Initial Study

Empire Lumber Mixed-Use Project

File Nos. GPT15-007 and PDC15-067

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Empire Lumber Mixed-Use Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to demolish existing structures on the site and subsequently develop the site with a mixed-use structure that contains residential and commercial uses. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Thai-Chau Le
Department of Planning, Building and Code Enforcement
Thai-Chau.Le@sanjoseca.gov
(408) 535-5658
200 East Santa Clara Street
San José, CA 95113

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

1.4 NOTICE OF DETERMINATION

If the project is approved, the City 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

Empire Lumber Mixed-Use Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Thai-Chau Le
Thai-Chau.le@sanjoseca.gov
(408) 535-5658
200 East Santa Clara Street
San José, California 95113

2.3 PROJECT APPLICANT

Pacific States Industries Development

2.4 PROJECT LOCATION

The 2.77-acre project site is comprised of seven parcels located at 1260 East Santa Clara Street, between South 26th Street and South 28th Street, in the central area of the City of San José, as shown on Figure 2.4-1 and Figure 2.4-2.

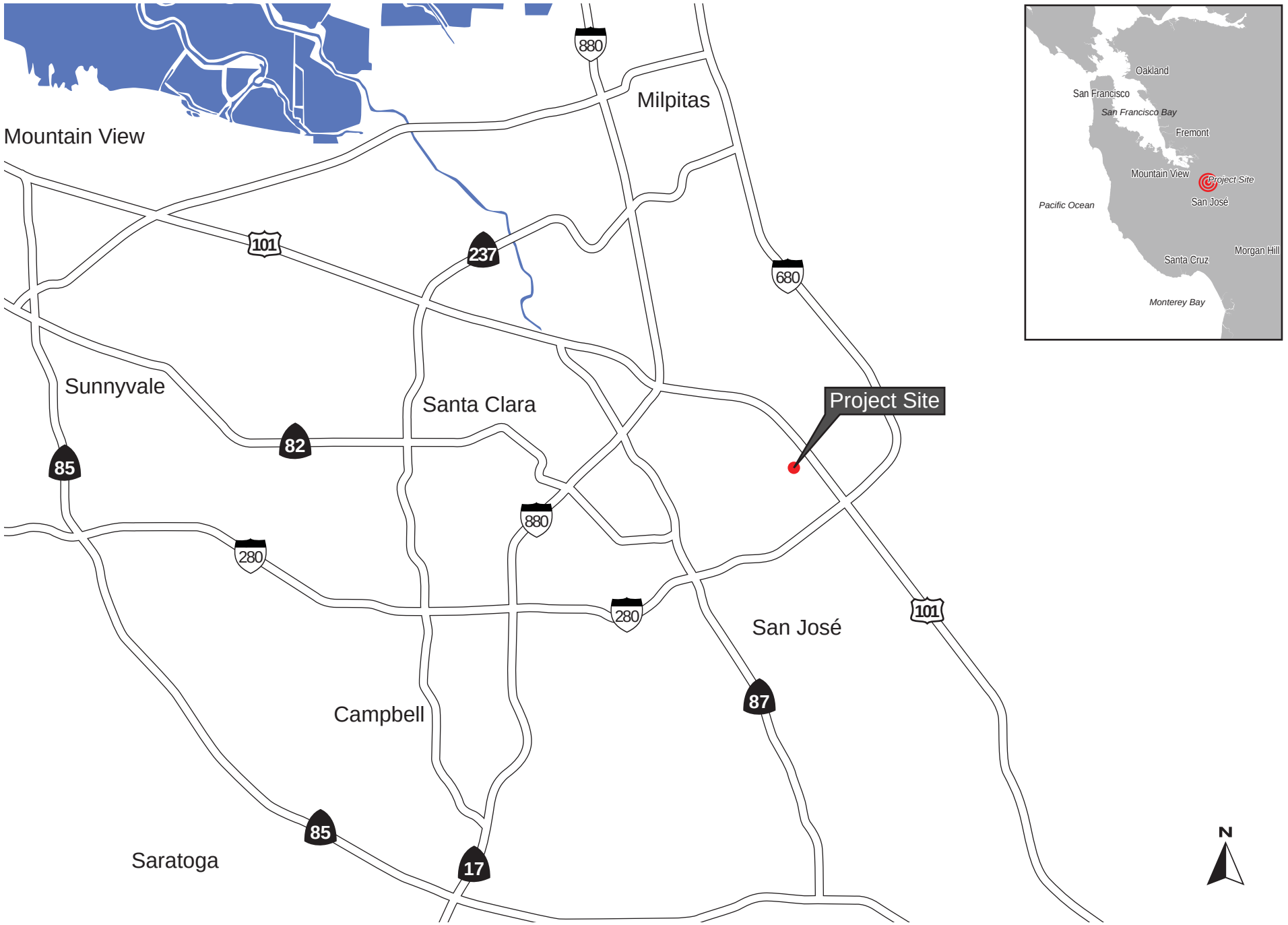
2.5 ASSESSOR'S PARCEL NUMBER

The project site is comprised of seven parcels identified as:

- 467-33-001
- 467-33-002
- 467-33-003
- 467-33-004
- 467-33-006
- 467-33-007
- 467-33-008

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated *Urban Village* under the City of San José's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The northern approximately half of the project site is zoned *CG-Commercial General*, and the southern approximately half is zoned *LI-Light Industrial*.



REGIONAL MAP

FIGURE 2.4-1

VICINITY MAP

FIGURE 2.4-2

2.7 SANTA CLARA VALLEY HABITAT PLAN DESIGNATION

Land Cover Designation:	Urban – Suburban
Development Zone:	Area 4: Urban Development Equal to or Greater Than 2 Acres Covered
Fee Zone:	Urban Areas (No Land Cover Fee)
Wildlife Survey Area:	Not Applicable

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

It is the intent that this Initial Study will be used in the consideration of the following discretionary actions:

- General Plan Text Amendment
- Architectural Review
- Planned Development Zoning
- Planned Development Permits

SECTION 3.0 PROJECT DESCRIPTION

This section describes existing uses at the project site, surrounding uses, and the proposed project. Details regarding the proposed project, such as structure size, parking and access, and landscaping are discussed.

3.1 EXISTING USES

The project site is developed with a one-story commercial building and an adjacent and associated surface parking lot, formerly occupied by Empire Lumber. The site is no longer occupied by Empire Lumber but is partially occupied by a used car dealership. The project site has three street frontages, East Santa Clara Street to the north, South 26th Street to the west, and Shortridge Avenue to the south. The project site is currently accessed by driveways on East Santa Clara Street and Shortridge Avenue.

The project site is surrounded by a mix of residential, commercial, and industrial uses. Residential development is located to the west and south of the project site, generally around the intersection of South 26th Street and Shortridge Avenue. Commercial development is also located on South 26th Street, across from the project site, as well as along East Santa Clara Street to the north of the project and along South 28th Street to the east of the project site. There is residential development east of the commercial businesses on South 28th Street. The Five Wounds Portuguese National Parish is also located on East Santa Clara Street, to the northeast of the project site (across South 28th Street) and is a prominent landmark in the project area. Commercial and light industrial uses mostly catering to automotive uses are located on Shortridge Avenue to the south of the project site. A non-operational rail line is located along the eastern property line. The rail alignment has been identified as part of the future Five Wounds Trail.

Land uses surrounding the project site are shown on Figure 3.1-1 and summarized in Table 3.1-1. This table also summarizes the General Plan land use designations and zoning districts surrounding the project site.

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 3.1-1

Table 3.1-1: Designations and Existing Uses Surrounding the Project Site			
Direction	**General Plan Land Use Designation**	**Zoning**	**Existing Uses**
North	Urban Village; Neighborhood/Community Commercial; Transportation and Utilities; & Public/Quasi-Public	CG – Commercial General	Various retail, commercial services, and restaurants; Five Wounds Portuguese National Parish
South	Urban Village & Transportation and Utilities	LI – Light Industrial & R-2 – Two Family Residential R-1 – Single-Family	Residential and light industrial uses mostly catering to automotive uses
East	Transportation and Utilities	CG – Commercial General R-2 – Two Family Residential	Vacant and non-operational rail line
West	Urban Village & Residential Neighborhood	R-M – Multiple Residence CG – Commercial General	Residential and retail and commercial services

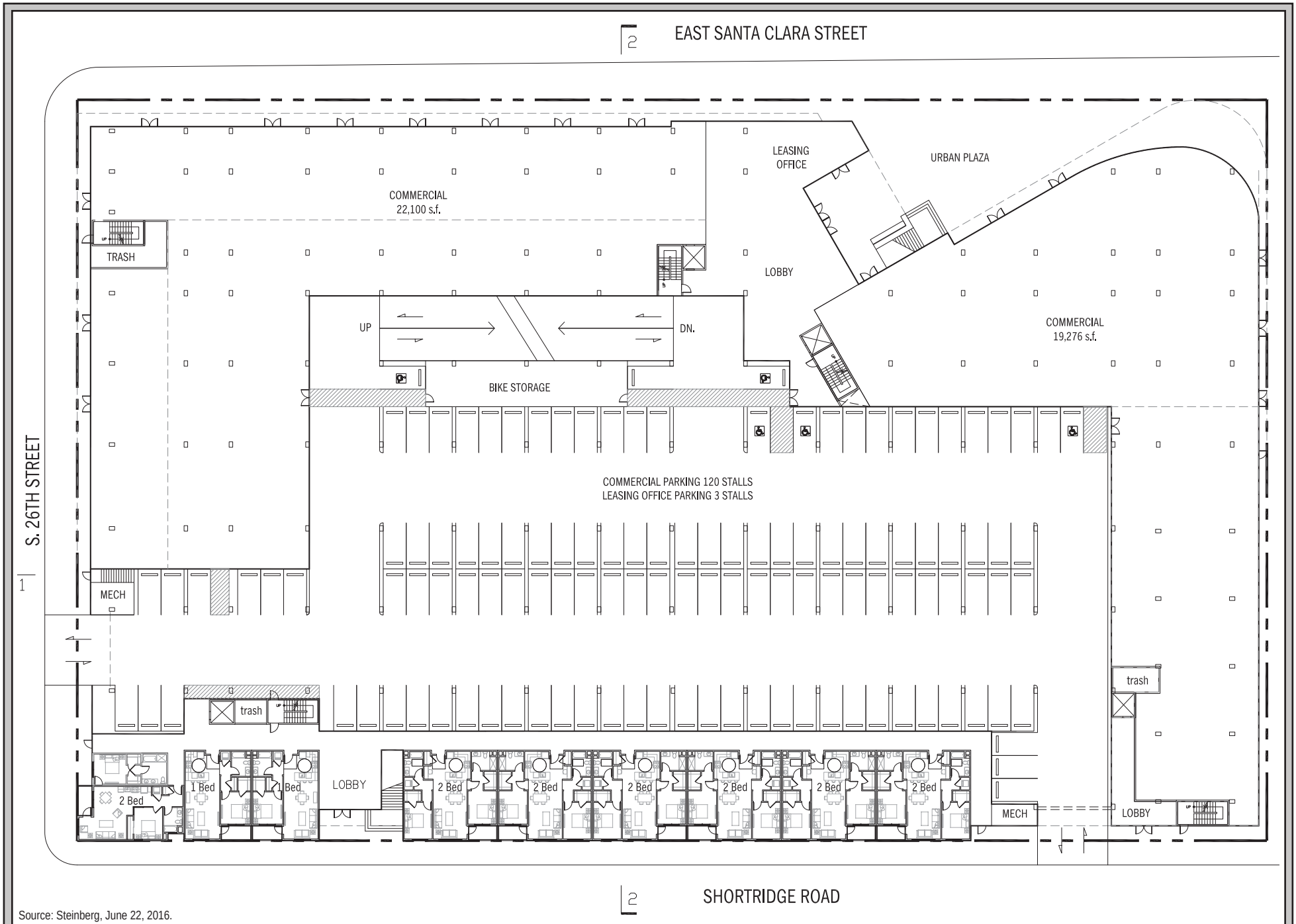
3.2 PROPOSED DEVELOPMENT

The project proposes to demolish all existing structures and associated parking and construct a new mixed-use building on-site. The mixed-use building would be seven stories with a maximum height of 85 feet. The building would contain up to approximately 60,330 square feet of commercial space and up to 408 residential units, as well as indoor parking garage space.[1]

Approximately 40,300 square feet of commercial space would be located on the ground floor of the building, generally along the eastern, northern, and western sides of the building. The remaining commercial space would be provided on a partial mezzanine level at the eastern and western sides of the building (see Figure 3.2-1 and Figure 3.2-2). Residential units located on the ground level of the building would be limited to the southern boundary of the site. Residential units located on the second level would be located on the southern boundary of the site, as well as a small number of units at the southwest corner of the site, as shown on Figure 3.2-2. The remaining floors would have residential units on all sides of the building. As proposed, there would be no residential units along the eastern property line, on the first or second floors, adjacent to the future trail. Residential units would vary in type, and include junior one-bedroom, one-bedroom, one-bedroom with loft, and two-bedroom.

The proposed building would have one level of below-grade parking and two levels of above-grade parking. The commercial space and residences would wrap the parking levels on the first and second

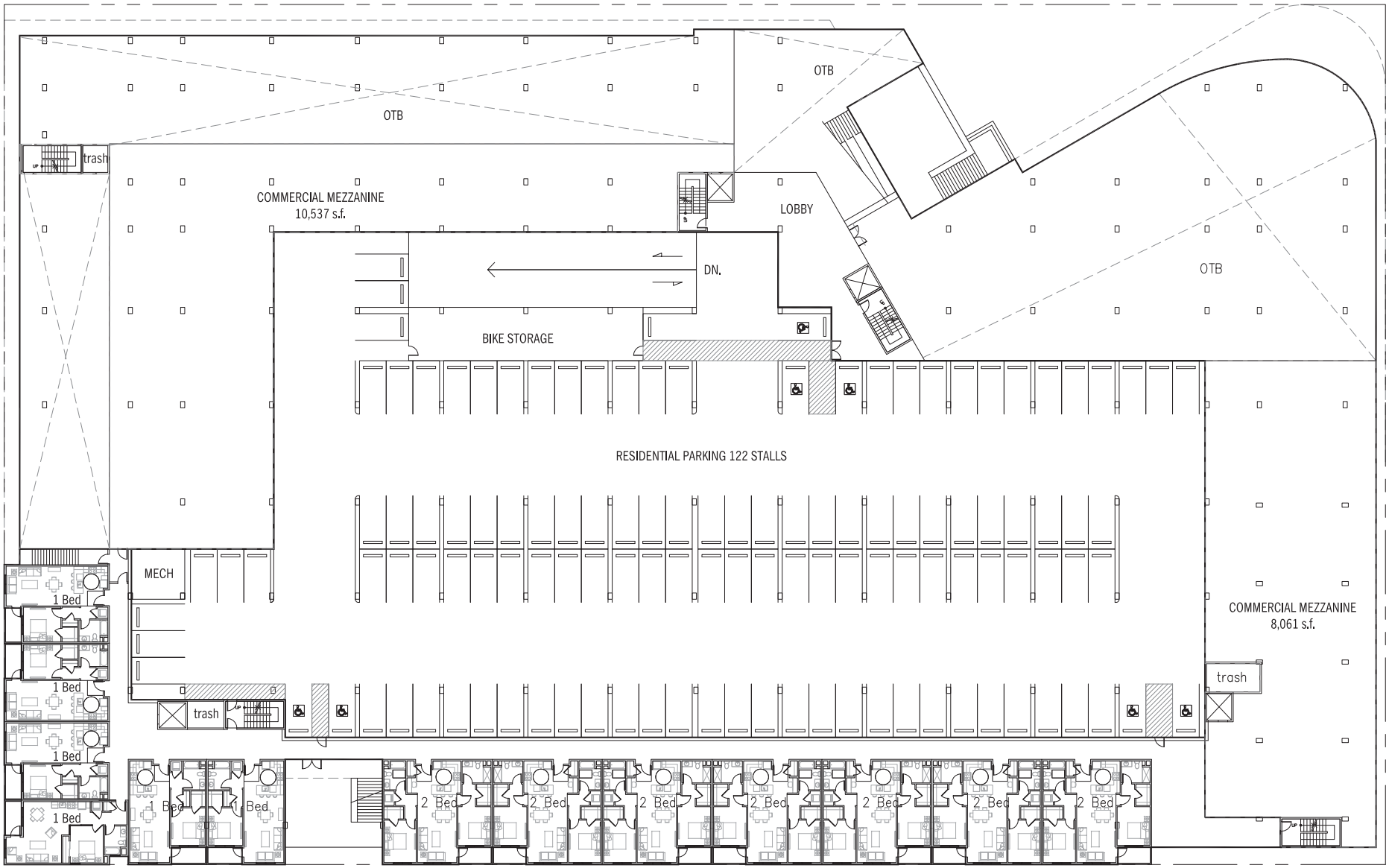
[1] This reflects the conservative analysis for the highest possible number of residential units and commercial square footage. This is consistent with the redevelopment standards of the PD Rezoning.



Source: Steinberg, June 22, 2016.

CONCEPTUAL SITE PLAN

FIGURE 3.2-1



Source: Steinberg, June 22, 2016.

SECOND FLOOR PLAN

FIGURE 3.2-2

floors. The parking garage would have approximately 554 parking spaces to be shared between residents, commercial customers, and employees. Motorcycle storage would be proposed on the below-grade level and bicycle storage would be provided on the two above-grade levels. Access to the garage would be provided from South 26th Street and Shortridge Road. No access to the garage would be provided from East Santa Clara Street.

A pool deck, podium garden, and club/fitness area (approximately 2,442 square feet) are proposed on top of the parking structure on the third floor. The open space area would be wrapped by residential units (see Figure 3.2-3).

3.2.1 Green Building Measures

The proposed project would be required to build to the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption.

3.3 REZONING REQUIREMENT

As described in Section 2.6, General Plan Designation and Zoning District, the project site is designated *Urban Village* under the City's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The *Urban Village* designation has no established floor area ratio (FAR) minimum or maximum for commercial development and no established minimum or maximum residential unit density; however, to meet the employment lands and job development objectives for this village, the Roosevelt Park Urban Village Plan establishes a minimum FAR for the commercial/employment component of mixed-use projects in some of the plan area. The project site is located in Area D, which has a minimum 0.50 FAR requirement for the commercial portion of a mixed-use project. The density of new development would be limited by the maximum height limits established in the Roosevelt Park Urban Village Plan. For the project site, the maximum height limit is 85 feet, but there are restrictions to the maximum height limit. Building Height Policy 6 requires all new development adjacent to property with an existing single-family home or with a General Plan designation of Residential Neighborhood with a density of 8 dwelling units to the acre or less, shall step down in height to 35 feet within 20 feet of such single-family properties.

As mentioned above in Section 2.6, the site has two zoning designations. The northern approximately half of the project site is zoned *CG – Commercial General* (Chapter 20.40 of the City Code) and is intended to serve the needs of the general population. The *Commercial General* zoning allows for a full range of retail and commercial uses with a local or regional market. The southern approximately half of the project site is zoned *LI – Light Industrial* (Chapter 20.50 of the City Code) and is intended for a variety of industrial uses and excludes uses with unmitigated hazardous effects. Uses in the *LI – Light Industrial* zoning district include warehouse, wholesale, and light manufacturing. The current zoning designations are not applicable to the specific development proposed for the project site. As a result, the project proposes a rezoning to *CG(PD) – Commercial General Planned Development*.

Source: Steinberg, June 22, 2016.

THIRD FLOOR PLAN

FIGURE 3.2-3

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

Senate Bill 743

Senate Bill 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). Senate Bill 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under Senate Bill 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.[2]

Senate Bill 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

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 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[3]

[2] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses."
A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations."
A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed April 26, 2019. http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.

[3] California Department of Transportation. "Scenic Highways.". Accessed June 7, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Local

City Council Policy 4-3

City Council Policy 4-3 addresses outdoor lighting requirements on private development in San José. The purpose of the policy is to promote energy-efficient outdoor lighting that provides adequate nighttime lighting while benefiting the continued enjoyment of the night sky by reducing light pollution. Policy 4-3 requires low-pressure sodium lighting for outdoor, unroofed areas of private development. No light sources may be directed skyward, and light sources that produce more than 4,050 lumens shall be fully shielded. Light sources that produce less than 4,050 lumens must be at least partially shielded.

Envision San José 2040 General Plan

Applicable General Plan policies pertaining to aesthetics are listed below.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

4.1.1.2 *Existing Conditions*

Project Site

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The building façade along East Santa Clara Street appears as three separate sections. The eastern portion of the building, which is currently occupied by a used car dealership, is distinguished by four large aluminum frame windows on the northern façade. The entrance to the building is on eastern side of the building. The central section of the building has no windows or doors and has a false front, which makes it taller than the other two building sections. The western portion of the building has a central entrance and appears to have had six large windows on the northern façade (similar to the eastern portion of the building), which have been covered or removed. The commercial building is made of wood-framed construction, and clad with a mix of stucco, ribbed metal panels, and wood sheathing. Large eaves overhang the sidewalk on each of the building sections (see Photos 1 and 2).

Chain-link fences with barbed wire and privacy slats (in some areas) are located along the southern, eastern, and western property lines (see Photo 3). Street trees are located along the street frontage (see Photo 4). A free-standing roadway sign for the previous Empire Lumber business is located adjacent to the sidewalk on East Santa Clara Street, within the parking lot.

Surrounding Land Uses

The project site is located within a mixed residential and commercial neighborhood, with some light industrial. West of the project site, on the west side of South 26th Street, is a commercial building, a single-family residence that has been converted to a business, and a small duplex. All of these buildings are one-story and back up to two apartment buildings that are two and three stories. South of the project site, on the south side of Shortridge Avenue, are primarily single-story, single-family houses and a few light industrial buildings. The remainder of the area to the south and west is a residential neighborhood. As the area was developed over time, there is no prominent architectural style (see Photo 5).

Immediately east of the project site are former Union Pacific railroad tracks (see Photos 6 and 7).

North of the project site is East Santa Clara Street, a four-lane multi-directional roadway. North of East Santa Clara Street are several one-story commercial buildings. Most of the commercial buildings are in poor condition with no landscaping other than a few street trees. A recently renovated fast food restaurant stands out in this area with new paint and extensive landscaping along the street frontages. The Five Wounds Portuguese National Parish (Five Wounds Church), a local historic landmark, is located approximately 320 feet northeast from the project site. The three-story church is located between two one- to story-story accessory buildings. The church has a large front courtyard with palm trees and the accessory buildings have large grass areas lined with decorative fences and landscaping (see Photo 8).

PHOTO 1: View of the project site, looking south from East Santa Clara Street.

PHOTO 2: View of the project site, looking southwest from East Santa Clara Street.

PHOTO 3: View of the project site, looking north from Shortridge Avenue.

PHOTO 4: View of street trees and parking site, looking south from East Santa Clara Street.

PHOTO 5: View of one-story family residences, looking southwest from the Shortridge Avenue and South 26th Street Intersection.

PHOTO 6: View of the railroad tracks, looking northwest from South 28th Street.

PHOTO 7: View of the railroad tracks, looking northwest from South 28th Street.

PHOTO 8: View of Five Wounds Church and a commercial business, looking northeast from East Santa Clara Street.

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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[4] 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?	☐	☐	☒	☐

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

The proposed project would meet the criteria of SB 743 because 1) the project is mixed-use residential and 2) the project is located within a transit priority area.[5] Consistent with Public Resources Code Section 21099, the project would have a less than significant aesthetics impact. While the project would have a less than significant aesthetics impact, this Initial Study addresses the CEQA checklist questions for informational purposes given the size and location of the project within the Roosevelt Park Urban Village.

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

The City's General Plan defines scenic vistas or resources in the City as broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project area is flat with buildings ranging from one to three stories; and prominent views, other than buildings, are limited. The project area, in particular, has minimal to no scenic views due to the existing built environment and no designated scenic resources, though the Five Wounds Church and the eastern foothills are visible from the project site and the surrounding project area. The construction of a seven-story mixed-use building on the project site may limit views of the church and the foothills from a portion of the residential neighborhood to the south and west, but would not

[4] Public views are those that are experienced from publicly accessible vantage points.
[5] Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed April 29, 2020. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.873%2C37.346%2C-121.857%2C37.349

significantly diminish scenic views from public viewpoints in the project area or damage any designated scenic resources.

