Initial Study/Mitigated Negative Delcaration

CUHSD Property Residential Project

PDC20-001/PD20-005

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

December 2020

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study (IS) has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulation and policies of the City of San José.

The project proposes to redevelop six acres of an existing 12-acre school district corporation yard into a residential subdivision of 40 single family homes served by a new private street. 17 of the single family home lots also include an accessory dwelling unit located above a detached garage.. 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:

City of San José
Bethelhem Telahun, Environmental Planner
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Ph: (408) 535-5624
Email: Bethelhem.Telahun@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City 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

Campbell Union High School District (CUHSD) Property Residential Project

2.2 LEAD AGENCY CONTACT

City of San José
Bethelhem Telahun, Environmental Planner
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Ph: (408) 535-5624
Email: Bethelhem.Telahun@sanjoseca.gov

2.3 PROJECT APPLICANT

Mary Gourlay
Robson Homes, LLC2185 The Alameda, Suite 150
San Jose, CA 95126

2.4 PROJECT LOCATION

The project is located at 3235 Union Avenue and 2223 Camden Avenue in the City of San José (behind existing Campbell Union High School District administrative offices). The project site is shown on the following figures:

Figure 2.4-1 Regional Map
Figure 2.4-2 Vicinity Map
Figure 2.4-3 Aerial Photograph and Surrounding Land Uses

2.5 ASSESSOR'S PARCEL NUMBER

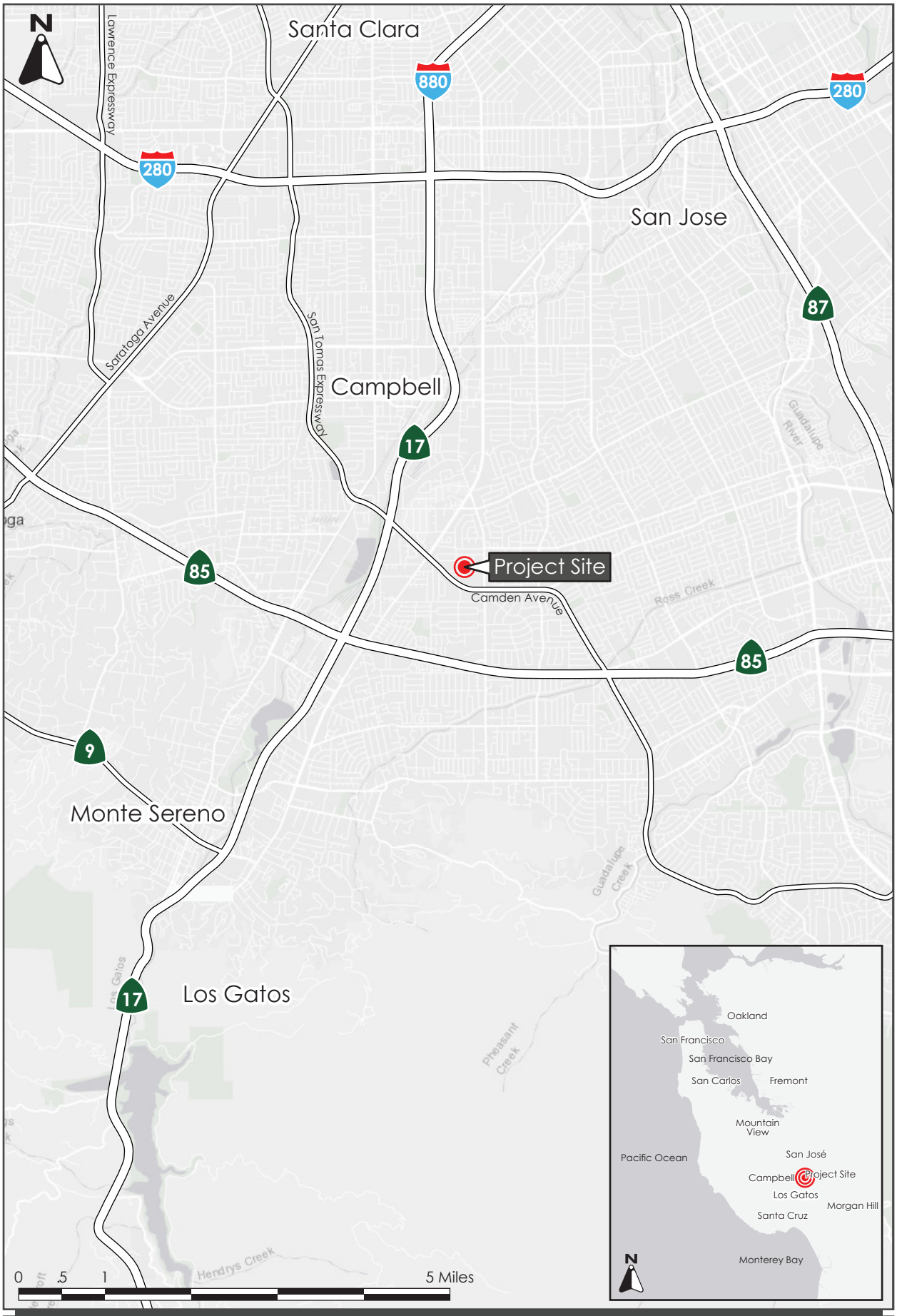
414-25-001
414-25-020

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

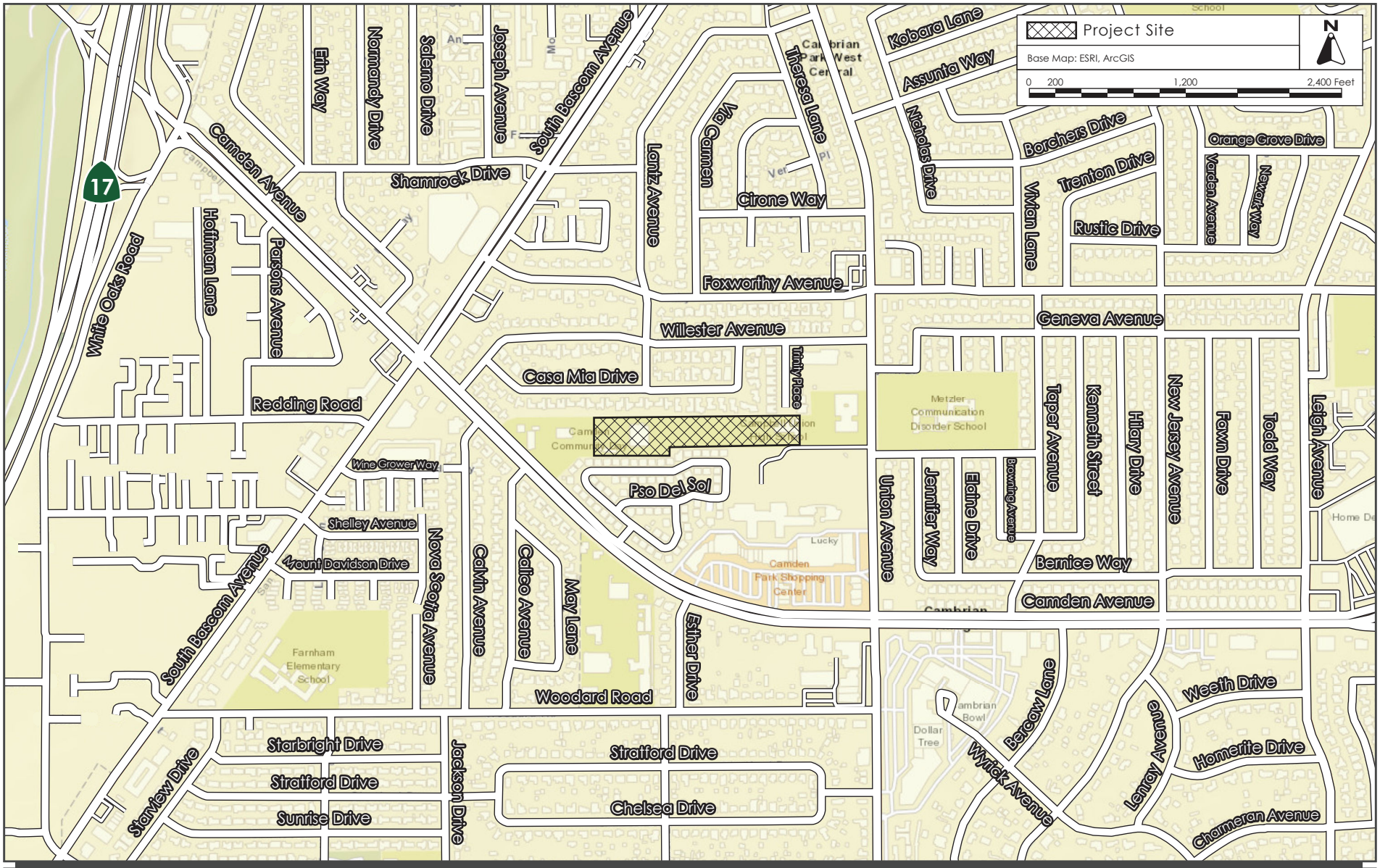
The project site is designated *Residential Neighborhood- RN* under the San José Envision 2040 General Plan and is zoned *R-1-8 dwelling units per acre.*

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planned Development rezoning and permit
- Vesting Tentative Subdivision Map
- Grading permit

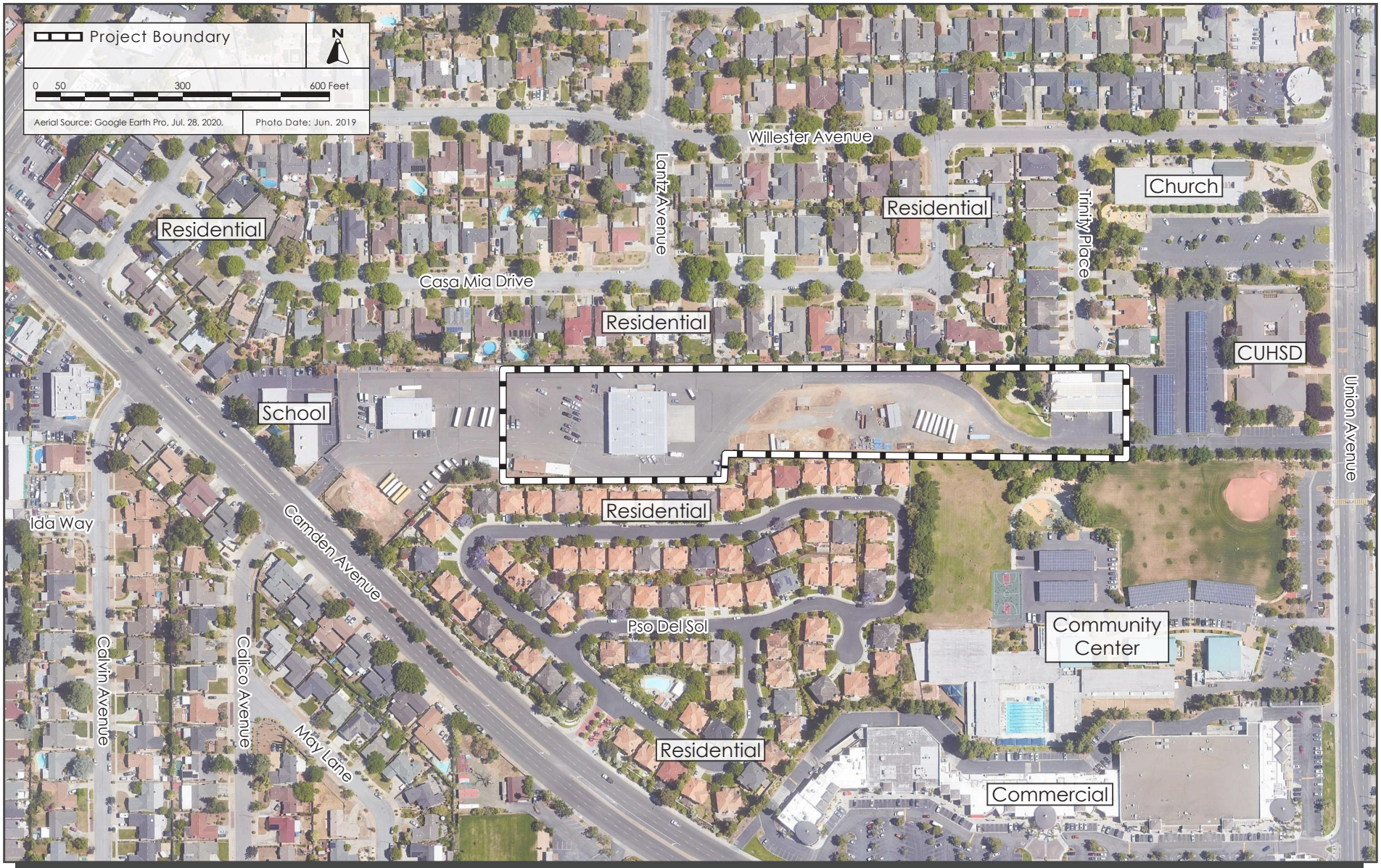


REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

3.1.1 Existing Project Site

The approximately six-acre project site is centrally located within an approximately 12-acre property currently owned and operated by the Campbell Union High School District (CUHSD) as a corporation yard. The property is comprised of two parcels (APNs 414-25-001 and 414-25-020) and is situated between Camden Avenue and Union Avenue in the City of San José. The existing corporation yard includes two, one-story maintenance buildings totaling approximately 23,500 square feet, a cell tower, asphalt paving and equipment storage. The project site has a General Plan designation of *Residential Neighborhoods* and is zoned *R-1-8*, which allows single family dwellings on 6,000 square foot lots.

The project site is bordered by single family and duplex homes to the north, CUHSD Corporation Yard to the west, and CUHSD Administrative Offices to the east. The southern boundary is adjacent to the Cambrian Community Center Park and Palacio Community single family homes. The site is not visible from either Camden Avenue or Union Avenue.

3.1.2 Proposed Development

The project proposes to redevelop the corporation yard site with a residential subdivision of 40 single family detached homes. This would require the demolition of the two existing maintenance buildings. The homes would be served by a new private street that runs east-west through the middle of the site and accessed from Union Avenue (see Figure 3.1-1). The proposed homes are two-story and average approximately 3,000 square feet in size. 17 of the homes would include an accessory dwelling unit (ADU) located in the rear yard above the detached garage. The ADU is proposed to offer flexibility for the homeowners and additional housing that is affordable by design. The maximum height of the single-family homes would be approximately 28 feet and the maximum height of the ADUs would be approximately 23 feet (see Figure 3.1-2 and Figure 3.1-3). The private street which runs through the middle of the site includes parallel parking, sidewalks, landscaped strips with street trees, and street lighting along both sides.

3.1.2.1 *Green Building Measures*

Consistent with the City's Private Sector Green Building Policy, the project is required to be designed and constructed to achieve, at a minimum, the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Rating System Silver level of certification with a goal of reaching LEED Gold or Platinum. The project proposes to meet this green building standard by utilizing the Green Point Rating System (an option allowed by the City) and incorporating green building measures such as: installation of photovoltaic cells combined with all-electric energy use for all homes. Street lighting will be high-efficiency Light Emitting Diode (LED) fixtures. The landscape would predominantly consist of low-maintenance, drought-tolerant planting that has little to no lawn and is irrigated with a highly efficient irrigation system.

3.1.2.2 *Landscaping*

The project proposes a large, landscaped area at the residential entry that would treat stormwater and maintains open views to the Camden Community Center Park. The private drive would be flanked on each side with a variety of street trees, low shrubs and groundcovers within a parkway. Front yards would be commonly-maintained by a Home Owners Association. A new pedestrian connection to the Camden Community Park and Union Avenue is proposed with a new sidewalk and landscaping. It is anticipated that 14 on-site trees would be removed, 10 of which are ordinance size. The project would plant approximately 53 new trees (see Figure 3.1-4).

3.1.2.3 *Vehicle Access and Parking*

Vehicle access to the project would be provided via an existing driveway on 3235 Union Avenue that runs on the south side of the CUHSD administrative building. From there, a new private street would be constructed that would run east-west through the middle of the site. The project would connect to Camden Avenue through a gated emergency vehicle access only driveway. Parking for each single-family home is accommodated in a two-car garage, either attached or detached, as required by City code. Additionally, the new street would include 28 parallel parking spaces and all driveways would accommodate at least two additional cars. The ADUs would primarily utilize the street parking.

