Codes include requirements for building foundations, walls, and seismic resistant design. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the City's Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones.

4.7.1.2 *Existing Conditions*

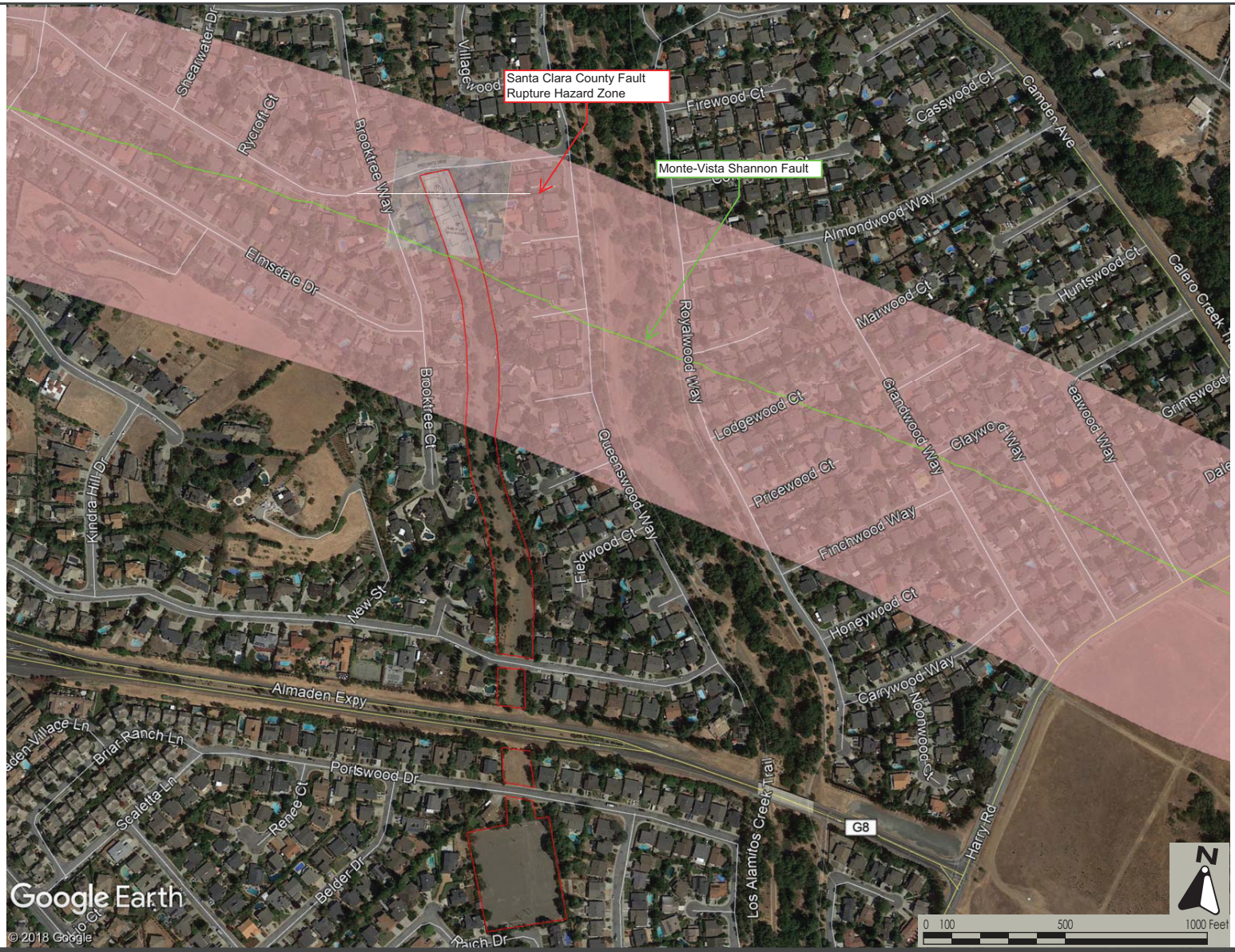
Seismicity and Fault Rupture

The project site is located in the San Francisco Bay Area, which is an area of high seismic activity. The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Several major fault zones are present in the greater Bay Area, including the San Andreas, San Gregorio, Hayward and Calaveras faults. The project site is located within the Santa Clara County Fault Rupture Zone but is not within an Alquist-Priolo Earthquake Fault Zone. The nearest faults to the project site are identified in Table 4.7-1. The Monte Vista-Shannon fault intersects the northernmost portion of the site though lineaments were not observed crossing the site or in aerial photographs reviewed.[39] The existing fault line on the project site is shown below on Figure 4.7-1.

Table 4.7-1: Active Faults Capable of Producing Significant Ground Shaking On-Site

Fault Name	Distance from Site
Monte Vista-Shannon	On-site
North San Andreas	7.8
Calaveras	10.3
Hayward-Rodgers Creek	16.7

[39] ENGEO. *Preliminary Geotechnical Exploration.* November 21, 2019. Page 6.



ON-SITE FAULTS

FIGURE 4.7-1

Soils and Groundwater

Soils

As part of the geotechnical exploration, nine test pits were excavated to depths of 14.5 feet below ground surface (bgs). In the Portswood South portion of the site, approximately four inches of asphalt was encountered at the surface. The asphalt was over four to six inches of base rock aggregate. The test pits in this area generally encountered one to three feet of dry to moist re-worked gravelly silt or sandy silt (non-engineered fill) followed by native alluvial sandy gravel with trace silt, cobbles and boulders. Tests in the southern portion of the site yielded soils with low to medium density. Due to historic agricultural use, including seasonal tilling, the near surface soils throughout the project site are likely to be loose or compressible. No bedrock was encountered in tests of the southern site portions.

Two test pits in the Portswood North portion of the site encountered four to six inches of base rock aggregate. The remaining test pits did not encounter base rock. All the test pits in the northern portion of the site encountered between two and eight feet of dry to moist sandy silt, silty sand, or sandy gravel (non-engineered fill). The estimated density of the excavated fill ranged from very loose to medium dense. This was generally followed by alluvial sandy gravel with trace silt, cobbles and boulders to a maximum depth of 14.5 feet bgs. In one test pit, sandy silt was present at eight feet bgs, followed by alluvial sandy gravel with trace silt, cobbles and boulders. In another test pit, bedrock was encountered at approximately seven feet bgs, below sandy gravel.

Disturbed native and on-engineered fills on-site can undergo excessive settlement, especially under new fill or building loads. It is possible that the soils on-site may have expansion potential.[40]

Groundwater

Groundwater was not encountered in tests to depths of 14.5 feet throughout the project site. Groundwater levels can fluctuate due to a variety of factors including seasonal variations in precipitation or runoff. Regional mapping indicates groundwater may be present at approximately 40 feet bgs throughout areas west of Alamitos Creek, which include the project site.

Seismic-Related Ground Failure

Liquefaction

Liquefaction is defined as low shear strength in soil layers due to high pore water pressure. Loose and coarse-grained soils can undergo liquefaction as a result of seismic shaking or cyclic loading. Soils such as low-density, saturated sands, with a high susceptibility to liquefaction, were not encountered in the project site. The project site is located adjacent to an area designated as having a moderate liquefaction susceptibility.[41] Soils sampled at a depth of 14.5 feet and analyzed did not show liquefaction potential. However, it is possible on-site soils at depths greater than 14.5 could have liquefaction potential.[42]

[40] ENGEO. *Preliminary Geotechnical Exploration.* November 21, 2019. Pages 5 and 6.
[41] ENGEO. *Preliminary Geotechnical Exploration.* November 21, 2019. Page 7.
[42] Ibid.

Lateral Spreading and Landsliding

Lateral spreading is a type of ground failure related to liquefaction whereby a mass of overlying soil shifts horizontally toward a free face or downslope area. The potential for design-level lateral spreading impacts was not assessed during the preliminary site geotechnical investigation. According to the findings of the report, the project site does not contain identifiable lateral spreading risks, such as free faces or saturated soils. The geotechnical report indicates that the site is topographically level, with no greater than a 2:1 gradient present across the site. The report also noted an absence of saturated or liquefiable soils, or groundwater, within the uppermost 14.5 feet of soil. The potential for a landslide hazard at the project site is minimal, due to the site's level topography and low liquefaction susceptibility.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

As discussed in Section 4.7.1.2, the project site is located within the seismically active San Francisco Bay Area. While the site is not located within an Alquist-Priolo Earthquake Fault Zone, the Portswood North portion of the site is located in the Santa Clara County Fault Rupture Hazard Zone; the Monte Vista-Shannon fault crosses this portion of the site. As a result, the project site is subject to strong seismic ground shaking and has the potential for ground rupture. In addition, the site is located adjacent to a liquefaction susceptibility area and on-site soils at depth may have liquefaction potential. Landslide potential on-site is low.

Pursuant to the CBC, future development shall implement the below measure to reduce seismic and seismic-related impacts to a less than significant level.

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

A preliminary geotechnical investigation of the site concluded the site would be suitable for the proposed project. However, the proposed project would only amend the General Plan land use designation and zoning of the site and would not directly involve the development of structures on-site. Future development proposed for the site would be required to complete a design-level analysis of seismic conditions where appropriate, including the potential for fault rupture and seismically-induced liquefaction as recommended by a qualified geologist should development occur in the rupture hazard zone, to ensure the project would be conformance with all applicable seismic hazard regulations. Therefore, with implementation of the measure described above, future development made possible by the proposed project would reduce seismic and seismic-related ground failure impacts to a less than significant level. **(Less than Significant Impact)**

b) Would the project result in substantial soil erosion or the loss of topsoil?

Future development made possible by the project would increase the potential for wind or water-related erosion and sedimentation during construction. The National Pollutant Discharge Elimination System (NPDES) General Permit for construction, urban runoff policies, and Municipal Code (which are discussed in more detail in Section 4.10 Hydrology and Water Quality) are the primary means of enforcing erosion control measures. Future construction activities in conformance with the requirements of the aforementioned policies and regulations, would result in a less than significant soil erosion impact. The proposed project is a General Plan Amendment and rezoning and would only involve changes at the policy level; therefore, no direct soil erosion impacts would occur. **(Less than Significant Impact)**

c) Would the project 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?

The proposed project would result in a General Plan Amendment and rezoning and does not include a specific development proposal. According to the preliminary geotechnical investigation, the project site has low potential for landslide and lateral spreading risk, but soil stability was not assessed at a design level. As discussed under checklist question a), future development shall prepare a design-level geotechnical investigation and implement the recommendations in the report to minimize impacts related to liquefaction and soil instability (such as collapse) to a less than significant level.