As a condition of project approval, consistent with Building Height Policy 4 in the Urban Village Plan, the project applicant shall provide the City a height and massing study to demonstrate how the views of the church will be maintained, particularly from the south and southwest. The height and massing study must be submitted and approved by Planning, Building and Code Enforcement prior to issuance of building permits. Photos 9 through 12 show simulations of the proposed project. **(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?

The nearest State scenic highway is SR-9 located approximately 10.5 miles southwest of the project site.[6] Because of the distance from SR-9, the project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a State scenic highway. **(Less Than Significant Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project site is located in a highly visible and active area on East Santa Clara Street. New construction on the site would be visible from the roadways and surrounding properties. The project site is in a highly urbanized area and is surrounded with a multitude of architectural styles and building heights.

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The project area is a mix of residential houses and commercial businesses, with varying architectural styles. The development of a seven-story mixed-use building would change the visual character of the immediate project area; however, the development would be generally consistent with the development assumed in the Roosevelt Park Urban Village Plan and the General Plan.

The *San José 2040 General Plan FEIR* concluded that while new development and redevelopment under the General Plan would alter the appearance of the City, implementation of adopted policies and existing regulations (including the City's Design Guidelines and, in this case, the policies in the Roosevelt Park Urban Village Plan) would avoid substantial degradation of the visual character or quality of the City.

The proposed project would be taller than existing development in the project area, but the City deemed building heights up to 85 feet on the project site appropriate and would be consistent with the visual character of the neighborhood, as outlined in the Roosevelt Park Urban Village Plan. The

[6] Caltrans. "Introduction." Accessed December 18, 2019. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways

PHOTO 9: Current view of project site from South 26th Street.

PHOTO 10: Photo simulation of the proposed project from South 26th Street.

PHOTO 11: Current view of project site from Jeanne Avenue.

PHOTO 12: Photo simulation of the proposed project from Jeanne Avenue.

project would be required to comply with the adopted plans, policies, and regulations as outlined in the *San José 2040 General Plan FEIR*. In addition, the project will be required to comply with all applicable urban design concepts adopted as part of the Roosevelt Park Urban Village Plan. As a result, the proposed project will have a less than significant impact on visual character of the site or its surroundings. **(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 include exterior lighting for safety and security, as well as aesthetics. This would increase the number of light sources in the project area during night. However, the project would be required to conform to City Council Policy 4-3, which requires low-pressure sodium lights that are either fully or partially shielded depending on how bright they are. This would reduce the amount of trespass light created from project lighting. Additionally, because the project area is in an urbanized area, there are already a considerable amount of lights and the project contribution would be incremental.

Some surfaces of the building façade, such as glass windows, would be new sources of potential daytime glare. However, there are similar surfaces surrounding the project site due to its located in an urban area of the City. The additional glare from the project would be an incremental increase and not substantial. In addition, the project would be required to comply with all applicable urban design concepts adopted as part of the Roosevelt Park Urban Village Plan, which would reduce excessing glare as well as lighting. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program 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 Farmland Mapping and Monitoring Program 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.[7]

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.[8]

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.[9] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[10]

4.2.1.2 *Existing Conditions*

The project site is developed with a single-story building and adjoining surface parking lot and is partially occupied by a used car dealership. Surrounding properties are also developed with structures and urban land uses. Neither the site nor surrounding properties are used for agriculture or forestry uses. According to the Department of Conservation, the project site is not mapped as Important

[7] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 7, 2019. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[8] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[9] 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)).
[10] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed April 26, 2019. http://frap.fire.ca.gov/.

Farmland.[11] The Department of Conservation has designated the project site and surrounding area as "Urban and Built-Up Land." Urban and Built-up Land is defined as land with at least six structures per 10 acres and utilized for residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes.[12] The project site and surrounding area is not subject to a Williamson Act contract.[13]

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?

[11] California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014.
[12] ibid
[13] California Department of Conservation. *Santa Clara County Williamson Act FY 2015/2016*. 2016.

As described above, the project site is designated as Urban and Built-Up Land on maps prepared pursuant to the Farmland Mapping and Monitoring Program. The project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Because farmland does not occur within the project site, there would be no impact. **(No Impact)**

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

As previously described, the project site and surrounding area is not subject to a Williamson Act contract, and the project site is not zoned for agricultural use. Therefore, the project would not conflict with existing zoning or with a Williamson Act contract. **(No Impact)**

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

The northern approximately half of the project site is zoned *CG-Commercial General*, and the southern approximately half is zoned *LI-Light Industrial*. The project site is not zoned for agricultural use, forest land, timberland, or timberland production. As described above, the project site is not subject to a Williamson Act contract. Therefore, the proposed project would not conflict with zoning for agricultural of forestry uses or a Williamson Act contract. The proposed project would have no impact. **(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 and surrounding properties are developed with urban uses, not forest land. For this reason, the development of the project would on result in the loss of forest land or conversion of forest land to 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 fully developed with a surface parking lot and single-story building. The site is partially occupied with a used car dealership. Farmland, forest land, and forest-related uses do not occur on the project site. Therefore, the proposed project would not result in a loss or conversion of farmland or forest land. There would be no impact. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in July 2016, and an update to the Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* April 2020. The reports are attached in Appendices A and B.

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.[14] 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
Ozone (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.

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

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.

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).[15] 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, day care 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.

[15] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

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

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in 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.[16]

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.

[16] 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 City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to air quality and are applicable to the proposed project.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.1.3 *Existing Conditions*

The Bay Area Quality Management District (BAAQMD) is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). As shown in Table 4.3-2, violations of State and Federal standards at the monitoring station in Downtown San José (the nearest monitoring station to the project site) during

the 2013-2015 period (the most recent years for which data is available) include high levels of ozone, $PM_{2.5,}$ and PM_{10}.[17,18]

Table 4.3-2: Ambient Air Quality Violations and Highest Concentrations (2016-2018)

Pollutant	Standard	Days Exceeding Standard		
		2016	2017	2018
SAN JOSÉ STATION				
Ozone	State 1-hour	0	3	0
	Federal 8-hour	0	4	0
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	0	6	4
$PM_{2.5}$	Federal 24-hour	0	6	15

Source: Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries". Accessed December 5, 2019. http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

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.

The nearest sensitive receptors are the residences to the south and west of the project site.

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?	☐	☐	☒	☐

[17] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[18] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. http://www.baaqmd.gov/about-air-quality/air-quality-summaries. Accessed April 14, 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	☐	☐	☒	☐

4.3.2.1 *Air Quality Impacts – Thresholds of Significance*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-3.

Table 4.3-3: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	0.3 µg/m^3	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = coarse particulate matter with a diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.

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

The BAAQMD CEQA *Air Quality Guidelines* set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent 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. As shown in Table 4.3-4 below, the project would generally be consistent with the intent of the 2017 CAP measures intended to reduce automobile trips, as well as energy, water, and waste.

Table 4.3-4: Bay Area 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The proposed site is located in proximity to Caltrain, Altamont Commuter Express (ACE), Amtrak, and Santa Clara Valley Transportation Authority (VTA) transit services (bus service and light rail). The site is also in proximity to multiple Class II and III bicycle facilities. In addition, the project would implement a Transportation Demand Management (TDM) program as part of the parking reduction requirements. The project is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The existing pedestrian facilities would provide a safe connection between the project site and the surrounding land uses. The project would include 120 bicycle parking spaces, consistent with the requirements of the Roosevelt Urban Village Plan. The project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action places and other local best practices.	The project site is located within close proximity to transit services and other amenities to encourage infill development, reduction of trips, and alternative mode of transportation to nearby services; therefore, the project is consistent with this measure (refer to *Section 4.16 Transportation* for more information).
Building Measures		
Green Buildings and Decrease Electricity Demands	Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Ordinance and the most recent California Building Code. The project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking"	The project would be required to comply with the City's Green Building Ordinance and the

Table 4.3-4: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	most recent California Building Code which would increase building efficiency over standard construction. While the project would comply with the California Building Code requirements, there is currently no specific proposals for cool roofs or cool paving (as no surface parking is proposed). Therefore, the project is not fully consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Climate Smart San Jose goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

The project is consistent with most applicable transportation, building, natural and working lands, and waste management control measures identified in the table above and is consistent with the population projections in the 2017 CAP. The project would not result in a significant impact related to consistency with the 2017 CAP.

Construction Impacts - Criteria Pollutants

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, TACs from vehicles, and $PM_{2.5}$, which is a regulated air pollutant. There are sensitive receptors in proximity to the project site. To quantify the effects of project construction on the adjacent sensitive receptors, construction period criteria pollutant emissions were computed using the CalEEMod model. The analysis was based on a 24-month construction period beginning in April 2021.

Table 4.3-5: Construction Period Criteria Pollutant Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Total Construction Emissions (from CalEEMod) (tons)	3.3	0.8	<0.1	<0.1
Total Construction Emissions (from EMFAC2017) (tons)	2.0	2.4	0.2	0.1
Total Construction Emissions (tons)	5.3	3.2	0.2	0.1
Average Daily Emissions (pounds per day)[19]	41.4	24.6	1.9	1.0
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold	**No**	**No**	**No**	**No**

As shown in Table 4.3-5, construction of the proposed project would not generate emissions above the BAAQMD thresholds. In addition, these emissions would be temporary and would be reduced further with the implementation of General Plan policies and existing air quality and dust-control regulations. Therefore, the proposed project would have a less than significant criteria pollutant emissions impact. **(Less Than Significant Impact)**

Operational Emissions – Criteria Pollutants

Operational emissions were quantified to ensure there would be no exceedances of the BAAQMD thresholds. Table 4.3-6 lists the annual and daily emissions that would be generated by the proposed project.

Table 4.3-6: Operational Criteria Pollutant Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2023 Annual Project Operational Emissions (tons)	3.3	1.7	2.2	0.6
BAAQMD Thresholds (tons per year)	***10***	***10***	***15***	***10***
Exceed Threshold	**No**	**No**	**No**	**No**
Average Daily Net Project Operational Emissions (pounds)	18.1	9.2	12.2	3.5
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold	**No**	**No**	**No**	**No**

As shown in the table, operation of the project would generate emissions below BAAQMD thresholds and would have a less than significant impact on criteria pollutant emissions. **(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?

[19] Assumes 257 workdays.

Construction and operational period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds (please refer to Question A.). Since the project would have a less than significant criteria pollutant impact, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. **(Less than Significant Impact)**

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

Construction activities would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying loads of soils. Consistent with City requirements, the project shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions:

The project applicant shall implement the following measures during all phases of construction to control dust and exhaust at the project site:

- 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.

With implementation of these Standard Permit Conditions, fugitive dust and other particulate matter during construction would have a less than significant air quality impact. **(Less than Significant Impact)**

Construction Impacts – Toxic Air Contaminants

The duration and equipment usage estimates have not changed since completion of the 2016 analysis. In addition, air quality models assume efficiencies over time as passenger vehicles, heavy equipment, and large trucks become less polluting as a result of cleaner fuels and advances in technology. Therefore, having a later start date would result in equivalent or less TAC emissions than the original assessment and the findings of the original analysis are still valid and presented below.

To quantify the effects of TAC emissions from project construction on the nearby sensitive receptors, emissions were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM at existing sensitive receptors in the vicinity of the project site. Residential receptors are designated in yellow and the maximum off-site exposure locations for residents are circled in pink on the figure below.

At the maximum residential exposure location, the total annual $PM_{2.5}$ emissions for off-road construction equipment and on-road vehicles (i.e., haul trucks, vendor trucks, and worker trucks) would be 0.39 micrograms per cubic meter ($\mu g/m^3$), which would exceed the BAAQMD threshold of 0.3 $\mu g/m^3$.

The maximum incremental residential child cancer risk was calculated to be 21.1 cancer cases per million. The maximum residential adult cancer risk is 0.4 in one million. While the cancer risk estimated for adults was below the health risk threshold of 10 cancer cases per million, the residential child cancer risk would exceed the threshold.

Non-cancer community risks from chronic exposure to DPM were also analyzed. The threshold for chronic inhalation reference exposure level (REL) for DPM is 5.0 μ/m^3 and the Hazard Index is greater than one. The maximum annual residential non-cancer DPM concentration from construction activities would be 0.08 μ/m^3 and the maximum Hazard Index score would be 0.015. The non-cancer community risks are, therefore, below the thresholds of significance.[20]

[20] Concentration levels for contaminants that pose non-cancer health hazards are set by the California's Office of Environmental Health and Hazards (OEHHA).

Impacts AIR-1: Construction activities associated with the proposed project would expose children near the project site to temporary TAC emissions in excess of acceptable risk thresholds. **(Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts:

MM AIR-1.1: All diesel-powers off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.

MM AIR-1.2: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and generators) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

MM AIR-1.3: All forklifts shall meet Tier 4 requirements or use alternative fuels such as propane.

MM AIR-1.4: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit to the Director of Planning or Director's designee a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in Mitigation Measures AIR-1.1 through 1.3.

These mitigation measures, along with the Standard Permit Conditions previously identified, are intended to establish a process that minimizes fugitive dust and exhaust emissions that protect the health and safety of nearby sensitive receptors such that temporary construction emissions would not exceed the BAAQMD significance thresholds for community risk and hazard impacts.

With implementation of the identified Standard Permit Conditions and Mitigation Measures, the residential child cancer risk during construction would be reduced to 6.7 cases per million which is below the 10 per one million cases threshold. The annual $PM_{2.5}$ concentration would be reduced to 0.13 $\mu g/m^3$, which is less than BAAQMD's single- source significance threshold of 0.3 $\mu g/m^3$. Therefore, the proposed project would result in a less than significant community risk impact due to construction activities. **(Less than Significant Impact With Mitigation)**

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

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odor emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. The project applicant would be required to abide by policies (such as Policy MS-12.2) which require adequate buffers between sources of odors and sensitive receptors. Implementation of the proposed project would not result in odors that would adversely affect a substantial number of people. **(Less Than Significant Impact)**

4.3.3 Non-CEQA Effects

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

BAAQMD recommends that projects be evaluated for community risk when they are located within 1,000 feet of stationary permitted sources of TACs, and/or within 1,000 feet of freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). Traffic on high volume roadways is a source of TAC emissions that may adversely impact sensitive receptors in close proximity the roadway. A review of the project area indicates that traffic on East Santa Clara Street is the only substantial source of mobile TAC emissions within 1,000 feet of the project site.

BAAQMD provides Roadway Screening Analysis Tables that are used to assess potential cancer risk and annual $PM_{2.5}$ concentrations from surface streets for each Bay Area county. The significance criteria used by the City of San José are that a project would result in a significant TAC or $PM_{2.5}$ exposure if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter (µg/m3) annual average PM2.5.

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. Both mobile (vehicular) source and stationary sources of TACs can result in significant TAC or $PM_{2.5}$ exposure.

The vehicular traffic on East Santa Clara Street and US-101 could result in elevated community risk levels for future residents of the project. Stationary sources identified by BAAQMD revealed one source within 1,000 feet of the project site. The location of these sources and the level of community risk associated with them is shown in Table 4.3-7 As summarized in the table, future residents of the proposed project would not be exposed to TACs or $PM_{2.5}$ levels in excess of BAAQMD standards; therefore, the project is consistent with General Plan Policy MS-11.1 as it relates to mobile and stationary sources of TACs.

Table 4.3-7: Mobile and Stationary Source Community Risk Levels				
Source	**Location from Project Site**	**Cancer Risk (per million)**	**Annual PM2.5 Concentration (µg/m3)**	**Hazard Index**
US-101	850 feet east	<1.9	<0.012	<0.01
Plant 18356, Generator, Verizon Wireless	612 feet west	0.22	<0.002	<0.002
East Santa Clara Street	30 feet north	6.1	0.2	<0.01
Total:		<9.0	<0.3	<0.3
BAAQMD Threshold – Single Source		>10.0	>0.3	>1.0
BAAQMD Threshold – Cumulative Sources		>100	>0.3	>10.0
Threshold Exceeded?		**No**	**No**	**No**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a tree survey prepared by David J. Powers & Associates, Inc. in May 2016.

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 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 Migratory Bird Treaty Act when the underlying purpose of that activity is not to take birds.[21] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers, Regional Water Quality Control Board

[21] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed March 28, 2019. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

(RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (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

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Local

City of San José Municipal Code Chapter 13.28

Chapter 13.28 of the City's Municipal Code regulates and protects the City's community forest, consisting of Heritage Trees; street trees, hedges, and shrubs; and trees in public spaces, such as City parks. Heritage Trees are trees which City Council has found to have a special significance to the community because of particular factors, such as history, girth, height, species, or unique qualities. Chapter 13.28 of the Municipal Code prohibits pruning or removal of Heritage Trees, street trees, or trees in public spaces unless the City has first issued a permit.

City of San José Municipal Code Chapter 13.31

Chapter 13.31 of the City's Municipal Code serves as the Tree Ordinance and sets forth removal controls to ordinance-sized trees. Ordinance-sized trees are live or dead trees having a main stem or trunk that measures 38 inches or more in circumference at a height of 54 inches above natural grade slope. A tree removal permit is required from the City prior to removal of ordinance-sized trees. For multifamily, commercial, and industrial properties, a permit is required for the removal of trees of any size.

Envision San José 2040 General Plan

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to biological resources and applicable to the proposed project.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of

activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

The *Roosevelt Park Urban Village Plan* includes policies applicable to the proposed urban village project. The following policies are specific to biological resources and applicable to the proposed project.

Street Tree Policy 1: Maintain a consistent row of street trees along East Santa Clara Street that provides a wide and dense canopy of shade over the sidewalk and extends over the street.

Street Tree Policy 2: Where possible, expand the existing street tree canopy along East Santa Clara Street.

4.4.1.2 *Existing Conditions*

Vegetation and Habitat

The project site is developed with a single-story building and surface parking lot. Vegetation in the vicinity of project site includes patches of grass and street trees. There are no wetlands or other surfaces waters on the project site. There are also no riparian zones or other special habitats on the project site.

The trees located on and adjacent to the project site are listed in Table 4.4-1 and are shown on Figure 4.4-1. Tree #12 through #30 are located off-site, adjacent to the railroad tracks to the east of the project site. All other trees listed in Table 4.4-1 are located on-site. The trees located on and adjacent to the project site are primarily non-native species with the exception of two Coast live oak trees. In accordance with City policy, street trees and Ordinance-sized trees that are 38 inches or more in circumference at a height of 54 inches above natural grade slope, as well as Heritage Trees, are

protected from removal without a permit. Thirty of the trees are ordinance sized and are shown in bold in Table 4.4-1.

Table 4.4-1: Trees on and Adjacent to the Project Site			
Tree #	**Species Scientific Name**	**Species Common Name**	**Circumference in Inches**
1	***Acacia melanoxylon***	**Black acacia**	**157**
2	***Acacia melanoxylon***	**Black acacia**	**67**
3	***Acacia melanoxylon***	**Black acacia**	**47**
4	***Acacia melanoxylon***	**Black acacia**	**51**
5	*Acacia melanoxylon*	Black acacia	30
6	***Ailanthus altissima***	**Tree of heaven**	**99**
7	***Acacia melanoxylon***	**Black acacia**	**52**
8	***Ailanthus altissima***	**Tree of heaven**	**65**
9	***Ailanthus altissima***	**Tree of heaven**	**124**
10	***Ailanthus altissima***	**Tree of heaven**	**72**
11	***Ailanthus altissima***	**Tree of heaven**	**117**
12	***Gleditsia triacanthos***	**Honey locust**	**58**
13	***Phoenix* sp.**	**Palm**	**110**
14	***Phoenix* sp.**	**Palm**	**99**
15	***Gleditsia triacanthos***	**Honey locust**	**58**
16	*Quercus agrifolia*	Coast live oak	27
17	***Quercus agrifolia***	**Coast live oak**	**45**
18	***Phoenix* sp.**	**Palm**	**101**
19	*Gleditsia triacanthos*	Honey locust	17
20	***Thuja occidentalis***	**American arborvitae**	**49**
21	*Gleditsia triacanthos*	Honey locust	30
22	***Gleditsia triacanthos***	**Honey locust**	**72**
23	*Schinus molle*	Peruvian pepper	17
24	*Gleditsia triacanthos*	Honey locust	37
25	***Gleditsia triacanthos***	**Honey locust**	**87**
26	***Gleditsia triacanthos***	**Honey locust**	**55**
27	***Gleditsia triacanthos***	**Honey locust**	**52**
28	***Gleditsia triacanthos***	**Honey locust**	**60**

Table 4.4-1: Trees on and Adjacent to the Project Site			
Tree #	**Species Scientific Name**	**Species Common Name**	**Circumference in Inches**
29	*Ailanthus altissima*	Tree of heaven	20
30	***Acacia melanoxylon***	**Black acacia**	**40**
31	***Platanus* × *acerifolia***	**London plane**	**41**
32	*Platanus* × *acerifolia*	London plane	35
33	*Platanus* × *acerifolia*	London plane	34
34	*Platanus* × *acerifolia*	London plane	35
35	*Platanus* × *acerifolia*	London plane	35
36	***Platanus* × *acerifolia***	**London plane**	**38**
37	***Platanus* × *acerifolia***	**London plane**	**44**
38	***Platanus* × *acerifolia***	**London plane**	**41**
39	***Platanus* × *acerifolia***	**London plane**	**55**
40	***Platanus* × *acerifolia***	**London plane**	**39**
41	***Platanus* × *acerifolia***	**London plane**	**50**
Note: Bold lettering denotes Ordinance-sized trees.			

Special-Status Species

Special-status species are plants and animals that are legally protected under the federal Endangered Species Act, California Endangered Species Act, or other regulations, and species that are considered sufficiently rare by the scientific community to qualify for such listing. Species falling into one or more of the following categories are considered special-status species:

- Plants or animals listed or proposed for listing as threatened or endangered under the federal Endangered Species Act;
- Plants or animals that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act;
- Plants or animals listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act;
- Plants listed as rare or endangered under the California Native Plant Protection Act
- Plants that meet the definitions of rare and endangered under the CEQA Guidelines, Section 15380;
- Plant species considered under the CNPS to be "rare, threatened or endangered in California", which appear, respectively, in Lists 1A, 1B, and 2 in the Inventory of Rare and Endangered Plants of California;

TREE MAP

FIGURE 4.4-1

- Plants listed in the Inventory of Rare and Endangered Plants of California as plants about which more information is needed to determine their status and plants of limited distribution, which may be included as special-status species on the basis of local significance or recent biological information;
- Animal species of special concern to CDFW;
- Animal species fully protected in California; and
- Bird species protected by the Migratory Bird Treaty Act.

Most special-status species occurring in the Bay Area use habitats that are not present on the project site, including salt marsh, freshwater marsh, and serpentine grassland habitats. As described above, there are no wetlands or other surfaces waters on the project site. There are also no riparian zones or other special habitats on the project site. The project site is developed with a single-story building and surface parking lot, and vegetation in the vicinity of project site includes patches of grass and street trees. Therefore, the potential for special-status species to occur on-site or adjacent to the project site is very low because suitable habitat does not exist. However, existing trees on and adjacent to the site may provide nesting habitat to migratory bird species during the breeding season, which as described above, are considered special-status species for this analysis.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The project site is identified in the Habitat Plan as Development Zone Area 4: Urban Development Equal to or Greater Than Two Acres Covered. The project site is designated Urban-Suburban and with the Urban Areas fee zone with no applicable land cover fees. The project site is not located within a plant or wildlife survey area identified by the Habitat Plan.

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)?	☐	☐	☒	☐
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?	☐	☐	☐	☒

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

The project site is located in a highly urbanized area and does not provide habitats suitable for special-status species. The project would remove 41 trees which could provide nesting and/or foraging habitat for migratory birds including raptors. In accordance with the City standards, the following Mitigation Measure would be implemented by the proposed project to reduce potential impacts to special-status species.

Impacts BIO-1: Construction activities associated with the proposed project would remove 41 trees which could provide nesting and/or foraging habitat for migratory birds. **(Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures would be implemented during all demolition and construction activities to reduce impacts to nesting birds:

MM BIO-1.1: **Avoidance:** The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive), as amended.

MM BIO-1.2: **Nesting Bird Surveys:** If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: **Buffer Zones:** If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

MM BIO-1.4: **Reporting:** Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report with the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee, prior to issuance of any grading or building permits.