3.1.2.4 *Utility and Public Right-of-Way Improvements*

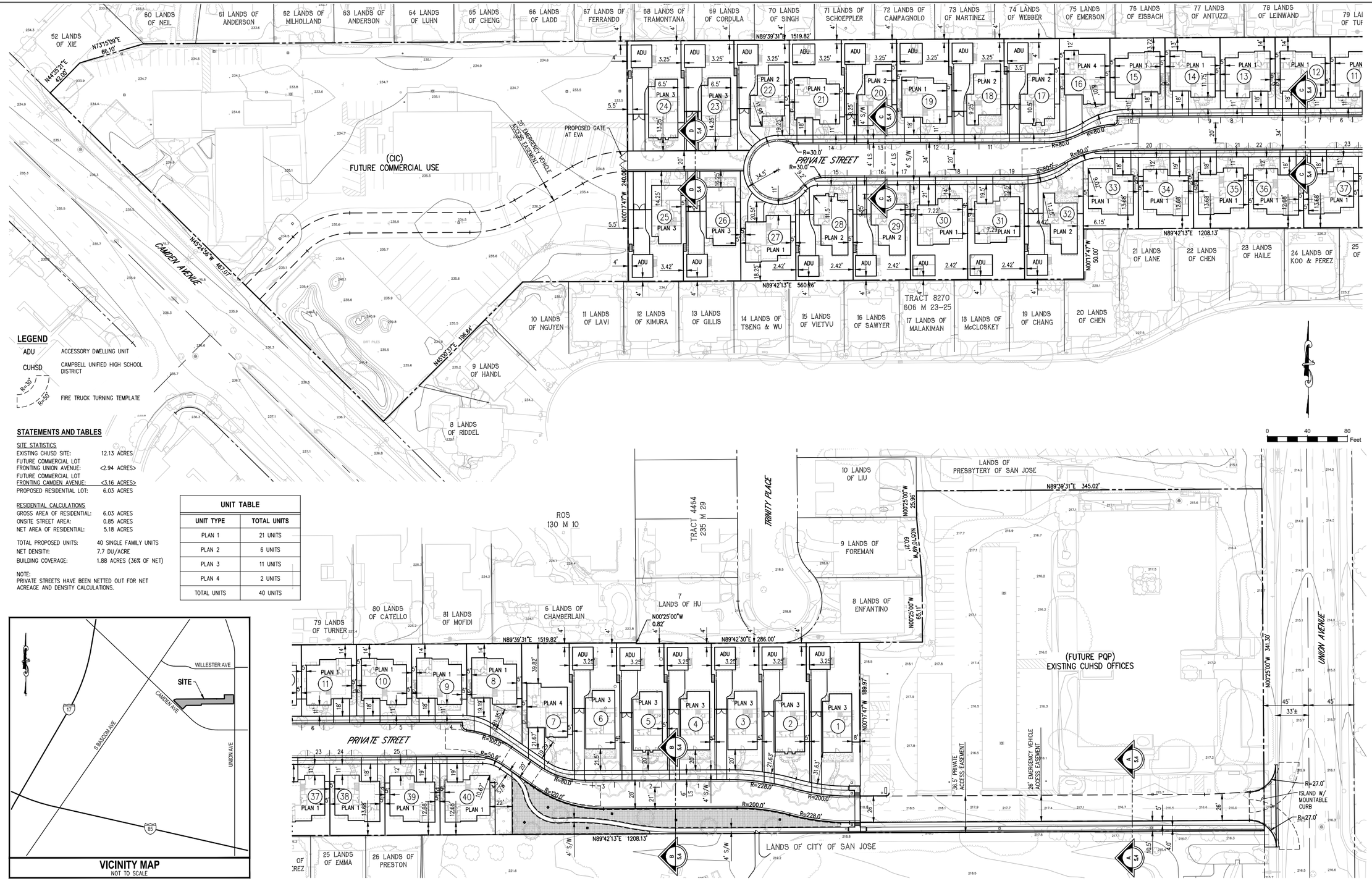
The project would require connections to the existing utilities located on Union Avenue. No other utility or public right-of-way improvements are proposed.

Streetlights will be installed on the new private street to improve entry drive lighting through the CUHSD parcel facing Union Avenue. The lights will be mounted on a single post and include a house side shield and lunar optic shield to focus light on the road and eliminate light pollution.

3.1.2.5 *Construction*

It is anticipated that construction of the project would take approximately 18 to 30 months, starting as early as summer of 2021 and completing by fall of 2023. Construction would take place in three phases. Construction activities associated with the proposed project include site clearing and demolition (e.g., removing existing vegetation and trees and the existing structures on the project site), utility connections (e.g., new lateral connections to the existing water, sewer, and storm drain mains in Union Avenue), building construction, frontage improvements (e.g., new street trees, new curb, gutter, sidewalk and driveway construction and placing existing overhead utility lines underground), and landscaping on the site.

The project site would be graded to install new level pads for the homes, streets and sidewalks, utilities, retaining walls along the northern property line, and the storm-water bio-treatment area. An estimated 7,771 cubic yards of cut and 7,441 cubic yards of fill would be required to achieve the planned rough grading elevations, for a net estimated export of 330 cubic yards of soil.



LEGEND

ADU	ACCESSORY DWELLING UNIT
CUHSD	CAMPBELL UNIFIED HIGH SCHOOL DISTRICT
R=30' R=50'	FIRE TRUCK TURNING TEMPLATE

STATEMENTS AND TABLES

SITE STATISTICS

EXISTING CHUSD SITE:	12.13 ACRES
FUTURE COMMERCIAL LOT FRONTING UNION AVENUE:	<2.94 ACRES>
FUTURE COMMERCIAL LOT FRONTING CAMDEN AVENUE:	<3.16 ACRES>
PROPOSED RESIDENTIAL LOT:	6.03 ACRES

RESIDENTIAL CALCULATIONS

GROSS AREA OF RESIDENTIAL:	6.03 ACRES
ONSITE STREET AREA:	0.85 ACRES
NET AREA OF RESIDENTIAL:	5.18 ACRES
TOTAL PROPOSED UNITS:	40 SINGLE FAMILY UNITS
NET DENSITY:	7.7 DU/ACRE
BUILDING COVERAGE:	1.88 ACRES (36% OF NET)

NOTE:
PRIVATE STREETS HAVE BEEN NETTED OUT FOR NET ACREAGE AND DENSITY CALCULATIONS.

UNIT TABLE	
UNIT TYPE	TOTAL UNITS
PLAN 1	21 UNITS
PLAN 2	6 UNITS
PLAN 3	11 UNITS
PLAN 4	2 UNITS
TOTAL UNITS	40 UNITS

VICINITY MAP
NOT TO SCALE

Source: Civil Engineering Associates, June 23, 2020.

SITE PLAN

FIGURE 3.1-1

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

COTTAGE WITH PORCH

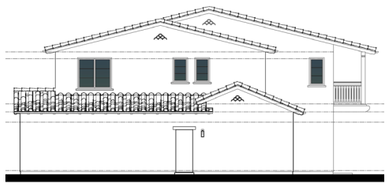
LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

COTTAGE WITHOUT PORCH



LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

MONTEREY

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

FARMHOUSE

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

PLAN 1X FARMHOUSE

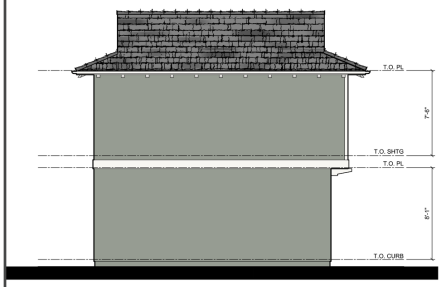
LEGEND

1 COMPOSITION ROOF SHINGLES	8 WOOD TRIM	15 SLIDING DOORS	22 WOOD PANELING
2 CONCRETE S-TILE	9 WOOD KICKERS	16 FRENCH DOOR(S)	23 HARDIE SHAKE AND SHINGLE SIDING
3 HARDIE LAP SIDING	10 WOOD POSTS/ COLUMNS	17 STUCCO OVER FOAM HEADER	24 PRECAST SURROUND
4 BOARD AND BATTEN SIDING	11 WOOD POSTS AND PICKETS	18 STUCCO OVER FOAM SILL	25 WOOD BEAM
5 STUCCO	12 WOOD GARAGE DOOR	19 STUCCO OVER FOAM CORBEL	26 STUCCO OVER FOAM EAVE
6 VINYL WINDOWS	13 WOOD ENTRY DOOR	20 STUCCO OVER FOAM SURROUND	27 WROUGHT IRON POTSHELF
7 WOOD RAFTER TAILS	14 DUTCH DOOR	21 FAUX VENT	28 WOOD SHUTTERS

Source: Robert Hidey Architects, June 24, 2020.

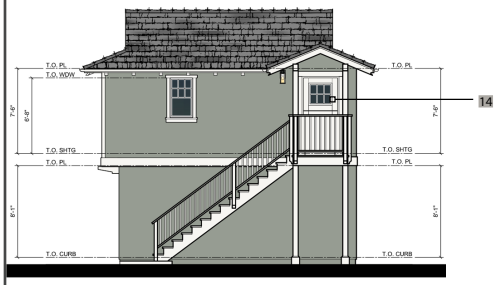
PLAN 1 BUILDING ELEVATIONS

FIGURE 3.1-2

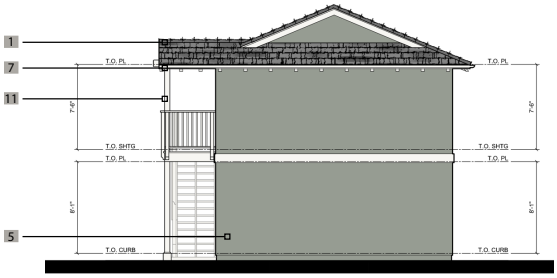


LEFT ELEVATION

FRONT ELEVATION

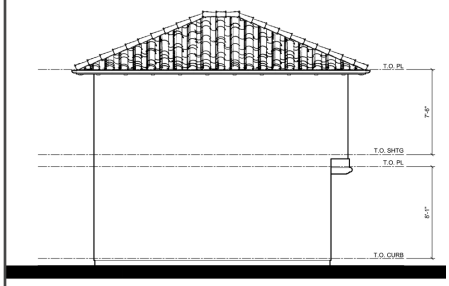


RIGHT ELEVATION



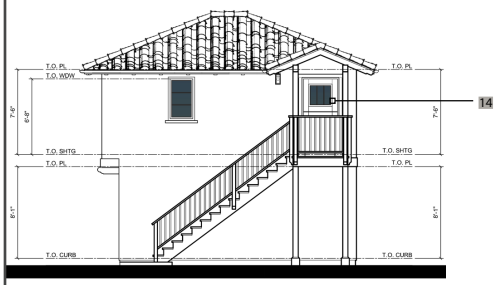
REAR ELEVATION

CRAFTSMAN

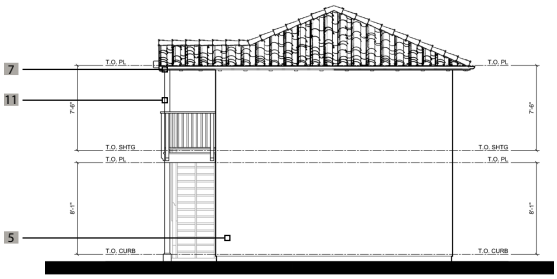


LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

MONTEREY

LEGEND

1 COMPOSITION ROOF SHINGLES	8 WOOD TRIM	15 SLIDING DOORS	22 WOOD PANELING
2 CONCRETE S-TILE	9 WOOD KICKERS	16 FRENCH DOOR(S)	23 HARDIE SHAKE AND SHINGLE SIDING
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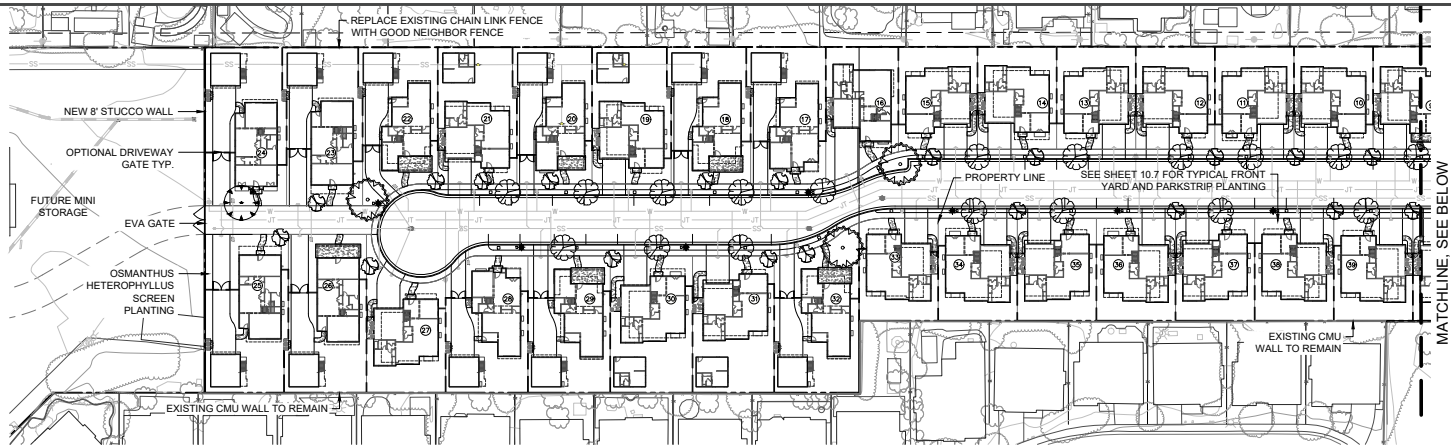
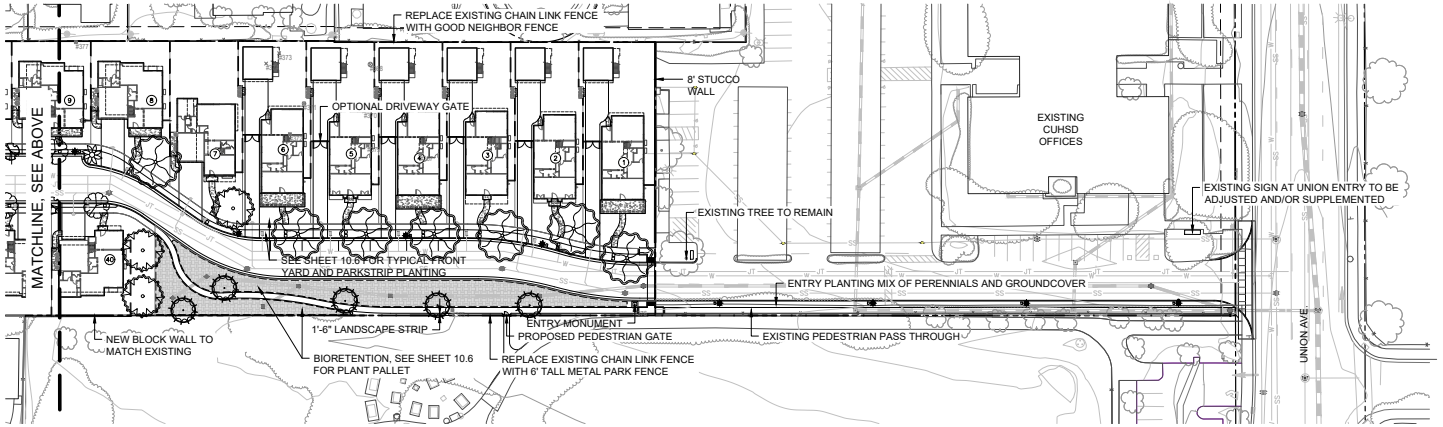
7 WOOD RAFTER TAILS	14 DUTCH DOOR	21 FAUX VENT	28 WOOD SHUTTERS

Source: Robert Hidey Architects, June 24, 2020.

G1 ADU BUILDING ELEVATIONS | FIGURE 3.1-3





TREE MITIGATION

EXISTING TREE NAME	TREE #	TRUNK DIA.	STATUS	REPLACEMENT TREES
EUCALYPTUS POLYANTHEMOS	367	69		2 - 24" BOX TREES
PINUS RADIATA	368	113	CA NATIVE	5 - 24" BOX TREES
SEQUOIA SEMPERVIRENS	369	60	CA NATIVE	5 - 24" BOX TREES
SEQUOIA SEMPERVIRENS	370	72	CA NATIVE	5 - 24" BOX TREES
SEQUOIA SEMPERVIRENS	371	91	CA NATIVE	5 - 24" BOX TREES
SEQUOIA SEMPERVIRENS	372	72	CA NATIVE	5 - 24" BOX TREES
PRUNUS CERASIFERA	373	44		2 - 24" BOX TREES
PRUNUS CERASIFERA	374	25		1 - 24" BOX TREE
PISTACIA CHINENSIS	375	75		2 - 24" BOX TREES
FRAXINUS VELUTINA	376	47		2 - 24" BOX TREES
SALIX BABYLONICA 'TORTUOSA' (RETAIN)	377	82		N/A
				TOTAL: 34 - 24" BOX REPLACEMENT TREES

SITE TREES

NAME	COUNT	SIZE	WUCOLS	NOTES
ACER NEGUNDO	5	15G	M	STANDARD
ARBUTUS 'MARINA'	19	24"	L	STANDARD
LAGERSTROEMIA X 'MUSKOGEE'	20	24"	L	STANDARD
PHOENIX CANARIENSIS	1	15'	L	
PISTACIA CHINENSIS 'KEITH DAVEY'	1	24"	L	STANDARD
QUERCUS LOBATA	7	24"	L	STANDARD, CA NATIVE
QUERCUS SUBER	6	24"	L	STANDARD

Source: Design Focus, June 23, 2020.

LANDSCAPE PLAN

FIGURE 3.1-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

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

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are germane to visual character and scenic resources and would be applicable to the proposed project:

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
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-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

[1] California Department of Transportation. "Scenic Highways." Accessed July 29, 2020. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate though sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
Policy CD-5.6	Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.
Policy CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.

City Council Private Outdoor Lighting Policy 4-3

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

4.1.1.2 *Existing Conditions*

Project Site and Surrounding Visual Character

The approximately six-acre project site is located within a developed, urban environment near the city limits of the City of Campbell. Existing development within the project site consists of two main buildings associated with the administrative and maintenance offices of the CUHSD, as well as several storage and maintenance buildings, paved parking lots for vehicle storage, and a maintenance yard containing piles of soil, mulch, and sand. A private roadway runs through the site with a private parking lot for school buses (see Photo 1-3.) The project site is located in western San José and is surrounded by single-family homes off of Casa Mia Drive and Trinity Place and Trinity Presbyterian Church off of Union Avenue to the north, the CUHSD Administrative and Maintenance offices and the California Sports Center across Union Avenue to the east, the Camden Community Center and

Photo 1: Maintenance building and vehicle stored in paved lot.

Photo 2: Maintenance yard with stockpiled soil. The single-family homes to the north of the project site can also be seen.

Photo 3: Private roadway and parked school buses (Looking west).

Photo 4: Single-family residences to the south of the site.

Photo 5: Camden Community Center to the south of the site.

Photo 6: View of the CUHSD office on the project site looking west from the project site.

Photo 7: View of parked vehicles on the project site and CUHSD Administrative and Maintenance offices to the east of the project site.

single-family homes to the south of the site, and CUHSD corporation yard to the west (see Photos 2, 4-7).

Scenic Vistas and Resources

Due to the flat topography, existing development, and landscaping in the project site, views of site are limited to the immediate vicinity. The project site is not located within a city designated view corridor or visible from a designated scenic highway. The nearest state-designated scenic highway is State Route (SR) 9, approximately 5 miles southwest from the project site. Interstate 280 from the San Mateo County line to State Route (SR) 17,[2] which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is approximately 3.6 miles south of that segment.

The nearest Gateway to the project site is located approximately 0.3 mile to the northwest of the project site on Camden Avenue, between South Bascom Avenue and SR 17. The project site is not located near any scenic resources.