Valley Water actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from wells. Valley Water reduces the potential for land subsidence throughout the Santa Clara Valley by recharging groundwater basins with local and imported surface water. Valley Water also manages "in-lieu" recharge programs, including treated water deliveries, water conservation, and water recycling that reduce groundwater demand. Future development of the site would not extract groundwater beneath the site and would not cause or be subject to land subsidence. The proposed project is a General Plan Amendment and rezoning and would only involve changes at the policy level; therefore, no direct impacts related to unstable geologic units or soils would occur. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Soils within the project site have a low expansion potential. In addition, the design-level geotechnical investigation required as a standard condition for future development under checklist question a) would include laboratory testing of on-site soils and would identify recommendations to reduce impacts if soils are determined to have expansion potential. The proposed project does not include a specific development proposal and would not create substantial direct or indirect risks to life or property due to expansive soils. For this reason, the project would not result in a significant impact from expansive soils. **(Less than Significant Impact)**

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Future development under the project would connect to the City's sewer system and would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The project site does not contain any known paleontological resources or unique geological features. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The future development made possible by the project could potentially disturb undiscovered paleontological resources underlying the project site during excavation, grading and construction activities.

Consistent with General Plan Policy ER-10.3, the following measure shall be implemented by future development on the project site to reduce and avoid impacts to undiscovered paleontological resources:

- If vertebrate fossils are discovered during construction, all work on the site within 50 feet of the find shall stop immediately until a qualified professional paleontologist can 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 developer shall be responsible for implementing the recommendations of the paleontological monitor regarding treatment and reporting. A report of all findings shall be submitted to the Director or Director's designee of the Department of PBCE.

Potential future development, with the implementation of the above stated measure, would not significantly impact paleontological resources by monitoring, assessing, and recovering any resources discovered during construction activities. The proposed project is a General Plan Amendment and rezoning and would only involve changes at the policy level; therefore, no direct impacts to paleontological resources would occur. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

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

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

Regional and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the Envision San José 2040 General Plan FEIR (as supplemented).[43] Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/service population efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[44]

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

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

The General Plan includes the following policies that are specific to GHGs and applicable to future development under the proposed project.

[43] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan*. SCH#2009072096. September 2011.

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

Policy	Description
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.

Climate Smart San José

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

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

Reach Building Code

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

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. The principal GHGs contributing to global warming include CO_2, methane, nitrous oxide, and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, manufacturing, utility, and agricultural sectors.

The project site is mostly undeveloped and generates few GHG emissions, mainly associated with vehicles driven by maintenance workers.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

4.8.2.1 *Significance Thresholds*

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would make a cumulatively considerable contribution to significant cumulative environmental impacts from GHG emissions. The GHG emissions thresholds identified by BAAQMD are 1,100 MT of CO_2e per year or 4.6 MT CO_2e per service population per year. A project that is in compliance with the City's GHG Reduction Strategy is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD and addressed in the City's GHG Reduction Strategy were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). The project, if approved, would not be approved until December 2020, and any development that may result from project approval would not occur until after that time. Because the project would not be approved until late 2020 and was not part of the GHG inventory used to project City emissions in its GHG Reduction Strategy, the project would not be covered under the City's GHG Reduction Strategy. In addition, BAAQMD's service population threshold is not a valid CEQA threshold until BAAQMD provides more evidence to support its appropriateness for new development in the region.

CARB has completed a Scoping Plan that addresses the measures the state will implement to meet its 2030 target. For the purposes of this analysis, a bright-line threshold of 660 MT CO_2e per year has been calculated for 2030 based on BAAQMD's 1,100 bright-line threshold, as updated to account for the GHG reduction targets of SB 32.

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction Emissions

Future development that could occur with project approval would result in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, etc. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction related GHG emissions are significant. Future development is assumed in this analysis to be approximately 20 single-family or less units, the construction of which is assumed to last approximately 24 months. Because future construction would be temporary and potential development would implement construction BMPs (see Section 4.3 Air Quality) that would reduce construction equipment idling (thereby reducing GHG emissions), construction related emissions of any future development project would be less than significant. The proposed project is a General Plan Amendment and rezoning only and does not propose a development which could result in direct construction GHG impacts. **(Less than Significant Impact)**

Operational Emissions

The proposed project is a General Plan Amendment and rezoning of the site to allow for single-family residence in the future. Based on the orientation, size, and location of the project site, it is assumed that 20 single-family-homes could potentially be developed on the site in the future. The operation of 20 single-family (or less) residential units on the project site would generate GHG emissions primarily from energy consumption, vehicular travel, and solid waste disposal. Future development of the site would be required to comply with the 2030 GHG reduction target for operations and would be required to conform to City's GHG Reduction Strategy (as amended), Climate Smart San José, and relevant General Plan policies. The proposed project is a General Plan Amendment and rezoning only and does not propose a development which could result in direct operational GHG impacts. **(Less than Significant Impact)**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

2017 Clean Air Plan

As described in Section 4.3 Air Quality, the proposed project would not conflict with the goals of the 2017 CAP or interfere with implementation of 2017 CAP control measures. For these reasons, the proposed project would not conflict with the 2017 CAP. **(Less than Significant Impact)**

Envision San José 2040 General Plan

Residential development that would be made possible by the proposed GPA and rezone would be constructed in accordance with Title 24, CALGreen, and the City of San José Private Sector Green Building Policy (consistent with General Plan Policy MS-14.4). The proposed project would diverge

from the land use assumptions used to determine GHG impacts upon General Plan buildout; however, as described above in the response to checklist question a), the proposed project would not directly result in GHG emissions and future development allowed by the proposed project would be required to conform to the City's GHG Reduction Strategy, Climate Smart San Jose, and other relevant policies. Therefore, the proposed project would not conflict with 2040 General Plan policies adopted to reduce GHG emissions. **(Less than Significant Impact)**

City of San José Greenhouse Gas Reduction Strategy

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation diagram and supporting policies. Compliance with the mandatory and voluntary (if required) measures would also ensure a project's consistency with the strategy. The mandatory criteria for development projects are listed below.

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

If approved, the project would be consistent with the General Plan. Absent approval, the project is inherently inconsistent with Criteria 1 above. If the project is approved, it could result in new residential development that would increase GHG emissions beyond what is expected under the current land use designation. Future site development would be consistent with the proposed land use designation (Criteria 1) and would be required to implement Green Building Measures and be designed in a manner that would accommodate pedestrian and bicycle transportation, consistent with Criteria 2 and 3, respectively. Criteria 4 through 7 are inapplicable to the proposed project because

the site does not contain historic structures or propose an energy-intensive use, and the project site would not be occupied by large employers. While the project would be inconsistent with land use designations that formed the basis of the analysis in the GHG Reduction Strategy, with the approval of the General Plan Amendment and subsequent rezoning of the full project site, the increase in development intensity proposed by the GPA would not preclude the City from achieving its GHG reduction goals. This is due to the fact that, although land use of the project site would be changed under the proposed project, the citywide balance of housing (and housing related GHG emissions) would be maintained by shifting residential development from other areas of the City to the project site. The overall housing capacity would not be increased beyond General Plan buildout levels. Therefore, the proposed project would not significantly conflict with the GHG Reduction Strategy. **(Less than Significant Impact)**

Climate Smart San José

Future development made possible by the project would be consistent with the CSSJ strategies applicable to the project by sourcing electricity from SJCE; increasing residential density in the area by adding new units; designing and constructing the proposed residential units in accordance with existing regulations that promote energy efficiency, including Title 24, CALGreen, and San José Private Sector Green Building Policy. For these reasons, the proposed project would not conflict with Climate Smart San José. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment and a Phase II Limited Surface Soil Sampling report prepared by Environmental Resources Management. The reports dated April 26, 2018 and May 17, 2018, respectively, are included in this Initial Study in Appendices C1 and C2.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

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

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

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

Asbestos-Containing Material and Lead Paint Regulations

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

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

California Accidental Release Prevention Program (CalARP)

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

Local

Envision San José 2040 General Plan

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

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

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

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

The San José Fire Department (SJFD) adopted a Wildland-Urban Interface Fire Conformance Policy in January 2017 to establish mandatory fire-safe regulations and building designs for new buildings within the local Wildland-Urban Interface (WUI) Fire Area. Urban Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337. Project applicants are required, prior to construction, to provide sufficient detail to demonstrate that the proposed building is in compliance. Building Permit Plans are also to be approved by the SJFD.

4.9.1.2 *Existing Conditions*

Site History

The project site has been used as a utilities corridor for electrical transmission infrastructure since 2012. In addition, the paved portion of Portswood South serves as a parking lot and allows access to the transmission lines for tree trimming and other maintenance. Prior to the use of the project site by PG&E, the area was vacant, dating from approximately 1982. Prior to 1982, Portswood South contained at least five structures and may have been used for parking large vehicles. Between the 1930s and 1960s Portswood South and the Portswood Panhandle were used for agriculture, containing both orchards and row crops. Prior to the period of agricultural use, the site contained railroad tracks, which were removed during the early 20th century.

On-site Sources of Contamination

The project site is not included on the Cortese List.[45] The project site is not listed on hazardous material databases of the California Department State Water Resources Control Board or other water boards for solid waste disposal or underground storage tank leaks.

It is common to find arsenic, lead, and dichlorodiphenyltrichloroethane (DDT) residue in the soil in Santa Clara County from historic farming operations. Because of the past agricultural uses on-site, it is reasonable to assume that pesticides and other agricultural chemicals were used on-site; this was identified as a de minimis condition[46] in the Phase I Environmental Site Assessment completed for the site.[47] No Recognized Environmental Conditions, Controlled Recognized Environmental Conditions, or Historical Recognized Environmental Conditions were identified on-site.[48,49,50] The Phase I ESA stated that lack of information regarding site use of the southern portion of the site in the 1970s and the unknown nature of artificial fill in the central and northern portions of the site posed significant data gaps in the assessment of site conditions. To address data gaps and characterize the levels of soil contaminants on the project site, a Phase II Limited Environmental Site Assessment was completed at the site in 2018. Shallow soil samples to a depth of one bgs collected during the Phase II Limited Environmental Site Assessment did not indicate hazardous levels of contaminants tested including petroleum hydrocarbons, pesticides, polychlorinated biphenyls (PCBs), and metals.[51] Petroleum hydrocarbons and pesticides were detected at levels below the RWQCB Environmental Screening Levels (ESLs).[52] PCBs were not detected in the on-site soils. Arsenic and cobalt were both detected above the residential ESLs but are present at levels within accepted background concentrations.

Off-site Sources of Contamination

The Phase I ESA identified previously documented and currently known hazardous materials locations within a 0.5-mile radius of the project site, primarily consisting of Leaking Underground Storage Tanks (LUSTs) which have previously been removed. The immediate vicinity of the project

[45]CalEPA. "Cortese List Data Resources". Accessed January 23, 2020. https://calepa.ca.gov/sitecleanup/corteselist/
[46] A *de minimis condition* is defined as "a condition that does not generally present a threat to human health or the environment and that generally would not be the subject of an enforcement action is brought to the attention of appropriate government agencies".
[47] ERM-West, Inc. *Phase I Environmental Site Assessment Portswood Drive and Hampswood Way.* April 26, 2018.
[48] 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."
[49] A *Controlled REC* (CREC) is defined as "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority."
[50] A *Historical REC* (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."
[51] ERM-West, Inc. *Phase II Limited Environmental Site Assessment Portswood Drive and Hampswood Way.* May 17, 2018.
[52] The RWQCB ESLs provide conservative screening levels to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. Contaminants detected below the relevant ESLs are generally found to not pose an environmental concern to the site.

site is residential in character, and historically agricultural.[53] No active sites with the potential to impact the site were identified within the 0.5-mile radius.