Implementation of the measures listed above would not have a substantial adverse effect on any candidate, sensitive, or special-status species, consistent with the findings of the Downtown Strategy 2040 FEIR. **(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 described above, the project site is developed with an existing structure and surface parking lot. There are no riparian habitats or other sensitive natural communities on or adjacent to the project site. Therefore, the proposed project would have no impact. **(No 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?

As described above, there are no wetlands on the project site or adjacent to the project site. Accordingly, there would be no potential for the removal, filling, or hydrological interruption of wetlands. The proposed project would have no impact. **(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?

As described above, the project site is developed with an existing structure and surface parking lot. Native wildlife nursery sites do not occur on the site. Because the site is developed and located in an urban area of San José, there are no wildlife migration routes on the project site. Additionally, there are no streams that could support fish migration. Accordingly, the proposed project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. There would be no impact. **(No Impact)**

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

Implementation of the proposed project would require the removal of the 22 trees on-site and could impact the 19 trees adjacent to the site, thereby resulting in the loss of up to 41 trees. In accordance with the San José Municipal Code, a permit from the City must be acquired before removal (or pruning) of trees could proceed. Such permit could be included as part of the development permit for the project or issued separately. In accordance with City policy and the Municipal Code, any trees removed or damaged would be required to be replaced consistent with the following Standard Permit Condition:

Standard Permit Conditions:

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-2 below, as amended.

Table 4.4-2: Tree Replacement Ratios

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

x:x = tree replacement to tree loss ratio
Notes: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved. For Multi-family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box tree equals two 15-gallon trees
Single-family and two-dwelling properties may be mitigated at a 1:1 ratio.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay off-site tree replacement fee(s) to the City, prior to the issuance of grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

By conforming to the above conditions, the proposed project would meet all applicable tree removal and tree protection guidelines set forth by the City of San José. Therefore, the proposed project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(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?

As mentioned previously, the proposed project is designated as "Urban-Suburban" land.[22] Private development in the SCVHP area is subject to the requirements of the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in *Section 2.3.2 Urban Development* or in *Section 2.3.7 Rural Development*;[23]
- In Figure 2-5 of the SCVHP, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
    - The project is located in an area identified as "Rural Development Equal to or Greater than Two Acres is Covered," or "Urban Development Equal to or Greater than Two Acres is Covered" or,
    - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian,

[22] Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed May 10, 2019. https://scv-habitatagency.org/193/GIS-Data-Key-Maps.

[23] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The proposed project would require discretionary approval by the City and is consistent with the activity described in *Section 2.3.2* of the SCVHP. Consistent with the SCVHP, the project applicant shall implement the following Standard Permit Condition.

Standard Permit Condition

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

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a Historical Evaluation prepared by Archives & Architecture in December 2015 and literature review completed by Holman & Associates in June 2016. A copy of the Historic Evaluation is included in Appendix B of this document. A copy of the Archaeological Literature Review is on file with the Department of Planning, Building and Code Enforcement.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). The NRHP is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological or cultural significance at the national, state or local level. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the California Register of Historic Resources (CRHR).[24]

National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context." The NRHP identifies four possible context types, of which at least one must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the NRHP Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

Second, for a property to qualify under the NRHP's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the physical characteristics corresponding to its historic context, the NRHP has identified seven aspects

[24] Refer to Public Resources Code Section 5024.1(d)(1)

of integrity: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

State

California Register of Historical Resources

The CRHR is administered by the California Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[25]

The guidelines for identifying historic resources during the project review process under CEQA are set forth in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a). These provisions of CEQA create three categories of historical resources: mandatory historical resources; presumptive historical resources; and resources that may be found historical at the discretion of the lead agency. These categories are described below.

- **Mandatory Historical Resources**. A resource the State Historical Resources Commission lists on the California Register of Historical Resources (CRHR), or the State Historical Resources Commission determines to be eligible for listing in the CRHR is defined by CEQA to be "an historical resource." Resources are formally listed or determined eligible for listing by the State Historical Resources Commission in accordance with the procedures set forth in the provisions of state law relating to listing of historical resources.[26] If a resource has been listed on the State Register, or formally determined to be eligible for listing by the State Historical Resources Commission under these procedures, it is conclusively presumed to be an "historical resource" under CEQA.
- **Presumptive Historical Resources**. A resource included in a local register of historic resources as defined by state law[27] or identified as significant in an historical resource survey meeting the requirements of state law,[28] shall be presumed to be historically or culturally significant. The lead agency must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

[25] CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. March 14, 2006.
[26] Set forth in Public Resources Code Section 5024.1 and 14 Cal. Code Regulations Section 4850, et. seq.
[27] Set forth in Public Resources Code section 5020.1(k), a local register of historical resources is a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
[28] Under section 5024.1(g), a resource can be identified as significant in an historical resources survey and found to be significant by the State Office of Historic Preservation (i.e., listed in the CRHR) if three criteria must be met: (1) the survey has or will be included in the State Historic Resources Inventory; (2) the survey and documentation were prepared in accordance with State Office of Historic Preservation procedures and requirements; and (3) State Office of Historic Preservation has determined the resource has a significance rating of Category 1 to 5 on Form 523.

- **Discretionary Historical Resources.** A resource that is not determined to be a significant historical resource under the criteria described above, may, in the discretion of the lead agency, be found to be a significant historical resource for purposes of CEQA, provided its determination is supported by substantial evidence in light of the whole record. The CEQA Guidelines further provide that generally, a lead agency should consider a resource historically significant if the resource is found to meet the criteria for listing on the CRHR, including the following:
  - Criterion 1 (Events): The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States; or
  - Criterion 2 (Persons): The resource is associated with the lives of persons important to local, California, or national history; or
  - Criterion 3 (Architecture): The resource 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
  - Criterion 4 (Information Potential): The resource has the potential to yield information important to the prehistory or history of the local area, California or the nation.[29]

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

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

Archaeological Resources and Human Remains

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

California Health and Safety Code Section 7050.5 regulates the procedure to be followed in the event of human remains discovery. Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the County Coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the coroner must notify the Native American Heritage Commission (NAHC). The NAHC

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

then notifies those persons most likely to be related to the Native American remains. The Act stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

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

City of San José

Historic Preservation Ordinance

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

City Council's Policy on the Preservation of Historic Landmarks

The City Council's Policy on the Preservation of Historic Landmarks (as amended May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. The City also has various historic design guidelines that suggest various methods for the restoration or rehabilitation of older/historic structures and establish a general framework for the evaluation of applications involving historic preservation issues. The City offers a number of historic preservation incentives, including use of the State Historic Building Code, Mills Act/Historical Property Contracts, and various land use and zoning incentives.

Envision San José 2040 General Plan

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional

archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy ER-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

4.5.1.2 *Existing Conditions*

Prehistoric Subsurface Resources

Native Americans 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 Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focusing on hunting, fishing and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/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 by the Spanish in the area in 1777.

Most prehistoric sites have been found along or very near fresh water sources such as creeks and springs. The nearest waterway to the project site is Coyote Creek, located approximately 0.5 mile west of the site.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The first pueblo was originally located near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is approximately 1.7 miles.

Post-Mission Period to Mid-20th Century

In the mid-1800's, San José began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the West. Much of San José, outside of the downtown area, was undeveloped or used as farmlands until after World War II.

San José Lumber Co. was founded in 1912. The firm operated a lumber yard and mill at 1260 East Santa Clara Street for approximately seven years until acquiring Santa Clara Valley Mill & Lumber Co. and moving the main operation to West San Carlos Street. The project site remained as a secondary lumber yard until the end of the 1930's. Since World War II, the lumber yard and hardware store continued to operate until permanently closing in the mid-2000s. In 1964, the indoor retail area became Builder's Emporium and then Builderama in 1970. The site was sold in 1980 and subsequently branded as Empire Lumber. Since closure of the lumber business, the site and buildings have been occupied by a used car lot and sales office.

Subsurface Resources

In June 2016, Holman & Associates completed a literature review to identify potential archaeological deposits below the ground surface in the immediate project vicinity. No archaeological sites have been recorded within or near the project area. In addition, research of the immediate project area found low sensitivity for Native American and historic-era archaeological deposits and cultural materials.

Historical Resources

The lumber yard and building materials retailer was founded on-site in 1912. The building coverage on-site has changed over time. The original 1912 office building on-site was located at its northwest corner and is no longer extant. By the end of 1914, four large lumber sheds (no longer extant) and a woodworking building with plane mill to the rear had also been constructed along East Santa Clara Street to the east of the office (still extant today), and a large T-shaped lumber shed was to its east at the street (no longer extant). The woodworking building/plane mill is the only remnant of the original San José Lumber Co. facility. By the 1920s, the lumber sheds were reduced in size to accommodate the railroad line that bisected the site and the T-shaped lumber shed was replaced with a small display room. The replacement shed and room currently exists on-site and are part of the larger building.

Additional buildings were added to the site along the north side of the railroad in the 1920s. One of the buildings still exist today at the center of the project site in a deteriorated state. A metal storage shed was added to the site in the twentieth century and continues to exist adjacent to South 26th Street. Other buildings existed on-site east of the lumber yard. These buildings housed a separate feed and fuel business; however, they were all demolished during the mid-century.

The buildings that exist today are of wood framed construction, and are clad with a mix of stucco, ribbed metal panels, and wood sheathing. The structures are all one story in height, although a mezzanine has been added to the rear of the original woodworking building where the mill was located. The façade along East Santa Clara Street is a stucco-clad false front of modern proportions and detailing, incorporating large display storefronts that are now hidden behind plywood security

covers. The roofing structures are gabled (and in one case, barrel-vaulted), with shed extensions bridging spaces between the older discrete buildings and extending outward at the rear, having covered work or materials storage areas.

The structure is not eligible for inclusion in the NRHP or the CRHR under Criterion A or 1, respectively. The buildings as they currently exist do not architecturally represent important patterns or periods of cultural development. The land use is important to the history of the neighborhood as it contributed to the development of the area, but the buildings are not architecturally bound together in a way that represents a particular era or architectural style.

The buildings and historic land uses of the property are not associated with persons found to be historically significant in the history of San José or the local lumber processing and sales industry. As a result, the structures are not eligible for inclusion in the NRHP or the CRHR under Criterion B or 2.

It is difficult to put the buildings on-site in their historical context because of the piecemeal evolution of development on the site. The earliest building still extant is located at the northwest corner of the property and is associated with the original development of the site in 1914. It cannot, however, be distinguished from the expansion areas and the original façade of the building cannot be determined from more recent remodeling. Lastly, the buildings are not representative of distinctive architectural styles or form. For these reasons, the buildings are not eligible for inclusion in the NRHP or the CRHR under Criterion C or 3.

The structures do not qualify for listed on the City's Historic Resources Inventory as a Structure of Merit.

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?	☐	☐	☒	☐
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 project site is occupied with a one-story commercial building and an adjacent surface parking lot. A portion of the Empire Lumber Co. building is approximately 102 years old and is not listed on

the San José Historic Resources Inventory. Although the buildings have remained in their original location, the property does not retail historical integrity and the buildings are not representative of a distinctive architectural style or form. The commercial strip that exists today along East Santa Clara Street has a long shared and varied history; however, the buildings are not architecturally bound together in a way that represents any particular era or architectural style. As described above, the property would not qualify for the inclusion in the NRHP or CRHR and is not considered a City Landmark pursuant to the City's Historic Preservation Ordinance. Therefore, historic resources as defined in Section 15064.5 of the CEQA Guidelines do not occur on the project site, and the proposed project would have no impact. **(No Impact)**

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

Based on the literature review completed for the project area, there are no recorded prehistoric or historic archaeological deposits on the site, and no cultural resources were recorded during previous development on-site or in the immediate project area. The project site is located approximately 0.5 mile from Coyote Creek, but has been determined to be an area of low archaeological sensitivity. Therefore, development of the project site (which would involve excavation to a depth of approximately 10 feet) would not likely result in the exposure or destruction of subsurface prehistoric or historic archaeological resources, including human remains. Nevertheless, the project would be required as a condition of project approval to implement the following Standard Permit Conditions.

Standard Permit Conditions:

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

Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized rep resentative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

  - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
  - The MLD identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. burials on the property in a location not subject to further subsurface disturbance.

- All personnel involved with site clearing, grading, or trenching will undergo a training session to aid them in the identification of significant historic and prehistoric cultural resources. Training by a qualified archaeologist will also establish the protocol necessary in the event cultural resources and/or human remains are found on the site.

The measures are included in the proposed project to reduce impacts to unknown buried paleontological and archaeological resources (if present on-site) to a less than significant level. **(Less than Significant Impact)**

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

Consistent with the General Plan, if human remains are found on-site, the measures described in above would be implemented. With implementation of these measures, the project's impacts to human remains would be brought to a less than significant level. **(Less than Significant Impact)**

4.6 ENERGY

The following discussion is based upon an Updated Project Criteria Air Pollutant and Greenhouse Gas Modeling Memorandum prepared by *Illingworth & Rodkin, Inc.* in April 2020. A copy of the report is provided in Appendix A of this document.

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.[30]

California Green Building Standards Code

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

[30] Department of General Services. "California Building Standards Code." Accessed May 1, 2020. https://www.dgs.ca.gov/BSC/Codes.

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.[31]

Local

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

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

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

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

[31] California Air Resources Board. "The Advanced Clean Cars Program." Accessed April 6, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.

Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to energy and are applicable to the project.

Policy MS-1.1: Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-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.

Policy MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-6.8: Maximize reuse, recycling, and composting citywide.

Policy MS-14.2: Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.

Policy 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.

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

Policy MS-17.2: Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging

sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

Policy MS-19.1: Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy IN-5.3: Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.

Policy TR-1.4[32]*:* Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

[32] TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,889 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.[33] 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 (1,825 trillion Btu) for industrial uses, and 40 percent (3,176 trillion Btu) for transportation.[34] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2017, a total of approximately 16,708 gigawatt hours of electricity was consumed in Santa Clara County.[35]

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

Natural Gas

PG&E provides natural gas services within San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[36] In 2018, residential and commercial customers in California used 32 percent of the state's natural gas, power plants used 30 percent, the industrial sector used 37 percent.[37] 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.[38]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[39] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily

[33] United States Energy Information Administration. "California Energy Consumption by End-Use Sector, 2017." Accessed May 1, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[34] Ibid.
[35] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 1, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[36] California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 1, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[37] U.S. EIA. "Natural Gas." Accessed May 1, 2020. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[38] California Energy Commission. "Natural Gas Consumption by County." Accessed May 1, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[39] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 1, 2020. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[40] 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. [41,42]

Energy Use by Existing Development

The project site is currently developed with a one-story commercial building that is partially occupied by a used car dealership and associated surface parking lot. The energy usage for the existing use is currently unknown because the land use is not a standard use in the City's VMT screening tool so no VMT information is available and the project site is mostly vacant. Because the only business currently operating on-site is the used car dealership, which only uses energy for the small office and automobile trips to and from the site, the energy usage on-site is low. For the purposes of this analysis, it is assumed that the project site does not currently generate any energy use.

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?

Energy Use During Construction

It is estimated that the project would be built over approximately 24 months, beginning in April 2021. Construction activities would include demolition of the existing structures on-site, site preparation, grading/excavation, trenching, building exterior, building interior/architectural coating, and paving. The overall construction schedule and process is already designed to be efficient in order

[40] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[41] United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 1, 2020. http://www.afdc.energy.gov/laws/eisa.
[42] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 1, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the City's Standard Permit Conditions detailed in *Section 4.3 Air Quality*, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. Therefore, energy would not be wasted or used inefficiently during project construction.

Operational Energy Use

The proposed project would redevelop a 2.77-acre site in the City. The estimated annual energy use of the proposed project is shown in Table 4.6-1, below.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
Enclosed Parking with Elevator	1,251,700	0
Apartment – Mid-Rise	1,684,370	3,524,900
Strip Mall	644,938	142,984
Total:	**3,581,008**	**3,667,884**

The proposed project would use approximately 3,581,008 kWh of electricity and 3,667,884 kBtu of natural gas. Using the U.S. EPA fuel economy estimates (24.9 mpg), the project would result in the consumption of approximately 235,505 gallons of gasoline per year.[43]

The proposed project would be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. Additionally, the proposed project would be constructed in compliance with City of San José Council Policy 6-32. The project site is currently served by two local bus routes (Routes 22 and 23) and one limited bus route (Route 522) along Santa Clara Street, located approximately 250 feet from the project site. Additionally, the proposed project would meet the City's bicycle parking requirement. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. The proposed project would also comply with existing state energy standards. As a result, the project would not result in a potentially significant environmental impact due to inefficient consumption of energy during project operation. **(Less Than Significant Impact)**

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

Electricity on-site would be provided by SJCE. The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. As a result, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

[43] 5,864,079 VMT / 24.9 mpg = 235,505 gallons of gasoline

4.7 GEOLOGY AND SOILS

The following discussion is based in part upon a Soil Resource Report generated from the Natural Resources Conservation Service's website in March 2016. A copy of the report is attached in Appendix C.

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 was passed in 1990 following the 1989 Loma Prieta earthquake. The Seismic Hazards Mapping Act 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 Seismic Hazards Mapping Act requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

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 City's General Plan includes the following policies applicable to all development projects in San José.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

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

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.3: 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. Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.7.1.2 *Existing Conditions*

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The valley's basin contains alluvial deposits derived from the Diablo Range and the Santa Cruz Mountains.

Soils beneath the project site are comprised primarily of the Elpaloalto complex and near surface soils consist of sand, silt, and clay.[44] The soils on-site have moderate to very high expansion potential.[45] There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

Seismicity and Seismic Hazards

The site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone,[46] the Santa Clara County Geologic Hazard Zone, or the City of San José Potential Hazard Zone,[47] and no active faults have been mapped on the project site. Active faults near the project site are shown in Table 4.7-1. Faults nearest the project site are seven or miles away. Therefore, the risk of surface fault rupture is considered low.

[44] Soil Survey Staff. *Custom Soil Resource Report for Santa Clara Area, California, Western Part*. 2016. Available at: <http://websoilsurvey.nrcs.usda.gov/>
[45] Ibid.
[46] California Department of Conservation Website. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps. Accessed July 19, 2016.
[47] Santa Clara County, Santa Clara County Geologic Hazard Zones. https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx. Accessed July 19, 2016.

Table 4.7-1: Active Faults Near the Project Site	
Fault	**Distance from the Site**
Hayward	9.8 miles
Calaveras	7.2 miles
San Andreas	13.7 miles

Faults in the region are capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The project site is located within the San Francisco Bay Area, the most seismically active region in the United States. Based on a 2014 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes will occur in the San Francisco Bay Area by 2044.[48] It is expected that earthquakes in the region could produce very strong ground shaking in the project area during the life of the proposed project.

Liquefaction and Lateral Spreading

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the California Department of Conservation, the project site is located within a potential liquefaction zone.[49]

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Areas of San José most prone to lateral spreading include lands adjacent to the Guadalupe River and Coyote Creek, where liquefaction probability is greatest and in the marshland deposits of northernmost San José. The project site is relatively flat and is located approximately 0.50 mile east from Coyote Creek. Therefore, the potential for lateral spreading is low.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrewable 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 below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The *Envision San José 2040 General Plan FEIR* found the project site to have a high sensitivity (at depth) for paleontological resources

[48] U.S. Geological Survey. *UCERF3: A New Earthquake Forecast for California's Complex Fault System.* Fact Sheet 2015-3009. March 2015. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf. Accessed February 8, 2016.

[49] California Department of Conservation Website. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps. Accessed July 19, 2016.

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?	☐	☐	☒	☐
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 described above, the project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone. The project site is at least seven miles away from the nearest major faults in the region, and the potential for fault rupture at the project site is low.

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 6.7 or higher. During an earthquake, very strong ground shaking could occur at the project site. Although the project site is not located within a landslide hazard zone, the project site is located within a liquefaction hazard zone. The project site is not located near creeks or channels; therefore, the potential for lateral spreading would be low during large seismic events. Additionally, the site is located within an area of moderate to very high expansion potential.

In accordance with the City's General Plan and current standard practices in the City, the proposed project would comply with the following Standard Permit Conditions to reduce significant seismic and seismic-related impacts.

Standard Permit Condition

The project will implement the following Standard Permit Condition to reduce significant seismic and seismic-related impacts:

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

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

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

Ground disturbance would be required for demolition of the existing building and surface parking lot, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and loss of topsoil until the construction is completed.

The City's National Pollutant Discharge Elimination System (NPDES) General Permit for construction, urban runoff policies, and the 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. Under the NPDES General Permit, a Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented during construction. The SWPPP must include Best Management Practices to prevent soil erosion and resultant sedimentation. The City's Municipal Code requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. Additionally, the proposed project would be subject to the following Standard Permit Conditions:

Standard Permit Conditions:

- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.

Construct the project in accordance with standard engineering practices in the California Mandatory compliance with the NPDES General Permit, City's Municipal Code, and Standard Permit Conditions would prevent substantial erosion and soil loss. **(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?

There are no steep slopes on or adjacent to the project site that would be prone to landslides. The proposed project would not involve creating slopes on-site. Therefore, the proposed project would not create conditions resulting in landslide risks.

The proposed project would require excavation to depths of approximately 10 feet below ground surface. During excavation shallow groundwater could be encountered and require dewatering. Dewatering could lead to subsidence, which would be minor considering the groundwater would be shallow. As described in Impact GEO-1, the proposed project would be constructed and maintained in accordance with a site-specific geotechnical report and applicable regulations. The geotechnical report would include measures to prevent subsidence from dewatering and also address liquefaction. The geotechnical report would also include measures to secure temporary construction excavations to prevent collapse or lateral spreading. The project would be required to incorporate the measures and recommendations of the geotechnical report into the project design and plan set prior to construction. Therefore, the proposed project would not result in unstable geologic or soil conditions. **(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?

As described in Impact GEO-1, the proposed project would be constructed and maintained in accordance with a site-specific geotechnical report and applicable regulations. The geotechnical report would contain measures to ensure that the proposed project is constructed to withstand soil expansion, or otherwise remove expansive soils from the site. The project would be required to incorporate the measures and recommendations of the geotechnical report into the project design and plan set prior to construction. Therefore, the proposed project would result in no substantial risks associated with 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?

The proposed project does not include septic tanks or alternative wastewater disposal systems. There are existing sewer mains adjoining the project site. The proposed project would include new lateral connections to these sewer mains and be serviced by the City's existing sewer and wastewater treatment system. Therefore, the proposed project would have no impact.

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

The proposed project would require excavations to depths of approximately 10 feet below ground surface, approaching reported depths of Pleistocene sediments with potential for fossils. Construction activities could result in the accidental destruction and disturbance of paleontological resources, which would result in a significant impact to paleontological resources. However, the City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources as a condition of project approval, including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions:

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

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources including the City's Standard Permit Conditions, implementation of the proposed project would have a less than significant paleontological resources. **(Less than Significant Impact)**

4.7.3 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 geology and soils conditions affecting a proposed project.

The policies of the City's General Plan were adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.

The project applicant would be required to submit a design-specific geotechnical report, prior to issuance of building permits. The proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code which contains the regulations that govern the construction of structures in California. The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related hazards and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site. Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in April 2020. The report is attached in Appendix A.

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).

Regional and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Climate Smart San José

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of

neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

Reach Building Code

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

City of San José Municipal Code

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

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

City of San José Private Sector Green Building Policy (6-32)

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

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 Greenhouse Gas Reduction Strategy (GHGRS) 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 GHGRS is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHGRS.

The City's GHGRS identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and

transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

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

The environmental impacts of the GHGRS were analyzed in the General Plan FEIR as amended. Beyond 2020, the emission reductions in the GHGRS are not large enough to meet the City's identified 3.04 metric tons (MT) carbon dioxide equivalent per service population (CO_2e/SP) 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.[50]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHGRS adopted by the City Council in 2015. The General Plan FEIR (as amended) 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 GHGRS (e.g., when the Final General Plan SFEIR 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 GHGRS 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 GHGRS. 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 2035 reduction target of 40 percent below 1990 levels in the GHGRS and the target of 80 percent below 1990 emission levels by 2050.

[50] As described in General Plan FEIR (as amended), the 2035 efficiency target above, reflects a straight-line 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.