Light and Glare

The existing site is currently developed with surface parking lots, equipment maintenance, and storage facilities associated with the CUHSD institutional uses. Streetlighting and surface parking lot lighting is found throughout the project site, and within the vicinity of the project. Sources of light and glare in the surrounding area are those typical of developed urban areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows. Under current conditions, the light being projected from the existing uses contributes to ambient lighting levels in the surrounding area. The existing on-site lighting includes outdoor lighting for security and safety for pedestrian safety. Existing day time glare occurs from light reflecting off the windows of existing on-site surrounding buildings and vehicles/buses parked in the parking lots.

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?	☐	☐	☐	☒

[2] The segment at SR 17 is the same segment identified as one of the City's Urban Throughways.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[3] 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?	☐	☐	☒	☐

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

The topography of the area is relatively flat and views of the foothills to the west are limited, as residential housing, trees, and the buildings on-site obscure viewpoints. Scenic vistas in the City are not located near the project site. Furthermore, the project site is not located near any City designated scenic corridors or designated Gateways. Thus, implementation of the project would not impact a scenic vista. **(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?

As discussed previously, the nearest state-designated highway (I-280) is five miles southwest of the project site. Therefore, the project would not impact scenic resources within a state scenic highway. **(No 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 project is in an urbanized area and subject to City design guidelines governing scenic quality. The project would demolish the existing maintenance yard structures and construct new single-family homes. This would constitute as a significant change to the existing visual character of the site. The proposed project, however, would not constitute a significant adverse change to the local aesthetic environment, as the portion of the school district property being developed is not readily visible from Camden Avenue or Union Avenue, such that the new homes would not contribute to the aesthetic character of either street. The new single-family homes would be consistent with the existing residential character of the surrounding area. Therefore, the proposed project would have a

[3] Public views are those that are experienced from publicly accessible vantage points.

less than significant impact on the visual character or quality of the project site and the surrounding area. **(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?

Sources of light and glare are abundant in the urban environment of the immediate project area, and include street lights, parking lot lighting, security lights, vehicular headlights, and reflective building surfaces and windows. The proposed project would incrementally increase light and glare in the area, due to windows and similarly reflective surfaces included in the new single-family homes. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Street lighting installed by the project would include a house side shield and lunar optic shield to focus light on the road and eliminate light pollution, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan Policies and lighting policies would not create a new source of nighttime light that would adversely affect views.

The design of the proposed project would be subject to the City's design review process and would utilize exterior materials that do not result in daytime glare, such as plaster and wood siding, consistent with General Plan policies and the City's Residential Design Guidelines. Therefore, the project would not significantly impact adjacent uses with 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 Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

Williamson Act

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. A Williamson Act contract prevents the development or conversion of open space and/or farmland for the duration of 10 years, or until a contract is renewed.

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.[4] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[5]

Local

Envision San José 2040 General Plan

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

[4] 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)).

[5] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed August 3, 2020. http://frap.fire.ca.gov/.

Envision San José 2040 General Plan Relevant Agricultural Resource Policies

Policy	Description
Policy LU-12.2	Support urban agriculture opportunities such as back-yard, roof-top, indoor, and other gardens that produce ecologically sound food for personal consumption. Encourage developers to incorporate gardens that produce ecologically sound food for residents and workers.
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the *Envision General Plan* through the following means: • Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. • Encourage contractual protection for agricultural, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity in these lands.

4.2.1.2 *Existing Conditions*

The project site is not used for agricultural production and is not the subject of a Williamson Act contract. No land adjacent to the project site is used for agricultural production. The City of San José General Land Use Map designates the project site *Residential Neighborhood*, and the Zoning Map designates the project as *R-1-8* zoning. [6] The land in the project vicinity is also designated and zoned for schools, colleges, corporate yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. The land on and adjacent to the site is not forest land or timberland, or zoned for timberland production.

There are four farmland categories in the California Department of Conservation Farmland Mapping Program: *Prime Farmland*, *Farmland of Statewide Importance*, *Unique Farmland* and *Farmland of Local Importance*. According to Santa Clara County Important Farmland 2016 Map, the project site is *Urban and Built-Up Urban*, which is defined as land that is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10 acre-parcel.[7]

[6] The City of San José. *Envision San José General Plan 2040*. December 2018
[7] California Department of Conservation. "California Important Farmland Map Finder". Accessed August 3, 2020. https://maps.conservation.ca.gov/DLRP/CIFF/

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?

The site is designated by the California Resources Agency Farmland Mapping and Monitoring Program as Urban and Built-Up Land, and therefore, would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to a non-agricultural use. **(No Impact)**

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

The project site is within the *R-1-8* zoning development and is not zoned for agricultural use. The project site is not subject to the Williamson Act contract. The project would, therefore, not conflict with existing zoning for agricultural use or 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 project site is not zoned for forestland, timberland, or zoned for timberland production. Therefore, the project would not conflict with zoning for these uses. **(No Impact)**

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

As described above, the project site does not contain farmland or forest land and is not located within the vicinity of farmland or forest land. Project implementation, therefore, would not result in the conversion of farmland or forest land. **(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?

As described above, the project site does not contain farmland or forest land and is not located within the vicinity of farmland or forest land. Project implementation, therefore, would not result in the conversion of farmland or forest land. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an air quality and GHG emissions assessment prepared for the project by Illingworth & Rodkin, Inc. dated November 24, 2020. A copy of the assessment report is included as Appendix A.

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.[8] 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 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. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

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

reduce 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

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

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

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

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

[9] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed July 23, 2020. 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.[10]

CEQA Air Quality Guidelines

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

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

Local

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Air Quality Policies

Policy	Description
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 designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
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-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
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.
Action MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

4.3.1.3 *Existing Conditions*

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

Sensitive Receptors

The closest sensitive existing receptors are single-family homes adjacent to the north and south of the project site. A Special Place Schools and daycare is approximately 370 feet to the northeast of the site, ATLC Preschool and 7 Magic Flowers Bilingual Montessori School are approximately 700 feet to the east of the site. Two assisted living facilities are also located within the residential neighborhoods surrounding the site. Once constructed, the project would introduce new sensitive receptors (i.e., residents) to the area.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.2.1 *CEQA 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 of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/year)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	0.3 µg/m^3	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m3 (average)	

Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course 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 proposed project would not conflict with the 2017 CAP because its criteria air pollutant emissions would be lower than the BAAQMD Operational Criteria Pollutant significance thresholds shown in Table 4.3-4 (see further discussion under Impact AIR-2 below), is considered urban infill, and would be located near bike paths and transit with regional connections. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

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?

The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. 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 (refer to Appendix A), which apply to both construction period and operational period impacts. The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project.

Construction Emissions

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. Inputs to CalEEMod were developed that take into account demolition of the on-site uses, excavation, and building construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on information provided by the project applicant. Table 4.3-3 summarizes the project's average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust and shows that the predicted construction period emissions would not exceed BAAQMD significance thresholds.[11]

[11] In November 2020, the applicant provided a revised construction schedule that increased the length of the project and reduced the total equipment hours. Thus, the use of the default construction schedule used in the AQ analysis overestimated total emissions and emissions rates.

Table 4.3-3: Estimated Average Daily Project Construction Emissions				
Scenario	**ROG**	**NOx**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Total Construction Emissions (tons)	1.4	3.2	0.17	0.16
Project Daily Emissions (pounds per day)	8.8	20.2	1.1	1.0
BAAQMD thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed threshold?	No	No	No	No

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

Standard Permit Conditions: During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level:

- 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 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 property 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 to contact at the lead agency regarding dust complaints.

The measures above are consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines. **(Less than Significant Impact)**

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by future residents. CalEEMod computes annual emissions for operation based on emission from architectural coatings and maintenance products (classified as consumer products). CalEEMod was also used to estimate emissions from operation of the proposed project assuming full build-out. The earliest full year of operation would be 2023. The operational emissions for the project were modeled and the results are summarized in Table 4.3-4 below.

Table 4.3-4: Estimated Project Operation Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Annual				
Project Operational Emissions (tons)	0.92	0.37	0.47	0.13
Existing Site Operational Emissions (tons)	0.07	0.02	0.03	0.01
Net Annual Emissions (tons)	0.85	0.35	0.44	0.12
BAAQMD thresholds (tons)	*10*	*10*	*15*	*10*
Exceed threshold?	No	No	No	No
Daily				
Project Operational Emissions (pounds)	4.7	1.9	2.4	0.7
BAAQMD thresholds (pounds)	*54*	*54*	*82*	*54*
Exceed threshold?	No	No	No	No

As shown in Table 4.3-5, the project's annual and daily operational emissions would not exceed the BAAQMD thresholds of significance. Therefore, operation of the proposed project would not result in a significant air quality impact from operational emissions. **(Less than Significant Impact)**

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

Project construction activities would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. A construction community health risk assessment was prepared to address project construction impacts on the surrounding off-site sensitive receptors.

Operation of the project is not expected to be a source of TAC or localized air pollutant emissions, as the project would not generate substantial truck traffic or include stationary sources of emissions, such as generators powered by diesel engines. Emissions from automobile traffic generated by the project would be spread out over a broad geographical area and not localized.

The project would introduce residents that are sensitive receptors. There are two nearby roadways (Camden Avenue and Union Avenue) and two stationary sources that are existing sources of TACs in the vicinity of the project. The impact of the existing roadway and stationary sources of TAC upon the existing sensitive receptors and new incoming sensitive receptors was assessed.

Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. This involved the modeling of TAC and $PM_{2.5}$ emissions, dispersion modeling and cancer risk computations.

Community Health Risks from Project Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As discussed under checklist question b), construction exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions, however, may pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$.

A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$.[12] Refer to Appendix A for details about the community health risk modeling, data inputs, and assumptions.

Table 4.3-5 summarizes the maximum excess cancer risk, annual $PM_{2.5}$ concentration, and non-cancer Hazard Index (HI) based on the maximum DPM concentration affecting the maximally exposed individual (MEI), which is the sensitive receptor affected the most by project construction emissions. The MEI during the construction period would occur at a single-family residence adjacent to the southern boundary of the project site. Table 4.3-6 shows that the project's cancer and annual $PM_{2.5}$ risks would be 51.9 excess cancer cases per million and 0.54 $\mu g/m^3$, which would exceed the BAAQMD thresholds of significance of 10 excess cancer cases per million and 0.3 $\mu g/m^3$ annual $PM_{2.5}$ concentration. The project's non-cancer HI value of 0.05 would not exceed the BAAQMD threshold of significance of 1.0.

Impact AIR-1: Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) and annual $PM_{2.5}$ concentrations at the maximally affected sensitive receptor.

Mitigation Measures: In addition to the Standard Permit Conditions listed in checklist question b), and in conformance with General Plan Policies MS-10.1 and MS-13.1, the following mitigation

[12] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

measures would be implemented during all demolition and construction activities to reduce TAC emission impacts:

MM AIR-1.1: All diesel -powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously (or 20 hours in total) shall use engines that, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 interim engines. Where Tier 4 equipment is not available, exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

MM AIR-1.2: Alternatively, prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 81-percent reduction in DPM exhaust emissions or greater.

Project construction activities were analyzed with the assumption of Tier 4 interim engines. With implementation of this mitigation, the on-site diesel exhaust emissions would be reduced by at least by 81 percent. Providing temporary line power or using equipment not powered by diesel would further reduce off-road construction emissions.

Table 4.3-5: Construction Risk Impacts at the Offsite Residential MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction			
Unmitigated	**51.9**	**0.54**	0.05
Mitigated	4.1	0.14	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold?			
Unmitigated	**Yes**	**Yes**	No
Mitigated	No	No	No

Note: **Bold** text indicates a significant impact.

Modeling was completed to determine the effectiveness of the required mitigation measures. With the implementation of mitigation measures MM AIR-1.1 and MM AIR-1.2 above, the project's health risk from construction sources would be reduced to 4.1 excess cancer cases per million and 0.14 $\mu g/m^3$ for annual $PM_{2.5}$ concentration (Table 4.3-5). With the implementation of the required mitigation measures, the health risks are below the BAAQMD thresholds of significance. **(Less than Significant Impact with Mitigation Incorporated)**

Cumulative Community Risks of Existing and Project TAC Sources

The geographic area for cumulative impacts to sensitive receptors is within 1,000 feet of the project site. This distance is recommended by BAAQMD because adverse effects are the greatest within this distance. At further distances, health risk diminishes. A review of the project area indicates that traffic on Camden Avenue and Union Avenue exceeds the average daily traffic (ADT) threshold of 10,000 vehicles. All other roadways within the area are below the 10,000 ADT threshold. Two stationary sources of TACs are located within the 1,000-foot influence area according to BAAQMD's stationary source website map. The community risk impacts from the cumulative sources to the project MEI were modeled and the results are summarized in Table 4.3-6. Refer to Appendix A for details about the modeling, data inputs, and assumptions.

As shown in Table 4.3-6, the health risk from the cumulative sources (including project construction and operation) would be significant. The estimated maximum cancer risk of 53.7 and the annual $PM_{2.5}$ concentration of <0.06 µg/m^3 would not exceed the BAAQMD cumulative source thresholds of significance of 100 excess cancer cases per million and 0.8 µg/m^3, respectively.

Table 4.3-6: Construction and Operations Risk Impacts at the Offsite Residential MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ Concentration (µg/m^3)	Hazard Index
Project Impacts			
Total/Maximum Project (Years 0-30)			
Unmitigated	**51.9**	**0.54**	0.05
Mitigated	4.1	0.14	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Single-Source threshold?			
Unmitigated	**Yes**	**Yes**	No
Mitigated	No	No	No
Cumulative Sources			
Camden Avenue	1.2	0.06	<0.01
Union Avenue	0.1	<0.01	<0.01
Plant #16517 (Generator)	0.1	--	--
Plant #110687 (GDF)	0.4	<0.01	--
Combined Sources			
Unmitigated	53.7	<0.62	<0.07
Mitigated	5.9	<0.22	<0.03
BAAQMD Cumulative Source Threshold	*>100*	*>0.8*	*>10.0*

Table 4.3-6: Construction and Operations Risk Impacts at the Offsite Residential MEI			
Source	**Maximum Cancer Risk (per million)**	**$PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Hazard Index**
Exceed Threshold?			
Unmitigated	No	No	No
Mitigated	No	No	No
Note: **Bold** text indicates a significant impact.			

Modeling was completed to determine the effectiveness of the previously identified required measures and found the cumulative health risk to the project MEI would be reduced to 5.9 excess cancer cases per million and 0.22 $\mu g/m^3$ annual $PM_{2.5}$ concentration (see Table 4.3-6). With implementation of the required measures the cumulative community health risks would not exceed the BAAQMD cumulative-source thresholds of significance. **(Less than Significant Impact)**

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

The proposed project would not introduce land uses to the area that generate odors, such as dairy farms, wastewater treatment plants, landfills, or coffee roasting. The project proposes residential uses on-site. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based on a tree inventory and assessment prepared by Monarch Consulting Arborists, LLC., in July 2020. A copy of the assessment report is included as Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[13] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

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

[13] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed May 27, 2020. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

Envision San José 2040 General Plan Relevant Biological Resources Policies

Policy	Description
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-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

San José Tree Removal Ordinance

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

4.4.1.2 *Existing Conditions*

The project site consists of approximately six acres, located on the interior portion of an approximately 12.12-acre site owned by the CUHSD. The project site is located in a developed, urban area of San José, and the site currently contains buildings, paved parking areas, and a paved driveway. Surrounding properties are also developed with urban uses.

There are 49 trees, representing nine different species, on the approximately six-acre project site or along the northern property line of Camden Community Center, directly south of the project site (see Table 4.4-1). Of these trees, 31 are considered to be "ordinance size" and six are in good condition, 40 are in fair condition, and three are in poor condition. The project proposes to remove 14 trees on the approximately six-acre project site, 10 of which are ordinance size.

Table 4.4-1 Ordinance Sized Trees On-site

Number[1]	Scientific Name	Common Name	Trunk Diameter (in.)[2]	Expected Impact[3]
367	Eucalyptus polyanthemos	Silver dollar gum	22	High
368	Pinus radiata	Monterey pine	36	High
369	Sequoia sempervirens	Coast redwood	19	High
370	Sequoia sempervirens	Coast redwood	23	High
371	Sequoia sempervirens	Coast redwood	29	High
372	Sequoia sempervirens	Coast redwood	23	High
373	Prunus cerasifera	Purple plum	8,6	High
375	Pistacia chinensis	Chinese pistache	8,8,8	High

Table 4.4-1 Ordinance Sized Trees On-site				
Number[1]	**Scientific Name**	**Common Name**	**Trunk Diameter (in.)[2]**	**Expected Impact[3]**
376	Fraxinus uhdei	Ash	15	High
377	Salix babylonica 'Tortuosa'	Curly willow	26	Moderate
483	Fraxinus uhdei	Ash	25	High
485	Quercus agrifolia	Coast live oak	15	Moderate-High
1133	Magnolia grandiflora	Southern magnolia	15.5	Low
1135	Fraxinus uhdei	Ash	18	Moderate-High
1136	Fraxinus uhdei	Ash	12	Moderate-High
1138	Fraxinus uhdei	Ash	17	Moderate-High
1139	Fraxinus uhdei	Ash	13	Moderate-High
1141	Fraxinus uhdei	Ash	12	Moderate-High
1142	Fraxinus uhdei	Ash	15	Moderate-High
1144	Fraxinus uhdei	Ash	13	Moderate-High
1145	Fraxinus uhdei	Ash	14	Moderate-High
1146	Fraxinus uhdei	Ash	16	Moderate-High
1148	Fraxinus uhdei	Ash	13	Moderate-High
1150	Fraxinus uhdei	Ash	16	Moderate-High
1151	Fraxinus uhdei	Ash	12	Moderate-High
1152	Fraxinus uhdei	Ash	14	Moderate-High
1156	Fraxinus uhdei	Ash	12	Moderate-High
1158	Fraxinus uhdei	Ash	14	Moderate-High
1163	Fraxinus uhdei	Ash	13	Moderate-High
1166	Fraxinus uhdei	Ash	20	Moderate-High
1167	Fraxinus uhdei	Ash	20	Low

1. Note the tree numbers are simply identification numbers and are not continuous. There are 31 ordinance size trees in total and not thousands.

2. Trees with codominant trunks of individual diameters less than 12 inches are included due to overall circumferences greater than 38 inches.