Airports

The project site is located approximately 11.0 miles southeast of the Norman Y. Mineta San José International Airport and approximately 8.6 miles southwest of Reid-Hillview Airport. The project site is not located within the Norman Y. Mineta San José International Airport or Reid-Hillview Airport Influence Areas (AIAs), which are a composite of the areas surrounding the airports that are affected by noise, height, and safety considerations. The project site is not located within the vicinity of a private airstrip.

Wildfire

The project site is within the city limits and not within a State of California Very High Fire Hazard Severity Zone. However, the project is located approximately 0.25 miles northwest of a State Responsibility Area High Fire Hazard Severity Zone, which begins near the intersection of Almaden Expressway and Harry Road.[54] The project area is included in the WUI Fire Area designated by the SJFD.[55]

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒

[53] Generally, hazardous materials sites beyond a one-eighth mile radius would not be considered significant because concentrations of contaminants in groundwater dissipate with distance.
[54] CAL FIRE. *Santa Clara County Fire Hazard Severity Zones in SRA.* Map. November 7, 2007.
[55] San José Fire Department. *Wildland-Urban Interface Fire Conformance Policy.* January 1, 2017.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The operation of the residential use that could occur after project approval would not result in the routine use, transport, or release of hazardous materials. Future residential development at the project site would include the on-site use and storage of cleaning supplies, maintenance chemicals, and landscaping-related chemicals in small quantities. The small quantities of domestic chemicals used on-site would not pose a risk to adjacent land uses. **(Less than Significant Impact)**

b) Would the project 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?

The proposed GPA and rezoning would allow for residential uses on the project site. The Phase I ESA identified the historical use of the site for agriculture, in addition to data gaps regarding the use of the site in the 1970s and unknown artificial fill in the northern portion of the site. The Phase II ESA completed sampling at the site to address these data gaps and characterize contamination levels at the site; sampling was completed for petroleum hydrocarbons, organochlorine pesticides, PCBs, and metals. The results of the sampling indicated the absence of PCBs and the presence of petroleum hydrocarbons and organochlorine pesticides at levels below residential ESLs, in addition to metals (arsenic and cobalt) within accepted background concentrations. Any contaminated soils excavated at the site would be disposed of in accordance with regional and local regulations. By implementing local policies and regulations, future development supported by the proposed GPA and rezoning would not create an undue risk to human or environmental health as a result of the release of hazardous materials. The proposed project is a General Plan Amendment and rezoning only and does not include a development which could result in direct impacts from the release of hazardous materials. **(Less than Significant Impact)**

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest school to the project site is Challenger School – Almaden, located approximately 0.4-miles southeast of the site. Future residential development of the site made possible by the project would not be considered a substantial source of hazardous materials or waste. For these reasons, the proposed project would not result in significant hazardous materials impacts to existing or proposed schools within one-quarter mile of the project site. **(No Impact)**

d) Would the project 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?

The project site is not listed on the Government Code Section 65962.5 (Cortese) list. **(No Impact)**

e) If 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?

The project site is not located in the AIA of nearby airports, which are further than two miles from the site. The proposed project and future development under the proposed General Plan land use designation would not result in a safety hazard related to airport activities or expose people residing or working in the project area to excessive noise. **(No Impact)**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Future residential development that could occur under the proposed project's General Plan land use designation and zoning would be reviewed by the Department of Public Works and Department of Fire to ensure the design and operation would not physically interfere with an adopted emergency response or evacuation plan. In addition, site designs would be reviewed by the City to ensure adequate emergency access is provided to the site and maintained in the surrounding area. **(Less than Significant Impact)**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is not located in a Very High Fire Hazard Severity Zone as identified by CAL FIRE. According to the 2017 San José Fire Department Wildland-Urban Interface Fire Conformance Policy, the project site is located in a WUI Area. Future residential development on-site would be subject to compliance with applicable WUI construction requirements, including combustion resistant exterior and roofing materials, to reduce risk to persons or property due to wildland fires to a less than significant level. The proposed project is a GPA and rezoning only and does not include a

specific development which could directly increase or exacerbate existing risks of wildland fire. **(Less than Significant Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

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

National Flood Insurance Program

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

National Pollution Discharge Elimination System General Permit for Construction Activity

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

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements

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

Municipal Regional Stormwater NPDES Permit/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[56] (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

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

Basin Plan

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

Valley Water 2016 Groundwater Management Plan

Valley Water prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2016, describing its comprehensive groundwater management framework and including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how Valley Water will ensure groundwater basins within its jurisdictions are managed sustainably.

[56] MRP Number CAS612008.

Local

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 MRP. 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 established specific design standards for post-construction TCMs 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 8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy 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).

Future development on the project site could be subject to the hydromodification management requirements of Policy 8-14, depending on the amount of impervious surface area created. The project site is located in a subwatershed that is less than 65 percent impervious and is therefore not automatically exempted from such requirements.[57]

City of San Jose Excavation and Grading Ordinance (Municipal Code Chapter 17.04)

Any project proposing excavation, grading, installation of on-site storm drainage or construction retaining walls is required to obtain a "Notice of Exemption" or "Grading Permit". The excavation and grading ordinance is intended to establish uniform standards to safeguard life, limb, property, water quality and natural resources, and to promote public welfare by regulating grading. The purpose of the grading program is to ensure that private property is graded so that it will drain properly, not impact adjacent properties and not create erosion impacts. Any grading occurring between October 1 and April 30 requires an approved erosion control plan.

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to hydrology and water quality and applicable to future development under the proposed project.

Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

[57] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José." July 2011.

MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 *Existing Conditions*

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Most of the project site is pervious and the site generates minimal surface runoff into the City's storm drain system. Surface runoff from the site and adjacent roadways and buildings could contain contaminants such as oil and grease, plant and animal debris, pesticides, litter, and heavy metals that could adversely affect the aquatic habitats to which they drain. Surface runoff from impervious surfaces in the project vicinity is collected by a network of public storm drains in the streets and discharged to Alamitos Creek and ultimately to the San Francisco Bay. Clean Water Act Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants. Alamitos Creek is listed as an impaired water body for mercury. [58]

Hydrology and Drainage

The project site is located in the Guadalupe River watershed.[59] The Guadalupe River watershed is a 171-square mile area that drains the Guadalupe River and its tributaries through downtown San José.[60] The nearest tributary to the Guadalupe River is Alamitos Creek, located approximately 500 feet east of the project site.

[58] California State Water Resources Control Board. "Impaired Water Bodies." Accessed February 5, 2020. http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.
[59] City of San José. "San José's Creeks & Rivers." Accessed February 5, 2020. http://www3.sanjoseca.gov/esd/stormwater/watersheds.asp.
[60] Santa Clara Valley Urban Runoff Prevention Program. "Guadalupe Watershed". Accessed February 5, 2020. http://www.scvurppp-w2k.com/ws_guadalupe.shtml.

Flooding and Other Hazards

The project site is located within Zone D on the FEMA FIRM. Zone D designation is defined as an area in which there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted.[61] The northern extent of the project site is located adjacent to a Special Flood Hazard Area (Zone AE) for Alamitos Creek. Zone AE is defined as an area subject to inundation by the one percent annual chance flood event (i.e., 100-year floodplain).

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

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐

[61] Federal Emergency Management Agency. "FEMA Flood Map Service Center". Map No. 06085C0404H, May 18, 2009. Accessed January 5, 2020. https://msc.fema.gov/portal/home.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction-Related Water Quality

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Potential future construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in adjacent waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system by surface runoff flows from the site. Future development that would disturb over one acre of soil would be required to conform to the requirements of the Construction General Permit. For such future development, an NOI would need to be submitted to the RWQCB and a SWPPP would be developed and implemented to control erosion and sedimentation associated with construction activities. This Initial Study assumes that future development of the project site would occur at one time and would disturb more than one acre of the project site.

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

Construction of any future development at the site would be required to comply with the Construction General Permit and the City's Grading Ordinance, thereby reducing significant construction-related water quality impacts to a less than significant level. The proposed project is a General Plan Amendment and rezoning only and does not propose a development which could result in construction water quality impacts. **(Less than Significant Impact)**

Post-Construction Water Quality

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development of the project site could result in the addition of more than 10,000 square feet of impervious surface areas. The MRP requires projects that would add or replace more than 10,000 square feet of impervious surface area to implement post-construction stormwater treatment controls, using LID techniques to the maximum extent feasible. Future development would be required to comply with the City's Post-Construction Urban Runoff Management Policy, which requires implementation of BMPs that include site design measures,

source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Additionally, future development project may be required to prepare a HMP per City of San Jose Policy 8-14 to reduce runoff impacts on nearby waterways.

Details of specific site design, pollutant source control, stormwater treatment control measures, and any required hydromodification management measures demonstrating compliance with Provision C.3 of the MRP would be included in the design of a future project, to the satisfaction of the Director of PBCE. Implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff would result in future development on the site having a less than significant water quality impact. The proposed project is a General Plan Amendment and rezoning only and does not propose a development which could result in post-construction water quality impacts. **(Less than Significant Impact)**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed project is located within the Santa Clara subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundary. The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development of the site would rely on existing sources of water and the City's existing water delivery system. Groundwater levels at the site are estimated to be 40 feet bgs. Future development of the site would not likely require dewatering of subsurface groundwater during construction. If construction dewatering occurs, it would be temporary in nature and would not substantially affect regional groundwater supplies. Future residential uses on the project site would contribute to the cumulative increase in demand for water in the City; however, the project itself would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to any of Valley Water's 18 major groundwater recharge systems.[62] Therefore, the project and future development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(Less than Significant Impact)**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development of the site could alter the existing drainage patterns of the site as a result of increased impervious surface area. However, future development of the site would be required to comply with the MRP and City of San José Policy 6-29, which would

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

remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion, siltation, and flooding on- and off- site. Consistent with General Plan Policy EC-4.5, an Erosion Control Plan will be prepared for any future development project to minimize the potential for site development to result in on- or off-site erosion. Additionally, depending on the impervious surface area created, future development on-site would be subject to hydromodification management requirements per City of San Jose Policy 8-14, which would require the project to prepare an HMP to control runoff flows from the site, and reduce erosion, siltation and other impacts to waterways. The project is located in a developed area of San José which has adequate storm drain capacity to accept increased flows from future residential development under the project. Compliance with existing policies and regulations for the management of surface runoff and erosion would reduce the drainage impacts of any proposed development on the site to less than significant levels. The proposed project itself is a General Plan Amendment and rezoning only and does not propose a development which could result in direct drainage impacts. **(Less than Significant Impact)**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. The project site is not located within a 100-year floodplain, thus future development of the site would not be subject to flood hazards. As mentioned in Section 4.10.1.2 Existing Conditions, the site is not subject to inundation from tsunamis or seiches. Therefore, future development of the site would not risk release of pollutants due to flood risks. The proposed project is a General Plan Amendment and rezoning only and does not propose a development which could increase the risk of pollutant release. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

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

The RWQCB updates its Basin Plan triennially to reflect current conditions and track progress towards meeting water quality objectives. Future development on the site would comply with the Construction General Permit, the MRP, and City policies and code regarding stormwater runoff and water quality. By adhering to these policies and regulations, future development under the proposed project would not prevent the RWQCB from attaining the water quality objectives set forth in the Basin Plan. The proposed General Plan Amendment and rezoning does not include a specific development which could result in direct impacts due to conflict with a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

Policy	Description
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
LU-11.6	For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.
VN-1.1	Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks, and retail services.
VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
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.