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed in the following table. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management, and requirements for Transportation Demand Management programs for large employers. Additional policies have been adopted to reduce energy use (and thus emissions from fuel use). Refer to *Sections 4.6 Energy, and 4.17 Transportation* of this document and *Section 3.1 Air Quality* (in the SEIR), for these policies.

Policy MS-1.1: Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-1.4: Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-2.11: Require new development to incorporate green building policies, 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 effectiveness of passive solar design.).

Policy MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-5.6: Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

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

Policy MS-21.1: Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.

Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities

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.

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?	☐	☐	☒	☐

Thresholds of Significance

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. The BAAQMD GHG recommendations include a specific plan and project-level GHG emission efficiency metric of 1,000 MT or 4.6 MT of CO_2e per service population (future residences and fulltime workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. Given the project would not be constructed and operational prior to December 31st, 2020, the City has developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with State goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO2e/year/service population based on the GHG reduction goals of SB 32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[51]

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

[51] Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.

Construction Emissions

GHG emissions associated with construction were computed to be 2,016 MT of CO_2e for the total construction period from operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends disclosing that GHG emissions would occur during construction. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because construction would be (approximately 24 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030.

Operational Emissions

The California Emissions Estimator model (CalEEMod) was used to estimate the daily emissions associated with operation of the fully developed site under the proposed project. The CalEEMod model for the proposed project took into account long-term operational emissions estimates associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Estimated pollutant concentrations were converted to metric tons of CO_2e for comparative purposes. The reduced emissions output of the project in 2030 reflects an estimated increase in efficiency across all sectors due to technological advances and increasingly stringent State targets. To be considered a significant GHG emissions impact, the project must exceed the service population significance threshold. Table 4.8-1 below shows the annual project GHG emissions in MT CO_2e/year/service population and is based on a service population of 1,306 residents and 93 full-time employees.

Table 4.8-1: Annual Project GHG Emissions (MT of CO_2e)

Source Category	Project in 2024	Project in 2030
Area	22	22
Energy Consumption	197	197
Mobile	1,962	1,684
Solid Waste Generation	126	126
Water Usage	50	50
Total	2,357	2,079
Project MT of CO_2e/year/service population	**1.7**	**1.5**
Significance Threshold	2.6 in 2030	

The proposed project would not exceed the 2.6 MT CO_2e/year/service population threshold in the first full year of operation or in 2030. Therefore, implementation of the proposed project would not result in a GHG emissions impact. **(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?

City of San José Greenhouse Gas Reduction Strategy

While the construction and operation of this project would not be completed prior to December 31, 2020, the project would comply with all applicable mandatory measures and voluntary measures required by the City to ensure its consistency with the City's GHGRS.

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

The proposed project involves the demolition of the existing building and the construction of a 408 residential units and 60,330 square feet of commercial space. The proposed project would contribute to regional GHG emissions, both through construction and operational emissions. Consistency with the Land Use/Transportation Diagram in the General Plan (General Plan Goals/Policies IP-1, LU-10), along with conformance to the City's Green Building Measures (General Plan Goals MS-1, MS-14) would ensure that the project is in compliance with the City's GHGRS. The GHGRS lists mandatory criteria that development projects must satisfy in order to be consistent with City goals and policies. 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 GHGRS 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 GHGRS 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).

The proposed use of the project site is consistent with the current land use and zoning designations. The proposed project would be constructed in compliance with the San José Green Building Ordinance and CBC requirements and would include bicycle parking consistent with the City's bicycle parking requirement. Because the project is consistent with planned growth in the General Plan and would comply with Policy 6-32 and CBC requirements, the project would be consistent with Mandatory Criteria 1, 2, and 3. The project would not demolish any historic structures and would not be a large employer and, therefore, would be consistent with Mandatory Criteria 4 and 6. Criteria 5, and 7 are not applicable to the proposed project because the project does not include a data center or other energy-intensive use, or drive-through or vehicle serving uses.

The proposed project is consistent with the mandatory GHGRS goals and policies intended to reduce GHG emissions. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part upon a Phase I Environmental Site Assessment prepared by Geotechnical Engineering, Inc. in November 2015 and a review of the State Water Resources Control Board Geotracker Website in May 2020. A copy of the 2015 Phase I report is included in Appendix D of this document.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Government Code Section 65962.5

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

CCR Title 8, Section 1532.1

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

Regional

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the U.S. Environmental Protection Agency banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures planned

for demolition to ensure PCBs do not enter municipal storm drain systems.[52] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. As of July 1, 2019, buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

Local

Envision San José 2040 General Plan

The City's General Plan contains the following policies that are applicable to the proposed project:

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

[52] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

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

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

4.9.1.2 *Existing Conditions*

The original lumber business on the project site was constructed in 1914. Based on Sanborn Maps of the project area, it does not appear that the site was cultivated prior to development. The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The building is partially occupied by a used car dealership which stores automobiles on the surface lot and behind the building. Groundwater depth encountered on-site ranges from approximately 15 to 20 feet below ground surface. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

On-Site Sources of Contamination

The Phase I Environmental Site Assessment identified the project site as a small generator of waste oil, which is recycled off-site (see Appendix D). Based on a site reconnaissance, there were several 55-gallon drums, auto repair bays, and numerous cars parked on the property consistent with the current business that occupies the site. No indications of underground storage tanks were observed and there were no visually observable/direct evidence to suggest a potential for hazardous waste or toxic substances in the soil and/or groundwater underlying the site.

A query of the following databases was completed on June 11, 2019, in order to determine if the project site is included on the Cortese list:

- DTSC: Hazardous Waste and Substances Site List (CORTESE)[53]
- State Water Resources Control Board: GeoTracker[54]

[53] Department of Toxic Substances Control (DTSC). 2019. Hazardous Waste and Substances Site List (CORTESE). Accessed June 11, 2019. https://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
[54] State Water Resources Control Board. 2019. State Water Resources Control Board GeoTracker [map database]. Accessed June 11, 2019.

- State Water Resources Control Board: Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit[55]
- State Water Resources Control Board: Water Board List of Cease and Desist Orders and Cease and Abatement Orders[56]

According to these databases, which are compiled pursuant to Government Code Section 65962.5, the project site is not listed on the Cortese list.

Asbestos

The on-site building was constructed in 1974. Due to the age of the building, asbestos-containing materials (ACMs) are likely present on-site. Friable asbestos is any 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. Use of friable asbestos products was banned in 1978.

Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material.

ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight.

Lead-Based Paint

Given the age of the existing on-site building, lead-based paint may be present on-site. Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead in interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5,000 parts per million [ppm]) and in 1978, to 0.06 percent (600 ppm). In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead.

[55] State Water Resources Control Board. 2016. Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit. Accessed June 11, 2019. https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf

[56] State Water Resources Control Board. Water Board List of Cease and Desist Orders and Cease and Abatement Orders. Accessed June 11, 2019. https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx

Off-Site Sources of Contamination

The Phase I Environmental Site Assessment identified previously documented and current known hazardous materials locations within a one-eighth mile radius of the project site. Twenty-five businesses which use and/or store small quantities of hazardous materials were listed within the one-eighth mile radius, most of which were automobile repair businesses located on East Santa Clara Street, East San Fernando Street, and North 25th, 26th, and 27th Streets. A laundry, dental office, drywall company, and printer were also identified. Table 4.9-1 lists the location, site, and a description of known releases within the study area.

Table 4.9-1: Hazardous Materials Releases Within 1/8 Mile Radius of the Project Site

Release Description and Status	Site Location
Leaking underground storage tank; case was closed in 1995 and is no longer an open violation	McDonalds East Santa Clara Street and 27th Street 0.034 mile north and down-gradient of project site
Cleanup Program Site; case was opened in 2015 and is inactive	McDonalds East Santa Clara Street and 27th Street 0.034 mile north and down-gradient of project site
Leaking underground storage tank; case was closed in 2010 and is no longer an open violation	1160 East Santa Clara Street 0.10 mile west and cross-gradient of the project site
Source: State Water Resources Control Board. Geotracker [map database]. Accessed June 11, 2019. https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=san+jose	

A review of the State Water Resources Control Board Geotracker website found no new documented cases within 1,000 feet of the project site.[57]

Given that known releases in the area are either closed or down gradient of the site, or both; groundwater flow direction; type of release; and distance between the off-site releases and project site, no off-site sources of significant environmental concern to the subject property were identified.

Other Hazards

Airports

Norman Y. Mineta San José International Airport is located approximately 2.7 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan, the project site is located outside the Airport Influence Area.[58] The project is not located in the vicinity of a private airstrip. The project's proposed maximum height of 85 feet above ground is approximately 30 feet below the

[57] Geotracker Website. Accessed May 1, 2020. https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1260+E.+Santa+Clara+Street%2C+San+Jose%2C+Ca

[58] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San José International Airport*. 2016.

Federal Aviation Administration obstruction notification surface that would require airspace safety review.

Wildfire Hazards

The proposed project is located within an urbanized area of San José where wildfire fuels, such as forest and dry brushland, do not occur. The proposed project is not subject to wildfire risks.

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?	☐	☐	☐	☒
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 proposed project would likely include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities consistent with residential and commercial land uses. Passenger vehicles would be stored on-site in the proposed parking levels of the building. These vehicles would contain normal quantities of fluids such as motor oil and gasoline. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals and vehicles that would be used on-site would not pose a risk to adjacent land uses, the environment, or public. Impacts would be less than significant. **(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?

Asbestos and Lead Based Paint

The building on-site likely has materials that contain ACMs and/or lead-based paint. The project proposes to demolish the building and all accessory structures on-site. During demolition, asbestos particles could be released and expose construction workers and nearby residents to harmful levels of asbestos. Suspected ACMs would be required to be properly assessed prior to demolition consistent with the National Emissions Standards for Hazardous Air Pollutants guidelines. The National Emissions Standards for Hazardous Air Pollutants requires the removal of all potentially friable ACMs prior to building demolition.

If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It would be necessary, however, to follow the requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulation (CCR) 1532.1 during demolition activities. These requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it would be removed prior to demolition. It is assumed that such paint would become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

The project would be required to conform to the following regulatory programs and to implement the following standard project conditions, consistent with OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint:

- Conduct a visual inspection/pre-demolition survey, and possible sampling in conformance with State and local laws, to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP) prior to the demolition of on-site building(s).
- Remove all building materials containing lead-based paint during demolition activities, in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the type of lead being disposed.

- Remove all potentially friable asbestos containing materials (ACMs) in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. Undertake all demolition activities in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- Retain a registered asbestos abatement contractor to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Remove materials containing more than one-percent asbestos in accordance with BAAQMD requirements and notifications.
- Implement the following conditions in accordance with Cal/OSHA rules and regulations, to limit impacts to construction workers.
    - Prior to commencement of demolition activities, complete a building survey, including sampling and testing, to identify and quantify building materials containing lead-based paint.
    - During demolition activities, remove all building materials containing lead-based paint in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    - Dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the type of waste being disposed.

Mandatory compliance with federal, state, and local regulatory requirements pertaining to ACMs and lead-based paint would prevent proposed demolition activities from creating a significant hazard involving the release of hazardous materials. **(Less than Significant Impact)**

On-Site Contamination Impacts

The project site was operated as a lumber yard from approximately 1914 until 2003. The lack of detail on possible hazardous materials storage and use at the lumber yard for those years when regulatory oversight was not required or less stringent is an unknown and a potential environmental risk. Treatment of lumber for wood preservation was common practice during this time and may have occurred on the property. These practices included the use of creosote (75 percent to 90 percent polycyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene, and xylene (BTEX)) and the use of chromated copper arsenate (CCA; chromium, copper, and arsenic based chemical preservative) and copper naphthenate.[59] Development of the project would require an excavation depth of approximately 10 feet to construct the underground parking garage. While there is no evidence of hazardous waste or toxic substances in the soil or groundwater, implementation of the project could exacerbate any existing soil or groundwater contamination on-site.

Impacts HAZ-1: Construction activities associated with the proposed project could expose construction workers and nearby land uses to hazardous materials. **(Significant Impact)**

Mitigation and Avoidance Measures

[59] Joseph Lovewell, City of San José Environmental Services Department.

The following mitigation measures would be implemented during prior to, and as applicable, during construction activities:

MM HAZ-1.1: Prior to issuance of grading permits, shallow soils samples shall be taken on-site to determine the location of any contaminated soils with concentrations above worker safety thresholds established by the Regional Water Quality Control Board (RWQCB). Once the soil sampling analysis is complete, a report of the findings shall be provided to the Director of Planning, Building, and Code Enforcement for review and approval.

MM HAZ-1.2: Any soils with residual chemicals exceeding the RWQCB Environmental Screening Levels (ESLs) for commercial uses or hazardous waste limits would be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site.

MM HAZ-1.3: All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

MM HAZ-1.4: If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The SMP shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);

- Procedures for proper disposal of contaminated materials (if required); and monitoring, reporting, and regulatory oversight arrangements.

With implementation of the identified mitigation measures, exposure to residual soil contamination from historic land uses on-site would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporation)**

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 proposed project is located within one-quarter mile of San José High School. Mandatory compliance with federal, state and local regulations during demolition of the existing building on-site would prevent emissions of asbestos or lead within proximity to the school, as described above in Impact HAZ-1. Implementation of MM HAZ-1.1 through 1.4 would prevent project grading and earthquake from mobilizing hazardous materials in project soils. The proposed project would not require the use or storage of hazardous materials in sufficient quantities to pose a health risk to nearby schools. Accordingly, impacts would be less than significant. **(Less than Significant 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?

As described above, the project site is not on the Cortese list, which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, the proposed project would create no hazard to the public or environment associated with sites on the Cortese list. The proposed project would have no impact. **(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 proposed project is not located within an Airport Influence Area or within two miles of a public or private airstrip and would not result in substantial safety hazard for people residing or working in the project area or interfere with airport operations. The proposed project would have no impact. **(No Impact)**

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

The project would be located on developed and private property in San José. The site is not part of an evacuation route or emergency response plan. Therefore, the proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan and would have no impact. **(No 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 proposed project is located in an urbanized area that is not subject to wildfire. Therefore, the proposed project would not expose people or structures to any risk from wildland fires and would have no impact. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Overview

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

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program to reduce flooding impacts 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 that identify Special Flood Hazard Areas. A Special Flood Hazard Area is an area that would be inundated by the one-percent annual chance flood, also referred to as the base or 100-year flood.

Statewide Construction General Permit

The State Water Resources Control Board has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent 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

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provisions C.3

The San Francisco Bay RWQCB issued an Municipal Regional Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[60] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development-based stormwater treatment controls to treat post-construction stormwater runoff. Low Impact Development -based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development 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 local rivers, streams, and creeks. Projects may be deemed exempt from the requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[61] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. As of July 1, 2019, buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

Local

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices and Treatment Control Measures. This policy also established specific design standards for post-construction

[60] Municipal Regional Permit Number CAS612008
[61] San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12*. November 19, 2015.

Treatment Control Measures for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan. Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the Hydromodification Management Plan requirement.

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality. Policies applicable to the proposed project are listed below.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-4.1: Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark the Federal Emergency Management Agency may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System.

4.10.1.2 *Existing Conditions*

Storm Drainage System

The City owns and maintains municipal storm drainage facilities throughout San José. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated, or replaced by the Department of Public Works. The lines that serve the project site drain into Coyote Creek. Coyote Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, the entire project site is covered with impervious surfaces. There are no pervious surface areas on the project site. There are existing storm drain lines that run around the perimeter of the site that would serve the proposed project.

Surface 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. Runoff from parking lots, specifically, may hold particulate matter, residual hydrocarbons, persistent organic pollutants, and trace quantities of heavy metals, such as copper and zinc.[62] In sufficient concentration, these pollutants, as well as other urban pollutants such as litter, have been found to adversely affect the aquatic habitats to which they drain.
As stated above, runoff from the project site enters the City's stormwater drainage system, which discharges to Coyote Creek. The water quality of Coyote Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Coyote Creek is currently listed on the California 303(d) list[63] for diazinon, toxicity, and trash.[64]

Groundwater

The project site is located within the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin.[65] The Santa Clara Subbasin is bound on the east by the Diablo Range and on the west by the Santa Cruz Mountains. The water bearing formations of the Santa Clara Subbasin include Pliocene to

[62] U.S. Environmental Protection Agency. Result of Nationwide Urban Runoff Program: Volume 1- Final Report. December 1983.
[63] The Clean Water Act, Section 303, establishes water quality standards and Total Maximum Daily Load programs. The 303(d) list is a list of impaired water bodies.
[64] State Water Resources Control Board. Final 2014/2016 California Integrated Report. October 2017.
[65] California Department of Water Resources. Groundwater Information Center Interactive Map Application. Accessed May 16, 2019. https://gis.water.ca.gov/app/gicima/

Holocene age continental deposits of unconsolidated to semi-consolidated gravel, sand, silt and clay. Natural recharge occurs principally as infiltration from streambeds that exit the upland areas within the drainage basin and from direct percolation of precipitation that falls on the Subbasin floor. The Santa Clara Valley Water District conducts an artificial recharge program. This is conducted by releasing locally conserved or imported water to in-stream and off-stream facilities. Off-stream recharge facilities include abandoned gravel pits and areas specifically excavated for recharge purposes.[66]

Based on a geotechnical report from a nearby project site, groundwater would likely be found at a depth of approximately 15 to 20 feet below ground surface. Groundwater levels would fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. The project site is not within an area used for in-stream or other groundwater recharge. The project site is comprised entirely of impervious surfaces and does not contribute to groundwater aquifer recharge.

Flooding and Inundation

According to FEMA, the project site is located is located within Flood Zone AO.[67] Flood Zone AO is designated as special flood hazard areas subject to inundation by the one percent annual chance flood with average depths of one foot to three feet. The flood insurance rate map for the project site indicates flood depths of one foot.

Based on the dam failure inundation hazard maps published by the Santa Clara Valley Water District, the project site is within the Anderson Dam but outside the Lexington Dam failure inundation zone.[68,69]
A seiche is the oscillation of water in an enclosed or partially enclosed body of water such as a lake or the San Francisco Bay. There are no large bodies of water that are enclosed or partially enclosed near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, volcanic eruption or other large displacement of water in the ocean. Tsunamis affecting the Bay Area can result from offshore earthquakes within the Bay Area. The project site is not at risk from a tsunami in the Bay because it is more than 5 miles away from the shoreline of the San Francisco Bay.

A mudflow is a large rapidly moving mass of mud formed by loose earth and water. Hillsides and slopes of unconsolidated material could be at risk to mudflows if these areas become saturated. The project area is relatively flat and there are no hillsides near the site. Therefore, the project site is not subject to mudflows.

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[66] California Department of Water Resources. Bulletin 118: Basin Boundary Description: Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. 2003.
[67] Federal Emergency Management Agency (FEMA). FIRM: Flood Insurance Rate Map: Santa Clara County, California and Incorporated Areas [Map Number 06085C0251J]. February 2014.
[68] Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps. 2009*. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912 Accessed February 12, 2016.
[69] Santa Clara Valley Water District. *Lexington Dam EAP 2009 Flood Inundation Maps. 2009*. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Lexington/Lenihan%20Dam%201995%20FIM%20Sheet%203%20of%204.pdf?n=8536 Accessed July 19, 2016.

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?	☐	☐	☒	☐
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 Impacts

Construction of the proposed project, which includes grading and excavation activities, would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Project construction activities would disturb more than one acre of land, and therefore the project would be required to comply with the NPDES General Construction Permit and prepare and implement a SWPPP for

construction activities. The SWPPP would include Best Management Practices to reduce erosions potential and sedimentation.

The San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality when a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), an Erosion Control Plan must be submitted to the Director of Public Works for review and approval. The Erosion Control Plan must detail the Best Management Practices that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the City's requirements, the following measures, based on RWQCB recommendations, have been included in the project as standard permit conditions to reduce potential construction-related water quality impacts:

Standard Permit Conditions

- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
- Suspend earthmoving or other dust-producing activities during periods of high winds.
- Water all exposed or disturbed soil surfaces at least twice daily to control dust as necessary.
- Water or cover stockpiles of soil or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials and maintain at least two feet of freeboard on all trucks.
- Sweep all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites daily (with water sweepers).
- Replant vegetation in disturbed areas as quickly as possible.
- Fill with rock all unpaved entrances to the site to remove mud from tires prior to entering City streets. Install a tire wash system if requested by the City.
- Comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

With implementation of the required SWPPP and Erosion Control Plan and associated Best Management Practices in conjunction with the standard permit conditions, construction of the proposed project would result in less than significant impacts.

Post-Construction Impacts

The project site is currently 100 percent impervious. Upon completion of the proposed project, the project site would be approximately 95 percent impervious. Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater NPDES Permit. The Municipal Regional Stormwater NPDES Permit requires all of the post-construction stormwater runoff to be treated by numerically sized Low Impact Development treatment controls, such as biotreatment facilities, unless the project is granted Special Project Low Impact Development Reduction Credits, which would allow the project to implement non-Low Impact Development measures for all or a portion of the site depending on the project characteristics. The project qualifies as a Special Project (Category C- Transit Oriented Development) and proposes flow-through biotreatment planters and media filters. Prior to issuing

any Low Impact Development Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes why and how the implementation of 100 percent Low Impact Development stormwater treatment measures are not feasible, in accordance with the Municipal Regional Stormwater NPDES Permit. If it is not feasible for the project to implement 100 percent Low Impact Development measures, the project shall submit an explanation to the City for confirmation. Pursuant to the Municipal Regional Stormwater NPDES Permit, the project must not result in discharges to the City's storm drain that cause or contribute to a violation of applicable water quality standards. Mandatory compliance with the MRP would ensure that stormwater runoff from the project site would be treated prior to discharge.

Urban runoff is not subject to waste discharge requirements. No wastewater generated by the proposed project would be discharged directly from the project site into receiving waters. The wastewater generated on the project site following project occupancy would be collected and conveyed to the San José-Santa Clara Regional Wastewater Facility for treatment. The wastewater flows from the project site would be similar to flows generated by mixed use projects and would not have any specific characteristics or qualities that would not be treatable at the Regional Wastewater Facility. Discharges from the Regional Wastewater Facility must be treated to meet applicable water quality standards established in its NPDES permit. For these reasons, the post-construction impacts of the proposed project would be less than significant. **(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 would redevelop the site, resulting in a decrease in impervious surfaces of approximately five percent compared to existing conditions. The project site does not currently contribute to groundwater recharge. This condition would not change as a result of the proposed project.

Construction of the proposed building would include one level of below-grade parking with a total depth of approximately 10 feet below ground surface, and groundwater would likely be found at a depth of approximately 15 to 20 feet below ground surface. Based on this data, the proposed development would not interfere with overall groundwater flow or storage capacity or impact the deeper groundwater aquifers. Impacts would be less than significant. **(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?

There are no streams, rivers, or other waterways on or adjacent to the project site. The proposed project would not alter waterways.

The project site is currently developed entirely with impervious surfaces, and precipitation on the site becomes stormwater runoff and flows into the City's storm drain system. The proposed project would involve demolition of existing uses, but would also construct new impervious surfaces, such as the proposed building. The existing and proposed square footages of pervious and impervious surfaces on-site are shown in Table 4.10-1 below.

Table 4.10-1: Pervious and Impervious Surfaces On-Site

Site Surface	Existing (square feet)	%	Project/Post Construction (square feet)	%	Difference (square feet)	%
Impervious						
Roof area(s)	22,800	19	80,556	68	+57,756	+49
Parking	95,378	81	0	0	-95,378	-81
Podium deck, plaza, etc.	0	0	31,710	27	+31,710	+27
Subtotal	*118,178*	*100*	*112,266*	*95*	*-5,912*	*-5*
Pervious						
Pavement and landscaping	0	0	5,912	5	+5,912	+5
Total	**118,178**	**100**	**118,178**	**100**		

As shown in Table 4.10-1, following construction of the proposed project, total impervious surface area on-site would be approximately 112,266 square feet, a five percent reduction from the approximately 118,178 square feet that current existing on the project site due to landscaping. The reduction in impervious surface would result in an incremental and corresponding reduction in stormwater runoff from the project site. The existing storm drainage lines have sufficient capacity to support the current conditions on-site. As a result, the proposed project would not result in stormwater runoff that exceeds the capacity of the City's storm drain system.