3. Trees on-site listed with "high" expected impact will be removed, the remaining trees will be retained.

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?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

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

Special-Status Species

As discussed above, the project site is currently developed with buildings and paved parking areas. Vegetation on-site consists of trees located around the perimeter of the project site. Because the project site is comprised of urban uses in an urbanized environment, it lacks suitable habitat for

special-status plant and animal species. Therefore, proposed development of the project site would not adversely affect any candidate, sensitive, or special-status species.

Nesting Birds

The trees and shrubs within and bordering the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future construction activities on-site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact.

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

Impact BIO-1: Development of the proposed project would result in impacts to nesting birds, if present on or near the site at the time of construction.

Mitigation Measures: The following mitigation measures would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever comes first), the project applicant shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

MM BIO-1.2: If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

MM BIO-1.3: If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, 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 for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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?

The project site is not located within a riparian corridor, and it does not contain any other sensitive natural communities as identified in local, regional, state, or federal plans, policies, or regulations. For these reasons, the proposed project would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(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?

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

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site has low suitability for habitation or migratory occupation by any fish or wildlife species. There are no identified resident wildlife corridors, or native wildlife nursery sites on-site.[14] However, the project site contains mature trees that could potentially serve as habitat for nesting birds. With the implementation of MM BIO-1.1 through MM BIO1.4 (see Impact BIO-1), the proposed project would not impede the use of the project site for bird nesting. Therefore, the proposed project would have a less than significant impact on the movement, residence, or use of nursery sites by any native or migratory wildlife. **(Less than Significant Impact)**

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

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

The project proposes to remove 14 trees on the approximately six-acre project site, 10 of which are ordinance size. The proposed project would adhere to all applicable local policies protecting biological resources, including trees, and would replace trees or pay replacement fees as required by the City of San José policies protecting biological resources, including several policies protecting trees and existing plant communities. In order to preserve the urban forest to maintain tree cover, removal of ordinance trees must be permitted. There are a total of 31 ordinance sized trees on the project site and along the northern property line of the Camden Community Center, six of which have fair or good suitability for protection and preservation. Tree removal and replacement would be consistent with City removal restrictions and replacement ratios.

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. Tree replacement would occur on-site. The project would plant approximately 39 new trees, including 25 individual trees representing California native species.

Standard Permit Conditions:

1. **Tree Replacement.** A tree removal permit would be required from the City of San José for the removal of ordinance trees. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-1 below.

Table 4.4-2 City of San José Tree Replacement Ratios

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

[1]As measured 4.5 feet above ground level

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

[3]Ordinance-sized tree

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

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

A 38-inch tree equals 12.1 inches in diameter.

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

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

- The proposed project would remove 14 trees (10 of which are ordinance sized) from the project site and meet the City's tree replacement ratio by replacing five trees at a 5:1 ratio, five trees at a 4:1 ratio, and four trees at a 1:1 ratio. The total number of replacement trees required to be planted is 49 trees. The project proposes to plant 53 trees in total. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
  - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With implementation of the above standard permit condition, the proposed project would conform to the City's tree preservation ordinance. **(Less than Significant Impact)**

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

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

Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the SCVHP area are subject to paying a "Nitrogen Deposition Impact Fee" which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

Standard Permit Conditions: The following standard permit condition would be applied to the proposed project, consistent with the Habitat Plan.

- The project is subject to applicable Habitat Plan 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 Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

With implementation of the identified Standard Permit Condition, the project would be consistent with the SCVHP. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

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

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

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

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to cultural resources and applicable to development projects in San José:

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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 LU-13.8	Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

City of San José Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) promotes the preservation of old historic or architecturally worthy structures and neighborhoods which impart a distinct aspect to the City and serve as visible reminders of the historical and cultural heritage of the City, the state, and the nation. The City contains over 200 designated City Landmarks, structures which represent a physical connection with significant persons, activities, or events from the City's past. Any historic property may be nominated for designation as a City Landmark by either the City Council or the Historic Landmarks Commission; property owners may also apply for nomination and consideration by the Historic Landmarks Commission. Factors to be considered when making a finding regarding Landmark designation of a historic structure include the following:

1. Its character, interest or value as a part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship which represents a significant architectural innovation, or which is unique.

4.5.1.2 *Existing Conditions*

The City of San José has identified approximately 160 City Landmarks in its Historic Resources Inventory. City Landmarks are concentrated in the older, established areas of the City including the Downtown, Naglee Park, Hensely and Shasta-Hanchett areas in the Central/Downtown Planning Area, the Willow Glen Planning Area, and the City's fringes in the Alviso, Almaden, Alum Rock and Edenvale Planning Areas. The City has also identified 21 historic districts and/or Conservation areas. The project site is currently developed with office buildings and surface parking lots, which would be removed as part of the project. Buildings 50 years or older could be eligible for historic status. The existing on-site buildings were constructed as early as 1974; thus, they are ineligible for historic status. None of the buildings are listed on the NRHP, CRHR, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory. Adjacent properties are also not listed on the City and County Inventories. The project site is not within a designated historic district, conservation district, or landmark district according to maps included in the General Plan FEIR.[16]

[16] City of San José. *2040 General Plan Integrated Final PEIR.* Figure 3.11-3 Historic Districts and Conservation Areas. Page 705. September 2011.

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 a lot consisting of warehouses, surface parking lots, and office uses associated with the operation of the CUHSD district office facilities. While these structures would be removed as part of the project, there are no historic structures present within or adjacent to the project site. **(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?

According to archaeological sensitivity maps produced by the City, there are no known archaeological resources within the project site boundaries. Grading and excavation associated with construction of the proposed project could result in impacts to unknown, subsurface culturally significant resources. The project will be required to comply with the City's standard permit conditions, which include measures to avoid or reduce impacts to unknown cultural resources.

Standard Permit Conditions

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (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 the Director of PBCE or the Director's designee and the City's Historic

Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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

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

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

  - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being given access to the site.
  - The descendant identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With implementation of the City's standard permit conditions, the proposed project would result in a less than significant impact to unknown archaeological resources. **(Less than Significant Impact)**

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

See response to Impact CUL-2. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[17] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[18]

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.

[17] California Building Standards Commission. "California Building Standards Code." Accessed July 24, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[18] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed July 24, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San Jose Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San Jose by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030

Local

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
Policy MS-1.1	Continue to demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City's Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

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

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
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-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
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.

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.[20] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.[21] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County[22]

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 the San Jose area. 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.[23] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[24]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[25] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily

[20] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed July 24, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[21] United States Energy Information Administration. "State Profile and Energy Estimates, 2017 Accessed July 24, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[22] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed July 24, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[23] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed July 24, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[24] California Energy Commission. "Natural Gas Consumption by County." Accessed July 24, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[25] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed July 24, 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.[26] 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. [27,28]

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?

Construction

The proposed project is estimated be constructed over a period of 18 to 30 months. Construction of the project would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition and grading), and construction of the building and other improvements. The project would also comply with the City's Construction and Demolition Diversion Program.

Future development under the proposed project is required to implement BAAQMD BMPs discussed in Section 4.3 Air Quality to restrict equipment idling times and require signs be posted on the project site reminding workers to shut off idling equipment, thus reducing the potential for energy waste. The project is also required to participate in the City's Construction and Demolition Diversion Deposit Program, which ensures at least 75 percent of construction and demolition debris is recovered and diverted from landfills. Therefore, the project construction activities would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)]**

[26] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

[27] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed July 24, 2020. http://www.afdc.energy.gov/laws/eisa.

[28] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed July 24, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

Operation

The proposed project would be required to be built in accordance to CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. Occupation and operation of the project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Operational energy also includes gasoline consumption from vehicles traveling to and from the project site. The net increase in energy use from the project is shown below in Table 4.6-1.

Table 4.6-1: Estimated Existing and Project Energy Usage

	Electricity Use (kWh)	**Gasoline (gallons per year)**
Proposed Development		
Accessory Units	91,325	14,272
Single-Family Housing	323,623	34,749
Total	414,948	49,021
Existing Development		
Unrefrigerated Warehouse	49,067	2,738
Total	49,067	2,738
Net Energy Demand	**365,881**	**46,283**

Notes: The estimated gasoline demand is based on the estimated VMT of 355,379 for the Accessory Units, 865,245 for the Single-Family Housing, and 68,176 for the Unrefrigerated Warehouse, and an average fuel economy of 24.9 mpg.

As shown in Table 4.6-1, the project would result in a net increase in energy demand compared to existing conditions. The project proposes installation of photovoltaic cells combined with all-electric energy use for all homes. Therefore, no natural gas usage is anticipated. The project would not represent a wasteful or inefficient use of energy resources because the project is required to comply with the City's Green Building Program, Title 24, and CALGreen requirements to reduce energy consumption. **(Less than Significant Impact)**

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

The project is required to conform to General Plan policies and existing regulations, which promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. By conforming to applicable General Plan policies related to renewable energy and energy efficiency, and the Green Building Ordinance, the project would not preclude the City from meeting local or state renewable energy or energy efficiency goals. In addition, as discussed in Section 4.3 Air Quality, the project is consistent with the 2017 CAP which includes measures to reduce energy (including gasoline fuel) consumption. Implementation of these local policies and regulations would ensure the project is compliant with regional and statewide energy

efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code). By adhering to adopted policies and regulations the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation prepared by *Geo-Logic Associates* in August 2019. The report is included in this document in its entirety as 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 (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; 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 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The proposed project would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
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	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
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.
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 ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

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

4.7.1.2 *Existing Conditions*

Regional Geologic Conditions

The proposed project is located within the Santa Clara Valley, a broad alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area.

The project site is located within the seismically active San Francisco Bay Area. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or higher. The closest faults to the project site are the Monte Vista-Shannon (2.5 km southwest), San Andreas (11 km southwest), Sargent (14 km south/southeast), and Hayward (15 km northeast) faults. In the event of a moderate to large earthquake occurring as a result of one of the faults mentioned above, strong ground shaking is likely to occur on-site. Vicinity faults and their distances from the project site are listed below, in Table 4.7-1.

Table 4.7-1 Faults Nearest to Project Site

Fault Name	Approximate Distance (km)	Orientation from Site
Monte Vista-Shannon	2.5	Southwest
San Andreas	11	Southwest
Sargent	14	South/Southwest
Hayward	15	Northeast
Calaveras	20	Northeast
San Gregorio	35.5	Southwest

On-site Geologic Conditions

Seismicity

As described above, the project site is located in an area of high seismic activity. It should be anticipated that any structures on the project site will be subjected to at least one earthquake with a magnitude greater than 7. Structures within the project site would also be exposed to periodic small to moderate magnitude earthquakes throughout their operational lifespan. For these reasons, the likelihood of powerful ground shaking at the project site is very high.

The project site is not located within an Earthquake Fault Zone as delineated on the most recent Alquist-Priolo Map. The project site is not located within a Santa Clara County Fault Rupture zone. Because no active or potentially active faults are known to cross the site, the likelihood of fault rupture at the project site is low.

Soil and Groundwater

Based on soil encountered in test bores up to 45 feet below ground surface (bgs), subsurface soils at the project site can be categorized as alluvial. Some areas of the project site are underlain with near-surface baserock. Predominantly, the soils underlying the project site consist of a surficial layer of silty sand and gravel. The surficial layer is underlain by dense, granular soils with sand and silt to the maximum depth of 45 feet bgs.

Groundwater was not encountered in any test bores on-site. Historical high groundwater was estimated to be about 47 feet bgs, based on measurements published by the California Geological Survey in 2002. Groundwater levels can fluctuate for a variety of factors, including seasonal precipitation, extraction from wells, and recharge due to irrigation or other methods.

Liquefaction and Lateral Spreading

Liquefaction is low shear strength in soil layers due to high pore water pressure. Loose and coarse-grained soils can undergo liquefaction as a result of seismic shaking or cyclic loading. Soils such as low-density, saturated sands, with a high susceptibility to liquefaction, were not encountered in the project site. The project site is not located in a liquefaction hazard zone according to the State Hazard Zones map.[29]

Lateral spreading is a type of ground failure related to liquefaction whereby a mass of overlying soil shifts horizontally toward a free face or downslope. The project site has a level surface topography. Due to the absence of saturated or liquefiable soils, or groundwater, within the uppermost 45 feet of soil, and the absence of a free face or downslope, the area is unlikely to present a liquefaction-related lateral spreading risk.

Landslides

Landslides occur when slopes become unstable and masses of earth material move downslope. Landslides are generally considered to be rapid events, often triggered during periods of rainfall or

[29] California Department of Conservation. *Seismic Hazard Zones San José West Quadrangle.* Map. February 7, 2002.

by earthquakes. Hilly or slope areas have a tendency to fail and result in landslides. The project site is not located in in a state-designated Landslide Hazard Zone.[30]

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils; however, mammoth remains were found along the nearby Guadalupe River in San José in 2005. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological 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. Based on the underlying geologic formation of the project site, the Envision San José 2040 General Plan FEIR (General Plan FEIR) found the project site to have a high sensitivity (at depth) for paleontological resources.

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?	☐	☐	☒	☐

[30] Ibid.

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults are located in the region, the proposed project is outside of the fault zone for any regional fault systems, and significant impacts from fault ruptures are not anticipated to occur. **(Less than Significant Impact)**

Seismic Ground Shaking and Ground Failures

The potential for strong ground shaking at the project site exists due to the likelihood of seismic activity generated by faults in proximity to the site; however, adherence to the 2019 California Building Code and the recommendations of a design-level geotechnical report would ensure that the proposed structures would resist minor earthquakes without damage and major earthquakes without collapse.

Standard Permit Conditions:

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

identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

The proposed residential development would not cause adverse effects due to seismic ground shaking or ground failures by adhering to the recommendations of the required geotechnical investigation and the 2019 California Building Code. **(Less than Significant Impact)**

Liquefaction, Landslides and Lateral Spreading

As discussed above, the proposed project site is not located within a liquefaction hazard zone or a landslide hazard zone. Thus, there is minimal risk of the project exacerbating hazards in the area due to these geologic conditions. Lateral spreading is a geologic hazard commonly associated with liquefaction. This phenomenon occurs when ground-shaking induces the horizontal displacement of relatively flat-lying soil towards an open or "free" face such as an open body of water, drainage channel, or excavation. The project site is not located in a liquefaction hazard zone or adjacent to any waterway, drainage channel or excavation site. Thus, there is minimal risk of lateral spread affecting, or being exacerbated by, the proposed project. **(Less than Significant Impact)**

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

The proposed project could result in erosion or the loss of topsoil during demolition and grading; however, the project would be required to comply with the City's Grading Ordinance as a Standard Permit Condition (see Section 4.10 Hydrology and Water Quality), which includes the implementation of erosion and dust control during site preparation. Implementation of the City's Grading Ordinance would reduce the project's potential erosion impacts to a less than significant level. **(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?

As discussed in Impact GEO-1, the proposed project is not located in a Liquefaction Hazard Zone or a Landslide Hazard Zone. A design-level geotechnical investigation has been prepared for the proposed development that includes an analysis of the potential for other soil conditions, such as soil corrosion, soil compressibility, and settlement of non-engineered fill materials, to adversely affect proposed structures and uses. Any buildings constructed at the project site would be required to adhere to the recommendations set forth in the design-level geotechnical investigation for building

design, engineering techniques, and general hazard avoidance related to on-site geologic conditions. For these reasons, the proposed development would adequately address and reduce potential impacts that could result from unstable geologic units or soil. **(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?

The project site does not contain hydric or expansive soils. In addition to design-level assessment of soil expansivity, the proposed project would adhere to the following standard permit condition to minimize risks related to expansive soils:

Standard Permit Condition: In conformance with the General Plan and current practices in the City of San José, the project shall implement the following Standard Permit Condition to reduce and/or avoid impacts related to expansive soils:

- Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, lime treat soils, and to design and construct improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

With adherence to the above permit condition, the proposed project would pose a less than substantial risk to life or property due to expansive soil conditions. **(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 development would not require the use of septic tanks or alternative waste water disposal systems. The project site is located in a developed area, with adequate water supply and wastewater disposal systems available to serve the project. For these reasons, the proposed project would not result in impacts due to soils incapable of supporting wastewater disposal. **(No Impact)**

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

Although not anticipated, construction activities could disturb paleontological resources, if present. Regardless, the project would implement the following condition, as necessary, to reduce potential impacts to paleontological resources.

Standard Permit Conditions: The following Standard Permit Conditions would be implemented by the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

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

The proposed project, with implementation of the conditions identified above in the unlikely event that paleontological resources are uncovered during construction, would not result in a significant impact to paleontological resources. **(Less Than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on an air quality and GHG emissions assessment prepared for the project by Illingworth & Rodkin, Inc. dated November 24, 2020. A copy of the assessment report is included as 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). The project site is not located within a PDA.

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.

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)
- CDD Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San Jose Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San Jose by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

City of San José 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.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated into the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

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

use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion. The GHG Reduction Strategy was adopted by City Council in 2015 to address 2020 emissions. An update to the GHGRS is underway to address 2030 emissions, and is anticipated to be adopted in the fall of 2020.

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not enough to meet the City's identified 3.04 metric tons (MT) CO_2e/year/service population efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[31]

The substantial communitywide GHG emissions reductions needed beyond 2020 cannot be achieved solely by implementing the measures identified in the GHG Reduction Strategy. The General Plan FEIR disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy.

The following policies and actions in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG Reduction Strategy. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

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

[31] As described in 2040 General Plan EIR, the 2035 efficiency target above reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050.

required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policy	Description
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-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building 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-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 CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.8	Provide direct access from developments to adjacent parks or open spaces and encourage residential development to provide common open space contiguous to such areas.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is currently developed and used as a corporation yard. GHGs generated by the site are associated with the vehicles traveling to and from the site and the work being done at the corporation yard.

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?	☐	☐	☒	☐

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

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

Construction Emissions

GHG emissions associated with construction were computed to be 459 MT of CO_2e for the construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. **(Less than Significant Impact)**

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, were used to estimate daily emissions associated with operation of the fully developed site under the proposed project. As shown in Table 4.8-1, the net annual emissions resulting from operation of the proposed project are predicted to be 534 MT of CO_2e in 2023 and 481 MT of CO_{2e} in 2030. The service population emission for the years 2023 and 2030 are predicted to be 3.9 and 3.5 MT/CO_{2e}/year/service population, respectively.