4.11.1.2 *Existing Conditions*

The project site is used as a utilities corridor for electrical transmission infrastructure and the paved portion of Portswood South serves as a parking lot and allows access to the transmission lines for tree trimming and other maintenance.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project would result in a General Plan Amendment and rezoning that would allow for potential development of single-family-homes at the site. With the approval of the General Plan Amendment and rezoning, the project would allow for the development of new single-family residential units within an existing residential neighborhood developed at a similar density. Future development under the project would be required to be consistent with the existing single-family, suburban neighborhood character and complete the neighborhood pattern. The proposed project is a General Plan Amendment and rezoning and does not propose any development which could divide an established community. **(Less than Significant Impact)**

b) Would the project 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?

The project proposes a General Plan Amendment and rezoning to allow for residential land uses on-site. Future development would be subject to design review by the City to ensure that the project meets the Residential Design Guidelines and all applicable zoning code standards are implemented in accordance with the proposed R-1-5 Zoning District. By meeting the requirements of the proposed zoning, including setbacks, building heights, and landscape buffers, land use conflicts with surrounding uses would be minimized. For these reasons, future development would be consistent with the General Plan land use policies identified in Section 4.11.1.1 Regulatory Framework. Furthermore, future development of the site is required to conform to policies related to biological conservation and protection as described in Section 4.4 For these reasons, the proposed project, and any future development of the site, would not conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City of San José is relatively flat and there are no significant, currently productive mineral resources. The project site is located in the Almaden Valley, which is named for the historic New Almaden Quicksilver mine, located roughly two miles south of the project site in the Santa Cruz Mountains. The mine at New Almaden yielded mercury ore from the mid-19th century until the early 20th century and was the most valuable mine of California's gold rush period.[63]

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

[63] United States National Parks Service. "New Almaden Mining Historic District". Available at: https://www.nps.gov/nr/travel/american_latino_heritage/New_Almaden_Mining_Historic_District.html.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

The project site is not located in an area containing known mineral resources. Future development of the site would not result in the loss of availability of any known mineral resources and the project would have no impact on mineral resources. **(No Impact)**

b) Would the project 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?

The only mineral resource recovery site that has been identified in San José is located in the Communications Hill area. The southernmost slopes of Communications Hill are located approximately five miles north of the project site. Therefore, the proposed project would not result in the loss of a mineral resource recovery site. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[64] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). The City's 2040 General Plan applies the DNL descriptor, which represents the average noise level over a 24-hour period and penalizes noise occurring between 10 PM and 7 AM by 10 dbs. L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

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

4.13.1.2 *Regulatory Framework*

State

State Building Standards Code

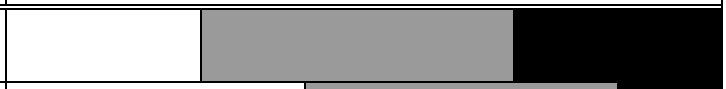
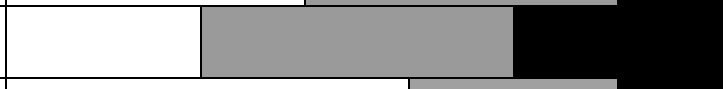
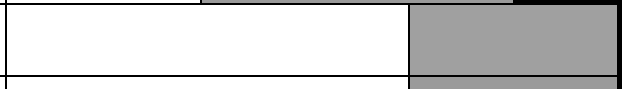
The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior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

Local

Envision San José 2040 General Plan

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

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

Land Use Category	Exterior DNL Value in Decibels 55 60 65 70 75 80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]	
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
3. Schools, Libraries, Museums, Meeting Halls, and Churches	
4. Office Buildings, Business Commercial, and Professional Offices	
5. Sports Arena, Outdoor Spectator Sports	
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters	

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

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

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

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.3	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.
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.

Policy	Description
	The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Municipal Code

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

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

4.13.1.3 *Existing Conditions*

The project site is located in a suburban, residential neighborhood in the Almaden Valley area of San José. The site is surrounded by single-family residences and is segmented by several roadways. Traffic from adjacent roadways is primarily responsible for the ambient noise levels at the project site. According to noise measurements made for the General Plan EIR, noise levels in the project area are approximately 56 dBA DNL.[65] The project site is located approximately 11.0 miles southeast of the Norman Y. Mineta San José International Airport and approximately 8.6 miles southwest of Reid-Hillview Airport. The site is located outside of the 65 dB CNEL noise contours of both airports.[66,67]

[65] Illingworth & Rodkin. *Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment – San José, California.* December 7, 2010. Page 26.
[66] Santa Clara County. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. Adopted May 25, 2011. Amended November 16, 2016.
[67] Santa Clara County. *Reid-Hillview Airport Comprehensive Land Use Plan.* October 24, 2007. Amended November 16, 2016.

The closest sensitive receptors to the project site are the surrounding residential land uses, which have varying setbacks from the project site boundaries of approximately 20 to 40 feet.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
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?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☒	☐

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Operational Noise

The project would amend the General Plan land use designation and zoning of the site to allow for future residential development. Future development of the project site with residential units would not substantially increase permanent ambient noise levels in the project area because single-family residences are generally not considered to be substantial noise sources and such uses would be similar to the immediately surrounding uses. Project-generated traffic would be the main contributor to existing noise levels. Assuming future development of the project site with 20 single-family (or less) units would generate a maximum total of 189 new vehicle trips per day.[68] This increase in vehicle trips would not amount to a doubling of traffic on nearby roadways and, therefore would not be expected to generate a perceptible increase in traffic noise. Furthermore, appropriate site design would also ensure common use areas and/or backyards would be acoustically protected to ensure exterior noise levels of 60 dBA DNL or less, consistent with the General Plan. Future development of the project site may require site-specific noise studies to determine the appropriateness of site designs for specific development proposals. The proposed project itself is a General Plan

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

Amendment and rezoning and does not include a specific development that could result in any direct operational noise impacts. **(Less than Significant Impact)**

Construction Noise

Construction noise from future development of the project site would temporarily increase ambient noise levels at nearby sensitive receptors. Sensitive receptors in proximity to the project site include the single-family residences surrounding the site. The City's Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. Future development under the proposed land use designation and zoning would implement the following measures to reduce construction noise and vibration levels, consistent with City policies:

- Pile-driving shall be prohibited.
- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to 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.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses

Future development under the project, with the implementation of the above measures, would reduce significant construction-related noise impacts to a less than significant level by restricting construction to allowable Municipal Code hours, ensuring equipment and staging areas are selected to reduce noise, and identifying a disturbance coordinator to address noise issues. The proposed project itself is a General Plan Amendment and rezoning and does not include a specific development which could result in any direct construction noise impacts. **(Less than Significant Impact)**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

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

Future development of the project site would comply with all City construction standards and requirements to ensure that construction-related vibration is not substantial. In addition, due to the type of development anticipated and required setbacks specified in the General Plan and Municipal Code, operation of the anticipated development would not generate a substantial level of groundborne vibration or noise to the surrounding land uses. The project itself is a General Plan Amendment and rezoning and does not include a specific development which could generate any groundborne vibration or noise impacts. **(Less than Significant Impact)**

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?

As discussed in Section 4.9 Hazards and Hazardous Materials, the project site is located outside of the AIAs of the Norman Y. Mineta San José International Airport and the Reid-Hillview Airport. The project site is located outside the 65 dBA CNEL noise contour for both airports.[69,70] As a result, noise generated by airport activities would be less than 65 dBA CNEL at the project site. Thus, future development of the site would not expose people residing or working in the project area to excessive airport-related noise levels. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

[69] Santa Clara County. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. Adopted May 25, 2011. Amended November 16, 2016.
[70] Santa Clara County. *Reid-Hillview Airport Comprehensive Land Use Plan.* October 24, 2007. Amended November 16, 2016.

4.13.3 Non-CEQA Effects

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

Based on the General Plan noise and land use compatibility guidelines (Table 4.13-1), residential development is "normally acceptable" in areas with ambient noise levels up to 60 dBA DNL and is "conditionally acceptable" in areas with noise levels up to 75 dBA DNL. The project area has existing noise levels of approximately 56 dBA DNL.[71] Therefore, the project site is suitable for future residential development and existing noise levels which future residents of the site would be exposed to would be acceptable.

[71] Illingworth & Rodkin. *Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment – San José, California.* December 7, 2010. Page 26.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

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

Regional and Local

Plan Bay Area 2040

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

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

Envision San Jose 2040 General Plan

The General Plan includes the following policy for the purpose of reducing or avoiding impacts related to population and housing:

Policy	Description
IP-19.1	Through a Major General Plan Review or, as needed, through the Annual General Plan review process, evaluate the Plan's consistency with housing development goals as determined by the State and regional agencies and take actions as necessary to address their requirements.

[72] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing elements" Accessed January 23, 2020. https://hcd.ca.gov/community-development/housing-element/index.shtml

[73] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper". Accessed January 23, 2020. http://projectmapper.planbayarea.org/.

4.14.1.2 *Existing Conditions*

Based on California Department of Finance estimates for 2019, San José had a population of 1,043,058 persons and 335,887 households, with an average of 3.20 persons per household.[74] According to the City's General Plan, the projected population in 2035 will be 1.3 million persons with 429,350 households. To meet the current and projected housing needs in the City, the General Plan identifies areas to accommodate 120,000 new dwelling units by 2040.