As described above, stormwater discharges in San José are regulated under the MRP issued by the San Francisco Bay RWQCB. Provisions and conditions of the permit require stormwater to be treated before discharge. Mandatory compliance with the MRP would ensure stormwater runoff from the project site results in no substantial additional sources of polluted runoff. For these reasons, the proposed project would have less than significant impacts. **(Less than Significant Impact)**

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

As described above, the project site is not subject to inundation from tsunami, seiche, or mudflow. These types of events would not inundate the project site.

The project site is, however, subject to inundation in the event of failure of Anderson Reservoir dam. The California Division of Safety of Dams is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the Santa Clara Valley Water District routinely monitors and

studies the condition of each of its 10 dams, including Anderson. Mandatory routine monitoring and maintenance of Anderson Reservoir dam would reduce the potential for catastrophic dam failure and result inundation downstream.

As described above, a 100-year flood could inundate the project site, and according to FEMA, flood depths could be up to one foot.[70] As a result, the project would be required to comply with the City's Special Flood Hazard Area Regulations (Municipal Code Chapter 17.08) as a condition of project approval. This would require the first finished floor to be elevated one foot above the identified flood elevation and elevate the building support utility systems such as electrical, plumbing, heating and air conditioning equipment, including ductwork, and other service facilities above the flood level or protect from flood damage. Elevating plumbing and heating and air conditioning above the flood level would prevent discharge of wastewater and other chemicals, such as coolants, into flood waters.

The below-grade parking would not be a finished floor and therefore could be inundated. In a 100-year flood event, inundation of the below-grade parking could submerge vehicles belonging to residents of the proposed building. Fluids associated with vehicles, such as gasoline and motor oil, could be released, but typically there are in closed systems within the vehicle and would not be released unless the vehicle is damaged. Additionally, the project site is currently occupied with a used car dealership, where a 100-year flood event would also inundate vehicles. Given that substantial volumes of pollutants would not be submerged, releases of pollutants from inundation would be minimal. Consequently, impacts would be less than significant. **(Less than Significant Impact)**

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

As discussed above under Impact HYD-1, the proposed project would not result in violations of water quality standards or waste discharge requirements. Construction and operation of the project would be required to comply with mandatory regulatory requirements, including NPDES. Therefore, the proposed project would not conflict with the San Francisco Bay RWQCB's Basin Plan.

The Santa Clara Valley Water District prepared its Ground Water Management Plan 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 Groundwater Management Plan is the guiding document for how the Santa Clara Valley Water District 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. The project site is not located within or adjacent to a Santa Clara Valley Water District groundwater recharge pond or facility.[71] Implementation of the proposed project would not interfere with actions set forth by the Santa Clara Valley Water District in its Groundwater Management Plan in regard to groundwater recharge, transport of groundwater, and/or groundwater quality. Impacts would be less than significant. **(Less than Significant Impact)**

[70] Federal Emergency Management Agency (FEMA). FIRM: Flood Insurance Rate Map: Santa Clara County, California and Incorporated Areas [Map Number 06085C0251J]. February 2014.
[71] Santa Clara Valley Water District. 2016 Groundwater Management Plan. Figure 1-3.2016.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in Section 4.4, *Biological Resources*, of this Initial Study, the Habitat Plan is a county-wide conservation plan intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in Santa Clara County. The project site is centrally located within the Habitat Plan area and is mapped as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, street trees, and parklands.

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport is located approximately 2.7 miles northwest of the project site. The airport is owned and operated by the City of San José. It is regulated by various federal, state, and local laws, including the Code of Federal Aviation Regulations. Part 77 of the Federal Aviation Regulations regulate obstructions to navigable airspace, as described in Section 4.9, *Hazards and Hazardous Materials*, of this Initial Study. The project site is not located within the Airport Influence Area established by the Santa Clara County Airport Land Use Commission in its Comprehensive Land Use Plan for the airport. The Airport Influence Area is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations, and the Airport Comprehensive Land Use Plan sets forth standards and policies for land use compatibility with these airport considerations.

Local

San José Zoning Ordinance

The San José Zoning Ordinance is comprised of Title 20 of the City's Municipal Code. The Zoning Ordinance establishes zoning districts and the adopts regulations controlling the uses of land, population density, uses and locations of structures, height and bulk of structures, open spaces about structures, the function of certain uses in structures, the areas and dimensions of building sites, requirements for off-street parking, and attendant regulations within such established districts. Section 20.10.020 of the Zoning Ordinance states that one purpose of the Zoning Ordinance is "to prevent unwarranted deterioration of the environment and to promote a balanced ecology."

Envision San José 2040 General Plan

The City's General Plan contains policies applicable to all development projects in San José. The following policies are specific to land use and applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Roosevelt Park Urban Village Plan

The Roosevelt Park Urban Village Plan includes policies applicable to all development projects within the Urban Village Boundary. The following policies are specific to land use and applicable to the proposed project.

Land Use Policy 3: The minimum FAR for the commercial portion of a mixed-use project should be 0.50 in Areas B and D, and 0.30 in Area C.

Land Use Policy 5: Development of ground floor neighborhood-serving commercial uses along E. Santa Clara Street is strongly encouraged.

Land Use Policy 6: New residential development adjacent to the Five Wounds Trail corridor should provide primary unit entries, stoops, and porches facing the trail.

Land Use Policy 7: New residential development adjacent to the Five Wounds Trail corridor should provide ground floor units that face the trail.

Land Use Policy 8: Create a high-density mixed-use Urban Village that is pedestrian focused and enhances the quality of life for residents in surrounding communities.

Land Use Policy 9: Mixed-use residential projects are encouraged to build at densities of 50 dwelling units to the acre or greater on sites those sites that are large in size, such as the Empire Lumber site, given that the site design is compatible with the surrounding neighborhood.

Building Height Policy 4: New development in Area D, the former Empire Lumber site, (located on the south side of East Santa Clara Street, north of Shortridge Avenue and between South 26th Street and South 28th Street) shall be designed such that views of the Five Wounds Portuguese National Church will be maintained for a majority of the neighborhood located to the south and southwest of the site. No more than 50 percent of the footprint of Area D, shall contain, in total, building height that exceeds 55 feet. Buildings over 55 feet in height shall provide a height and massing study to demonstrate how the views of the Church will be maintained, particularly from the south and southwest. Furthermore, new projects proposed within Area D over 55 feet in height must provide detailed visualizations of the proposed project that show how the views of the Five Wounds Church will be maintained for the neighborhoods located to the south and southwest of the church.

Building Height Policy 5: All portions of buildings over 55 feet in height shall be stepped back from the lower portion of the building such that the massing of the building does not overwhelm the sidewalk and the street.

4.11.1.2 *Existing Conditions*

The 2.77-acre project site is comprised of seven parcels (APNs 467-33-001, -002, -003, -004, -006, -007, and -008) located at 1260 East Santa Clara Street between South 26th Street and South 28th Street in the City of San José. The rectangular shaped parcel has frontage on East Santa Clara Street to the north, South 26th Street to the west, and Shortridge Avenue to the south. A non-operational rail line is located along the eastern property line. The site is currently developed with a one-story commercial building and an adjacent surface parking lot. The site is partially occupied by a used car dealership. The project site is currently accessed by driveways on East Santa Clara Street and Shortridge Avenue.

Surrounding Land Uses

Development in the project area is a mix of residential, commercial, light industrial, and public/quasi-public land uses (see Figure 2.2-3). Buildings in the area are primarily one- to two-stories, except for the nearby Five Wounds Portuguese National Church which is equivalent to a three-story building (not including the bell towers). The project site is bordered by East Santa Clara Street to the north, South 26th Street to the west, Shortridge Avenue to the south, and railroad tracks and South 28th Street to the east.

The project site is located within a mixed residential and commercial neighborhood. West of the project site, on the west side of S. 26th Street, is a commercial building, a single-family residence that has been converted to a business, and a small duplex. All the buildings to the west are one-story and back up to two apartment buildings that are two and three stories. South of the project site, on the south side of Shortridge Avenue, are primarily single-story, single-family houses and a few light industrial buildings catering to primarily automotive uses. The remainder of the area to the south and west is a residential neighborhood.

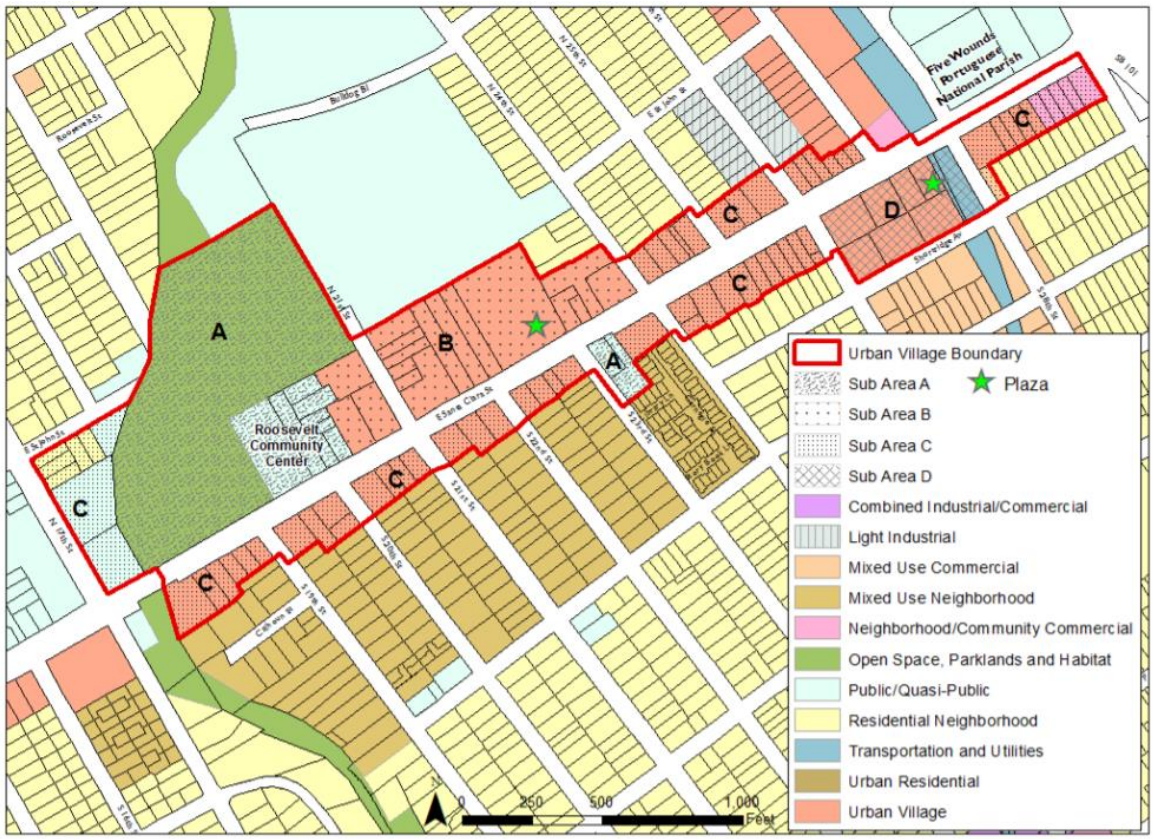
Immediately east of the project site are former Union Pacific railroad tracks. East of the rail line is South 28th Street and a small one- to two-story commercial center, which faces the project site, and a small one-story commercial building. The buildings are separated by a shared surface parking lot.

North of East Santa Clara Street are several one-story commercial buildings. The Five Wounds Portuguese National Church (Five Wounds Church), a historic landmark, is located approximately 317 feet northeast from the project site. The three-story church is located between two accessory buildings, including Cristo Rey High School, which range in height from one to two stories.

Existing Land Use Designation and Zoning

The project site is designated *Urban Village* under the City of San José's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The northern approximately half of the project site is zoned *CG-Commercial General*, and the southern approximately half is zoned *LI-Light Industrial*.

Under the Roosevelt Park Urban Village Plan, the *Urban Village* designation allows for a variety of uses including commercial, residential, and institutional. To meet the employment lands and job development objectives for this village, the plan establishes a minimum FAR for the commercial/employment component of mixed-use projects in some of the plan area. As shown below, the project site is located in Area D, which has a minimum 0.50 FAR requirement for the commercial portion of a mixed-use project. The density of new development would be limited by the maximum height limits established in the Roosevelt Park Urban Village Plan. For the project site, the maximum height limit is 85 feet. Building Height Policy 4 limits the area for an 85-foot building mass to 50 percent of the footprint of the block, and the reminder must be at 55 feet. Building Height Policy 5 requires all new development adjacent to property with an existing single-family home or with a General Plan designation of Residential Neighborhood with a density of 8 dwelling units to the acre or less, shall step down in height to 35 feet within 20 feet of such single-family properties.



As mentioned above, the site has two zoning designations. The northern approximately half of the project site is zoned *CG – Commercial General* (Chapter 20.40 of the City Code) and is intended to serve the needs of the general population. The *CG – Commercial General* zoning allows for a full range of retail and commercial uses with a local or regional market. The southern approximately half of the project site is zoned *LI – Light Industrial* (Chapter 20.50 of the City Code) and is intended for a variety of industrial uses and excludes uses with unmitigated hazardous effects. Uses in the *LI – Light Industrial* zoning district include warehouse, wholesale, and light manufacturing.

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 arterials streets, railroad lines, and canals. The proposed project does not involve these components. The proposed project would demolish existing uses and redevelop the site with a mixed-use building containing residential and commercial retail uses. Additionally, the proposed project would maintain pedestrian sidewalks along East Santa Clara Street, South 26th Street, and Shortridge Avenue. Therefore, the proposed project would not physically divide an established community. Impacts would be less than significant. **(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 State CEQA Guidelines require that an Initial Study consider whether a proposed project may conflict with any applicable land use plan, policy, or regulation that was adopted for the purpose of avoiding or mitigating an environmental impact. This environmental determination differs from the larger policy determination of whether a proposed project is consistent with a jurisdiction's general plan. The former determination, which is intended for consideration in a CEQA document, is based on, and limited to, a review and analysis of environmental effects. The latter determination, by comparison, is made by the decision-making body of the jurisdiction and is based on the jurisdiction's broad discretion to assess whether a proposed project would conform to the policies and objectives of its general plan/specific plan as a whole. In addition, the broader general plan consistency determination takes into account all evidence in the record concerning the project characteristics, its desirability, as well as its economic, social, and other non-environmental effects.

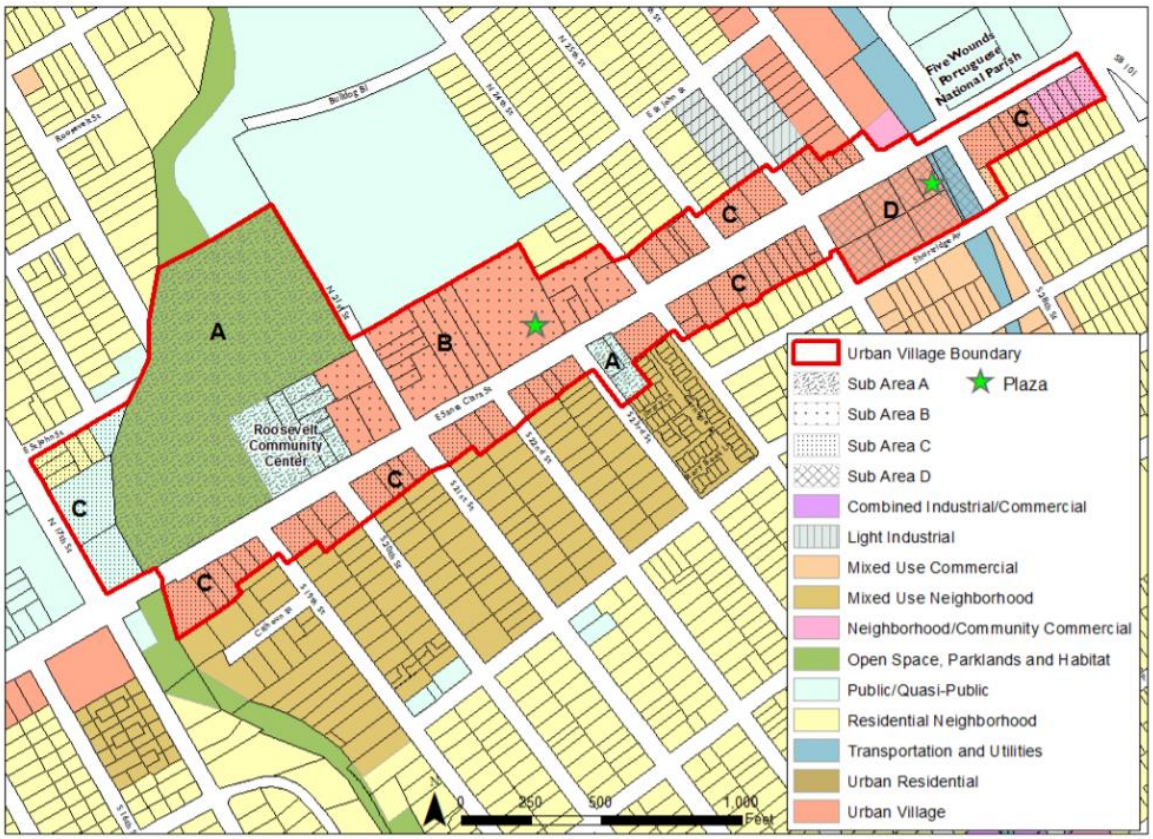
Conflicts of a project with land use policies do not, in themselves, constitute significant environmental impacts. Policy conflicts are considered environmental impacts only when they would result in direct environmental effects. City decision-makers will need to consider the consistency of the proposed project with applicable plans and policies that do not directly relate to physical environmental issues when determining whether to approve or deny the project.

The potential environmental impacts of the proposed project are evaluated throughout this Initial Study document in context with applicable General Plan policies. The proposed project, with implementation of the permit conditions and mitigation measures identified within this Initial Study, would not significantly conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Environmental impacts would be less than significant.

While conflicts with land use policies do not, in themselves, constitute significant impacts, the following analysis of consistency with the General Plan land use designations and zoning districts is provided for informative purposes for the City decision-makers.

Commercial FAR Requirements

The Roosevelt Park Urban Village Plan establishes minimum commercial FAR requirements for all parcels within the *Urban Village* land use designation. For the project site (Area D), and another group of parcels identified as Area B, the minimum commercial FAR is 0.50. For the parcels within Area C, the minimum commercial FAR is 0.30.



The project as analyzed in this Initial Study, would meet the 0.50 FAR requirement for commercial development (up to approximately 60,330 square feet of commercial space on-site).

The project as analyzed in this Initial Study meets the development goals and policies of both the General Plan and the adopted Urban Village Plan and would have a less than significant land use impact. **(Less Than Significant Impact)**

Urban Village Land Use Policies

The proposed project, as analyzed in this Initial Study, would be required to comply with the land use policies of the Roosevelt Park Urban Village Plan that encourage specific configurations of residential development in Area D, including Building Height Policies 4 and 5 as stated above. The project, as analyzed in this Initial Study, meets the goals and policies of the Urban Village Plan. **(Less Than Significant Impact)**

Zoning

The current zoning designations are not applicable to the specific development proposed for the project site. The project site would need to be rezoned to allow any future redevelopment of the site. As a result, the project proposes a rezoning to (*A)PD – Planned Development* consist with the proposed mixed-use project. **(Less Than Significant Impact)**

4.11.3 Non-CEQA Effects

Shade and Shadow

The State CEQA Guidelines do not address the effects of shadows and shading nor does the City of San José have policies that quantify shadow impacts of new projects outside of the downtown core. However, the City typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces.

The project would shade a small portion of the adjacent rail line in the afternoon hours for most of the year, but it would not shade existing public parks or open space areas in proximity to the project site. The adjacent rail line is planned as part of the future Five Wounds Trail. Because the trail is intended to be a pedestrian/bicycle transportation corridor and not standard "park" open space, shading of the area in the afternoon hours would not negatively impact future users of the trail. The General Plan and the Roosevelt Park Urban Village Plan include policies to enhance the pedestrian and bicycle experience by planting street trees to provide shade. Similarly, shading of a portion of the trail by the proposed building would also provide shade for trail users. As a result, the proposed project would have no effect from increased shading.

Visual Privacy

Visual privacy addresses the general concern that windows or balconies from taller buildings would provide visual access to neighboring yards and windows of private residences. There are five existing off-site residences within 60 feet south of the project site on Shortridge Avenue. Of the five residences, one is a two-story apartment that faces away from the project site, one is a single-family residence that has been turned into a business, two are single-family houses that face the project site, and one is a single-family house that faces South 26th Street. On South 26th Street, there is a duplex that faces the project site. Two and three-story apartments back up to the duplex. In urban built-out environments, properties are in close proximity to one another and complete privacy is not typical. Nevertheless, implementation of the proposed project would create a greater possibility of privacy intrusion from the project site on the nearby residential properties than what currently exists.

The existing development on-site includes a one-story commercial building along the northern street frontage, approximately 230 feet from the residential properties to the south. The project proposes at the maximum height, a seven-story, 85-foot tall building towards East Santa Clara Street and lowers to five stories, 55 feet tall, on Shortridge Avenue. Residents in the proposed building would have direct line of site to the nearest off-site residences.

The residences on Shortridge Avenue and the duplex on South 26th Street have little to no tree cover on their properties. The adjacent apartment building has no recreational open space and the open space areas at the duplex are along the roadway frontages and not fenced. The private residences on

Shortridge Avenue have varying amounts of open space, none of which is completely private. While the project would construct a building up to 55 feet tall along the southern property line, the additional height of the building would not significantly increase the likelihood of visual intrusion of privacy. Limiting the building height along Shortridge Avenue to five stories would not preclude views onto the nearby properties. There would not, however, be views into any windows at the rear of the residences. In adopting the Roosevelt Park Urban Village Plan and the Envision San José 2040 General Plan, the City has determined that high density residential development is acceptable on the project site and compatible with the surrounding land uses.

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act 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 the Surface Mining and Reclamation Act, 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. The Surface Mining and Reclamation Act also allowed the State Mining and Geology Board, 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*

Pursuant to the mandate of the Surface Mining and Reclamation Act, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board have classified other areas in San José, including the project site, as containing mineral deposits of statewide significance or requiring further evaluation.

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 proposed project is within a developed urban area and it does not contain any known or designated mineral resources. The physical distance between the project site and the Communications Hill area is approximately 3.70 miles. The proposed project would not result in the loss of availability of any known mineral resources and would have no impact. **(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?

As noted, the project is not located in or near an area containing known mineral resources. Therefore, the project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

4.13 NOISE

The following analysis is based upon a Noise and Vibration Assessment prepared by *Illingworth & Rodkin* in July 2016. A copy of this report is provided in Appendix E of this document.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel 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. 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 generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[72] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

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

4.13.1.2 *Regulatory Framework*

State and Local

California Building Standards Code

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

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Envision San José 2040 General Plan

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to noise and vibration, and are applicable to the proposed project.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.4: Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.

Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

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

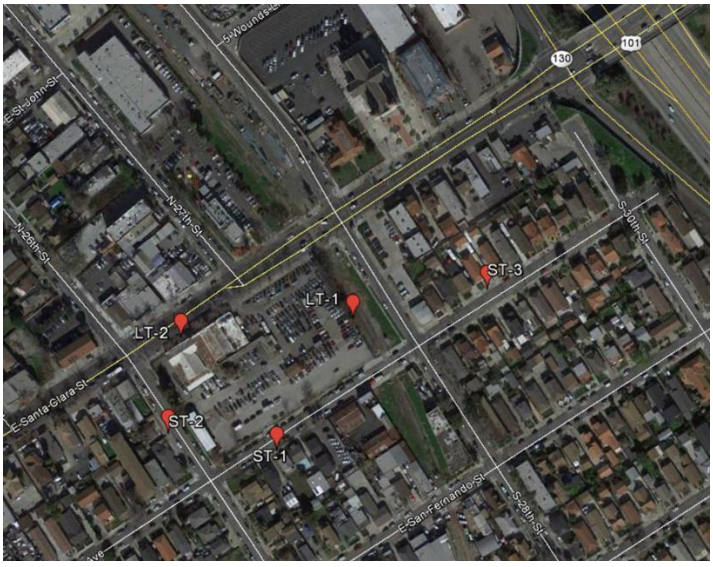
- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

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

Policy EC-2.1: Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

Policy 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 fro cosmetic damage at buildings of normal conventional construction.