To be considered an exceedance, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. As shown in Table 4.8-1, the

project would not exceed the 660 MT CO_2e/year bright-line threshold in 2023 or in 2030, but would exceed the per capita threshold of 2.6 MT of CO_2e/year/service population in 2023 and in 2030. Thus the project would no contribute to a significant GHG impact. **(Less than Significant Impact)**

Table 4.8-1: Annual Project GHG Emissions (CO_2e) in Metric Tons				
Source Category	**Existing Land Uses**		**Proposed Project**	
	2023	**2030**	**2023**	**2030**
Area	<1	<1	5	5
Energy Consumption	7	7	114	114
Mobile	23	20	421	366
Solid Waste Generation	7	7	29	29
Water Usage	4	4	5	5
Total (MT CO_2e/yr)	41	38	575	519
Net Emissions			534	481
Bright-Line Significance Threshold			***660 MT CO_2e/year***	
Service Population Emissions (MT CO2e/year/service population)			**3.9**	**3.5**
Per Capita Significance Threshold			***2.6 MT of CO2e/year/service population in 2030***	
Exceed both thresholds?			*No*	*No*

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

Greenhouse Gas Reduction Strategy

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

Since the project is consistent with the General Plan land use designations for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures required by the City would ensure its consistency with the GHG Reduction Strategy. The project's consistency with mandatory criteria is summarized in Table 4.8-2. As shown in Table 4.8-2, the project is consistent with the applicable mandatory criteria in the City's GHG Reduction Strategy. **(Less than Significant Impact)**

Table 4.8-2: Project Consistency with GHG Reduction Strategy Mandatory Criteria	
Mandatory Criteria	**Consistency Discussion**
1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)	**Consistent:** The proposed use is consistent with the General Plan land use designation on the site. The project, therefore, is consistent with this criteria.
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14) a. Solar site orientation b. Site design c. Architectural design d. Construction techniques e. Consistency with City Green Building Ordinances and Policies f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4	**Consistent:** The project would be constructed in conformance with the City's Private Sector Green Building Policy and meet United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Rating System Silver. In addition, the proposed homes would be all-electric and have solar panels installed on the roofs. For the above reasons, the project is consistent with this criteria.
3. Pedestrian/Bicycle Site Design Measures a. Consistency with Zoning Ordinance b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7	**Not Applicable:** The project proposes single-family homes which are not required to have any designated bicycle parking. Residents can park their bikes in garages or indoors.
4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable	**Not Applicable:** The project site does not contain historic resources and would not result in the demolition of historic resource. This criteria, therefore, is not applicable to the project.
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	**Not Applicable:** The project proposes single-family homes. The project does not propose energy-intensive uses, such as a data center. This criteria, therefore, is not applicable to the project.
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable	**Not Applicable:** The project proposes single-family homes and is not an employment center.
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).	**Not Applicable:** The project does not propose drive-through or vehicle serving uses. This criteria, therefore, is not applicable to the project.

Climate Smart San José

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 4.6, Energy, the project would be subject to the Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. For this reason, the project is consistent with the City's climate action goals as set forth in Climate Smart San José.

The proposed project would not conflict or interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. The proposed project would be constructed in conformance with the Envisions San José 2040 General Plan policies, CALGreen, and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on the Phased I Environmental Site Assessment and Phase II Subsurface Investigation prepared for the project by Ramboll US Corporation dated May 28, 2020. A copy of the report is included as Appendix D.

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. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response;
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[32]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[33]

Government Code Section 65962.5

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

[32] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.
[33] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB), and Santa Clara County.[34]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint.

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

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

[34] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA 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 (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[35] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Currently, buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Hazardous Materials Policies

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5:	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

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

Policy	Description
	use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
EC 7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.9.1.2 *Existing Conditions*

As a part of the Phase I ESA completed for the project site, a review of federal, state, and local regulatory agency databases, and a Phase II Subsurface Investigation of the site were completed. A Leaky Underground Storage Tank (LUST) located at 2225 Camden Avenue was listed on the Geotracker and historical LUST (HIST LUST) databases. This listing, however, is in reference to an underground storage tank (UST) removal at the bus maintenance building located on CUHSD property adjacent to the west of the site and the case was closed in December 1995. Interviews with site personnel also note that an in-situ hydraulic lift was removed more than ten years ago under regulatory oversight from the bus maintenance building to the west of the project site. One hydraulic lift still remains in ground; however, it is unused. There are no hazardous materials cases located on the approximately six-acre project site.

Agricultural Chemicals

Based on information obtained from the historical aerial photograph records review, the project site was occupied by agricultural land from at least 1939 (the earliest aerial photograph reviewed) to at least 1963. Based on this information, pesticides and other agricultural chemicals were possibly applied to the site during this time. Shallow soil samples at the site were analyzed for metals and organochlorine pesticides. All metals and organochlorine pesticide concentrations were below regulatory screening criteria for residential land use.

Asbestos-Containing Materials (ACM) and Lead-Based Paint (LBP)

The existing buildings on the project site were constructed prior to 1979 and could contain ACMs and LBPs.

Polychlorinated Biphenyls (PCBs)

Because the site buildings were constructed prior to the 1979 federal ban on the manufacture of PCBs, it is possible that transformer oils, or other types of electrical equipment, such as capacitors, contain PCBs. No large liquid-containing transformers were observed to be present onsite. Only dry transformers were observed. Small electrical equipment observed consisted of switchboards and small capacitors. There was no indication of leaks or releases from electrical equipment during a site visit and PCBs were not detected in shallow soil samples.

Soil and Soil Vapor Sampling Activities

In February 2019, 10 borings were advanced to approximately 15 feet below ground surface (bgs). The borings were screened for volatile organic compounds (VOCs). An additional eight soil borings were advanced to five feet bgs. All metals concentrations were less than regulatory screening criteria for residential land use or, in the case of arsenic, below typical naturally-occurring background levels. No PCBs, TPH in the gasoline, diesel, or motor oil ranges, or VOCs were detected above laboratory reporting limits in any of the soil samples. All pesticide concentrations were less than the applicable regulatory screening criteria. Naturally-occurring asbestos was not detected in any of the four composite samples.

Soil vapor sampling conducted across the site at ten multi-depth soil vapor monitoring probes in February 2019 and March 2020 detected low concentrations of benzene, chloroform, ethylbenzene, perchloroethylene (PCE) and trichloroethane (TCE). Concentrations of these VOCs were slightly above regulatory screening criteria for residential land use at three soil vapor probe locations. Benzene was only detected in three samples and ethylbenzene was detected in only two samples. The presence of benzene and ethylbenzene in shallow soil gas is likely related to storm water infiltration from onsite driveways and parking lots. Chloroform was only detected once in one shallow sample at the site. Chloroform is a byproduct of treatment of water for domestic supply and as a result, is sometimes found at low concentrations in soil gas.

4.9.1.3 *Surrounding Land Uses*

A review of available databases from federal and state regulatory agencies was done to identify use, generation, storage, treatment and/or disposal of hazardous materials and chemicals or release incidents of such materials from the surrounding vicinity which may have impacted the site.

2053 Woodard Road is listed on the Statewide Cleanup Program Sites SLIC (CPS-SLIC) database. PCE equipment was used at the Cambrian Center Cleaners dry cleaning facility that operated at the property beginning in 1963 until 2004. Soil vapor sampling conducted at the property in May 2018 reported elevated concentrations of PCE immediately north and down-gradient of the former dry cleaner. Based on the potential release of PCE from the former dry cleaner, this off-site property potentially poses a contamination concern to the project site. As discussed above, Phase II testing at the project site did reveal soil vapor contamination present on-site at 3235 Union Avenue and 2223 Camden Avenue.

14414 Union Avenue, approximately 0.4 miles south-southeast, is listed on the CPS-SLIC database. Soil sampling investigations conducted at the property have identified elevated PCE concentrations in soil beneath the concrete slab at the dry cleaner. Subsequent groundwater, soil gas, and indoor air investigations have identified elevated concentrations of PCE and daughter products associated with the historical release of PCE from the dry cleaner. Soil vapor extraction (SVE) has been implemented and additional subsurface investigations are on-going. To date, there is no record available of groundwater or soil vapor sampling performed down-gradient of the property. Based on the documented release of PCE from the dry cleaner, this off-site property potentially poses a contamination concern to the subject site. As discussed above, Phase II testing at the project site did reveal soil vapor contamination present on-site at 3235 Union Avenue and 2223 Camden Avenue.

4.9.1.4 *Other Hazards*

Airports

The nearest airports to the site are Reid-Hillview Airport, approximately eight miles northeast of the project site, and the Norman Y. Mineta San José International Airport, approximately six miles north of the site. Given the distance of the project site from these airports, the site is not located within the airport influence area (AIA) of either airport; nor is the site located in an airport safety zone designated in the Comprehensive Land Use Plans for the airports.[36] The project site would not conflict with the Federal Aviation Administration's Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports.

Wildfire Hazards

The project site is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).[37]

[36] County of Santa Clara, Department of Planning and Development. *Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents*. November 16, 2016. Accessed July 29, 2020. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.
[37] California Department of Forestry and Fire Protection. *Santa Clara County FHSZ Map*. November 6, 2007. Accessed July 29, 2020. https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf

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?

Operation of the proposed residential project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Operation of the proposed project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses. **(Less than Significant Impact)**

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?

On-Site Soils

Soil Quality

Pesticides and other agricultural chemicals were possibly applied to the site from 1939 until 1963. Shallow soil samples at the site were analyzed for metals and organochlorine pesticides. All metals and organochlorine pesticide concentrations were below regulatory screening criteria for residential land use. As discussed in *Section 4.9.1.2,* based upon the historical site use as a maintenance yard and the potential to encounter historic hazardous materials spills or releases during redevelopment, the following mitigation measures would be implemented to reduce risks from soilborne hazardous materials.

Impact HAZ 1: Proposed construction activities at the project site could expose construction workers and/or the environment to encounter historic hazardous materials spills or releases during redevelopment.

Mitigation Measures: The following measures would be implemented to reduce the exposure of construction workers, the public, and future site users to hazardous materials located on the project site.

MM HAZ-1.1: Prior to issuance of grading permits, the project applicant shall develop a Site Management Plan (SMP). The SMP shall be prepared by a qualified environmental professional prior to issuance of grading permits to reduce or eliminate exposure risk to construction workers and the environment, At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Therefore, with implementation of MM HAZ-1.1, impacts to construction workers and adjacent residences from exposure to residual soil contamination related to agricultural operations, would not occur. **(Less than Significant Impact with Mitigation Incorporated)**

Soil Vapor Intrusion

Low concentrations of benzene, chloroform, ethylbenzene, PCE and TCE were detected at the project site. As discussed in Section 4.9.1.2, Existing Conditions, these VOCs were slightly above regulatory screening criteria for residential land use at three soil vapor probe locations; however, these probe locations are located within the proposed new private street and the Phase I ESA concluded that human health risks related to vapor intrusion from VOCs detected in soil vapor are not considered to be significant at the site. Therefore, impacts to construction workers and adjacent residences from exposure to soil vapor intrusion would not occur. **(Less than Significant Impact)**

Asbestos-Containing Materials and Lead-Based Paint

Due to the age of the existing buildings, asbestos and lead could be encountered during demolition. The project is required to conform to the following regulatory programs and to implement the following measures (which are also included as standard permit conditions) to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions: Consistent with federal, state, and local policies and regulations, the following conditions are included to reduce impacts from asbestos and lead-based paint to a less than significant level:

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

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

- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Hazardous Air Pollution (NESHAP) guidelines prior to building demolition or renovation activities that may disturb ACMs. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

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

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

- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Conformance with regulatory requirements will result in a less than significant impact from ACMs and lead-based paint. **(Less than Significant Impact)**

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

The nearest school to the project site is ATLC Preschool, located at 1975 Cambrianna Drive, approximately 0.2 mile east of the project site. The proposed project would be within one-quarter mile of a school; however, as discussed under checklist question a), the project would not result in hazardous emissions or hazardous materials being transported to and from the site, nor would hazardous waste be produced or disposed of during operation of the project. For these reasons, the project would not emit hazardous emissions or handle hazardous materials that would impact the nearby school. **(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?

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5, and therefore, would not be located on a hazardous site (pursuant Government Code Section 65962.5) that would result in a significant hazard to the public or the environment.[38] **(No Impact)**

[38] California Department of Toxic Substances Control. DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List). Accessed July 29, 2020. http://www.envirostor.dtsc.ca.gov/?surl=ookx0

e) If located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is not located within the AIA of the Reid-Hillview or Norman Y. Mineta San José International Airports and, therefore, is not subject to the policies in the Comprehensive Land Use Plans (CLUPs). The project site is not located within the airport safety zone of either airport and is located outside of the 60 decibels (dB) community noise equivalent level (CNEL) contours in the CLUPs. The project would not be subject to the Federal Aviation Administration's (FAA's) FAR Part 77 height requirements due to the distance of the site from the airports. Therefore, the project would not result in a safety hazard or excessive noise, due to aircraft operations, for people residing or working in the project area. **(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 constructed in accordance with current building and fire codes to ensure structural stability and safety. In addition, the San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **(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 project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE.[39] Therefore, the project would not expose people or structures to hazards involving wildfire. **(No Impact)**

[39] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007 Accessed July 29, 2020. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

Dam Safety Act

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[40] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with

[40] California Governor's Office of Emergency Services. 2018. *2018 State Hazards Mitigation Plan*. Accessed May 9, 2019. https://www.caloes.ca.gov/cal-oes-divisions/hazard-mitigation/hazard-mitigation-planning/state-hazard-mitigation-plan.

the state Dam Safety Act, dams are inspected regularly, and detailed evacuation procedures have been prepared for each dam.

Regional

Basin Plan

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

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[41] (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

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

Local

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

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

[41] MRP Number CAS612008.

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

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

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.[42]

Envision San José 2040 General Plan

The proposed development would be subject to the hydrology policies of the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policy	Description
IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.

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

EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
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.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The 6.03-acre project site is located in the Guadalupe River watershed. As identified in the Envision San José 2040 FEIR, the Guadalupe River Watershed drains approximately 171 square miles, beginning on the Santa Clara valley floor at the confluence of Alamitos Creek and Guadalupe Creek and discharging at the lower South San Francisco Bay. Runoff from the project site and the surrounding areas enter the City's storm drainage system, which outfalls to Los Gatos Creek, located approximately 0.6-miles west of the project site. The project site is currently developed, and partially paved, with approximately 158,408 square feet (60 percent) of the site covered with impervious surfaces. The project site is not located within one of the Valley Water designated groundwater recharge zones.

Flooding and Other Hazards

The project site is not located within a 100-year flood zone. According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone D.[43] Flood Zone D denotes areas of undetermined, but possible, flood hazards. The project site is located within the Lexington Reservoir dam failure inundation area. Due the location of the project site approximately 22 miles northeast of the Pacific Ocean and approximately 11 miles south of the San Francisco Bay, it would not be subject to tsunami or seiche hazards.

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 carried in runoff from streets, construction sites, parking lots, and other exposed surfaces into storm drains. As described above, surface runoff from the project site and surrounding area is collected by storm drains and discharged into Los Gatos Creek, and ultimately into the San Francisco Bay. Runoff from the site can contain contaminants such as oil and grease, plant and animal debris (e.g. leaves, dust, and animal feces), pesticides, litter, and heavy metal. In

[43] Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Pane No. 06085C0243H.* Effective date May 18, 2009.

sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Currently, the project site consists of 158,408 square feet of impervious surface area and 104,118 square feet of pervious surface area. Runoff from the site flows untreated into storm drain inlets in the site vicinity, where it is conveyed to the City's storm drain system via a 12-inch diameter storm drain line in Union Avenue.

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, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to project site soils occurs, surface runoff that flows across the site may contain topsoil sediment that are ultimately discharged into the City storm drainage system. All ground disturbing demolition and construction activities that affect area equal to or greater than one acre must obtain coverage under the Construction General Permit, which is administered by the SWRCB. The project would disturb more than one acre of land, and therefore would be subject to the Construction General Permit.

In addition to the Construction General Permit, developments within San José must also comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions: Best management practices to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

The proposed project, with implementation of the standard permit conditions listed above and design features included in the project, would result in less than significant construction-related water quality impacts. **(Less than Significant Impact)**

Operational Impacts

The proposed project would not result in the conversion of permeable ground surface to impermeable ground surface. As discussed under checklist question c), the proposed project would result in the reduction of impermeable ground surface on-site by approximately 2,100 square feet. Because the project would remove and replace more than 10,000 square feet of impervious surface area; therefore, it would be subject to Provision C.3 of the MRP. This requires that the project incorporate site design, source control and runoff treatment controls to reduce the rates, volumes, and pollutant loads of runoff from the project. The following Best Management Practices reflect this requirement:

Best Management Practices: Consistent with the General Plan FEIR, the project will be required to implement the following measures:

- The proposed project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29;
- The project's Stormwater Control Plan and numeric sizing calculations shall be in conformance with City Policy 6-29;
- Final inspection and maintenance information on the post-construction treatment control measures shall be submitted prior to issuance of Public Works Clearance.

The project proposes landscaping in the form of a stormwater treatment planter to meet stormwater treatment requirements. The treatment area would be located along the southern site boundary to treat runoff from the building roofs and hardscape. This LID-based treatment measure has been sized in accordance with Provision C.3 standards. Bioretention areas and landscaping would not only remove pollutants from storm water, but also help to reduce post-construction runoff rates.

The 2040 General Plan FEIR (as amended) has determined that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on water quality. By implementing Best Management Practices for construction activities and complying with the requirements of the MRP, the proposed project would have a less than significant impact on post-construction water quality. **(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?