Currently, there are no residents or housing units on-site.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the project 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)?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. The project would permit residential densities that could result in more housing units than anticipated in the General Plan for the project site, however, the overall housing capacity would not be increased beyond General Plan buildout levels. Buildout of the General Plan would result in a total of 120,000 new residential units citywide. The addition of 20 units (or less) represents a 0.001 percent increase in the number of units planned in the City's General Plan for 2040. The estimated 20 single-family (or less) units would generate approximately 64 (or less) new residents, which equates to 0.001 percent of the increase in residential population anticipated from buildout of the General Plan through 2035.[75]

The project's 0.001 percent increase in population is not substantial given the overall population growth projected within San José. Future development of the project site with up to 20 single-family housing units would also not result in an expansion of urban services or the pressure to expand

[74] State of California Department of Finance. *E-5 City/County Population and Housing Estimates*. May 29, 2018. Accessed February 24, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[75] City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* September 2011. Page 787.

beyond the City's existing Sphere of Influence. The project itself is a General Plan Amendment and rezoning and does not include a specific development which could directly induce any population growth. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There are no existing residents or housing units on-site, therefore, future development permitted by the proposed project would not displace housing or residents. As a result, the proposed project would not necessitate the construction of replacement housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 65996

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

Quimby Act

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 (PDO) and a Park Impact Ordinance (PIO), consistent with the Quimby Act.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the PDO, (Municipal Code Chapter 19.38) and PIO (Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site.

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to public services and applicable to future development under the proposed project.

Policy	Description
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. There are 34 active fire stations in the City. The closest fire station to the project site is Station 28, located at 19911 McKean Road, approximately 0.6 miles southeast of the project site.

Police Protection Services

Police protection services for the project area are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street, approximately 11 miles north of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from the SJPD Headquarters. As of 2019, the SJPD employed 908 full-duty, sworn officers and a total of 1,691 authorized sworn and non-sworn positions.[76]

Schools

The project site is located in the San José Unified School District (SJUSD). Students residing within the project site would attend Graystone Elementary School (0.6 miles north of the site), Bret Harte Middle School (0.87 miles northwest of the site), and Leland High School (1.1 miles north of the site). According to the SJUSD 7-Year Student Population Projections report for 2017-2023, Graystone Elementary School is predicted to slightly increase enrollment over the 2017-2023 period to an enrollment of approximately 600 students, with a capacity for 1000 students. Enrollment at Bret Harte Middle School is expected to decline slightly over the same time period, to an enrollment of approximately 900 students, with a total capacity of approximately 1300 students. Leland High School is projected to have a stable enrollment, with an estimated enrollment of approximately 1,600 students and a total capacity of 1,900 students.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[77] Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The closest parks to the project site include Carrabelle Park, located approximately 0.5 miles north of the site at 6757 Camden Avenue; Cathedral Oaks Park, located approximately 0.7 miles west of the site at 1100 Falcon Knoll Court; and Almaden Quicksilver County Park, located approximately 0.8 miles southwest of the site at 21785 Almaden Road.

Other Public Facilities

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 Almaden Branch Library, located 2.4 miles northwest of the project site at 6445 Camden Avenue. The nearest community center is Almaden Youth Center, located at 7050 Bret Harte Drive, approximately 0.9 miles northwest of the site.

[76] City of San José. *Annual Report on City Services 2018-19.* December 2019.
[77] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2017 Annual Report*. Available at: https://www.sanjoseca.gov/home/showdocument?id=9657

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☒	☐

a) 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 fire protection services?

The proposed project is a General Plan Amendment and rezoning only and does not include any specific development which would increase demand for fire protection. It would allow for future development that would incrementally increase the demand for fire protection services in the area. While there would be increased demand placed on the SJFD, the site is already within the SJFD's service area and in proximity to existing fire stations. Additionally, future development of the site would be required to constructed in a fire-safe manner in accordance with current building codes. For these reasons, the project would not require new or expanded fire protection facilities **(Less than Significant Impact)**

b) 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 police protection services?

The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could increase demand for police protection services. The proposed project would allow for new residential development that would incrementally increase the demand placed on the SJPD for police protection services. While there would be greater demand on the SJPD, the future residential development that would be accommodated by the proposed Residential Neighborhood General Plan Land Use Designation and R-1-5 Zoning District would occur within the

existing service area of the SJPD. No expansion or construction of police facilities are anticipated to be required as a result of the assumed future residential development of 20 single-family dwelling units on the project site. Residential development of the project site would be constructed in accordance with building codes and maintained in accordance with City policies, such as General Plan Policy ES-3.9 to promote public and property safety. For these reasons, the proposed project would not result in a significant impact to police protection services. **(Less than Significant Impact)**

c) 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 schools?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. The project could result in the future development of 20 residential units. Using the SJUSD student generation factor of 0.272 students per dwelling unit, future development allowed by the project would generate approximately six new students.[78], based on the assumption of 20 single-family dwelling units as the development potential of the project site. As discussed in Section 4.15.1.2 although area school enrollment is projected to fluctuate slightly, none of the project area schools are expected to reach capacity by 2023. Given the projected decrease in student yield in the project area, increasing the student population by six students would not require the construction of new schools.

In accordance with California Government Code Section 65996, future development made possible by the project would be required to pay a school impact fee to the SJUSD to offset the increased demands on school facilities caused by the project. Payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly increase demand for school facilities. Therefore, the proposed project would have a less than significant impact on school facilities. **(Less than Significant Impact)**

d) 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 parks?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future residents of the site would use existing parks in the area. Future development possible under the project would be required to comply with the PDO/PIO to offset its increased demand for parks and recreational facilities. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly

[78] San José Unified School District. *Development Fee Justification Study.* April 2014. Appendix 1.

increase demand for park facilities. Thus, the project's impact on parks would be less than significant. **(Less than Significant Impact)**

e) 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 other public facilities?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future residents at the project site would use nearby libraries and community centers. These public facilities would not be substantially degraded by the incremental increase in use created by the proposed residential development on-site. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the General Plan, which is above the City's service goal. The addition of new residents from the project would not reduce the library service ration to below the City's goal of 0.59 square feet of space per capita. In addition, future development under the project would comply with the PDO/PIO (discussed under checklist question d)) which would offset the project's demand on other public facilities including community centers and community gardens. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly increase demand for other public facilities. Thus, the impact would be less than significant. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Quimby Act

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 (PDO) and a Park Impact Ordinance (PIO), consistent with the Quimby Act.

Regional and Local

Countywide Trails Master Plan

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

The City of San José has adopted the PDO, (Municipal Code Chapter 19.38) and PIO (Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site.

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to recreation and applicable to future development under the proposed project.

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

Policy	Description
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[79] The City also manages 51 community centers, 17 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 57.5 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

Public parks in the vicinity of the project site include Carrabelle Park, located approximately 0.5-miles north of the site at 6757 Camden Avenue; Cathedral Oaks Park, located approximately 0.7-miles west of the site at 1100 Falcon Knoll Court; and Almaden Quicksilver County Park, located approximately 0.8 miles southwest of the site at 21785 Almaden Road.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future residents on-site would incrementally increase the demand on existing parks and other recreational facilities. As discussed in 4.15 4.15 Public Services, future development is required to comply with the City's PDO/PIO to offset its demands on existing park and other recreational facilities. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly impact neighborhood

[79] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2017 Annual Report*. Available at: https://www.sanjoseca.gov/home/showdocument?id=9657

or regional parks. For this reason, the project would not result in a substantial physical deterioration of park and recreational facilities. **(Less than Significant Impact)**

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?

The project does not include the construction of recreational facilities. As discussed under checklist question a), future development would comply with the City's PDO/PIO to offset its park and recreation demand. If PDO/PIO fees are used to construct new or expanded recreation facilities, those facilities would be subject to CEQA when proposed. **(Less than Significant Impact)**

4.17 TRANSPORTATION

This discussion is based, in part, on a Long-Range General Plan Amendment Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. (Hexagon) in August 2020, and is included in Appendix D of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743.

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

Regional

Metropolitan Transportation Commission

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

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant State

legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

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

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. For single-family land uses, the screening criteria is 15 or fewer dwelling units.

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

Envision San José 2040 General Plan

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

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

The General Plan includes the following policies that are specific to transportation and applicable to future development under the proposed project.

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	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.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-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.

Residential Design Guidelines

In addition to the policies of the *Envision San José 2040 General Plan*, future redevelopment of the project site with residential uses would be required to comply with the San José Residential Design Guidelines, with regards to pedestrian access. The Residential Design Guidelines set forth requirements for street design which would encourage bicycle traffic and include sidewalks which would encourage pedestrian activity.

4.17.1.1 *Existing Conditions*

Roadway Network

Regional access to the project site is provided by Almaden Expressway. Local access is provided via Bret Harte Drive, Hampswood Way, Portswood Drive, and Raich Drive. These roadways are described below.

Almaden Expressway is a north/south expressway that extends from Almaden Road, in north San José, to Harry Road, in the vicinity of the project site. Where Almaden Expressway intersects the project site it has an east/west orientation and consists of two lanes. Although Almaden Expressway intersects the project site, there is no direct access to the site from this roadway

Bret Harte Drive, *Hampswood Way, Portswood Drive, and Raich Drive* are local roads that run roughly parallel to Almaden Expressway in the site vicinity. These residential roadways divide the site or border the site. Direct access to the site is available from these roadways.

Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks are present along the project frontage on Bret Harte Drive, Hampswood Way, Portswood Drive, and Raich Drive. The project frontages along Almaden Expressway do not have sidewalks and there is no pedestrian access to the site from Almaden Expressway. Bicycle facilities in the area consist of Class II bicycle lanes[80] on Almaden Expressway and McKean Road. These bicycle lanes connect to the low-volume residential streets which provide direct access to the site.

Transit Services

The nearest public transportation access to the project site is the VTA bus stop at the intersection of Martwood Way and McKean Road, approximately 800 feet southeast of Portswood South at Raich Drive. The McKean and Martwood stop is served by VTA bus route 83, providing northbound service to the Ohlone/Chynoweth light rail station.

Site Access

The project site is currently surrounded with perimeter chain link fencing which restricts pedestrian or vehicle access. Project site frontages on Bret Harte Drive, Hampswood Way, Portswood Drive, and Raich Drive have sidewalks and driveway approaches.

Project Site VMT

The City of San José assesses long-range impacts of proposed General Plan Amendments on the citywide transportation system by analyzing VMT per service population. VMT per service population is a measure of daily vehicle miles travelled divided by the number of residents and employees within the city. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle. Currently, the project site is undeveloped except for some utility

[80] Class II bicycle lanes are designated on-road bicycle lanes, marked with stripes or stencils.

infrastructure and paved areas. The proposed General Plan Amendment would result in an increase to the number of households on-site when compared to existing numbers adopted per the General Plan, and in an increase in vehicle trips generated by on-site uses. However, the total number of households citywide would not be changed by the proposed project. Based on TDF modeling, the increase in peak-hour trips generated by the proposed General Plan Amendment would not be substantial and would not require a site-specific General Plan Amendment traffic analysis.