4.13.1.3 *Existing Conditions*



The project site is located immediately east of South 26th Street between East Santa Clara Street and Shortridge Avenue. Noise in the project area is generated primarily from vehicular traffic along East Santa Clara Street and US 101.

To quantify the existing noise environment, a noise monitoring survey was completed in the vicinity of the project site from June 7th, 2016 to June 9th, 2016. The monitoring survey included two long-term (LT-1 and LT-2) noise measurements and three short-term (ST-1, ST-2, and ST-3) noise measurements. Tables 4.12-1 and 4.13-2 give a summary of the

acoustical locations and measurements. The noise monitoring locations are shown in the figure above.

Table 4.13-1: Existing Long-Term Noise Measurements			
Measurement	**Location**	**Noise Level (dBA)**	
		Day	**Night**
LT-1	Approximately 100 feet west from the center of South 28th Street and approximately 25 feet west from the center of the adjacent railroad tracks	59 - 61	50 - 59
LT-2	Approximately 40 feet south of the centerline of Santa Clara Street	70 - 76	59 - 73

For LT-1, the day-night average noise level on Wednesday, June 8th, 2016 was 63 dBA DNL. For LT-2, the day-night average noise level on Wednesday, June 8th, 2016 was 75 dBA DNL.[73]

Table 4.13-2: Existing Short-Term Noise Measurements								
Measurement	**Location**	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**L_{eq}**	**Calc. L_{dn}**
ST-1	Front of 1260 Shortridge Avenue, approximately 30 feet from centerline of roadway	62	58	55	53	51	53	57
ST-2	Front of 9 and 33 North 26th Street, approximately 30 feet from centerline of roadway	70	67	60	54	51	57	61
ST-3	Front of 1385 Shortridge Avenue, approximately 30 feet from centerline of roadway	68*	65	55	53	51	55	58
Notes: *Includes aircraft event, which generated a maximum noise level of 68 dBA L_{max}.								

Sensitive Receptors

The nearest sensitive receptors are the residences located approximately 65 to 75 feet west and south of the project site. The other surrounding buildings are retail/commercial and are not considered sensitive land uses.

[73] Since 2016, there have been no land use changes or new developments near the project site that would increase the existing ambient noise level of the project area. Therefore, the 2016 noise data is applicable to the current project.

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?

Project Generated Traffic Noise Impacts

Traffic noise levels along South 26th Street are calculated to increase by approximately four dB between East Santa Clara Street and the proposed project entrance off South 26th Street with build out of the General Plan. As mentioned previously, the noise environment in the area is generated primarily from vehicular traffic along East Santa Clara Street and US 101. Based on the noise monitoring survey, vehicles on East Santa Clara Street currently generate a noise level of approximately 75 dBA DNL at a distance of 40 feet from the center of the roadway. The traffic noise along East Santa Clara Street is calculated to increase by less than one dB as a result of project traffic and noise levels at commercial uses fronting South 26th Street and adjacent to East Santa Clara Street would continue to be exposed to an Existing Plus Project traffic noise level of 75 dBA DNL; an increase of less than one dB.

Traffic noise modeling using the Federal Highway Administration's Traffic Noise Model calculated the existing traffic noise level along South 26th Street to be approximately 53 dBA DNL at a distance of 40 feet from the centerline. A noise increase of approximately one dB is anticipated south of the project entrance off of South 26th Street as a result of the project.

An existing noise level of approximately 65 dBA DNL is calculated at a distance of 200 feet from the center of East Santa Clara Street, resulting primarily from traffic along East Santa Clara Street. At a distance of 200 feet from the center of East Santa Clara Street, commercial uses are calculated to be

exposed to an Existing Plus Project traffic noise level of 66 dBA DNL; an increase of one dB above existing levels in this area.

A traffic noise increase of about two dB is anticipated along Shortridge Avenue between South 24th Street and South 26th Street as a result of the project. Traffic noise increases of less than one dBA DNL are calculated to occur on all other the roadway segments in the network due to project traffic.

The increase in traffic noise caused by the project would not exceed the 3 dBA DNL thresholds established by the General Plan and would result in a less than significant impact. **(Less Than Significant Impact)**

Operational Noise Impacts

Mixed-use development typically includes various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for the buildings and the underground parking levels. The most substantial noise-generating equipment would likely be large exhaust fans and air conditioning units. The nearest noise sensitive uses include residences located approximately 65 to 75 feet west and south from the project site.

Under the City's Noise Element, noise levels from building equipment would be limited to a noise level of 55 dBA DNL at receiving noise-sensitive land use. Given the distance between rooftop equipment located on top of an 85 foot high structure and nearby noise-sensitive uses and the shielding provided by the roof structure, mechanical equipment noise is not anticipated to exceed 55 dBA DNL at the nearby residences or other sensitive uses.

Truck deliveries for the commercial uses on the project site have potential to generate noise. Typical noise levels generated by loading and unloading of truck deliveries would be similar to noise levels generated by existing truck movements on local roadways and by similar activities at surrounding uses. These are not anticipated to impact the nearby noise-sensitive land uses.

In accordance with the *Envision San José 2040 General Plan FEIR*, the proposed project would be required to implement the following standard permit conditions:

Standard Permit Conditions

- A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits.

Implementation of the above measures would reduce operational noise levels, and minimize disruption and annoyance. As a result, the project would have a less than significant operational noise impact. **(Less Than Significant Impact)**

Construction Noise Impacts

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code. Temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least five dBA Leq for an extended period of time. The temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA Leq at nearby residences or exceeded 70 dBA Leq at nearby commercial land uses and exceeded the ambient noise environment by five dBA Leq or more for a period longer than 12 months.

The calculated construction noise for each phase of development is shown in Table 4.12-3.

Table 4.12-3: Estimated Construction Noise Levels

Construction Phase	Noise Level at 100-Foot Distance	
	L_{eq}, dBA	L_{max}, dBA
Demolition (one month)	79	84
Site Preparation (one month)	70	72
Grading/Excavation (two months)	80	80
Trenching (two months)	72	75
Building Exterior (1.5 years)	73	75
Building Interior (10 months)	Minimal	Minimal
Paving (two months)	73	73

Construction activities for the proposed project would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating.

Construction of the proposed project would include demolition, site preparation, grading and excavation of the entire site for one level of underground parking, trenching for utilities, construction of the building, and paving. Pile driving would not be used as a method of foundation construction for this project. The total construction time, including the building interior, is estimated to be 25 months.

Construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residences located approximately 65 to 75 feet west and south. As a result, the following Standard Permit Conditions are required as a condition of approval.

Standard Permit Conditions

- 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.

Even with the Standard Permit Conditions, the project would still expose nearby sensitive receptors to increase noise levels during construction.

Impact NOI-1: Nearby land uses would be exposed to increased noise levels for a period of more than 12 months during project construction. **(Significant Impact)**

Mitigation Measures: Consistent with the City's standard noise control measures and General Plan Policy EC-1.7, which requires large or complex projects to prepare a construction noise logistics plan, the project proposes to implement the following mitigation measures to reduce construction-related noise impacts to a less than significant level.

MM NOI-1.1: A construction noise logistics plan, in accordance with General Plan Policy EC-1.7, shall be required prior to issuance of a grading permit. A typical construction noise logistics plan will include, but not be limited to, the following measures to reduce construction noise levels:

- Consistent with the Standard Permit Conditions, temporary noise barriers will be constructed to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences will provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

Implementation of the proposed project would result in a temporary increase in ambient noise levels; however, implementation of the identified Standard Permit Conditions and mitigation measures would result in a less than significant construction noise impact. **(Less Than Significant Impact)**

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

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. As mentioned previously, pile driving would not be required for project construction.

The nearest building are located approximately 65 feet south and west from the project site. Vibration levels produced by heavy equipment (vibratory rollers, clam shovel drops) during construction are calculated to be 0.07 in/sec PPV or less at a distance of 65 feet and less than 0.05 in/sec PPV at a distance of 100 feet. These vibration levels are not anticipated to be perceptible at adjacent land uses and would not exceed the City's 0.2 in/sec PPV threshold for architectural damage. **(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?

Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.7 miles northwest of the project site. Although aircraft-related noise could be occasionally audible at the site, the project site lies outside the 2027 60 dBA CNEL noise contour shown in the City's

General Plan. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. The project site is not within proximity of a private airstrip. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The policies of the City of San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering Federal, State and City noise standards and guidelines as a part of new development review. Within the City of San Jose, applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA 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 *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of the plan.

Exterior Noise Levels

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

Future Exterior Noise Environment

Based on applicable noise standards and policies for the site, exterior noise levels at the proposed residential uses cannot exceed 60 dBA DNL and interior day-night average noise levels cannot exceed 45 dBA DNL (General Plan *Policy EC-1.1*). Existing noise sources generate noise levels of 57 to 75 dBA DNL at the ground level façades of the proposed building.

Residential amenities would include an outdoor pool, an outdoor patio and grilling area, and an indoor club/fitness room, all located in a courtyard area on the third floor and shielded from the surrounding roadway traffic by the proposed building. In addition, all residences would have outdoor patio/deck areas. The City's noise level goal for residential common open space is 60 dBA DNL. The common outdoor use areas are located in a courtyard area and well shielded by the proposed building from the surrounding roadway traffic.

Noise levels in the outdoor open space areas were calculated to be 55 to 60 dBA DNL, and would conform to the City's guidelines regarding compatibility with the future noise environment. Noise levels in patios/decks facing East Santa Clara Street, South 26th Street, and South 28th Street would exceed 60 dBA DNL and the City's guidelines; however, all residences would have access to common areas where exterior noise levels meet the City's criteria. As a result, exterior noise levels at residential outdoor use areas would be consistent with Policy EC-1.1.

Future Interior Noise Environment

The California Building Code and the City of San José General Plan require that interior noise levels be maintained at 45 dBA DNL or less for residences. The exterior traffic noise exposure would be up to 78 dBA DNL for the north-facing façade, 58 to 75 dBA DNL at the east- and west-facing facades, and 58 dBA DNL at the south-facing facade.

Interior noise levels would vary depending upon the design of the buildings (ratio of window area to wall area) and the selected construction materials and methods. For the proposed project, the interior noise levels with standard construction and windows open would be up to 63 dBA DNL in northern facing units, and with windows and doors closed, interior noise levels would be up to 58 dBA DNL. This would exceed the City's threshold for interior noise. Residences on the other façades would not exceed the 45 dBA noise standard.

The following standard permit conditions would be required to ensure the project is consistent with applicable City policies:

Standard Permit Conditions

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all units facing East Santa Clara Street, South 26th Street, or South 28th Street, so that windows can be kept closed to control noise.
- The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

With implementation of the conditions of approval, the project would meet the City's interior noise standards consistent with Policy EC-1.1.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its Regional Housing Need Allocation; 2) produce an inventory of sites that can accommodate its share of the Regional Housing Need Allocation; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[74] The most recent City of San José Housing Element and related land use policies were certified by the California Department of Housing and Community Development in April 2015.

Regional

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.[75]

The Association of Bay Area Governments allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. The Association of Bay Area Governments also develops forecasts for population, households, and economic activity in the Bay Area. The Association of Bay Area Governments, Metropolitan Transportation Commission, 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).

[74] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed April 27, 2018. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[75] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.[76] As of January 2019, the City had approximately 335,887 housing units[77] and, by 2040, the City's population is projected to reach 1,334,100.[78]

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

The project site is currently occupied by a commercial building and surface parking lot. The project site does not provide any housing.

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)?

As described in Section 3.0, Project Description, the project proposes a General Plan text amendment to allow for a reduction in the minimum commercial FAR requirement to 0.25. The minimum commercial FAR requirement for the site is currently 0.5. Thus, the proposed project would reduce the number of jobs assumed on the project site compared with the General Plan. Therefore, new jobs associated with the commercial component of the proposed project would not induce substantial unplanned population growth.

[76] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019." Accessed December 18, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[77] Ibid.
[78] City of San José. "Population." Accessed December 18, 2019. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/data-and-maps/demographics/population.

The California Department of Finance estimates the City population at 1,051,316 people in 2018, with an average household size of 3.2 persons per household.[79] Based on this household size, development of the proposed project would add approximately 1,306 additional residents (408 units x 3.2 people/unit). Table 4.14-1 compares the population growth that would result from the proposed project to the Association of Bay Area Government's population forecasts for San José in 2025, 2030, 2035, and 2040.

Table 4.14-1: Project Population Comparison

Scenario/Year	City Population	Project Population	Project Percent of Population
Existing Population*	1,051,316	1,306	0.12
2025**	1,126,200	1,306	0.12
2030**	1,192,100	1,306	0.11
2035**	1,261,600	1,306	0.10
2040**	1,334,100	1,306	0.10

* California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates. 2018.
** Association of Bay Area Governments. Plan Bay Area Projections 2013. 2013.

As shown in Table 4.14-1, the proposed project's contribution to population growth would be less than one percent of the projected growth through 2040. Assuming full buildout of the project by 2025, the 1,306 residents generated the project would be less than one percent of the 2025 forecast population of the City. Such an increase in population would be consistent with long-term growth projections for the City. Additionally, the proposed project would develop the site with up to 408 new residential units. These dwelling units are part of the 120,000 new dwelling units planned in San José in the City's General Plan. Therefore, the proposed project would not result in substantial unplanned growth. 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?

The project site is developed with a single-story commercial building and associated surface parking lot. There are no residences on the project site. Therefore, the proposed project would displace no housing or people. The proposed project would have no impact. **(No Impact)**

[79] California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates. 2018.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Government Code Section 65995 through 65998

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

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

Local

Envision San José 2040 General Plan

The following General Plan policies pertain to public services and are applicable to the proposed project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving

community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. 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.
b. 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.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 0.75-mile radius of the project site that generates the funds.

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

Policy PR-2.6: Locate all new residential development over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department. The Fire Department responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 8, located at 802 East Santa Clara Street. The physical distance between the project site and Station No. 8 is approximately 0.53 mile.

The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department, headquartered at 201 West Mission Street and approximately 2.2 miles from the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

Schools

The project site is located within the San José Unified School District. The School District has 27 elementary schools, six middle schools, and nine high schools in operation. The project site would be served by the schools listed in Table 4.15-1 below.

Table 4.15-1: Local Schools

School	Address	Distance from Site
Selma Olinder Elementary School	890 East William Street, San José	0.6 mile southwest
Peter Burnett Middle School	850 North 2nd Street, San José	1.9 miles northwest
San José High School	275 North 24th Street, San José	0.2 mile northwest

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The closest parks to the project site are Roosevelt Community Center and

Park and Bonita Park located approximately 0.4 mile west and 0.5 mile south from the project site, respectively.

The City has a Parkland Dedication Ordinance (PDO) with the goal of providing 3.5 acres of neighborhood/community serving parkland per 1,000 residents.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library and 22 branch libraries. The Dr. Martin Luther King Jr. Main Library (approximately 1.3 miles west of the site) is located in Downtown San José. Residents in the project area are served by the East San José Carnegie Branch Library. The East San José Carnegie Branch Library is approximately 0.2 mile west of the project site.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 would be constructed in accordance with the City of San José Fire Code, which is set forth in Chapter 17.12 of the City's Municipal Code. The City's Fire Code incorporates the 2016 California Fire Code. Pursuant to Section 17.12.050 of the Municipal Code, the Bureau of Fire Prevention shall review all building plans for conformity with state and local statutes, ordinances, and regulations relating to the prevention of fire, among other hazards. Section 17.12.070 requires that the property owner and the property user be responsible for ensuring the property complies with the City's Fire Code. With these controls in place, the proposed project would not generate a new

significant safety or fire hazard that would consequentially require expansion of construction of new fire protection facilities or stations.

As described in Section 4.14, Population and Housing, the proposed project would increase the resident population of San José by an estimated 1,306 people. The project and resultant population growth are consistent with the planned growth in the General Plan and construction of new fire and police stations, other than those already planned, would not be required to provide service to the site. The Envision San José 2040 General Plan FEIR concluded that planned growth under the General Plan would result in an increase in calls for fire protection and police protection services and may result in the need for additional staffing and equipment to adequately serve the City's planned growth envisioned under the General Plan. The increased population would not, however, require the construction of new fire stations or police stations beyond what is already planned. Impacts would be less than significant. **(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?

As noted above, the proposed residential development would increase the resident population of San José by approximately 1,306 people. The Envision San José 2040 General Plan FEIR concluded that planned growth under the General Plan would result in the need for additional police officers and equipment, but no additional facilities would be required.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the *San José 2040 General Plan FEIR* to avoid unsafe building conditions and promote public safety. The proposed development would not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals. **(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?

Based on the student generation rates for San José Unified School District[80,81], the proposed project would generate 57 new elementary school students, 24 middle school students, and 302 high school students in the school district. It should be noted that while the district is currently over capacity, individual schools that would serve the project site are not, as shown in Table 4.15-2 below. All three

[80] Multi-family residential development generates approximately 0.139 elementary students, 0.059 middle school students, and 0.74 high school students per unit.
[81] Student generation rates for San José Unified School District was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (March 1, 2016).

schools would have sufficient capacity remaining to support the student enrollment that would be generated by the proposed project.

Table 4.15-2: School Capacity and Enrollment			
School	**Maximum Capacity[82]**	**2018 Enrollment**	**Remaining Capacity**
Selma Olinder Elementary School	841 students	398 students[83]	443 students
Peter Burnett Middle School	928 students	770 students[84]	158 students
San José High School	1,421 students	1,021 students[85]	400 students

The project applicant would be required by law to pay development impact fees at the time building permits are issued. These fees are used by the San José Unified School District to mitigate impacts associated with long-term operation and maintenance of school facilities. The project applicant's fees would be determined at the time of the building permit issuance and would reflect the most current fee amount requested by the school district. Pursuant to Section 65996(b) of the California Government Code, payment of these fees "is deemed to be full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization." With mandatory payment of these fees, impacts of the project would be less than significant. **(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?

Development approved under the City's General Plan would increase the City's residential population to 1,313,811 by the year 2035. Residential development allowed under the General Plan would increase the demand for park facilities. The City of San José has a PDO which requires new housing projects to provide 3.5 acres of neighborhood/community serving parkland per 1,000 population or pay an in-lieu fee. Because the 408 dwelling units proposed under the project have been accounted for in the General Plan and the project would comply with the PDO requirements, the proposed project would provide adequate park facilities and amenities for its service population. In addition, the project proposes a pool deck, podium garden, a fitness center, and a club room for

[82] Capacity data was provided by the school district via personal communication with Jill Case, Director of Student Operational Services on March 30, 2016, and February 8, 2016.
[83] California Department of Education. *Selma Olinder Elementary: School Accountability Report Card Reported Using Data from the 2017-2018 School Year*. Report generated June 12, 2019.
[84] California Department of Education. *Peter Burnett Middle: School Accountability Report Card Reported Using Data from the 2017-2018 School Year*. Report generated June 12, 2019.
[85] California Department of Education. *San José High: School Accountability Report Card Reported Using Data from the 2017-2018 School Year*. Report generated June 12, 2019.

private recreation use. The proposed project would not increase the use of existing parks or other recreational facilities such that new or expanded facilities would be required. Impacts 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 City has been expanding and constructing new library facilities over the last decade to meet the needs of current residents. As mentioned above, development and redevelopment under the General Plan would increase the City's residential population. The existing and planned library facilities in San José would provide approximately 0.68 square feet of library space per capita for the anticipated population under the General Plan by the year 2035. The *San José 2040 General Plan FEIR* concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. As described above in Section 4.14, Population and Housing, the proposed 408 dwelling units are included in the growth and development envisioned in the City's General Plan. Therefore, the proposed project would result in less than significant impacts related to library services. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Local

Greenprint 2009 Update

In December 2009, the City Council adopted the *City of San José Greenprint 2009 Update*, which is the City's 20-year strategic plan for parks, recreational facilities, and programs. As part of the Greenprint and Green Vision, the City has identified two goals related to the trail network: 1) complete 100 miles of interconnected trails by 2022, and 2) complete 130 miles of the network by 2035. The City is currently working on a major update of the Greenprint.

The Greenprint identifies the Central/Downtown Planning Area as having the greatest parkland deficit, with a projected need for roughly 300 additional acres of neighborhood/community-serving parkland to meet the City's service objective by 2020.[86] Given its population density, the most practical strategy for increasing recreation amenities will be the development of privately owned pocket parks, plazas, and other small scale recreation facilities; however, completion of planned park facilities such as Del Monte Park and build-out of the Guadalupe River Park Master Plan will help offset the acreage needed.[87]

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed restricted affordable housing that meets the City's affordability criteria, are subject to the PDO and PIO and receive a 50

[86] Given that the 2040 General Plan allows for additional growth in Downtown compared to the 2020 General Plan, the current need exceeds the previous estimates for parkland acreage identified in the Greenprint.
[87] City of San José. *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. 2009.

percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The City's General Plan includes the following policies pertaining to parks and recreation that are applicable to the proposed project:

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public parks and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

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

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space, or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

4.16.1.2 *Existing Conditions*

The City of San José currently operates over 200 parks and approximately 60 miles of trails.[88] The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts.

[88] City of San José. Outdoor Activities. Accessed June 12, 2019. https://www.sanjoseca.gov/index.aspx?NID=3053

The closest parks to the project site are Roosevelt Community Center and Park and Bonita Park, located approximately 0.4 west and 0.5 mile south from the project site, respectively. Roosevelt Park is an 11-acre park that contains a picnic/BBQ area, skate park, basketball court, lighted softball field, two handball courts, two playgrounds, and restroom facilities. Amenities at the Roosevelt Community Center include a fitness center, art studio, computer lab, teen lounge, and a multipurpose room. Bonita Park is an 0.84-acre park with a half basketball court and a playground.

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 General Plan FEIR concluded that the City's PDO would be satisfied through a combination of several means including dedication of land; payment of a fee; credit for qualifying recreational amenities; and improvement of existing parkland or recreational facilities. Development of the project would increase the resident population in San José and result in increased use of existing and planned parks, trails, and community centers within the City. Recreational facilities within the City would be maintained through application of PDO/PIO fees in accordance with General Plan policies. Implementation of the project would not result in substantial physical deterioration of these facilities or accelerate the physical deterioration of these facilities, and impacts would be less than significant. **(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 proposed a pool deck, podium garden, and club/fitness area on-site, as well as open spaces areas around the site. While the increase in the resident population would likely increase the use of local parks and other recreational facilities, the project is consistent with the planned growth of the City and would not require the construction or expansion of recreational facilities to maintain City service goals. As a result, the project would not result in a physical effect on the environment. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based upon a Transportation Assessment prepared by *Hexagon Transportation Consultants* in October 2020. The reports are attached in Appendix F.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

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

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions are required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

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

Regional and Local

Congestion Management Program

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

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing regional average VMT per employee or the citywide average VMT per capita, respectively. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. 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.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis 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 or conditioned transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts from planned development in the City. The policies below are specific to transportation and are applicable to the proposed project.

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy 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.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and other Growth Areas.

Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

- Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
- Create easily identifiable and accessible building entrances located on street frontages or paseos.
- Accommodate the physical needs of elderly populations and persons with disabilities.
- Integrate existing or proposed transit stops into project designs.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

Policy CD-3.3: Within new development, create a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

4.17.1.2 *Existing Conditions*

The discussion below summarizes the existing conditions for major transportation facilities in the vicinity of the site, including the roadway network, transit services, and bicycle and pedestrian facilities.

Roadway Network

Regional Access

Regional access to the project site is provided via Highway 101 (US 101), Interstate-280 (I-280) and I-680. These facilities are described below.

US 101 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and south to Gilroy. North of Morgan Hill, US 101 has high occupancy vehicle (HOV) lanes in both directions. Access to the site from US 101 is provided via its interchange with Alum Rock Avenue/Santa Clara Street.

I-280 is generally a north-south freeway that extends from I-80 in San Francisco to US 101 in San José. In San José, I-280 is oriented in an east-west direction, and transitions to I-680 at US 101. In the vicinity of the project site, the freeway is an eight-lane freeway with auxiliary lanes between some interchanges. The section of I-280 just north of the Bascom Avenue overcrossing has six mixed-flow lanes and two HOV lanes. I-280 provides access to the project site via US-101 and its partial interchange at McLaughlin Avenue.

I-680 is a north-south freeway that begins at US 101 in San José, where I-280 transitions to I-680, and ends at I-80 in Solano County. The section of I-680 near the project site is an eight-lane freeway, with four mixed-flow lanes in both directions. I-680 provides access to the project site via US-101 and its interchange with Alum Rock Avenue.