As described in Section 4.7 Geology and Soils, groundwater levels on-site are assumed to be greater than 45 feet bgs, and groundwater was not encountered in any test drill holes on-site. Groundwater levels can vary over time, and levels on-site may fluctuate due to seasonal conditions, rainfall, and irrigation practices. Development of the proposed project would include trenching and grading for utilities. Groundwater is not anticipated to be encountered during project implementation; however, if groundwater is encountered during excavation for utility lines, any necessary construction dewatering would follow local and regional requirements for safe transport and disposal of dewatered groundwater. Water discharge from construction dewatering is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB and the City's Environmental Services Division. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

The proposed project is located within the Santa Clara Plain groundwater basin, one of two groundwater basins within the City of San José Urban Growth Boundaries. Development on the site would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to Section 3.19, Utilities and Service Systems); however, this increase would be marginal and would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to one of Valley Water's 18 major groundwater recharge systems.[44] Therefore, development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(Less than Significant Impact)**

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

The proposed project would decrease the impervious surface area on-site by one percent from 158,408 square feet to 156,307 square feet, which would result in a slight decrease in stormwater runoff from the site. Because the project would increase pervious surfaces on-site due to landscaping, implementation of the proposed project would not substantially alter the drainage pattern of the project site or project area, nor would it alter the course of any waterway. The table below compares the existing and proposed pervious and impervious surfaces at the project site.

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

Table 4.10-1 Pervious and Impervious Surfaces On-Site						
Site Surface	**Existing/Pre-Construction (square feet)**	**Percent**	**Project/Post-Construction (S.F.)**	**Percent**	**Difference (S.F.)**	**Percent**
Impervious	158,408	60	156,307	59	-2,101	-1
Pervious	104,118	40	106,219	41	+2,101	+1
Total	262,526	--	262,526	--	--	
Source: CUHSD Site Planned Development Permit Stormwater Control Plan						

As discussed under Impact HYD-1, construction activities could result in temporary increase in stormwater pollutants during ground disturbing activities. The project applicant shall comply with the MRP and City Council Policy 6-29, removing pollutants and reducing the rate and volume of runoff from the site through post-construction Treatment Control Measures.

The proposed project is not located within a 100-year floodplain. As designated by the FEMA Flood Insurance Rate Map, the project site is located in a Flood Zone D, indicating an undetermined flood hazard. The project doesn't propose alteration of the course of a stream or river, actions which could potentially increase the risk of flooding on- or off-site. Standard conditions would be applied that will lower the rate and volume of stormwater runoff from the site to further reduce the risk of potential flood events.

Best Management Practices: In accordance with General Plan policies, the proposed project would be required to employ the following practices to reduce stormwater drainage impacts to a less than significant level:

- New development will be required to design and construct on-site storm drain systems meeting the City's 10-year storm event design standard (GP Policies IN-3.1 and IN-3.7). Applicants shall prepare drainage plans that define needed improvements in accordance with City standards and MRP requirements (GP Policies IN-3.9 and IN-3.10).

- Future projects shall be required to implement and maintain BMPs that facilitate the infiltration of water into the ground surface, reduce the rate and volume of runoff to the storm drain system, and minimize pollution in runoff.

Adherence to the Best Management Practices described above, as well as to the BMPs and Standard Permit Conditions listed under checklist question a), would ensure that the project reduces potential erosion and sedimentation during both construction and operation phases. Compliance with the MRP would ensure that stormwater flows generated at the project site would be reduced and treated to the maximum extent feasible using LID methods. In this manner, the proposed project would not result in significant storm drainage impacts. **(Less than Significant Impact)**

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

The project site is not located within a Special Flood Hazard Area as delineated by FEMA. The project site is located in Flood Zone D, which indicates an undetermined flood risk.

The project site is not located adjacent to any large bodies of water (i.e., the San Francisco Bay), nor is the project located within a designated tsunami inundation zone. The site is located on relatively flat terrain within an urban area of San José, and there are no nearby hillsides or steep embankments that could present a mudflow hazard.

The project site is located in the dam failure inundation area for the Lexington dam. While the project site is subject to inundation should the Lexington dam fail catastrophically, the California Department of Water Resources, Division of Safety of Dams (DSOD) reviews and annually inspects dams for potential failure due to a major seismic event. Dams are also inspected by Valley Water immediately following the occurrence of seismic activities to assess potential structural damage. While the potential inundation resulting from catastrophic dam failure could damage property and proposed structures on the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote. The General Plan FEIR concludes that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to significant risk of loss, injury or death. Therefore, dam failure inundation, and any subsequent pollutant release, is not considered a significant impact. **(Less than Significant Impact)**

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

Valley Water prepared a Groundwater Management Plan (GMP) for the Santa Clara Plain and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs, and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how Valley Water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara Plain subbasin has not been identified as a groundwater basin in a state of overdraft, as Valley Water actively manages the basin by recharging to avoid overdraft.

The project site is not located within, or adjacent to, a SCVWD groundwater recharge pond or facility.[45] Implementation of the proposed project would not interfere with any actions set forth by Valley Water in its GMP in regards to groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not conflict with or obstruct implementation of the GMP. **(Less than Significant Impact)**

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

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. The proposed project would be subject to the land use policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Land Use Policies

Policies	Description
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-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
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 to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

4.11.1.2 *Existing Conditions*

General Plan and Zoning

The project is located in an approximately six-acre section of an existing 12.12 gross-acre CUHSD site located at 3235 Union Avenue and 2223 Camden Avenue in the City of San José. The site is

currently developed with the closed Camden Community Day School to west end of the project site and CUHSD Administrative and Maintenance Office buildings scattered throughout at the east end of the site. The project site is designated *Residential Neighborhood- RN* under the San José Envision 2040 General Plan and is zoned *R-1-8 dwelling units per acre*.

Surrounding Uses

The project site is bordered by a single-family residential neighborhood to the north, CUHSD Corporation Yard to the west, CUHSD Administrative Offices to the east and a single family residential neighborhood, and the Camden Community Center & Recreational Park to the south. The project area contains a mix of land uses, including single-family residential, multi-family residential, retail, and institutional uses.

4.11.1.3 *Impact Discussion*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The proposed project would not result in the construction of any such dividing infrastructure. The project would be required to be consistent with the existing neighborhood character and, compared to the existing institutional uses, would complete the predominant neighborhood pattern. **(No 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 proposed project is subject to mitigation measures to minimize environmental impacts, including hazardous materials and biological resources impacts, and would be consistent with General Plan policies adopted to avoid or mitigate environmental effects as described in the individual resource sections of this Initial Study. For these reasons, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

4.12.1.2 *Existing Conditions*

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 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 SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation. There are no known mineral resources located on or adjacent to the project site.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

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

The project site does not contain any known or designated mineral resources. The only area designated by the SMARA as containing mineral deposits which are of regional significance is Communications Hill, which is located approximately 5 miles from the project site. The project,

therefore, would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not delineated in the General Plan or other land use plan as a locally important mineral resource recovery site. As a result, the project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

4.13 NOISE

The following discussion is based in part on a noise and vibration assessment prepared by Illingworth & Rodkin, Inc. on July 17, 2020 and revised on November 30, 2020. The report is included in this document in its entirety as Appendix E.

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.[46] 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.

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

[46] 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}.

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. There are established criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day). These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	**Occasional Events**	**Infrequent Events**
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

State

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.

State Building Code

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dBA DNL or CNEL[47] in any habitable room.

[47] DNL (or Ldn) stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.13-2, below. The City's Envision San José 2040 General Plan establishes an acceptable exterior noise level of 60 dBA DNL or less for residential and most institutional land uses, including schools. Outdoor sports and recreation areas and playgrounds are considered acceptable in noise environments of 65 dBA DNL or less.

Table 4.13-2: Land Use Compatibility Guidelines for Community Noise in San José

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

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

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

PM and 10:00 PM. Title 24 states that the determination of whether to apply DNL or CNEL should be consistent with the metric used in the noise element of the local general plan.

*Envision San José 2040 Relevant Noise Policies:*The following policies are applicable to the proposed project:

Policies	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan) Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.
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 continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

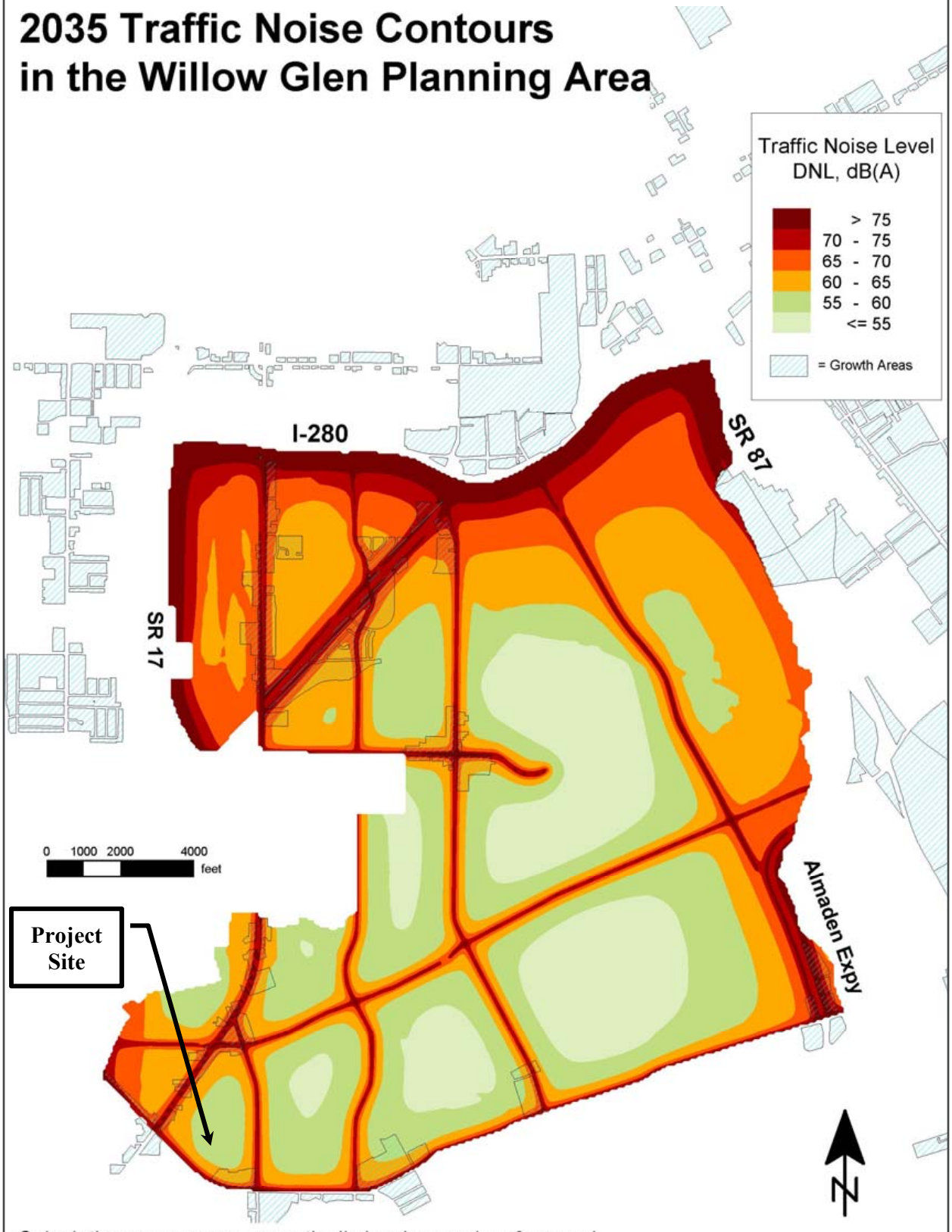
Municipal Code – Construction Standards

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

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

4.13.1.3 *Existing Conditions*

The project site is located on the north side of Camden Avenue, between Camden Avenue on the west and Union Avenue on the east. The project site is bordered by residential uses, by institutional uses of the Campbell Union High School District and Camden Community Center, and by Camden and Union Avenues.



Source: Illingworth & Rodkin, Inc., "Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment," December 2010.

TRAFFIC NOISE CONTOURS | FIGURE 4.13-1

4.13.2 Impact Discussion

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

Construction Noise Impacts

It is anticipated that construction of the project would take approximately 18-30 months[48], starting as early as summer of 2021 and completing by fall of 2023. Construction hours are also assumed to be 7:00 a.m. to 7:00 p.m. Monday through Friday. Construction activities generate considerable amounts of noise, especially during demolition and earth-moving activities when heavy equipment is used. The construction of the proposed project would involve demolition of existing structures, grading, excavation to lay foundations, trenching, building erection, and paving. The hauling of imported and exported soil and materials would generate truck trips on local roadways as well.

During each phase 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. Typical construction noise levels at 50 feet are shown in Table 4.13-3. Average noise levels are shown in ranges, by construction phase. Most construction noise falls with the range of 80 to 90 dBA at 50 feet from the source.

Noise sensitive residential land uses and the Camden Community Center are located to the immediate north and south of the project site. Ambient daytime noise levels in these areas are estimated to range

[48] In November 2020, the applicant provided a revised construction schedule that increased the length of the project and reduced the total equipment hours. The predicted noise levels continue to represent a credible worst-case scenario..

from 50 to 55 dBA L_{eq}. Construction noise levels are anticipated to be as much as 30 to 40 dBA above ambient noise levels when heavy construction is located immediately adjacent to sensitive land uses.

Ambient noise levels at the surrounding land uses would be substantially increased during various times throughout the duration of construction, which is estimated to be approximately 18 to 30 months. Per Policy EC-1.7 of the City's General Plan, the temporary construction impact would be significant because the project would involve substantial noise generating activities continuing for more than 12 months. The project will be required to comply with the City's standard permit conditions, which include measures to avoid or reduce short-term noise impacts associated with construction of the project.

Standard Permit Condition:

1. Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
    - Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses
    - Construct solid plywood fences around construction sites adjacent to operational business, 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 scree stationary noise-generating equipment when located near adjoining sensitive land uses.
    - Utilize "quiet" are 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 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 would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to current 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.
- 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 shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

With the implementation of the standard permit conditions listed above, the temporary construction noise impact would be reduced to a less than significant level. **(Less than Significant)**

Operational Noise Impacts

Project Generated Traffic Noise Impacts

For the proposed project, peak hour turning movements were provided for the three study intersections. Background plus project traffic volumes were compared to existing volumes to conservatively estimate the project's contribution to the permanent noise level increase. Upon comparison of these traffic conditions, a traffic noise increase of effectively zero dBA DNL was estimated for roadways serving the site due to the very small net increase in daily traffic relative to existing volumes on surrounding streets. Traffic noise increases are summarized in Table 4.13-3, below. The existing noise environment in the surrounding area would exceed 60 dBA DNL, based on the ambient noise measurements; therefore, a significant impact would occur if project-generated traffic would permanently increase noise levels by three dBA DNL. For reference, a three dBA DNL noise increase would be expected if the project would double existing traffic volumes along a roadway. The project would neither result in a doubling of traffic nor result in a permanent noise increase of three dBA DNL or more.

Table 4.13-3 Traffic Noise Increase Summary

Roadway	Segment	Existing PM Peak Hour Volume	Background Plus Project PM Peak Hour Volume	Relative Noise Level Increase, dBA DNL
Union Avenue	North of Foxworthy Avenue	1781	1783	0
	Foxworthy Avenue to Cambrianna Avenue	1578	1589	0
	Cambrianna Avenue to Camden Avenue	1551	1586	0
	South of Camden Avenue	1680	1782	0
Foxworthy Avenue	West of Union Avenue	451	460	0
	East of Union Avenue	924	924	0

Cambrianna Avenue	East of Union Avenue	211	211	0
Camden Avenue	West of Union Avenue	3106	3149	0
	East of Union Avenue	3381	3495	0
Source: Hexagon Transportation Consultants and Illingworth & Rodkin, Inc., June 2020.				

As discussed above, the project-generated traffic resulting from the proposed project would not result in a permanent noise level increase at the existing residential land uses in the project vicinity or adjacent community center and park. For this reason, the impact would be less than significant. **(Less than Significant Impact)**

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

Construction activities associated with the project would include demolition, site preparation, foundation work, and new building framing and finishing. Foundation construction techniques involving impact or vibratory pile driving, which can cause excessive vibration, are not anticipated as part of the project. Heavy vibration generating construction equipment, such as vibratory rollers or the dropping of heavy equipment (e.g., clam shovel drops), would have the potential to produce vibration levels of 0.08 in/sec PPV or more at historic buildings within 60 feet of the project site. This same equipment would have the potential to produce vibration levels of 0.2 in/sec PPV or more at buildings of normal conventional construction located within 30 feet of the project site. The vibration levels at nearby land uses associated with various types of construction equipment and vehicles are shown in Table 4.13-4 below.

Table 4.13-4 Construction Vibration Levels at Vicinity Buildings						
Equipment		**PPV (in/sec)**				
		Source Level (25 ft)	**North/South Residential (15 ft)**	**East CUHSD Office (215 ft)**	**South Community Center (340 ft)**	**West Residential[1] (400 ft)**
Clam shovel drop		0.202	**0.354**	0.019	0.011	0.010
Hydromill (slurry wall)	in soil	0.008	0.014	0.001	0.000	0.000
	in rock	0.017	0.030	0.002	0.001	0.001
Vibratory Roller		0.210	**0.368**	0.020	0.012	0.010
Hoe Ram		0.089	0.156	0.008	0.005	0.004
Large bulldozer		0.089	0.156	0.008	0.005	0.004
Caisson drilling		0.089	0.156	0.008	0.005	0.004
Loaded trucks		0.076	0.133	0.007	0.004	0.004
Jackhammer		0.035	0.061	0.003	0.002	0.002
Small bulldozer		0.003	0.005	0.000	0.000	0.000

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, FTA Report No. 0123, September 2018, as modified by Illingworth & Rodkin, Inc., July 2020.

Note 1: Represents receptors on the west side of Camden Avenue. CUHSD buildings west of the site will be removed and replaced with commercial land uses.

As described above, project-generated vibration levels would be capable of cosmetically damaging the adjacent residential buildings to the north and south, but would fall below the General Plan threshold of 0.2 in/sec PPV at other surrounding conventional buildings located 30 feet or more from the project site. Neither cosmetic, minor, or major damage would occur beyond a distance of 30 feet. At these locations, and in other surrounding areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration.

Impact NOI-1: Construction-related vibration levels could exceed 0.2 in/sec PPV at the neared buildings of conventional construction.

Mitigation Measures: The following measures shall be implemented to reduce the impact from construction - related vibration levels to less than significant

MM NOI-1.1: The following measures shall be implemented where vibration levels due to construction activities would exceed 0.2 in/sec PPV at nearby buildings to reduce the impact to a less-than-significant level:

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent commercial buildings. Only use the static compaction mode when compacting materials within 15 feet of residential buildings.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent residential buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare a confirmation plan that describes the notification process to neighboring property owners and tenants of scheduled construction activities. A copy of the notification plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.