4.17.2 Impact Discussion

4.17.2.1 *Analysis Methodology*

General Plan Amendments (GPAs) in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year is when the development anticipated in the General Plan is built out. There are two types of GPA transportation analysis: 1) a site-specific long-range transportation analysis for individual GPAs that exceed 250 peak-hour trips; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle. In 2011, the City certified the *Envision San José 2040 General Plan Final Environmental Impact Report* (General Plan FEIR) and adopted the *Envision San José 2040 General Plan* (General Plan). The General Plan FEIR and supporting Transportation Impact Analysis (TIA) identified programmatic long-range transportation impacts based on planned land uses and the planned transportation system within the City projected to the horizon of the General Plan in year 2035. In 2016, a subsequent TIA was prepared for the *General Plan Four-Year Review* that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The *General Plan Four-Year Review* TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of GPAs considered for approval during and after the Four-Year Review.

In 2017, the Santa Clara Valley Transportation Authority (VTA) published the BART Phase II EIR that included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the transportation analysis in the *Downtown Strategy 2040 EIR*, which evaluated an increase of 4,000 households and 10,000 jobs in Downtown San Jose by transferring General Plan growth capacity from other areas within the City. Once again, the model was validated with current traffic data to update the existing transportation conditions. The cumulative long-range transportation impacts of the proposed 2020 GPAs were evaluated in the Long Range Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. located in Appendix D of this Initial Study. This analysis evaluated both the site-specific long-range transportation impacts for GPAs that exceeded 250 peak-hour trips per day and the cumulative impacts of the seven privately-initiated GPAs in the 2020 GPA cycle.

Each of the proposed GPAs would result in changes to the assumed number of households and/or jobs on each site when compared to the current General Plan land use and intensity assumptions for each site in the TIA for the General Plan FEIR and the General Plan Four-Year Review TIA. Like the analysis in the General Plan FEIR and subsequent Four-Year Review, the 2020 GPA TIA assumed

development in either the middle range of the density allowed under each proposed General Plan land use designation or assumed a density consistent with the density of surrounding development with a similar land use designation. The City uses the middle range or typical range based on surrounding development densities, as opposed to the maximum intensities potentially allowed under each proposed General Plan land use designations, because build out under the maximum density allowed for all General Plan land designations would exceed the total citywide planned growth capacity allocated in the General Plan. Furthermore, maximum build-out at the highest end of the density range does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, Federal Aviation Administration regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code Title 20 (Zoning), market conditions, and other factors.

The results of the analysis for the proposed GPAs are then compared to the results of the 2017 updated General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed 2020 GPAs would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as amended by the City Council in December 2017. None of the proposed GPAs would change the total number of jobs and households citywide that were assumed with buildout of the Envision San José 2040 General Plan.

The analysis consists of land use changes to the current adopted General Plan land uses. The analysis does not propose any changes to the citywide transportation system. The GPA long-range analysis focuses on the potential changes on the citywide transportation system in the horizon year of the *Envision San José 2040 General Plan* when the capacities for housing and jobs are fully developed. The analysis includes evaluation of increased vehicle miles traveled, increased traffic volume on specified roadway segments, impacts to travel speeds on transit priority corridors, and impacts to pedestrian, bicycle, and transit facilities. Impacts are evaluated based on the same Measures of Effectiveness (MOEs) and significance criteria utilized in the Envision San José 2040 General Plan TIA. Traffic conditions were evaluated for the following traffic scenarios using the City's Travel Demand Forecasting (TDF) model:

- **Projected Year 2015 Conditions:** The Projected Year 2015 Conditions represent a projection of transportation conditions in 2015 using the City's General Plan TDF model. The roadway network also reflects the Year 2015 roadway network and transportation system.
- **Current 2040 General Plan Conditions:** Future traffic due to the current General Plan land uses (i.e., including the adopted General Plan Four-Year Review Land Use adjustments and adopted 2019 General Plan Amendments) is added to regional growth that can be reasonably expected to occur by 2040. Current 2040 General Plan conditions include the current roadway network as well as all transportation system improvements as identified in the current General Plan.
- **Cumulative 2040 General Plan Amendment Conditions:** Current 2040 General Plan conditions with the proposed land use amendments at all seven proposed GPA sites.

Transportation conditions for the Cumulative 2040 GPA conditions were evaluated relative to the currently adopted 2040 General Plan Conditions to determine any long-range traffic impacts.

- **Proposed 2040 General Plan Amendment Conditions:** Current 2040 General Plan conditions with the proposed land use amendments at each of the proposed GPA sites for which a site-specific analysis is required. Transportation conditions for the Proposed 2040 GPA conditions were evaluated relative to the currently adopted 2040 General Plan Conditions to determine any long-range traffic impacts.

4.17.2.2 *Significance Impact Criteria*

The City of San José adopted policies and goals in General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from existing (year 2015) conditions. To meet these goals by the General Plan horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments. Table 4.17-1 summarizes the significance thresholds associated with vehicular modes of transportation as defined in the City of San José Transportation Analysis Handbook (Thresholds of Significance for General Plan Amendments, Table 11) for the evaluation of long-range traffic impacts resulting from proposed land use adjustments and used in this analysis.

In addition to the MOEs described above, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. A significant long-range transportation impact would occur if the adjustments would:

- Disrupt existing, or interfere with, planned transit services or facilities;
- Disrupt existing, or interfere with, planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;
- Disrupt existing, or interfere with, planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.

Table 4.17-1: MOE Significance Thresholds	
MOE	**Citywide Threshold**
VMT/Service Population	Any increase over current 2040 General Plan conditions
Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25% or more, or 2. The average speed drops by 1 mph or more for the transit corridor with average speed below 15 mph under current 2040 General Plan conditions.
Source: *City of San José Transportation Analysis Handbook*, April 2018	

4.17.3 CEQA Checklist

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Consistency with General Plan Transportation Policies

Based on the results of the long-range transportation analysis, the proposed General Plan Amendment would result in a net AM peak-hour trip increase of 51 trips, and a net PM peak-hour trip increase of 56 trips. Project related trip increases over existing levels are below the 250 peak-

hour trip threshold for both the AM and PM peak hours. As described in the City's GPA Traffic Analysis, the project would not result in a substantial net increase of peak-hour trips. For this reason, a project-specific General Plan Amendment traffic analysis is not required. **(Less than Significant Impact)**

Impacts on Transit, Bicycle, and Pedestrian Circulation

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development made possible by the project would not remove or inhibit access to any existing or planned transit, bicycle, or pedestrian facilities. Future residential development under the project would be located in an existing residential community with access to pedestrian, bicycle, and transit facilities. Any roadway improvements to provide access to the site or otherwise modify the surrounding circulation system would be subject to review by the City. As required by the City's Transportation Analysis Policy, future development under the project is required to implement the below measure:

- An LTA shall be prepared in conjunction with any future development permit applications at the project site. The City shall review future designs for vehicle, bicycle, and pedestrian access, and access to public transportation for consistency with General Plan policies and relevant Residential Design Guidelines at the permit phase.

The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly conflict with any plan, ordinance, or policy addressing the circulation system. **(Less than Significant Impact)**

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. GPAs in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year represents the year that development anticipated in the General Plan is built out. There are two types of GPA transportation analyses: 1) a site-specific long-range transportation analysis for individual GPAs that exceed a maximum allowable number of peak hour trips; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle.

Using the City's VMT Evaluation Tool, the VMT per capita for development of 20 single-family units on-site is estimated to be 22.48, which is above the residential threshold of 10.12, but below the area VMT of 22.55.[81] There is currently no development proposal on file with the City, therefore a site-specific long-range analysis is not required at this time. Future residential projects would require a project-specific VMT analysis to determine level of significance using the VMT metric. The VMT analysis would be required at the time a tentative tract map is proposed for the project site.

[81] City of San José. "Vehicle Miles Traveled Metric." Accessed February 5, 2020. https://www.sanjoseca.gov/your-government/departments-offices/transportation/planning-policies/vehicle-miles-traveled-metric

As described above, the City has prepared a cumulative long-range transportation analysis of all proposed GPAs in the 2020 cycle. The proposed GPA was bundled with all of the other GPAs proposed during the current year's GPA cycle in the preparation of the analysis, which was conducted by the City's Transportation Department. The results of that analysis, discussed below, show that the proposed GPA would not make a cumulatively considerable contribution to a significant cumulative VMT impact in the City. **(Less than Significant Impact)**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development that could occur under the project would result in a land use consistent with the surrounding land uses. Future development, including in road network features and driveways, would be designed to City standards to avoid design hazards. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly increase hazards. Therefore, the proposed project would not substantially increase transportation hazards. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. As standard practice, future development that could under the project would be reviewed by the SJFD and Department of Public Works to ensure adequate emergency access. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly impact emergency access. **(Less than Significant Impact)**

4.17.4 Cumulative Impacts

The long-range cumulative traffic impacts resulting from the proposed 2020 GPAs were determined based on the MOEs significance thresholds for vehicle modes of travel and the impact criteria for transit, bicycle and pedestrian described in Chapter 3 of the Hexagon report. The results of the GPA long-range analysis are summarized below.

4.17.4.1 *Vehicle Miles Traveled Per Service Population*

The San José General Plan TDF model was used to project daily VMT per service population, where service population is defined as the number of residents plus the number of employees citywide. This approach focuses on the VMT generated by new population and employment growth. VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles.

As shown in Table 4.17-2, below, the citywide daily VMT and the VMT per service population would decrease due to the proposed land use amendments when compared to the current General Plan. This is because (1) the total number of jobs and households would not change citywide as a

result of the GPAs (only shifting of households and jobs would occur) and (2) the addition of households to areas with more jobs and transit options. Vehicle trips citywide would be reduced due to the reallocation of jobs and housing within and surrounding the downtown area which provides for greater opportunities for multi-modal travel. The availability of current and planned transit, bicycle, and pedestrian facilities in the area of the GPA sites will result in an increase in trips made by transit and other non-vehicular modes.

Table 4.17-2
Daily Vehicle Miles Traveled Per Service Population

Mode	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan Plus GPAs
Citywide Daily VMT	17,505,088	28,035,508	27,995,252
Citywide Service Population	1,392,946	2,054,758	2,054,758
Total Households	319,870	429,350	429,350
Total Residents	1,016,043	1,303,108	1,303,108
Total Jobs	376,903	751,650	751,650
Daily VMT Per Service Population	12.57	13.64	13.62
Increase in VMT/Service Population Over General Plan Conditions			**-0.02**
Significant Impact?			**No**

Findings

Compared to the current General Plan, the proposed land use adjustments would not result in an increase in citywide VMT per service population. Therefore, cumulatively, the proposed 2020 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-auto modes of travel.

4.17.4.2 *Journey-to-Work Mode Share*

The San José General Plan TDF model was used to calculate citywide journey-to-work mode share percentages. Journey-to-work mode share is the distribution of all daily work trips by travel mode, including drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, most of the work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM). As defined in the City of San José Transportation Analysis Handbook, any increase in the journey-to-work drive alone mode share percentage over the current General Plan conditions due to the proposed land use amendments is considered a significant impact. Table 4.17-3, below, summarizes the citywide journey-to-work mode share analysis results. When compared to the current Envision San José 2040 General Plan, the percentage of journey-to-work drive alone trips would decrease slightly and the percentage of transit and bike trips would increase slightly as a result of the proposed GPAs.