Local Access

Local access to the site is provided by Santa Clara Street, 24th Street, McLaughlin Avenue, 26th Street, 28th Street, and Shortridge Avenue. These roadways are described below:

Santa Clara Street is a four-lane east-west roadway and is a designated Grand Boulevard. It extends eastward from Downtown San José as Santa Clara Street to US-101, where it transitions into Alum Rock Avenue. Santa Clara Street runs along the north project frontage and provides access to the project site via its intersections with 26th Street and 28th Street.

Twenty Fourth (24th) Street is a two-lane north-south roadway that extends from Julian Street southward to William Street, where it becomes McLaughlin Avenue. McLaughlin Avenue is a four-lane north-south roadway that begins at William Street and extends southward to Yerba Buena Road.

McLaughlin Avenue provides access to northbound I-280 and from southbound I-280 via a partial interchange. Access to the project site from 24th Street is provided via its intersections with Shortridge Avenue and Santa Clara Street.

Twenty Sixth (26th) Street is a two-lane north-south roadway that extends from Tripp Avenue southward to San Antonio Street. 26th Street runs along the west project frontage and provides direct access to the site via a full-access driveway.

Twenty Eighth (28th) Street is a two-lane north-south roadway that extends from Julian Street southward to San Antonio Street. 28th Street runs along the east project frontage and provides access to the project site via its intersections with Santa Clara Street and Shortridge Avenue.

Shortridge Avenue is a two-lane east-west local street that extends between McLaughlin Avenue and 30th Street. Shortridge Avenue runs along the south project frontage and provides direct access to the site via a full-access driveway.

Pedestrian, Bicycle Facilities, and Transit Services

The existing bicycle, pedestrian, and transit facilities in the study area are described below.

Pedestrian Facilities

Pedestrian facilities near the project site consist of sidewalks along all streets in the study area. Sidewalks are found along most all previously described local roadways in the study area, except on the entire west side and most of the east side of 28th Street, between Santa Clara Street and Julian Street. Other pedestrian facilities in the project area include crosswalks and pedestrian push buttons at all signalized study intersections. ADA-compliant ramps are provided at the four intersections formed by Santa Clara Street, Shortridge Avenue, 26th Street, and 28th Street. There are, however, no ADA-compliant ramps at the US-101 ramp intersections along Santa Clara Street/Alum Rock Avenue.

Existing sidewalks along Santa Clara Street and other local roadways provide a pedestrian connection between the project site and pedestrian destinations in the project vicinity. Overall, the existing network of sidewalks and crosswalks provides good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). There are no Class I bikeways within the immediate vicinity of the project site. Class I bikeways are bicycle paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. There are several bicycle facilities in the vicinity of the project site (Figure 4.17-1).

Class II Bikeways (Bike Lanes) are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- King Road, along its entire extent
- San Antonio Street, between King Road and Jackson Avenue; between 33rd Street and Bonita Avenue
- McLaughlin Avenue, between William Street and Story Road
- 17th Street, between Santa Clara Street and Hedding Street
- 21st Street, between Julian Street and Taylor Street

Class III Bikeways (Bike Routes) are bike routes designated only by signage. In the vicinity of the project site, the following roadway segments are designated as bike routes.

- 24th Street, between William Street and Julian Street
- San Antonio Street, between King Road and 33rd Street; west of Bonita Avenue

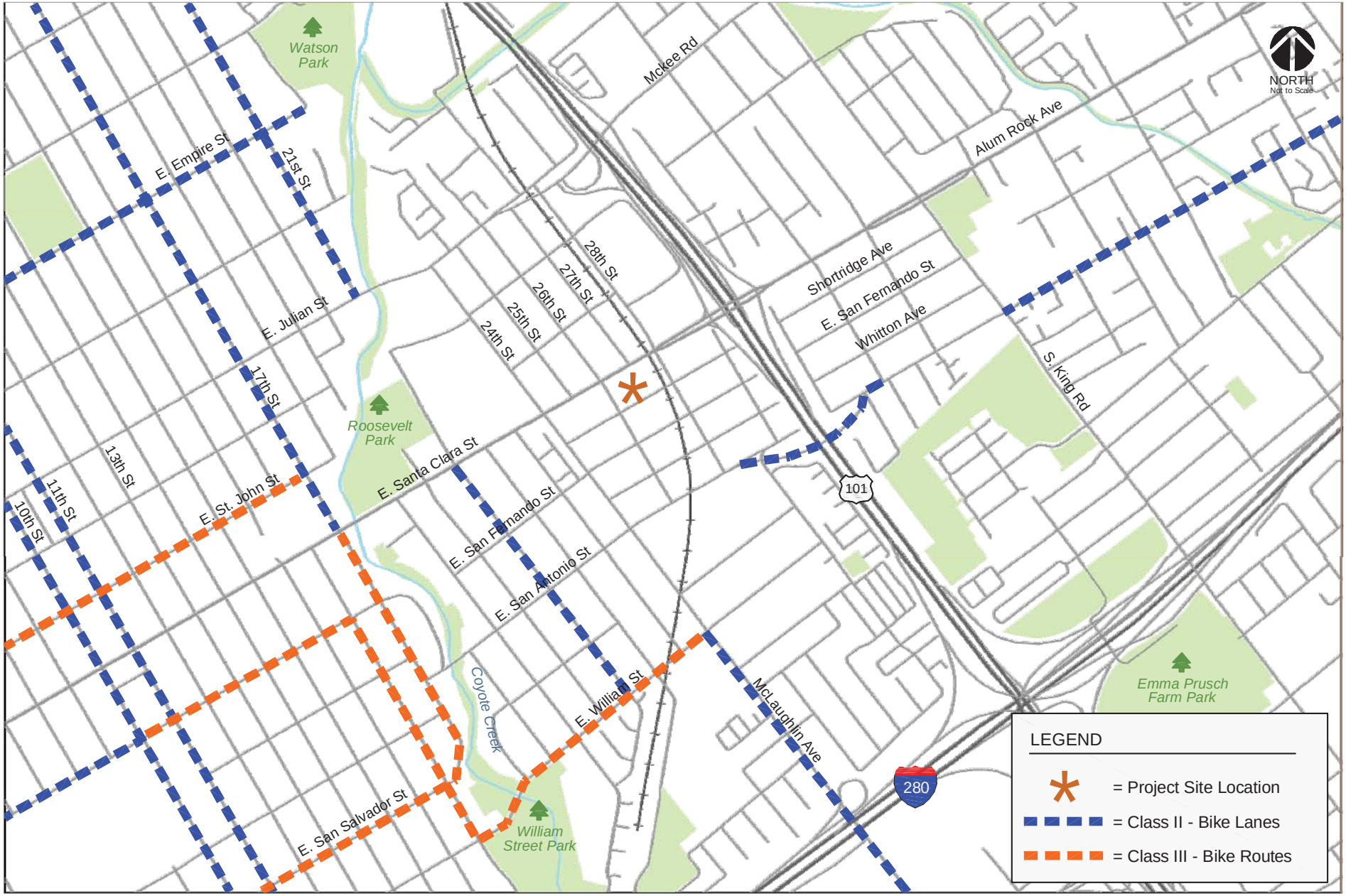
Transit Facilities

Existing transit services in the project area are provided by the VTA, are listed in Table 4.17-1, and are shown on Figure 4.17-2.

Table 4.17-1: VTA Bus Services in the project area.

Route	Route Description	Hours of Operation	Headway[1] (minutes)
Route 22	Palo Alto Transit Center to Eastridge Transit Center	24 Hours	15
Route 23	De Anza College to Alum Rock Transit Center	4:57 AM to 1:28 AM	12-15
Route 64A	McKee Road/White Road to Ohlone-Chynoweth Station	5:14 AM to 12:28 AM	15
Route 64B	McKee Road/White Road to Almaden Expressway and Camden Avenue	5:55 AM to 9:34 AM	15
Route 72	Downtown San José to Senter and Monterey via McLauglin	5:19 AM to 11:18 PM	5-15
Rapid 522	Palo Alto Transit Center to Eastridge Transit Center	4:42 AM to 11:40 PM	10 to 15
Rapid 523	Berryessa BART to Lockheed Martin via De Anza College	5:05 AM to 11:30 PM	15 to 20

[1] Approximate headways during peak commute periods.



Hexagon Transportation Consultants, July 6, 2016.

EXISTING BICYCLE FACILITIES

FIGURE 4.17-1

Hexagon Transportation Consultants, July 6, 2016.

EXISTING TRANSIT SERVICES

FIGURE 4.17-2

Rapid Routes 522 and 523 are served by bus rapid transit (BRT) stations located along both sides of Santa Clara Street at its intersection with 24th Street, approximately 700 feet from the project site. BRT stations are enhanced bus stops consisting of upgraded shelters, live schedule displays, and passenger amenities. The Rapid 522 BRT line provides access to the Diridon Transit Center, located approximately three miles west of the project site. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center. The Rapid 522 line also provides access to the Alum Rock Transit Center, located 2 miles east of the project site on Capitol Avenue, which provides access to the Alum Rock – Santa Teresa LRT line. The Rapid 523 line provides access to the Berryessa/North San José BART station, located approximately two miles north of the project site.

4.17.1.3 *VMT Methodology*

Per City Council Policy 5-1, the effects of the proposed project on VMT was evaluated using the methodology outlined in the City's Transportation Analysis Handbook. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the vicinity.

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool (evaluation tool) to streamline the analysis for development projects. Based on the location of a project, the evaluation tool identifies the existing average VMT per capita for the project area.

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

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

Projects that include residential uses would create a significant adverse impact when the estimated project generated VMT exceeds the existing citywide average VMT per capita minus 15 percent or existing regional average VMT per capita minus 15 percent, whichever is lower. Currently, the reported citywide average is 11.91 VMT per capita, which is less than the regional average. This equates to a significant impact threshold of 10.12 VMT per capita.

If a project is found to have a significant impact on VMT, the impact must be reduced by modifying the project to reduce its VMT to an acceptable level and/or mitigating the impact through multimodal transportation improvements or establishing a Trip Cap.

In addition, The City's Transportation Analysis Handbook identifies screening criteria that determines whether a CEQA transportation analysis would be required for development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the City's screening criteria, the project is expected to result in less-than-significant VMT impacts and a detailed CEQA VMT analysis is not required. The type of development projects that may meet the screening criteria include the following:

1. Small infill projects
2. Local-serving retail
3. Local-serving public facilities
4. Projects located in *Planned Growth Areas* with low VMT and *High-Quality Transit*
5. Deed-restricted affordable housing located in *Planned Growth Areas with High-Quality Transit*

The screening criteria for residential and commercial mixed-use developments is summarized in Table 4.17-2.

Table 4.17-2: City of San José VMT Screening Criteria for Development Projects

Type	Screening Criteria
Local-Serving Retail	• 100,000 square feet of total gross floor area or less without drive-through operations
Residential/Office Projects or Components	• **Planned Growth Areas:** Located within a Planned Growth Area as defined in the Envision San José 2040 General Plan; AND • **High-Quality Transit:** Located within ½ a mile of an existing major transit stop or an existing stop along a high-quality transit corridor; AND • **Low VMT:** Located in an area in which the per capita VMT is less than or equal to the CEQA significance threshold for the land use; AND • **Transit-Supporting Project Density:** o Minimum Gross Floor Area Ratio (FAR) of 0.75 for office projects or components; o Minimum of 35 units per acre for residential projects or components; o If located in a Planned Growth Area that has a maximum density below 0.75 FAR or 35 units per acre, the maximum density allowed in the Planned Growth Area must be met; AND • **Parking:** o No more than the minimum number of parking spaces required; o If located in Urban Villages or Downtown, the number of parking spaces must be adjusted to the lowest amount allowed; however, if the parking is shared, publicly available, and/or "unbundled", the number of parking spaces can be up to the zoned minimum; AND • **Active Transportation:** Not negatively impact transit, bike or pedestrian infrastructure.
Source: City of San José. *Transportation Analysis Handbook*. April 2018.	

4.17.2 Impact Discussion

	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?

New development projects in San José should encourage multi-modal travel, consistent with the goals and policies of the City's General Plan, to reduce vehicle trip generation and VMT. In addition, the adopted San José Bike Plan 2020 establishes goals, policies, and actions to facilitate bicycling and designates bicycle lanes along many City streets. The project's consistency with these plans and the Little Portugal Urban Village Plan is described below.

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks, crosswalks, and pedestrian signals at the signalized intersections. Existing sidewalks along Santa Clara Street and other local roadways provide a pedestrian connection between the project site and pedestrian destinations in the project vicinity. ADA-compliant ramps are provided at the four intersections formed by Santa Clara Street, Shortridge Avenue, 26th Street, and 28th Street. However, there are currently no ADA-compliant ramps at the US-101 ramp intersections along Santa Clara Street/Alum Rock Avenue.

The project proposes to maintain an existing 15-foot wide sidewalk along Santa Clara Street. An additional 10-foot wide setback between the sidewalk and the north project frontage would create a sidewalk with an effective width of 25 feet. Therefore, the project would be consistent with the Roosevelt Park Urban Village Plan (Policy CS-4.4) which requires new developments to provide a minimum 15-foot wide sidewalk along Santa Clara Street. The sidewalk would also be consistent with the City's goal of providing 20-foot sidewalks along designated Grand Boulevards, such as Santa Clara Street. Additionally, the project proposes a public plaza located at the northeast corner of the project site.

Overall, the existing network of sidewalks and crosswalks provides good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area. **(Less than Significant Impact).**

Bicycle Facilities

There are multiple bike facilities in the immediate vicinity of the project site. The bikeways within the vicinity of the project site would remain unchanged under project conditions. There are currently no bike lanes along Santa Clara Street in the vicinity of the project site. However, there are bike lanes and routes provided along San Antonio Street and bike routes on 24th Street, less than one-half mile from the project site.

The City's General Plan identifies a bicycle commute mode split target of 15 percent or more by the year 2040. This calculates to approximately 24 and 45 new bicycle trips during the AM and PM peak hours, respectively. This level of bicycle mode share is a reasonable goal for the project.

The proposed project would not exceed the capacity of the existing bicycle facilities or preclude the construction of planned improvements. In addition, the proposed project would be directly adjacent to the planned Five Wounds Trail and would be required to pay a fair share contribution toward construction of the trail. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. **(Less than Significant Impact)**

Transit Operations

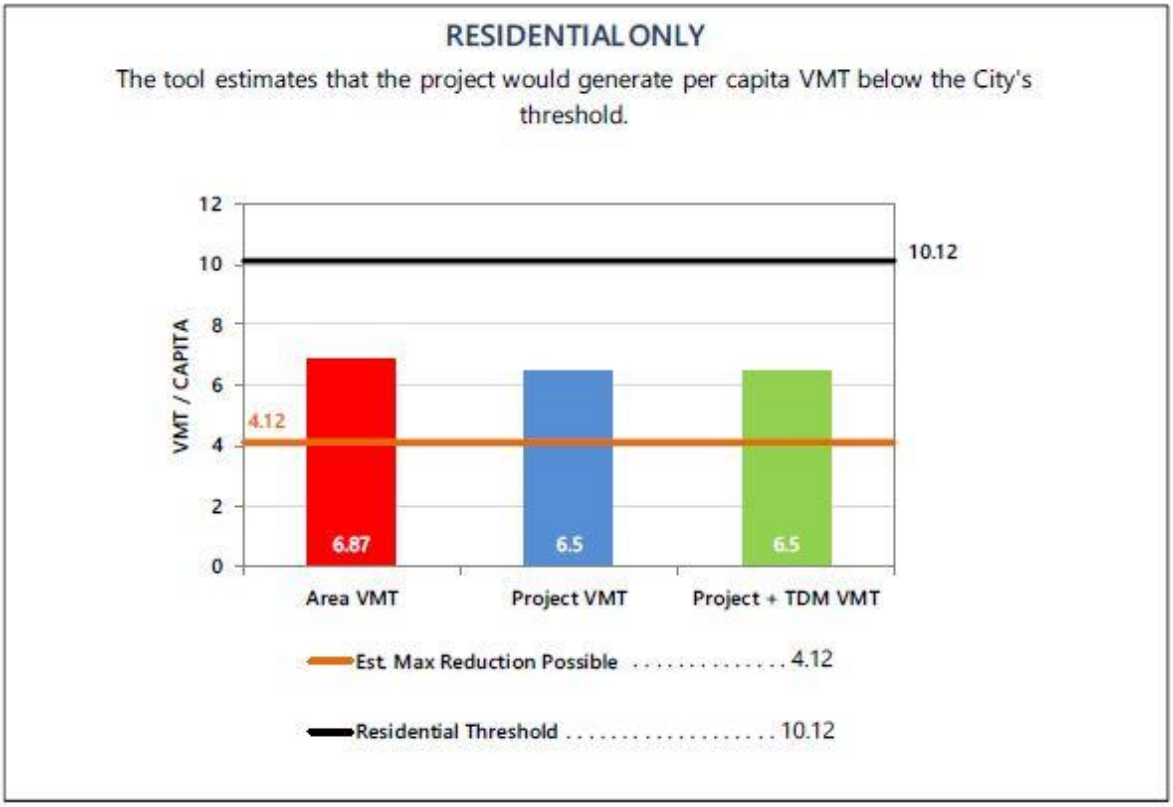
The project site is adequately served by the existing VTA transit services which are within walking distance of the site.

The new transit trips generated by the project would not create demand in excess of the transit service that is currently provided. The proposed project would not alter existing transit facilities or conflict with the operation of existing or planned facilities. Therefore, the proposed project would not interfere with the construction of planned transit facilities nor would the project exceed the capacity of the existing system. The project would not conflict with a program plan or policy addressing transit. **(Less than Significant Impact)**

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

The City's Transportation Policy identifies an impact threshold of 15 percent below the citywide average per capita VMT of 11.91. As a result, the proposed project would result in a significant impact if it would result in VMT that exceeds a per capita VMT of 10.12.

Based on the City's VMT Evaluation Tool, the proposed project would generate a VMT of 6.5 per capita which is below the established VMT impact threshold as shown below.



Furthermore, the project site is supported by major bus stops along Santa Clara Street (providing access to BRT routes), and bicycle and pedestrian facilities in its immediate proximity. Therefore, a larger percentage of the residents of the project would likely use transit more regularly than the average transit usage for these land uses in Santa Clara County. The increase in transit usage would result in a reduction of the number of vehicular trips that will be added to the roadway system due to the proposed project. Both the residential and commercial land use components of the project are screened out and the project would have a less than significant VMT impact. **(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 following site access and circulation evaluation is based on a review of the project site plan. Site access was evaluated to determine the adequacy of the site's access points with regards to the following: traffic volume, delays, geometric design, and corner sight distance.

Site Access

Project Driveway Design

Vehicular access to the project site would be provided via one full-access driveway on Shortridge Avenue along the south side of the project site, approximately 180 feet west of 28th Street. A full access driveway on 26th Street, along the west side of the project site, would be located 200 feet south of Santa Clara Street. Both project driveways, shown to be 26 feet wide, would meet the City's minimum driveway width for residential developments.

Sight Distance

Adequate sight distance would be required at the project driveways along 26th Street and Shortridge Avenue in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. The project access point should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on 26th Street and Shortridge Avenue. Based on an assessment of the conceptual site plan, the sight distance from project driveways would meet the AASHTO minimum stopping sight distance standards.

On-Site Circulation

On-site vehicular circulation was reviewed in accordance with the City of San Jose Zoning Code and generally accepted traffic engineering standards. From the garage entrances, vehicles would circulate within a looped ground-floor drive aisle. Residential tenants would have access to one below grade and one above-ground parking level, which would be accessed via ramps located along the north side of the parking garage. The project would provide 90-degree parking stalls within the parking garage. All drive aisles are shown to provide two-way access and would be required to meet the City's required width of 26 feet. The proposed parking space dimensions of 16 to 18 feet in length and 8 to 9 feet in width meet the City's standards for full-sized and compact-size parking spaces.

The project would comply with City design and AASHTO standards; therefore, the project would not increase hazards due to a design feature. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Prior to issuance of Building Permit, the Fire Department and Building Division will review the project plan to confirm the project conforms with all applicable Fire and Building Codes. As such, the proposed project would have a less than significant emergency vehicle access impact. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

As noted in Section 4.17.1, with the passage of SB 743 amending CEQA's evaluation of transportation impacts and the effective date of the Guidelines implementing SB 743, a project's effects on level of service shall no longer be considered an impact on the environment. The following discussion is included because the City of San José has policies that address level of service as a planning or growth management matter, outside the CEQA process. In the event a deficient LOS condition is identified, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the level of service, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, and not whether level of service has degraded below the condition considered acceptable.

Methodology

Consistent with City requirements, an LTA was completed for the project. The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017) was utilized to calculate the vehicle trips generated by the proposed project.

Trip Generation

In accordance with San José's Transportation Analysis Handbook, the project is eligible for adjustments and reductions from the gross trip generation. As shown in Table 4.17-3, after applying the ITE trip rates, appropriate trip reductions, it is estimated that the project would generate 3,189 daily vehicle trips, with 167 trips occurring during the AM peak hour and 241 trips occurring during the PM peak hour.[89]

Table 4.17-3: Project Trip Generation Estimates

Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Land Uses								
Multi-family Housing (Mid-Rise)[1]	408 units	2,220	38	109	147	110	70	180
Residential – Retail Internal Reduction[2]		*-342*	*-3*	*-5*	*-8*	*-17*	*-11*	*-28*
Location Based Reduction[3]		*-244*	*-5*	*-13*	*-18*	*-12*	*-8*	*-20*
VMT Reduction[4]		*-88*	*-2*	*-5*	*-7*	*-4*	*-3*	*-7*
Shopping Center[1]	60,330 square feet	2,277	35	22	57	110	120	230
Residential – Retail Internal Reduction[2]		*-342*	*-5*	*-3*	*-8*	*-11*	*-17*	*-28*
Location Based Reduction[2]		*-252*	*-4*	*-2*	*-6*	*-13*	*-13*	*-26*
Pass-by Trip Reduction[5]		*-60*	*0*	*0*	*0*	*-29*	*-31*	*-60*
Baseline Trips (Before Reductions)		4,497	73	131	204	220	190	410
Net Project Trips		**3,169**	**54**	**103**	**157**	**134**	**107**	**241**

Notes:
[1] Source: ITE Trip Generation Manual, 10th Edition 2017, average trip generation rates.
[2] As prescribed by the Transportation Impact Analysis Guidelines from VTA (October 2014), the maximum trip reduction for a mixed-use development project with residential and retail is equal to 15% off the smaller trip generator.
[3] The project site is located within an urban low-transit area based on the City of San José VMT Evaluation Tool (March 14, 2018). The location-based vehicle mode shares are obtained from Table 6 of the City of San José Transportation Analysis Handbook (April 2018). The trip reductions are based on the percent of mode share for all of the other modes of travel besides vehicle.
[4] VMT per capita for residential use. Existing and project VMTs were estimated using the City of San José VMT Evaluation Tool. It is assumed that every percent reduction in VMT per-capita is equivalent to one percent reduction in peak-hour vehicle trips.
[5] Source: ITE Trip Generation Handbook, 3rd Edition 2017, average PM peak-hour pass-by rate for Shopping Center land use.

[89] Trip credits (or reductions) for trips generated by the existing on-site units were not applied to the estimated project trips. Based on site observations, on-site parking is limited. Therefore, it is likely that the majority of vehicles generated by existing uses at the site park off-site, along adjacent residential roadways. As a conservative measure, existing trip credits were not applied to the proposed project's trip generation estimates.

Intersection Operations Analysis

Traffic conditions at intersections in the project area were evaluated using LOS and compared to the City's Transportation Analysis Handbook standards. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

City of San Jose Definition of Adverse Intersection Operational Effects

Signalized study intersections are subject to the City of San José level of service standards. The City of San José has established LOS D as the minimum acceptable intersection operations standard for all signalized intersections unless superseded by an Area Development Policy.

According to the City of San Jose's Transportation Analysis Handbook 2018, an adverse effect on intersection operations occurs if for either peak hour:

- The level of service at the intersection degrades from an acceptable level (LOS D or better) under background conditions to an unacceptable level under background plus project conditions, or
- The level of service at the intersection is an unacceptable level (LOS E or F) under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements are negative. In this case, the threshold is when the project increases the critical v/c value by 0.01 or more.