Although the project would result in groundbourne vibration levels in excess of 0.2 in/sec PPV at the nearest conventional buildings, by use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby residences and businesses, perceptible vibration can be kept to a minimum. For these reasons, with the implementation of MM NOI-1.1, the proposed project would not result in a significant impact due to excessive groundbourne vibration or noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

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 six miles north of the project site. The project site lies well outside the 60 dBA CNEL 2037 noise contour of the airport, according to the City's new Airport Master Plan EIR certified in April 2020. This means that future exterior noise levels due to aircraft from Norman Y. Mineta San José International Airport are compatible with the proposed project. **(Less than Significant Impact)**

4.13.2.2 *Non-CEQA Effects*

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

The future noise environment at the project site would continue to result primarily from vehicular traffic along Camden Avenue and Union Avenue; however, noise levels are not projected to measurably increase along these roadways by 2035. Therefore, unattenuated traffic noise levels are calculated to reach 60 dBA DNL at the western boundary of the site and 57 dBA DNL at the eastern boundary of the site. These estimates agree with the General Plan noise contour information that indicate that noise levels at boundaries of the site nearest to Camden Avenue and Union Avenue typically range from 60 to 65 dBA DNL, and noise levels on the interior portion of the site range from 55 to 60 dBA DNL.[49]

As described above, the noise environment at the site is anticipated to be 60 dBA DNL or less. Noise levels are not anticipated to exceed 60 dBA DNL at proposed exterior use areas, which would be acoustically shielded by perimeter noise barriers, and the proposed land use would be considered 'normally acceptable' with the future noise environment.

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction assuming the windows are partially open for ventilation. Therefore, interior noise levels would achieve the 45 dBA DNL interior noise level threshold without additional noise insulation.

In addition, the project would incorporate the following measures to maintain the interior noise standard for residential development in City of San José:

- 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.

[49] City of San José, "Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment," Appendix C - Figure 16, December 2010.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.[50] The City of San José Housing Element and related land use policies were last updated in January of 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[51]

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

4.14.1.2 *Existing Conditions*

Based on California Department of Finance estimates for 2019, San José had a population of 1,043,058 persons and 335,887 households, with an average of 3.20 persons per household.[52] According to the City's General Plan, the projected population in 2035 will be 1.3 million persons with 429,350 households. To meet the current and projected housing needs in the City, the General Plan identifies areas to accommodate 120,000 new dwelling units by 2040.

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[50] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed August 7, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml.

[51] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed August 7, 2019.

[52] State of California Department of Finance. *E-5 City/County Population and Housing Estimates.* May 29, 2018. Accessed June 22, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

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

4.14.1.3 *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)?

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

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

The proposed project is consistent with the site's General Plan designation of *Residential Neighborhood- RN*. Full buildout of the General Plan would result in a total of 120,000 new residential units citywide. The addition of the 40 proposed residential units represents a 0.002 percent increase in the number of units planned in the City's General Plan for 2040. The proposed 40 single-family units and 17 ADU's would generate approximately 128 new residents, which equates to 0.002 percent of the increase in residential population anticipated from buildout of the General Plan through 2035.[53]

The project's 0.002 percent increase in population is not substantial given the overall population growth projected within San José and construction of the proposed project would not result in unplanned growth. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

[53] Number of residents estimated based on an average household size of 3.2 persons. City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR.* September 2011. Page 787, 779.

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

There are no existing residents or housing units on-site, therefore, the proposed project would not displace housing or residents. Thus, the proposed project would not necessitate the construction of replacement housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 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]).

Regional and Local

Countywide Trails Master Plan

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.

Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-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-1.3	Provide 500 SF per 1,000 population of community center space.
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.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. There are 34 active fire stations in the City. The closest fire station to the project site is Station 9, located at 3410 Ross Avenue, approximately 0.8 miles east of the project site.

Police Protection Services

Police protection services for the project area are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street, approximately six miles north of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from the SJPD Headquarters. As of 2019, the SJPD employed 908 full-duty, sworn officers and a total of 1,691 authorized sworn and non-sworn positions.[54]

Schools

The project site is located in the Cambrian School District (CSD) and the Campbell Union High School District (CUHSD). Students residing within the project site would attend Farnham Elementary School (0.6 miles southwest of the site), Ida Price Middle School (0.6 miles northeast of the site), and Branham High School (two miles southeast of the site). According to the CSD master

[54] City of San José. *Annual Report on City Services 2018-19.* December 2019.

plan for the 2014-2024 period, all five district schools are operating at full capacity, with steady growth projected in the K-8 student population.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[55] Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The closest parks to the project site include Houge Park, located approximately 0.6 miles southwest of the site at the intersection of Twilight Drive & White Oaks Avenue, and Butcher Dog Park, located approximately 0.9 miles southeast of the project site at 3900 Camden Avenue.

Other Public Facilities

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Cambrian Branch Library, located 1.1 miles east of the project site at 1780 Hillsdale Avenue. The nearest community center is the Camden Community Center, located directly south of the project site at 3369 Union Avenue.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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?	☐	☐	☒	☐

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

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 incrementally increase the demand for fire protection services in the area. While there would be increased demand placed on the SJFD, the site is already within the SJFD's service area and in proximity to existing fire stations. Additionally, the proposed residences would be required to constructed in a fire-safe manner in accordance with current building codes. For these reasons, the project would not require new or expanded fire protection facilities **(Less than Significant Impact)**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

The proposed project would result in new residential development that would incrementally increase the demand placed on the SJPD for police protection services. While there would be greater demand on the SJPD, the residential development would occur within the existing service area of the SJPD would not warrant the expansion or construction of police facilities. The proposed project would be constructed in accordance with building codes and maintained in accordance with City policies, such as General Plan Policy ES-3.9 to promote public and property safety. For these reasons, the proposed project would not result in a significant impact to police protection services. **(Less than Significant Impact)**

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?

The project proposes the construction of 40 residential units. Using the CSD student generation rate (SGR) of 0.32 students per dwelling unit, the proposed development would generate approximately 13 new students.[56,57], based on the assumption of 40 single-family housing (the 17 ADUs are studio units and assumed to have no school age children). As previously, school enrollment is projected to increase slightly, however, the project would not result in unplanned growth within the CSD area. Given the consistency with planned growth in student yield in the project area, increasing the student population by approximately 13 students would not require the construction of new schools.

In accordance with California Government Code Section 65996, the project would be required to pay

[56] 0.32 (SGR) x 40 dwelling units = 12.8 students total
[57] Cambrian School District. *Facilities Master Plan 2014*.

a school impact fee to the SJUSD to offset the increased demands on school facilities caused by the project. Payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. Therefore, the proposed project would have a less than significant impact on school facilities. **(Less than Significant Impact)**

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?

It is expected that future residents of the site would use existing parks in the area. Development proposed by the project would be required to comply with the PDO/PIO to offset any increased demand for parks and recreational facilities (see Section 4.16 Recreation) by payment of in lieu parkland impact fees. As a result, the project's impact on parks would be less than significant. **(Less than Significant Impact)**

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?

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

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

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.

Senate Bill 13

In January 1, 2020 SB13 amended the Government Code to revise the requirements placed on the construction of accessory dwelling units (ADUs). As part of SB13, local agencies are prohibited from imposing an impact fee upon ADUs less 750 square feet in size.

Local

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

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

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[58] The City also manages 51 community centers, 17 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 57.5 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The closest parks to the project site include Houge Park, located approximately 0.6 miles southwest of the site at the intersection of Twilight Drive & White Oaks Avenue; Butcher Dog Park, located approximately 0.9 miles southeast of the project site at 3900 Camden Avenue; and the Los Gatos Creek County Park, located approximately 0.9 miles west of the project site at 1250 Dell Avenue. The Los Gatos Creek Trail, accessible from the Los Gatos Creek County Park, provides bicycle and pedestrian access to local and regional open space, including Vasona Lake County Park, and Lexington Reservoir County Park. The nearest community center is the Camden Community Center, located directly south of the project site at 3369 Union Avenue.

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?

Residents on-site would incrementally increase the demand on existing parks and other recreational facilities. As discussed in Section 4.15 Public Services, proposed development is required to comply with the City's PDO/PIO through payment of in lieu park fees to offset its demands on existing park and other recreational facilities. For this reason, the project would not result in a substantial physical deterioration of park and recreational facilities. **(Less than Significant Impact)**

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

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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

4.17 TRANSPORTATION

The following discussion is based on a Transportation Analysis produced for the project by *Hexagon Transportation Consultants, Inc*., dated June 9, 2020.[59] The entire report is included in Appendix F.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

The Metropolitan Transportation Committee (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 the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions are required 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.

Regional

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management 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.

[59] The Transportation Analysis evaluated a total of 39 single-family homes and 24 accessory dwelling units (ADUs), compared to the proposed project's 40 single-family homes and 17 ADUs. The conclusions of the Transportation Analysis, however, would remain the same for either unit count as the difference is minimal.

Local

Transportation Analysis Policy (San José City Council Policy 5-1)

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

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are:

1. Small infill projects;
2. Local-serving retail;
3. Local-serving public facilities;
4. Transit supportive projects in Planned Growth Areas with low VMT and high-quality transit;
5. Restricted affordable, transit supportive residential projects in Planned Growth Areas with high quality transit;
6. Transportation projects that reduce or do not increase VMT.

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

Envision San José 2040 General Plan

The following General Plan policies relate to the transportation impacts of the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy CD – 2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate. a. 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. b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies. d. Locate retail and other active uses at the street level. e. Create easily identifiable and accessible building entrances located on street frontages or paseos. f. Accommodate the physical needs of elderly populations and persons with disabilities. g. Integrate existing or proposed transit stops into project designs.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD -3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
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. • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-

5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.

- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

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-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
Policy TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
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 TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Action TR-8.12	As part of the entitlement process, consider opportunities to reduce the number of parking spaces through shared parking, TDM actions, and parking pricing or other measures which can reduce parking demand. Consider the use of reserve landscaped open space or recreational areas that can be used on a short-term basis to provide parking or converted to formal parking in the future if necessary.

San José Bike Plan 2020

The San José Bike Plan 2020 also known as the Bicycle Master Plan, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Bike Plan 2020 defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways. The City of San Jose is currently drafting a new bike plan called "Better Bike Plan 2025"[60] which will replace "Bike Plan 2020" when completed and approved by Council in spring 2020.

[60] San Jose Better Bike Plan 2025. Available at https://www.bikesanjose.com/. Accessed July 6, 2020

4.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project area is provided via SR 17 and SR 85. Local access to the project site is provided via Comden Avenue, Foxworthy Avenue, and Union Avenue. The San José General Plan classifies SR 17 and SR 85 as freeways, Camden Avenue as a grand boulevard, Foxworthy Avenue as a local connector street, and Union Avenue as a city connector street. These facilities are described below.

SR 17 is generally a six-lane freeway in the vicinity of the site. SR 17 extends south to Santa Crus and north to I-280, at which point it makes a transition into I-880 to Oakland. Access to and from the project are is provided via a full interchange at Camden Avenue/San Tomas Expressway.

SR 85 is predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San José, terminating in US 101. SR 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to I-280, SR 17, SR 87, and US 101. SR 85 provides access to the project site via interchanges at Union Avenue and S. Bascom Avenue.

Camden Avenue is a four- to six-lane northwesterly-southwesterly divided roadway that runs through south San José. Camden Avenue becomes San Tomas Expressway at its interchange with SR 17. In the project vicinity, Camden Avenue includes sidewalks on both sides of the street and has a posted speed limit of 40 miles per hour (mph).

Foxworthy Avenue is an east/west two-lane undivided roadway. It extends from Pearl Avenue in the east to Bascom Avenue in the west. In the project vicinity, Foxworthy Avenue includes sidewalks and on-street parking on both sides of the street and has a posted speed limit of 30 mph. Foxworthy Avenue provides access to the project site via Union Avenue.

Union Avenue is a two- to four-land north/south roadway with a two-way left-turn lane. It extends from Campbell Avenue in the north to Blossom Hill Road in the south. In the project vicinity, Union Avenue includes sidewalks and bicycle lanes to both sides of the street and has a posted speed limit of 35 mph. Union Avenue provides direct access to the project site.

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks along the network of public streets. Crosswalks with pedestrian signal heads, push buttons, and curb ramps are located at the signalized intersections in the study area. There is also an existing pedestrian crosswalk with Rectangular Rapid Flashing Beacons (RRFB) crossing the south leg of the Union Avenue and Cambrianna Drive/Project Driveway intersection. The existing network of sidewalks provides good connectivity for pedestrians.

Bicycle Facilities

Existing bicycle facilities in the project vicinity consist of bicycle lanes on some nearby streets. Bicycle lanes are lanes on roadways designed for use by bicycles with special lane markings, pavement legends, and signage.

Bike lanes currently exist on the roadway segments listed below and shown on Figure 4.17-1.

- Union Avenue, from Bascom Avenue to Los Gatos Almaden Road
- Curtner Avenue, from Monterey Road to Joseph Avenue
- Leigh Avenue, from Curtner Avenue to Blossom Hill Road

In addition to the bicycle facilities described above, the neighborhood streets that surround the project area have low speeds and low vehicular volume, which make them conducive to bicycle traffic.

Los Gatos Creek Trail

The Los Gatos Creek Trail is a multi-use trail located approximately 0.7-miles west of the project site. The Los Gatos Creek Trail runs north-south and is classifies as a Class I facility. The nearest access point to the Los Gatos Creek Trail from the project sire is west of SR17 near the interchange at Camden Avenue/San Tomas Expressway. However, there is not a continuous bicycle route from the project site to the trail.

Transit Facilities

Existing transit service near the project site is provided by the Santa Clara Valley Transportation Authority (VTA) (see Figure 4.17-2). Within the project vicinity, there are VTA bus stops located near the intersections of Union Avenue/Camden Avenue, Union Avenue/Curtner Avenue, Bascom Avenue/Curtner Avenue, and Bascom Avenue/Camden Avenue. The VTA bus routes within the project vicinity and their headways are summarized in Table 4.17-1, below. In addition to the VTA bus stops located near the project site, there is a VTA Light Rail Station less than 2 miles from the project site. The Winchester Light Rail Station is located on Winchester Boulevard, north of San Tomas Expressway. Local Bus Route 37 and Express Route 101 include stops near the project site and at the Winchester Light Rail Station. Frequent Bus Route 61 includes stops near the project site on Bascom Avenue at Curtner Avenue, and on Union Avenue at Camden Avenue and Cambrianna Drive.

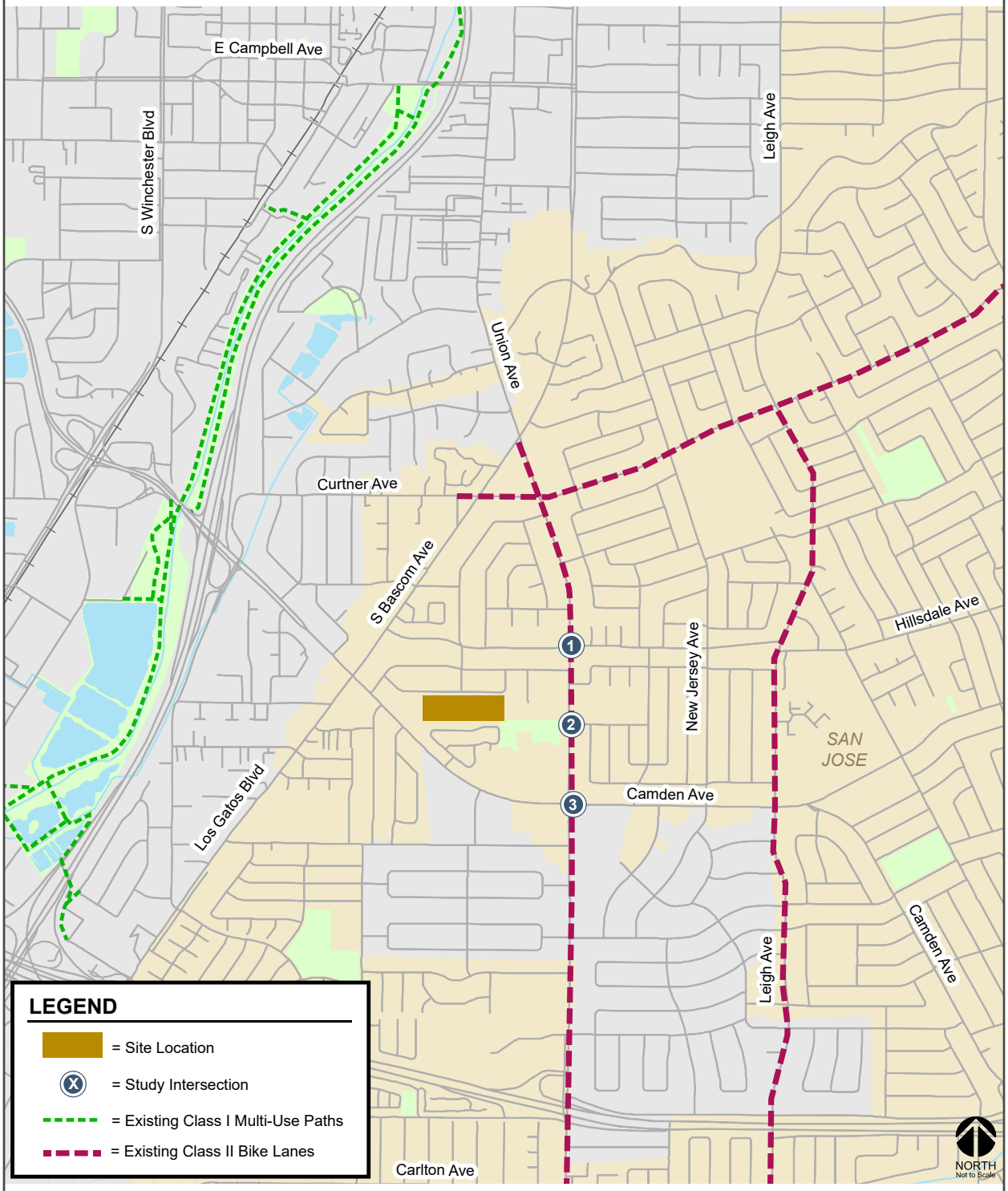
Table 4.17-1 Existing Bus Routes

Bus Route	Route Description	Headway[1]
Frequent Bus Route 26	West Valley College – Eastridge	15
Local Bus Route 37	West Valley College to Capitol Light Rail Station	60
Frequent Bus Route 61	Good Samaritan Hospital to Sierra Boulevard & Piedmont Avenue via Bascom Avenue	30
Express Route 101	Camden Avenue & SR 85 to Palo Alto	60[2]

Notes

[1] Approximate headway, in minutes, during peak weekday commute periods

[2] During the week, Express Route 101 has to northbound runs between 6:00 AM and 9:00 AM and two southbound runs between 4:00 PM and 7:00 PM



Source: Hexagon Transportation Consultants, Inc., June 9, 2020.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

Source: Hexagon Transportation Consultants, Inc., June 9, 2020.