Table 4.17-3 Journey-to-Work Mode Share						
	Base Year (2015)		2040 General Plan (Baseline)		2040 General Plan Plus GPAs	
Mode	**Trips**	**%**	**Trips**	**%**	**Trips**	**%**
Drive Alone	753,264	76.69	1,092,462	71.70	1,090,766	71.61
Carpool 2	85,496	9.04	137,781	9.04	137,904	9.05
Carpool 3+	28,526	3.02%	54,781	3.60	54,696	3.59
Transit	48,181	5.10	182,827	12.00	183,931	12.08
Bicycle	14,120	1.49	26,337	1.73	26,412	1.73
Walk	15,666	1.66	29,451	1.93	29,514	1.94
Increase in Drive Alone Percentage over General Plan Conditions						**-0.09**
Significant Impact?						**No**

Findings

The proposed land use adjustments will not result in an increase of drive alone trips when compared to the current General Plan conditions. Therefore, cumulatively, the proposed 2020 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

4.17.4.3 *Average Vehicle Speeds in Transit Priority Corridors*

The San José General Plan TDF model was used to calculate the average vehicle travel speeds during the AM peak hour for the City's 14 transit corridors that were evaluated in the Envision San José 2040 General Plan TIA. A transit corridor is a segment of roadway identified as a Grand Boulevard in the Envision San José 2040 General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA's LRT, BRT, local buses, and other public transit vehicles. The travel speeds are calculated by dividing the segment distance by the vehicle travel time. As defined in the City of San José *Transportation Analysis Handbook* (Thresholds of Significance for General Plan Amendments, Table 11), land use amendments that result in a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 miles per hour (mph) or decreases by 25 percent (%) or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current GP conditions is considered a significant impact.

Table 4.17-4 presents the average vehicle speeds on the City's 14 transit priority corridors (i.e., Grand Boulevard segments) during the AM peak-hour of traffic. When compared to travel speeds under current General Plan conditions, the change in traffic resulting from the proposed land use amendments would have minimal effect on the travel speeds in the transit corridors. The TDF model estimates a decrease in travel speeds of 0.1 mph or less (or a change of 0.4% or less) on one corridor

due to the proposed GPAs. Travel speeds on the remaining corridors would improve slightly or remain unchanged when compared to the current General Plan. Therefore, cumulatively, the proposed 2020 GPAs would result in a *less than significant* impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

Table 4.17-4: AM Peak-Hour Vehicle Speeds (mph) for San José Transit Priority Corridors

Transit Priority Corridor	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan GPAs		
	Speed (mph)	Speed (mph)	Speed (mph)	% Change	Absolute Change
2nd Street from San Carlos Street to St. James Street	16.6	15.3	15.3	0.0%	0.0
Alum Rock Avenue from Capitol Avenue to US 101	21.3	16.6	16.7	0.6%	0.1
Camden Avenue from SR17 to Meridian Avenue	23.1	16.3	16.5	1.2%	0.2
Capitol Avenue from South Milpitas Boulevard to Capitol Expressway	27.1	22.6	22.6	0.0%	0.0
Capitol Expressway from Capitol Avenue to Meridian Avenue	33.0	26.7	26.6	-0.4%	-0.1
East Santa Clara Street from US 101 to Delmas Avenue	20.4	15.3	15.8	3.3%	0.5
Meridian Avenue from Park Avenue to Blossom Hill Road	24.9	20.0	20.0	0.0%	0.0
Monterey Road from Keyes Street to Metcalf Road	27.4	19.3	19.4	0.5%	0.1
North 1st Street from SR 237 to Keyes Street	21.3	13.6	13.8	1.5%	0.2
San Carlos Street from Bascom Avenue to SR 87	24.8	19.8	20.8	1.0%	0.2
Stevens Creek Boulevard from Bascom Avenue to Tantau Avenue	24.3	18.8	18.8	0.0%	0.0
Tasman Drive from Lick Mill Boulevard to McCarthy Boulevard	22.7	13.8	14.0	1.4%	0.2
The Alameda from Alameda Way to Delmas Avenue	20.5	13.8	14.0	1.4%	0.2

West San Carlos Street from SR 87 to 2nd Street	20.0	18.8	18.8	0.0%	0.0

Findings

The proposed land use adjustments would not result in a decrease in travel speeds greater than 1 mph or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the proposed 2020 GPAs would result in a *less than significant impact* on the AM peak-hour average vehicle speeds on the transit priority corridors.

4.17.4.4 *Impacts on Transit, Bicycle, and Pedestrian Circulation*

Transit Services or Facilities

Planned transit services and facilities include additional rail service via the future Bay Area Rapid Transit (BART) extension, light rail transit (LRT) extensions, new bus rapid transit (BRT) services, and the proposed California High Speed Rail (HSR) project. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit facilities. Therefore, the proposed 2020 GPA's land use adjustments would not substantially disrupt existing or interfere with planned transit services or facilities.

Bicycle Facilities

The adopted Envision San José 2040 GP supports the goals outlined in the City's Better Bike Plan 2025 and contains policies to encourage bicycle trips (Policies TR-1.1, TR-1.2,TR-1.4 through TR-1.9, TR 2.1 through TR 2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 thorugh TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12). The proposed GPA land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned bicycle facilities. Therefore, the proposed 2020 GPA land use adjustments would not substantially disrupt existing or interfere with planned bicycle facilities; conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards; and provide insecure and unsafe bicycle parking in adequate proportion to anticipated demand.

Pedestrian Facilities

The adopted Envision San José 2040 GP contains goals and policies (Policies TR-1.1, TR-1.2,TR-1.4 through TR-1.9, TR-2.1 through TR-2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 through TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12) to improve pedestrian walking environment, increase pedestrian safety, and create a land use context to support non-motorized travel. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned pedestrian facilities. Therefore, the proposed 2020 GPAs land use adjustments would not substantially disrupt existing or interfere with planned pedestrian facilities; create inconsistencies

with adopted pedestrian plans, guidelines, policies, or standards; and provide accessible pedestrian facilities that would not meet current ADA best practice.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State and Local

Assembly Bill 52

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

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[82]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

Archaeological Resources and Human Remains

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

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

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

Senate Bill 18

The intent of Senate Bill 18 (SB 18) is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The City of San José sent notification of the subject project to the tribes in June 2020.

4.18.1.2 *Existing Conditions*

Native Americans have occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to San Juan Bautista and Monterey.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established in the area in 1777 by the Spanish.

There are no known TCRs on-site.

4.18.2 **Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a TCR, 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:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐

b) 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.	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed?

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 significantly impacted 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.

As discussed in Section 4.18.1.2 Existing Conditions, there are no known TCRs on-site. On July 12, 2018, a representative of the Ohlone Indian Tribe requested notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José. In accordance with AB 52, a monthly list of submitted projects that meet this criteria will be forwarded from the City to representatives of the Ohlone Indian Tribe for additional consultation to determine potential effects the projects may have on a tribal cultural resource. In June 2020, the representative of the Ohlone Indian Tribe, Inc. was notified via email about the proposed project. At the time of circulation of this Initial Study, no response was received from the representative and it is presumed the consultation request has been declined.

While there is the potential for unknown Native American artifacts or human remains to be present in the project area, impacts of future development on the project site would be less than significant with implementation of the measures related to discovery of archaeological resources or human remains described in detail in Section 4.5 Cultural Resources. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly impact a TCR. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

Refer to discussion under checklist question a) above. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Senate Bill 1383

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

Local

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to utilities and service systems and applicable to future development under the proposed project.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

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

4.19.1.2 *Existing Conditions*

The project site is located in a developed area of San José and is used as a parking lot and utility corridor. As the site is undeveloped with uses requiring utility services, it is not served by existing utilities (aside from electrical power for on-site transmission lines). The project site is surrounded by development which is served by the City's water, wastewater, stormwater, and solid waste utilities. The site is currently used by PG&E as a utilities corridor and several electric distribution lines and light poles are located throughout the site.

Water Service

Water service to the project area is provided by the San José Water Company. In the project area, water sources include groundwater from wells in the Santa Clara Valley groundwater basin, imported water from Valley Water, and local water from San José Water Company reservoirs. There are water lines in surrounding roadways available to serve the project site. A water line access point is located in the Portswood North portion of the site.

Sanitary Sewer and Wastewater Treatment

The City of San José maintains the wastewater collection system in the project area. Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity.[83] The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands.[84]

There are six-inch sanitary sewer lines in surrounding roadways, including Portswood Drive, Raich Drive, and Hampswood Way, available to serve the project site.

Storm Drainage

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

There are existing storm drain lines in the surrounding streets available to serve the project site, including 12- to 15-inch storm drain lines in Portswood Drive, 12-inch storm drain lines in Cahen Drive, and 18- to 21-inch storm drain lines in Hampswood Way. Additionally, there is a drainage culvert located on the project site immediately north of Hampswood Way.

Solid Waste

The City of San José generates approximately 1.7 million tons of solid waste annually.[85] The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.[86] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2031.[87]

[83] San José-Santa Clara Regional Wastewater Facility, 2017. http://www.sanjoseca.gov/index.aspx?NID=1663. Accessed February 12, 2020.
[84] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[85] City of San José. *Envision San José PEIR*. September 2011.
[86] City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.
[87] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future residential development of the project site would connect to existing water, wastewater, and other utility lines in the vicinity of the site. No new or expanded utility infrastructure is required, as described in more detail below.

Water Utilities

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Lateral connections to existing water lines would be constructed for future development allowed under the project and would result in minimal environmental effects. As described under checklist question b) below, there are sufficient water supplies available to serve the area and new or expanded water infrastructure would not be required

to meet the water needs of any future development project at the site. The project itself is a General Plan Amendment and rezoning and would not directly create any water demand. Therefore, the project would not result in significant environmental effects due to construction or relocation of water utilities. **(Less than Significant Impact)**

Wastewater Treatment

Lateral connections to existing sanitary sewer lines would be constructed for future development allowed under the project and would result in minimal environmental effects. As described under checklist question c) below, there is adequate treatment capacity at the RWF to serve the project and new or expanded sanitary sewer infrastructure would not be required to meet the treatment needs of the project. Future development under the proposed land use designation would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sewer services. The proposed project itself is a General Plan Amendment and rezoning and would not directly create any demand for wastewater treatment. Therefore, the project would not have a significant impact related to the provision of sewer service for the project. **(Less than Significant Impact)**

Storm Drainage

As discussed in Section 4.10 Hydrology and Water Quality, future development of the site allowed under the project comply with the MRP and City of San José Policies 6-29 and 8-14, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. Future development of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. For these reasons, future development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. The project itself is a General Plan Amendment and rezoning which would not result in any direct storm drainage impacts. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future residential development of the project site would require utility connections to existing electric power, natural gas, and telecommunications infrastructure. Existing overhead utility lines would be undergrounded in the areas of the site where homes would be built. Therefore, future development on the project site would not require new or expanded electric power, natural gas, and telecommunications facilities, aside from connections to existing facilities which would not result in significant environmental effects. The project itself is a General Plan Amendment and rezoning which would not result in any direct impacts related to new or expanded facilities. **(Less than Significant Impact)**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

San José Water Company provides water to the project area. Their most recent Urban Water Management Plan (adopted in July 2016 by City Council) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.[88] The proposed project would be consistent with the growth forecasted in the General Plan and analyzed in the 2016 UWMP, as residential growth capacity would not increase as a result of the project but would be redistributed from other areas of the City to the project site as part of the City's General Plan Amendment process.