Level of Service at Study Intersections

Intersection levels of service were evaluated against applicable City of San José operations standards. A total of nine signalized intersections were evaluated (Figure 4.17-3 shows the location of the study intersections and project trip distribution).[90] Of the nine intersections, two are managed by VTA's CMP and four are unsignalized. The CMP-designated study intersections are located within a designated Infill Opportunity Zone (IOZ) which allows them to be exempted from the CMP's intersection operations standards. Table 4.17-4 shows the existing, background, and background plus project operations analysis at the study intersections. Background conditions reflect trips from approved but not yet constructed or occupied developments in the vicinity.

[90] The trip distribution pattern for the project was developed based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The peak-hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern, with an emphasis on freeway access and project driveway location. The distribution assumed a balanced distribution to the roadway network to the north, south, east, and west.

Table 4.17-4: Existing, Background, and Background Plus Project Intersection Levels of Service											
Intersection		LOS Standard	Peak Hour	Existing		Background		Background Plus Project			
				Average Delay	LOS	Average Delay	LOS	Average Delay	LOS	Increase in Critical Delay	Increase in Critical V/C
1	N. 24th Street and E. Santa Clara Street	D	AM PM	21.1 20.0	C C	21.3 20.3	C C	21.3 20.4	C C	0.0 0.2	0.005 0.011
2	N. 26th Street and E. Santa Clara Street	D	AM PM	18.0 15.4	B B	18.0 15.4	B B	20.1 16.7	B B	2.3 2.0	0.037 0.076
3	N. 28th Street and E. Santa Clara Street	D	AM PM	18.5 16.5	B B	18.5 16.5	B B	19.1 17.7	B B	1.1 2.2	0.026 0.054
4	US 101 Southbound Ramps and Santa Clara Street*	None	AM PM	11.6 14.2	B B	11.8 14.4	B B	11.9 14.8	B B	0.2 0.8	0.026 0.020
5	US 101 Northbound Ramps and Alum Rock Avenue *	None	AM PM	13.7 12.7	B B	13.7 12.7	B B	14.2 12.8	B B	0.5 0.1	0.015 0.026

LOS = Level of Service, V/C = volume-to-capacity ratio, AM = morning peak hour (between 7:00 and 9:00 AM), PM = evening peak hour (between 4:00 and 6:00 PM).

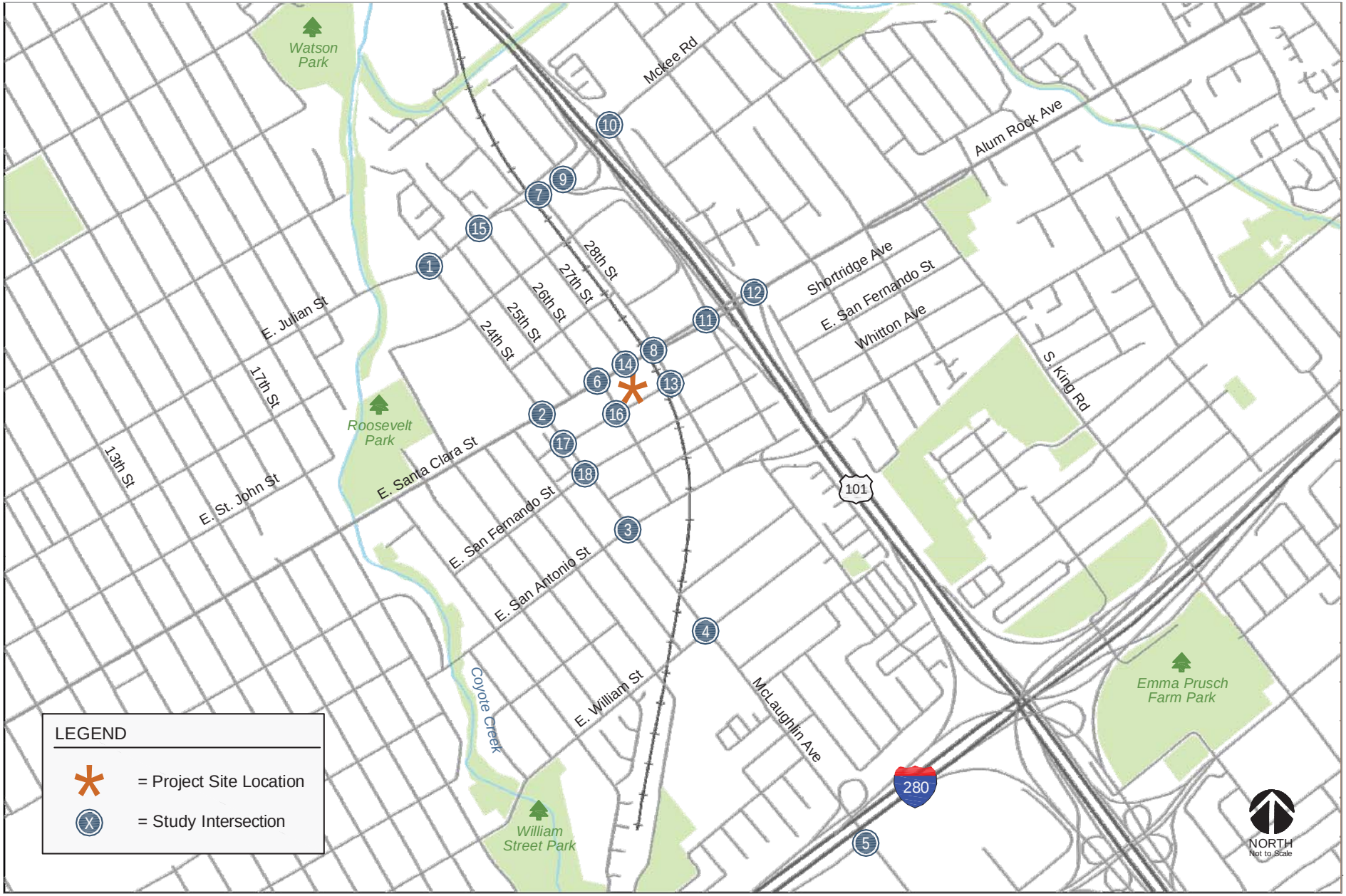
* Denotes Congestion Management Program (CMP) intersection in an infill opportunity zone (IOZ) which allows them to be exempted from the CMP's intersection operations standards.

As shown in Table 4.17-4, all signalized intersections currently operate at an acceptable LOS D or better. Under background and background plus project conditions during both AM and PM peak hours, all signalized intersections would continue to operate at acceptable levels of service.

Parking

The City's Zoning Code (Section 20.90.060), the project would be required to provide 1.25 parking spaces per one-bedroom units, 1.7 spaces per two-bedroom units, and one space per 200 square feet of commercial space. Based on Section 20.90.220.A.1 of the San José Parking Code, a reduction in the required off-street vehicle parking spaces of up to 20 percent is allowed if the following provisions are met:

- The proposed development or use is located within 2,000 feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a Neighborhood Business District, or as an Urban Village, or as an area subject to an area development policy in the city's general plan; and



Hexagon Transportation Consultants, July 6, 2016.

PROJECT LOCATION AND STUDY INTERSECTIONS

FIGURE 4.17-3

- The proposed development or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.

The proposed project is within the Roosevelt Park Urban Village and would be required to meet the City's bicycle parking requirements (which requires at least 120 bicycle parking spaces for the project). As a result, the project is allowed up to a 20 percent reduction for off-street parking.

Based on the Municipal Code's standard parking requirements as set forth in Chapter 20.90 and the allowed parking reduction, the project is required to provide a total of 639 off-street parking spaces including 433 residential spaces and 206 commercial spaces. With the 20 percent reduction, the project would be required to provide 511 parking spaces. The project proposes 534 parking spaces on-site.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

Assembly Bill 52, effective July 2015, established a new category of resources for consideration by public agencies called tribal cultural resources. Assembly Bill 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 until it is concluded that mutual agreement cannot be reached.

Under Assembly Bill 52, tribal cultural resources 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, or
    - 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 tribal cultural resource.

Senate Bill 18

The intent of Senate Bill 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.). Senate Bill 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

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

Local

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts to tribal cultural resources, as listed in the following table.

Policy ER-9.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.1: 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 archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.18.1.2 *Existing Conditions*

Native Americans 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 Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focusing on hunting, fishing and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/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 by the Spanish in the area in 1777.

Most prehistoric sites have been found along or very near fresh water sources such as creeks and springs. The nearest waterway to the project site is Coyote Creek, located approximately 0.5 mile west of the site.

In June 2016, Holman & Associates completed a literature review to identify potential archaeological deposits below the ground surface in the immediate project vicinity. No archaeological sites have been recorded within or near the project area. In addition, research of the immediate project area found low sensitivity for Native American and historic-era archaeological deposits and cultural materials.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
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 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)?

As discussed above, Assembly Bill 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of

projects to the lead agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José and Coyote Valley. The project site is outside of downtown area and approximately 10 miles from Coyote Valley. The tribal representatives for the Ohlone Tribe, and other tribes known to have traditional lands and cultural places within the City of San José, were sent notice of the proposed project on June 8, 2020. A request for the literature review was received and staff have provided the necessary information. Since then, no comments or request for consultation was received.

As discussed above, the project site is located in a low archaeologically sensitive area. Therefore, it is unlikely that archaeological resources would be uncovered during construction of the proposed project. The proposed project, with implementation of the Standard Permit Conditions listed in Section 4.5, Cultural Resources, would protect archaeological resources and human remains in the unlikely event they are discovered during construction grading and excavation activities, would result in a less than significant impact to tribal cultural resources. **(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?

See response above. **(Less Than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

Urban Water Management Planning Act of 1983

In 1983, the California Legislature enacted the Urban Water Management Planning Act (Water Code Sections 10610 - 10656). The Act requires that each urban water supplier, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet per year, shall prepare, update and adopt its urban water management plan at least once every five years on or before December 31, in years ending in five and zero. As part of an urban water management plan, 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. When a water agency has prepared and adopted an urban water management plan in compliance with Department of Water Resources' requirements, it may rely on that urban water management plan in various respects in preparing a water supply assessment for individual planning and development approvals.

Assembly Bill 939

Assembly Bill 939, also known as California's Integrated Waste Management Act of 1989, requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000, through source reduction, recycling, and composting. Assembly Bill 939 also establishes a goal for all California counties to provide at least 15 years of ongoing landfill capacity. To help achieve this goal, the Assembly Bill 939 requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to CalRecycle, a department within the California Natural Resources Agency, which administers programs formerly managed by the State's Integrated Waste Management Board and Division of Recycling. As part of California's Integrated Waste Management Board's Zero Waste Campaign, regulations affect what common household items can be placed in the trash. As of February 2006, household materials including fluorescent lamps and tubes, batteries, electronic devices and thermostats that contain mercury are no longer permitted in the trash and must be disposed of separately.

Assembly Bill 341

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

Senate Bill 1383

Senate Bill 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill

grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code (CALGreen) that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

CALGreen was revised in 2013 with the revisions taking effect on January 1, 2014; however, these revisions do not have substantial implications to the water use already contemplated by the 2010 CALGreen Code.

Regional

Wastewater

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

Local

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

The City of San José' Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards.

It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that would minimize the use and waste of energy, water and other resources in the City of San José.

Envision San José 2040 General Plan

The following General Plan policies pertain to utilities and are applicable to the proposed project:

Policy MC-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 recreational needs or other area functions.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

4.19.1.2 *Existing Conditions*

Water

Water service to the project site is provided by the San José Water Company. The service area of San José Water Company is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. It is estimated that the existing one-story commercial building uses approximately 371 gallons per day of water.[91]

[91] Water Supply Assessment for Envision San José 2040 General Plan Update. September 2010. <https://www.sanjoseca.gov/DocumentCenter/Home/View/494> Accessed July 12, 2016. The total daily water

Wastewater

Wastewater from the project area is treated at the San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF treats an average of 110 million gallons of wastewater per day, with a capacity of up to 167 million gallons per day.[92] As stated in the General Plan FPEIR, the City is allotted approximately 108.6 million gallons per day of the RWF treatment capacity, and currently uses approximately 69.8 million gallons per day based on average dry weather flow. Therefore, there is approximately 38.8 million gallons per day of remaining treatment capacity for uses within the City.[93]

After final stages of treatment at the RWF, approximately 80 percent of the treated water is piped to the outfall channel. From the outfall channel it flows to Artesian Slough, through Coyote Creek, and eventually into the South San Francisco Bay. The remaining 20 percent of treated water is sent to the South Bay Water Recycling Project for distribution and used for irrigation and business park landscaping.[94]

Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan FPEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use.

Storm Drainage

The City of San José owns and maintains the municipal storm drainage system that serves the project site. The lines that serve the project site drain into Coyote Creek, which ultimately flows to the San Francisco Bay. The physical distance between the project site and Coyote Creek is approximately 0.50 mile. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is 100 percent impervious. There are existing storm drain lines along the eastern, western, and southern border of the site that would serve the proposed project.

Solid Waste

Santa Clara County's Integrated Waste Management Plan was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2014, the City of San José diverted approximately 73 percent of the waste generated in the City.[95] According to the Integrated

usage was conservatively based on the jobs water demand of 371 gallons per day per employee (listed as Edenvale office and industrial jobs) in the Envision San José 2040 Water Supply Assessment (page 5).

[92] City of San José. San José-Santa Clara Regional Wastewater Facility. Accessed May 14, 2019. http://www.sanjoseca.gov/Index.aspx?NID=1663

[93] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011. Page 648.

[94] City of San José. Treatment Process: Summary. Accessed May 14, 2019. http://www.sanjoseca.gov/index.aspx?NID=1672

[95] City of San José. Using Diversion and Innovation to Become a Zero Waste City. Accessed May 14, 2019. https://www.sanJoséca.gov/index.aspx?NID=2950.

Waste Management Plan, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022.

There are five landfills in the City: Guadalupe Sanitary Landfill, Kirby Canyon Landfill, Newby Island Sanitary Landfill, Zanker Road Landfill, and Zanker Material Processing Facility. The Zanker Road Landfill is currently in closure. As of January 2011, the Guadalupe Sanitary Landfill had a remaining capacity of 11,055,000 cubic yards. The Guadalupe Sanitary Landfill is permitted to accept 1,300 tons of solid waste per day.[96] According to the most recent tonnage report, dated January 2019, the Guadalupe Sanitary Landfill receives an average of approximately 737 tons per day of solid waste.[97] As of July 2015, the Kirby Canyon Landfill had approximately 16,191,600 cubic yards of remaining capacity. The facility is permitted to accept 2,600 tons of solid waste per day.[98] Accordingly to a site inspection letter dated February 2010, peak tonnage at the Kirby Landfill was 2,094 tons per day.[99] The Newby Island Sanitary Landfill had approximately 21,200,000 cubic yards of remaining capacity as of October 2014. The landfill is permitted to receive up to 4,000 tons of solid waste per day.[100] No data is available pertaining to the average tonnage received on a daily basis at the facility. The Zanker Material Processing Facility, which is listed as both a landfill and processing facility, had approximately 640,000 cubic yards of remaining capacity as of August 2012. The landfill is permitted to receive up to 350 tons of solid waste per day.[101] Based on data for October 2017 through December 2017, approximately 22 tons of solid waste per day were received on average.[102]

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?	☐	☐	☒	☐

[96] CalRecycle. SWIS Facility Detail Guadalupe Sanitary Landfill (43-AN-0015). Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0015
[97] CalRecycle. Guadalupe Recycling & Dispoal Facility- Peak Tonnage: January 2019. Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0015/Document
[98] CalRecycle. SWIS Facility Detail Kirby Canyon Recycling & Disposal Landfill (43-AN-0008). Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0008/
[99] CalRecycle. Disposal Facility Inspection Report: Kirby Canyon Landfill. Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0008/Document
[100] CalRecycle. SWIS Facility Detail Newby Island Sanitary Landfill {43-AN-0003). Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003/
[101] CalRecycle. SWIS Facility Detail Zanker Material Processing Facility (43-AN-0001). Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0001
[102] CalRecycle. Disposal Facility Inspection Report (52): January 2018. Accessed May 15, 2019. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0001/Inspection

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

As is discussed throughout this Initial Study, the proposed project would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services. Installation of utility laterals and connections would occur during grading of the site and result in no additional impacts other than as described in this Initial Study. Because the proposed project would utilize existing utilities and infrastructure and connections would within the disturbance footprint required for construction of the proposed project, impacts would be less than significant. **(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?

Currently, the project site uses 371 gallons per day of water. Based on the usage numbers from the Water Supply Assessment prepared for the *Envision San José 2040 General Plan*, the proposed project would use approximately 88,564 gallons per day of water.[103]

[103] The total daily water usage was conservatively based on the multi-family water demand of 183 gallons per day per unit and jobs water demand of 57.6 gallons per day per employee in the Envision San José 2040 Water Supply Assessment (page 5).

The General Plan FEIR determined that water demand created by buildout of the City's General Plan could exceed water supplies during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated in new development which would substantially reduce water demand. The General Plan FEIR concluded that with implementation of General Plan policies and regulations, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions.

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan FEIR. Therefore, impacts would be less than significant. **(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?

As described above, it is estimated that the proposed project would use approximately 88,564 gallons of water per day. For the purposes of this analysis, as described above in *Existing Setting*, wastewater flow rates are assumed to be 85 percent of the total on-site water use. Therefore, the proposed project would generate approximately 75,280 gallons of wastewater per day. There is approximately 38.8 million gallons per day of remaining treatment capacity for uses within the City.[104] Thus, the daily wastewater generated by the proposed project would be less than one percent of the daily remaining treatment capacity of the RWF. The RWF capacity has sufficient capacity for the proposed project. Impacts would be less than significant. **(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?

Routine and regular operation of the proposed project would generate solid waste. For example, the proposed commercial space would generate waste from packaging of receive goods and the proposed residential units would generate household wastes, such as discarded food packaging. Based on waste generation rates published by Cal Recycle, the proposed project would generate approximately 2,317 pounds per day of solid waste.[105] As described above, landfills currently operating in San José have several hundred to more than a thousand tons of permitted daily tonnage remaining. Because the proposed project would generate only slightly more than one ton per day, there would be capacity at existing landfills.

The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from developments allowed under the General Plan would

[104] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011. Page 648.
[105] Cal Recycle. Estimated Solid Generation Rates. Accessed June 13, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates
Based on the generation rate of 5.31 pounds per unit per day for multi-family units and 2.5 pounds per 1000 square feet per day for commercial retail.

be avoided through implementation of the City's Zero Waste Strategic Plan. The plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increase service population. The proposed project is included in the growth envisioned in the General Plan. Because there is existing capacity at landfills for the project, as well as buildout of the General Plan, impacts would be less than significant. **(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 proposed project would be required to comply with existing federal, state, and local programs and regulations pertaining to solid waste. For example, in accordance with the California Green Building Standards Code, the proposed project must provide on-site recycling facilities, implement a construction waste management plan, and salvage at least 50 percent of nonhazardous construction and demolition debris. Additionally, the proposed project would be required to meet the waste diversion goals outlined in the City of San José's Zero Waste Strategic Plan for 75 percent waste reduction post-2013 and zero waste by 2022. The Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would comply with solid waste regulations. Impacts would be less than significant. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

Public Resources Code 4201-4204 direct Cal Fire to classify and map lands within State Responsibility Areas into fire hazard severity zones, based on relevant factors such as fuels, terrain, and weather. The project site is not within on near a mapped State Responsibility Area. The nearest such area is approximately 3.6 miles east of the project site and is classified as high fire hazard severity zone.[106]

California Government Code 51175-51189 directs Cal Fire to identify areas of very high fire hazard severity zones with Local Responsibility Areas. The project site is not within on near a mapped very high fire hazard severity zone. The nearest very high fire hazard severity zone is approximately 3.7 miles northeast of the project site.[107]

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?	☐	☐	☐	☒

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

[106] California Department of Forestry and Fire Protection. Santa Clara County Fire Hazard Severity Zones in SRA. November 2007.
[107] California Department of Forestry and Fire Protection. Santa Clara County Very High Fire Hazard Severity Zones in LRA. October 2008.

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?

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the project would not impact sensitive habitat or species. Identified mitigation measures in Section 4.9, Hazardous Materials, would avoid or reduce possible exposure of soil and/or groundwater contamination to construction workers to a less than significant level. The project would not result in new or more significant impacts than identified in the Envision San José 2040 General Plan Final EIR. **(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 proposed project would result in temporary air quality, water quality, biological (potential disturbance of bird nests), and noise impacts during construction. With the implementation of identified Standard Permit Conditions and measures identified in the General Plan FEIR, best management practices, and mitigation measures, and consistency with adopted City policies, the construction impacts would be reduced to a less-than-significant level. Because the identified impacts would be temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on air quality, water quality, biological, and noise impacts in the project area.

Implementation of the proposed project could result in the loss of up to 41 trees on-site. Any trees removed would be replaced on-site consistent with City and Roosevelt Park Urban Plan policies. The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable impacts on biological resources.

There are no known subsurface resources on or adjacent to the project site and the site has a low potential for buried historic and/or prehistoric resources. Because the potential cultural resource and tribal cultural resources impacts from implementation of the project would be mitigated, the proposed project would not have a cumulatively considerable impact on cultural or tribal resources in the project area.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, mineral resources, noise, population and housing, public services, recreation, transportation, and utility and service facilities. The increase in dwelling units would not result in the City having substantially more housing that was planned for in the General Plan. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan EIR and accounted for in the City's long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

The proposed project would not generate regional criteria pollutants and GHG emissions above BAAQMD's thresholds and, therefore, would not have a cumulatively considerable impact on air quality or global climate change. **(Less than Significant Impact)**

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 air quality, water quality, hazardous materials, and noise. However, implementation of mitigation measures identified in this Initial Study and General Plan policies would reduce these impacts to a less than significant level. 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

City of San José
Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, *Director*
Thai-Chau Le, *Supervising Planner*

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners

Shannon George, Principal Project Manager
Maria Kisyova, Researcher
Ryan Osaka, Graphic Artist

Archives & Architecture
San José, CA
Cultural Resources Consultants

Holman & Associates
San Francisco, CA
Archaeological Consultants

Hexagon Transportation Consultants
San José, CA
Transportation Consultant

Illingworth & Rodkin, Inc.
Petaluma, CA
Air Quality & Noise Consultant

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos containing material
ALUC	Airport Land Use Commission
BAAQMD	Bay Area Air Quality Management District
BTEX	Benzene, toluene, ethylbenzene, and xylene
Btu	British thermal units
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CCA	Chromium, copper, and arsenic based chemical preservative
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon dioxide
CO_2	Carbon monoxide
CO_2e	Carbon dioxide equivalents
CRHR	California Register of Historical Resources
dBA	A-weighted decibel
DNL	Day-Night Level
DPM	Diesel particulate matter
DTSC	Department of Toxic Substances Control

EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FAR	Floor Area Ratio
FAR Part 77	Federal Aviation Regulations, Part 77 Objects
FEMA	Federal Emergency Management Agency
GHG	Greenhouse gas
GWP	Global warming potential
HFCs	Hydrofluorocarbons
L_{max}	Maximum A-weighted noise level
LOS	Level of service
MLD	Most Likely Descendant
$MMTCO_2e$	Million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
N_2O	Nitrous oxide
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act of 1966
NO_2	Nitrogen dioxide
NOD	Notice of Determination
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ground-level ozone
OITC	Outdoor-Indoor Transmission Class
OPR	California Office of Planning and Research
PCBs	Polychlorinated biphenyls
PCFs	Perfluorocarbons
PDAs	Priority Development Areas
PDO	Parkland Dedication Ordinance
PG&E	Pacific Gas & Electric
PIO	Parkland Impact Ordinance
$PM_{2.5}$	Fine particulate matter (diameter of 2.5 micrometers or less)
PM_{10}	Coarse particulate matter (diameter of 10 micrometers or less)
PPV	Peak Particle Velocity

ROG	Reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF_6	Sulfur hexafluoride
SJCE	San José Clean Energy
SO_x	Sulfur oxide
STC	Sound Transmission Class
SWPPP	Stormwater Pollution Prevention Plan
TACs	Toxic air contaminants
USFWS	United States Fish and Wildlife Service
VMT	Vehicle miles traveled
ZNE	Zero Net Carbon Emissions