EXISTING TRANSIT SERVICES | FIGURE 4.17-2

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?

Transit Facilities Impacts

Due to the proximity of the project site to bus stops, it is reasonably assumed that some residents would utilize local transit services. This would result in a marginal increase in demand for project area transit facilities. However, it is estimated that the minimally increased transit demand generated by the proposed project would be accommodated by the currently available ridership capacities of the transit services within the project area. **(Less than Significant Impact)**

Pedestrian and Bicycle Facilities Impacts

The continuous network of sidewalks and crosswalks in the study area exhibits good connectivity and would provide residents with safe routes to transit stops and other points of interest in the project area. Marked crosswalks are provided with pedestrian signal heads across all legs of the signalized intersections in the surrounding area. The nearby intersections have ADA compliant curb ramps with truncated domes. Truncated domes are the standard design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. There is also a pedestrian crosswalk with Rectangular Rapid Flashing Beacons (RRFB) crossing Union Avenue near Cambrianna Drive.

Since the proposed private street terminates in a cul-de-sac, there will be no cut-through traffic on-site. The internal street onsite would have low volumes, which is conducive to bicycle riding. 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)**

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

VMT Methodology

The proposed project's VMT was estimated using the procedures set forth by the City's Transportation Analysis Policy (Council Policy 5-1). The project's VMT was compared to the appropriate thresholds of significance based on the project location and land use type. For residential development, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita. The project's VMT is then compared to the VMT thresholds of significance established based on the average area VMT. For instance, a project located in a downtown area is expected to have a VMT lower than the area average VMT, while a project located in a suburban area is expected to generate project VMT higher than the average aera VMT.

As established in Council Policy 5-1, the VMT impact thresholds are 15 percent below the citywide average for residential developments. Therefore, projects that include residential uses are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average VMT is 11.91 per capita. The resulting significant impact threshold is 10.12 VMT per capita.

VMT Analysis

The proposed residential use does not meet the screening criteria set forth in the City's *Transportation Analysis Handbook*. As a result, the standard VMT impact analysis was conducted for the project. Project VMT was calculated for the proposed project using the City's VMT Evaluation Tool, which calculates VMT based on the project location, type of development, and project description. The resulting VMT estimate for the project is 9.46 VMT per capita. The project VMT, therefore, is below the significant impact threshold 10.12 VMT per capita. For this reason, the proposed 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)?

As proposed, the existing driveway on Union Avenue would continue to provide vehicular access to the project site. The driveway would be shared with remaining Campbell Union High School District offices. The driveway would comply with City Department of Transportation Geometric Design Guidelines which mandate a 26-foot driveway width for vehicular egress and ingress. The existing driveway has a width of 26 feet. On-site vehicular circulation and parking layout are consistent with generally accepted traffic engineering standards and transportation planning principles. The site plan configuration indicates adequate site access would be provided for all compatible uses, including passenger vehicles and single unit trucks of the type used for delivery, emergency response, and garbage disposal services. Based on field observations, there is adequate sight distance at the project driveway. For these reasons, the proposed project would not substantially increase hazards due to geometric design features, or incompatible uses on-site. **(No Impact)**

d) Would the project result in inadequate emergency access?

As described above, the proposed project would provide sufficient access to the site by way of the 26-foot-wide driveway on Union Avenue. The project site plan was reviewed for truck access, and it was determined that emergency vehicles would be able to reach all residential units. The project would connect to Camden Avenue through an emergency vehicle access driveway that would be gated at the project's western boundary. The proposed project would be in compliance with the SJFD requirement that all portions of buildings would be within 150 feet of a fire department access road, and would maintain a six-foot clearance requirement from the property line along all sides of buildings. For these reasons, the proposed project would not result in inadequate emergency vehicle access. **(No Impact)**

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

Local

Envision San José 2040 General Plan

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

Envision San José 2040 Tribal Cultural Resources Policies

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

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

4.18.1.2 *Existing Conditions*

The project site is developed with the offices and corporation yard of the CUHSD. The project site is not considered archaeologically sensitive or culturally sensitive, and is not located in close proximity to any prehistoric or historic archaeological site. No known tribal cultural resources occur on-site.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a 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)?

No tribal cultural resources, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

AB 52 requires lead agencies to complete 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.

Based on available data, there are no recorded tribal cultural objects in the project area. Therefore, the proposed project would have no impact on tribal cultural resources. **(No 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 to Question a). **(No Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Assembly Bill 341

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

Assembly Bill 1826

AB 1826 establishes a requirement for the recycling of commercial organic waste. This law expands on mandatory recycling established by AB 341 by requiring contracts or work agreements for the recycling of organic waste generated in excess of four cubic yards annually, or two cubic yards with specified determination. AB 1826 also requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by business and multi-family residential swellings that consist of five or more units.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets

and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing 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 the following mandatory set of measures, as well as more rigorous voluntary guidelines, 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 occupants.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the utilities and services policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.

Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

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

Private Sector Green Building Policy [6-32]

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

Construction and Demolition Diversion Program [Municipal Code Section 9.10 Part 15]

CDD is the City of San José's Construction & Demolition Diversion Program. To encourage debris diversion from landfills, the city collects a deposit from all building permit applicants. This deposit is refunded in full with documentation of successful waste diversion or recovery, which can be achieved by hauling all waste to a CDD-Certified facility, material re-use or donation, or a combination of these approaches.

The City of San José Municipal Code Section 9.10 Part 15 establishes the CDD program. Section 9.10.2480 stipulates that for all building permit applications filed after January 1, 2013 a 75 percent diversion level is required. Notwithstanding any provisions to the contrary, a building permit applicant with a documented California Green Building Standards Code construction waste management plan will be compliant with this provision.

4.19.1.2 *Existing Conditions*

The approximately six-acre project site is currently developed as a corporation yard for the CUHSD and is situated within a larger approximately 12-acre site which also contains CUHSD offices. The site contains two single-single story maintenance buildings totaling approximately 22,000 square feet, a paved driveway and parking lot, equipment storage areas, and a cell tower. The site is served by existing water, electric, gas, stormwater, and wastewater utility infrastructure.

Water Service

Water service to the project site is provided by the San José Water Company (SJWC). The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water and local surface water. Approximately 55 percent of SJWC's water supply is purchased from Valley Water, 37 percent is pumped from local groundwater aquifers, and eight percent comes from local surface water sources. According to the SJWC's UWMP, total water demand within its service area is expected to increase to 47,144 million gallons in 2020 and 49,561 million gallons in 2025. Forecasted increases in water demand are based on the Association of Bay Area Governments (ABAG) population projections for the City of San José.

The project site is currently occupied by maintenance buildings and storage facilities with paved parking areas. The existing water demand of the development on-site is approximately 1,124,200 gallons per year, or 3,080 gallons per day as shown in Table 4.19-1 below.

Table 4.19-1: Water Use of Existing Development

Existing Use	Size	Total Water Use (gallons/year)[1]
Maintenance Buildings[2]	22,000 square feet	1,124,200

1Water use is calculated for indoor use only.
2 Maintenance facility use analyzed as "Auto Repair".
Source: Harvie, Nicole. City of San José. "Fwd: Online Form Submittal: Contact Environmental Services" E-mail to David J. Powers and Associates, Inc. February 26, 2018.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry

weather flow, with the City allocated approximately 110 mgd of existing capacity.[61] The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands. [62]

Wastewater from the project site is conveyed to the City's sewer system via six-inch diameter gravity mains in Union Avenue and Camden Avenue.[63] Using the previously calculated values for water demand of existing uses, the site currently generates approximately 2,618 gallons of wastewater per day.[64]

Storm Drainage

The project site is located within an urbanized area served by an existing storm drainage system. The existing site conditions include 158,408 square feet of impervious surface area and 104,118 square feet of pervious surface area. Runoff from the site flows untreated into storm drain inlets in the site vicinity, where it is conveyed to the City's storm drain system via a 36-inch diameter storm drain line in Union Avenue, and a 21-inch diameter storm drain line in Camden Avenue.[65] Stormwater from the site outfalls to Los Gatos Creek approximately 1.5 miles north of the project site, where it travels downstream to its confluence with the Guadalupe River, and eventually is discharged to the San Francisco Bay.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.[66] The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.[67] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. Through an agreement with the International Disposal Corporation of California, municipal solid waste that is not diverted through recycling or composting must go to Newby Island Landfill.

The existing buildings on the project site are estimated to generate 27.28 tons of solid waste per year.[68] According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.[69] In 2019 the Newby Island Landfill had an approximate remaining capacity of 14.6 million cubic yards, and is projected to operate until 2041[70]

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[61] San José-Santa Clara Regional Wastewater Facility, 2017. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility. Accessed July 29, 2020.
[62] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[63] City of San José. "Utility Viewer". https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1 Accessed July 29, 2020.
[64] Based upon the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85% of total water usage.
[65] City of San José. "Utility Viewer". Accessed July 29, 2020. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1
[66] City of San José. *2040 General Plan FEIR.* September 2011.
[67] City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.
[68] CalEEMod. Table 10.1 Solid Waste Disposal Rates. September 2016. Land use analyzed as "General Light Industry".
[69] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[70] North, Daniel. General Manager, Republic Services. Personal Communication. November 14, 2019.

4.19.2 Impact Discussion

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

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

The 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.

Water Facilities

The project would be served by existing potable and irrigation water service providers (SJWC), as is discussed under Impact UTL-2, below. Existing water lines in Union Avenue and Camden Avenue would serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The project

would comply with all applicable Public Works requirements to ensure water mains would have the capacity for water and fire flows required by the proposed project. For these reasons, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. **(Less than Significant Impact)**

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system and sanitary sewer line in Camden Avenue and Union Avenue. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sanitary sewer service and wastewater as required by the proposed project. The 2040 General Plan FEIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project. No relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. The proposed project does not include the construction of any additional sewer mains or sewer lines, aside from lateral connections to existing mains. Installation of sanitary sewer laterals for the new buildings would occur during grading of the site and would result in minimal impacts. **(Less than Significant Impact)**

Storm Drainage

Future redevelopment of the site would comply with the MRP which requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and storm water treatment features, known as BMPs as discussed earlier in Section 3.10 Hydrology and Water Quality. Further, compliance with the City of San José Policy Post-Construction Urban Runoff Management [6-29], would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. Development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. Installation of storm sewer laterals for the site areas would occur during grading of the site and would result in minimal impacts. For these reasons, no new storm water treatment or disposal facilities would need to be constructed to accommodate the proposed project. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

Existing utility lines would be utilized by the project for electric power and natural gas services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. Therefore, the proposed project would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

San José Water Company provides water to the project area. Their most recent UWMP (adopted in July 2016 by the SJWC Board) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.[71]

The project proposes redevelopment of a six-acre site with two existing maintenance buildings and storage buildings with 40 detached single-family homes and 17 ADUs. The proposed residences would accommodate approximately 128 residents. Using the City of San José Municipal Water System Specific Building water use rates for a "Single-family residence" land use, the proposed project would have a gross water demand of approximately 12,856 gallons per day.[72] Compared to existing conditions, this amounts to a net increase in water demand of 9,776 gallons per day.[73]

SJWC's 2015 estimates demand for potable and raw water within its service area to increase steadily through 2040 to a total of 52,486 acre-feet.[74] The net water demand of the proposed project would amount to a fraction of projected demand increases in the SJWC service area through 2040, and given the proposed units are consistent with the site's General Plan land use designation, and the UWMP was based on projected growth in San Jose according to the City's General Plan (among other areas served by SJWC), the project's water demand has been encompassed within the SJWC UWMP.

The SJWC's 2015 UWMP recognizes that there would be water supply deficiencies during single-dry and multiple-dry scenarios upon General Plan buildout; however, water shortage contingency actions such as short-term water use reductions, water recycling, storm water capture and reuse, and conservation will allow the SJWC to meet projected demands in its service area. For this reason, and those listed above, the SJWC would have sufficient water supplies to supply the proposed project during normal, dry, and multiple dry years. **(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?

The RWF currently has an excess capacity of 38.8 mgd of dry weather flow available to service the City of San José. Planned build out under the General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would not exceed the capacity of the RWF. The 40 single-family residences and 17 ADUs proposed by the project would have a gross wastewater demand of approximately 10,928 gallons per day.[75] Compared to existing conditions, this amounts to a net increase in wastewater demand of 8,310 gallons per day. The wastewater demands of the proposed project

[71] City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.
[72] 250 gallons per unit per day x 40 units and 136 gallons per unit per day x 21 units.
[73] Harvie, Nicole. City of San José. "Fwd: Online Form Submittal: Contact Environmental Services" E-mail to David J. Powers and Associates, Inc. February 26, 2018.
[74] For reference, one acre-foot is equivalent to 325,851 gallons.
[75] (250 gallons per unit per day x 40 units) x 0.85 = 8,500 gallons per day

would not result in an exceedance of wastewater treatment capacity at the RWF. Increased demand at the RWF created by planned development under the General Plan is expected and accounted for in long term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the 2040 General Plan FEIR, SEIR, and Addenda thereto; therefore, the proposed project would not result in an unanticipated increase in wastewater treatment requirements at the RWF.

The construction of new wastewater treatment facilities would not be required as a result of the proposed project. Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently below capacity.

The projected wastewater demand of the project, by itself, would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant's service boundaries. The treatment capacity of the RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments. **(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?

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[76] The General Plan FEIR, SEIR, and Addenda thereto determined that the increase in waste generated by build out of the General Plan would not result in an exceedance of capacity at existing landfills serving the city.

The proposed residences would generate solid waste at a rate of approximately 53.8 tons of solid waste per year.[77] When compared to the existing conditions, the project would result in a net increase of approximately 26.5 tons per year. The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The proposed project would be required to meet the City's diversion goals of 75 percent waste reduction post-2013 and zero waste by 2022. The project would be required to conform to City plans and policies to reduce solid waste generation and would be served by the Newby Island Landfill which, as described in Existing Conditions, has adequate capacity. For these reasons, the project would have a less than significant impact on solid waste disposal and landfill facilities. **(Less Than Significant Impact)**

[76] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[77] CalEEMod. Table 10.1 Solid Waste Disposal Rates. September 2016. Land use analyzed as "Single-family housing Santa Clara County" (.42 tons/resident/yr x 40 units)

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 support the goals of the Zero Waste Strategic Plan by complying with the City's Construction and Demolition Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills) and providing readily accessible areas for recycling that serve all of the buildings on-site. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the proposed project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 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. [78] **(No Impact)**

[78] CalFire. *Very High Fire Hazard Severity Zones in LRA Santa Clara County*. Map. October 8, 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?

The project could result in impacts to buried cultural resources, should they be discovered on site. The project could also result in impacts to migratory birds if they are present in trees located on or immediately adjacent to the project site. With the implementation of the mitigation and avoidance measures and standard permit conditions included in the project and described in Section 4.4 Biological Resources and Section 4.5 Cultural Resources, the proposed project would not result in significant environmental impacts to biological or cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

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

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

The project would not impact agricultural, forestry, land use, mineral, population and housing, or recreational resources. Therefore, the project would not contribute to cumulative impacts to these resources.

There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic and noise and vibration impacts.

The project's geology and soils, hazardous materials, and hydrology and water quality impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the project would marginally contribute to global GHG emissions, by definition. As discussed in Section 4.8 Greenhouse Gas Emissions, the project's GHG emissions would have a less than significant (cumulative) GHG impact.

The project would emit criteria air pollutants and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution is largely a cumulative impact. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Section 4.3 Air Quality, the project would have a less than significant impact on air quality. For this reason, the project would have a less than significant cumulative impact on air quality overall. **(Less than Significant Impact)**

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

With the implementation of standard measures and procedures described in this Initial Study, the proposed project would not result in substantial adverse effects on human beings. **Less Than Significant Impact)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

2017 CAP	Bay Area 2017 Clean Air Plan
ABAG	Association of Bay Area Governments
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ADU	Accessory dwelling unit
AIA	Airport Influence Air
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
Btu	British Thermal Unit
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbons
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CPS-SLIC	Statewide Cleanup Program Sites SLIC
CRHR	California Register of Historical Resources
CUHSD	Campbell Union High School District

dBA	A-weighted decibel
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FMMP	California Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHGs	Greenhouse Gases
GWh	Gigawatt Hour
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFCs	Hydrofluorocarbons
LBP	Lead-Based Paint
LID	Low Impact Development
LOS	Level of Service
LUST	Leaky Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Committee
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NOD	Notice of Determination
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
O_3	Ozone
OPR	Office of Planning and Research
PCB	Polychlorinated biphenyls
PCE	Perchloroethylene
PDAs	Priority Development Areas
PFCs	Perfluorocarbons

PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
$PM_{2.5}$	Fine Particulate Matter
PPV	Peak Particle Velocity
RHNA	Regional Housing Needs Allocation
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
RWQCB	Regional Water Quality Control Board
SF_6	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SJCE	San Jose Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Company
SO_x	Sulfur Oxides
SR	State Route
SVE	Soil vapor extraction
SWRCB	State Water Resource Control Board
TAC	Toxic Air Contaminant
TCE	Trichloroethane
TCR	Tribal Cultural Resource
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
Valley Water	Santa Clara Valley Water District
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
VTA	Santa Clara Valley Transportation Authority
ZNE	Zero Net Carbon Emissions