The site, which is currently vacant, does not generate any demand for water. The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Based on a unit count of 20 single-family residential units, this would result in an estimated net water demand of approximately 5,821 gallons per day,[89] which would not substantially increase water demand in the City. The proposed project is a General Plan Amendment and rezoning, however, and does not include a specific development which would create any specified water demand. Therefore, the proposed project would not result in a significant impact to water supplies. (**Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

In 2011, the Envision San José 2040 General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity allocated for the City of San José. Future residential development under the project would allow for an estimated 20 single-family units, which would result in wastewater generation of 3,035 gallons per day, or 0.003 million gallons per day.[90] This increase in wastewater generation would not increase the demand for wastewater treatment at the RWF beyond its capacity. The proposed project itself is a General Plan Amendment and rezoning which would not directly create any demand for wastewater treatment. **(Less than Significant Impact)**

d) Would the project 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?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development on-site would be required to conform to City plans and policies to reduce solid waste generation, including the City's Zero Waste Strategic

[88] City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.
[89] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 9.1 Water Use Rates, Single Family Housing.
[90] Based on the general assumption that wastewater generated is approximately 85 percent of indoor water use.

Plan and 75 percent diversion goal. Solid waste, recycling, and green waste collection services would be provided to the proposed residences. It is estimated that the future development on-site would generate 0.07 tons of solid waste per day.[91] As discussed in Section 4.19.1.2 Existing Conditions, the County has sufficient landfill capacity to serve existing and anticipated growth. The incremental increase in solid waste generation resulting from future development on-site would not exceed the County's solid waste disposal capacity. The project itself is a General Plan Amendment and rezoning which would not directly create any solid waste. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The project would result in the project site having a General Plan land use designation and zoning that permits residential development. Future development would be served by the City's waste contractor that provides bins to separate out recyclables and compostable materials and divert them from landfills. The City's Construction and Demolition Diversion Program, Zero Waste Strategic Plan, and Climate Smart San José require future projects to divert solid waste from the landfill during construction of additional buildings and during operation of the residential buildings. Therefore, future development on-site would not conflict with applicable statutes and regulations related to solid waste, including AB 939 and City of San José policies on waste diversion. The proposed project is a General Plan Amendment and rezoning which would not directly create any solid waste. **(Less than Significant Impact)**

[91] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Single Family Housing.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

Local

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337. The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies. Building Permit Plans are also to be approved by the SJFD.

4.20.1.2 *Existing Conditions*

Santa Clara County has a Mediterranean climate, characterized by mild winters, hot summers, and distinct wet/dry seasonality. These conditions make the Santa Cruz Mountains and Santa Teresa Hills prone to wildfires, due to the abundance of dense, dry vegetation on their slopes. Wildland fire is a natural feature of these ecosystems but poses a threat to communities located in the WUI. In the WUI, human habitation and development meet at the edge of, or are present in the interior of, areas dominated by wildland fuels. The WUI environment allows fires to move readily between structural and vegetative fuels, increasing the potential for wildfire ignitions, and the corresponding risk to life and property.

The project site is not located within a Very High Fire Hazard zone or state responsibility area. However, the project site is located approximately 0.25 miles northwest of a state responsibility area with a High Fire Hazard designation. Consequently, the project site area is classified by the SJFD as part of the WUI Fire Area. The project site is also located in the Almaden Valley WUI planning area defined by the Santa Clara County Fire Department Community Wildfire Protection Plan (CWPP). According to the CWPP, the project site has a low wildfire risk.[92]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

[92] Santa Clara County Fire Department. *Community Wildfire Protection Plan.* August 2016.

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is located with the Almaden Valley WUI Planning Area of the Santa Clara County Fire Department CWPP. The CWPP includes recommendations for wildfire risk management and evacuation procedures in the area, and categorizes areas within the planning area as high, medium, or low risk. The risk management recommendations are focused on remote or rural portions of the planning area at high risk due to poor road access, limited signage, and predominantly wood construction; the project site is considered low risk and is located in an already developed area with sufficient infrastructure and modern construction. Thus, the project and reasonably foreseeable future development under the proposed GPA and rezoning would not substantially impair any applicable wildfire emergency response or evacuation plans. **(Less than Significant Impact)**

b) Would the project, 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?

The project site is topographically level, and not subjected to uniquely hazardous wind patterns. The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly exacerbate wildfire risks. Any future development that could occur under the proposed GPA and rezoning would need to comply with applicable WUI construction standards of the CBC, including construction resistant exterior and roofing materials, to reduce wildfire risks to a less than significant level to obtain building permits. In addition, future development would be required to underground electrical lines, which would decrease the risk of exacerbating a wildfire. Therefore, project impacts are less than significant. **(Less than Significant Impact)**

c) Would the project 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?

According to the Santa Clara County Fire Department CWPP plans, the project site is at low risk of wildfire hazards. Due to the extensive existing development in the project area, utility and other infrastructure is already present to serve reasonably foreseeable future development on the project site The proposed project is a General Plan Amendment and rezoning and does not include a specific development which could directly 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. Thus, the project would result in less than significant impacts. **(Less than Significant Impact)**

d) Would the project 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?

As discussed in Section 4.7 Geology and Soils, the project site has a relatively level topography, and is not at risk of soil instability hazards. This includes landslide or slope instability hazards as a result of post-fire erosion conditions. The proposed project is a General Plan Amendment and rezoning and does not include a specific development, and would, therefore, not result in runoff, slope instability, or drainage changes after a fire that would expose people or structures to significant risks. Future development of the site under the proposed project would change the drainage on-site compared to existing conditions and would be subject to design-level analysis. As discussed in 4.10 such development would need to comply with existing policies and regulations for the management of surface runoff and erosion and would, thus, not result in significant runoff or drainage impacts and the modified drainage would not result in flooding after a fire. Thus, the project would result in less than significant impacts. **(Less than Significant Impact)**

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
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.)	☐	☐	☒	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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?

The project consists of a General Plan Amendment to Residential Neighborhood and rezoning that could result in future residential development. As discussed in the individual sections of this Initial Study, the foreseeable future development would not degrade the quality of the environment with the implementation of identified mitigation measures and standard conditions in compliance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances.

As discussed in Section 4.4 Biological Resources, the project site is not known to contain special-status plant or wildlife species and future development shall implement measures to reduce impacts to nesting birds and bats to a less than significant level.

As discussed in Section 4.5 Cultural Resources, adherence to applicable General Plan policies and implementation of standard conditions would reduce any potential impacts resulting from the

accidental discovery of archaeological resources or human remains during future site development. As discussed in Section 4.7 Geology and Soils, standard conditions that must be implemented by future development would ensure that undiscovered paleontological resources are not significantly impacted. **(Less than Significant Impact)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

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

The project is a General Plan Amendment and rezoning, which would have no impact on agricultural, historic, and mineral resources and, therefore, the project would not contribute to cumulative impacts to these resources. Impacts related to geology and soils and hazards and hazardous materials from foreseeable development as a result of the project are site specific and, therefore, would not contribute to a significant cumulative impact to those resources.

There are no cumulative projects in the vicinity of the site that the project would contribute cumulatively to for aesthetics, construction-related air quality, noise, utility and service system, and wildfire impacts.

The proposed General Plan Amendment and rezoning will not result in any direct impacts to biological resources. Additionally, all cumulative projects, including future development as a result of the proposed land use designation and rezoning would be required to implement measures and comply with existing regulations to reduce cumulative impacts to biological resources (including nesting birds, bats, and trees), hydrology and water quality, and buried cultural resources to a less than significant level. This conclusion is consistent with the conclusion in the General Plan FEIR for future buildout of the General Plan.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were designed such that a project impact would also be a cumulatively considerable impact. As discussed in Sections 4.3 Air Quality and 4.8 Greenhouse Gas Emissions, the project would result in less than significant project (and, therefore, cumulative) criteria air pollutant and GHG impacts.

The proposed project would result in increased energy use at the site. Future residential development under the project would be built in accordance with the City's Green Building Ordinance, Private Sector Green Building Policy, Climate Smart San José, and Reach Code. Adherence to existing policies and regulations would ensure that energy efficient fixtures are included in the proposed single-family residences and all new landscaping is water efficient. Cumulative projects citywide

would be built to meet the same requirements. Therefore, the project would not contribute cumulatively to impacts on energy resources.

The proposed project would amend the General Plan designation of the site to allow for single-family residences to be built within an existing residential neighborhood. By adhering to the allowable density of the proposed land use designation and the applicable Municipal Code standards of the proposed zoning, the project would not conflict with surrounding land uses. The project would not conflict with any land use plans adopted with the purpose of reducing an environmental impact (as described in Section 4.11 Land Use and Planning) and would not make a cumulatively considerable contribution to land use impacts.

As described in Section 4.14 Population and Housing, the proposed project would allow for residential development consistent with the growth levels anticipated in the General Plan. Further, the project would not divide an existing community or displace people or housing. Therefore, the project would not make a cumulatively considerable contribution to a population and housing impact.

As described in Section 4.15 Public Services and Section 4.16 Recreation, the proposed project would increase the demand for public services in the area, including fire, police protection, parks, community centers, and libraries. While demand on these facilities would increase, the existing facilities have capacity to meet the incremental increase created by the project. The proposed project would not make a cumulatively considerable contribution to the degradation of public facilities in the area.

In addition to an analysis of long-range transportation impacts of individual GPAs, the City also evaluates cumulative long-range transportation impacts of all proposed GPAs in each annual GPA cycle. The purpose of this analysis is to evaluate the combined effect of all proposed GPAs on the three Measures of Effectiveness (MOE) thresholds used to evaluate long-range transportation impacts citywide at build out of the 2040 General Plan. The results of the cumulative long-range transportation analysis showed that compared to the current General Plan, the proposed land use amendments would not result in an increase in citywide VMT per service population, not result in an increase of drive alone trips when compared to the current General Plan conditions, and cumulatively would result in less than significant impacts on citywide journey-to-work mode share and on peak-hour average vehicle speeds on the transit priority corridors. Therefore, cumulatively, the proposed 2020 GPAs would result in a less than significant transportation impact. Refer to Section 4.17 for a cumulative impact discussion.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of

the designated CEQA issue areas, those that could directly affect human beings include community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City's General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however, would ensure that these impacts would be less than significant. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact)**

SECTION 5.0 REFERENCES

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

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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