Draft Environmental Impact Report

Cambrian Park Mixed-Use Village

File Nos. PDC17-040 and PD20-007

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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ENVIRONMENTAL CONSULTANTS & PLANNERS

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SUMMARY

The City of San Jose, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Cambrian Park Mixed-Use Village project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As the CEQA Lead Agency for this project, the City of San Jose is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

Summary of the Project

The 18.1-gross acre project site is located within an unincorporated area of Santa Clara County. The site is currently developed with an existing retail shopping center and surface parking lots, with multiple storefronts located within a central single-story building, and additional retail businesses located within separate single-story buildings along the street frontage. Implementation of the proposed project would annex the site to the City of San José and redevelop the entire site with a commercial/ residential mixed-use neighborhood community containing general commercial uses, a hotel, an assisted living facility (with office use option), podium cluster apartments, townhouse units, single family homes, a town square and several public park spaces. The intent of the project is to create an urban village in accordance with the City's Envision San José 2040 General Plan and to comply with the City's Signature Project goals and requirements.

Summary of Significant Impacts and Mitigation Measures

The following table is a brief summary of the significant environmental impacts of the project and project alternatives identified and discussed in the EIR, and the mitigation measures proposed to avoid or reduce those impacts.

The proposed project, with implementation of identified mitigation measures, would not result in any significant and unavoidable impacts. Refer to the main body of the EIR for detailed discussions of the existing setting, impacts, and mitigation measures.

Summary of Impacts and Mitigation Measures		
Impact	**Mitigation Measures**	**Significance After Mitigation**
Air Quality		
Impact AIR-1: Project construction could result in significant fugitive dust (DPM and PM_{10}) emissions. **(Significant Impact)**	**MM-AIR-1.1:** Prior to the issuance of any demolition or grading permits, a qualified air quality consultant shall prepare a Construction Dust Control Plan and implement the following dust (DPM and PM_{10}) control measures during the construction period: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	**Less than Significant Impact with Mitigation Incorporated**

	7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign at the project site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 9. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries. 10. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity. 11. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 12. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 13. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance	

	of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site. 14. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. Prior to the issuance of any grading or demolition permits, the project applicant shall submit a copy of the Construction Dust Control Plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.	

Impact AIR-2: Emissions from construction activities would exceed the BAAQMD criteria pollutant threshold of 54 pounds per day for NO_x emissions for the first two years of construction by up to 47 pounds per day for both project variants (Alternatives 1 and 2).[1] **(Significant Impact)**	**MM AIR-2.1:** Prior to the issuance of any demolition or grading permits (whichever occurs first), a qualified air quality consultant shall prepare a construction operations plan demonstrating use of construction equipment that has low diesel particulate matter exhaust and NOx emissions. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below. 1. All diesel construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards (i.e., Tier 4 Interim or Final engine standard) for NOx and PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise, a. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). The use of Tier 3 equipment shall not exceed 5 percent of all equipment usage (described in terms of total horsepower hours during a phase). b. Use of alternatively fueled equipment with lower NOx emissions that meet the NO_x and PM reduction requirements above. 2. Provide line power to the site during the early phases of construction to	**Less than Significant Impact with Mitigation Incorporated**

[1] Development Alternative 1 (assisted living variant) would include 48 single-family houses, 25 townhouses, 305 apartment units, 229 hotel rooms, up to 40,481 square feet of restaurant space, 17,349 square feet of retail, and a 180-bed assisted living complex. Alternative 2 (office variant)includes the same land uses as Alternative 1, with the exception of the replacement of the assisted living complex with 160,000 square feet of office space.

	minimize the use of diesel-powered stationary equipment, such as generators, welders, and air compressors. The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall include but not be limited to the following: • List of activities and estimated timing. • Equipment that would be used for each activity. • Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure. • How the construction contractor will ensure that the measures listed are monitored. • How the construction contractor will remedy any exceedance of the thresholds. • How often and the method the construction contractor will use to report compliance with this mitigation measure. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval.	
Impact AIR-3: Project construction activities would exceed BAAQMD single-source thresholds for lifetime excess cancer risk (10 in one million) and	Prior to the issuance of any grading or demolition permits, the project applicant shall implement Mitigation Measures MM AIR-1.1 and MM AIR-2.1.	**Less than Significant Impact with Mitigation Incorporated**

annual $PM_{2.5}$ (0.3 µg/m^3). **(Significant Impact)**		
Cumulative Impacts: The project would not result in a cumulatively considerable contribution to a significant cumulative air quality impact.	The proposed project would not exceed BAAQMD thresholds for construction criteria air pollutants with implementation of mitigation measures MM AIR-1.1 and 1.2. The project would not exceed BAAQMD thresholds for operational criteria air pollutants. Therefore, the project would not result in an adverse health effect due to its contribution to significant cumulative air pollution.	**Less than Significant Cumulative Impact with Mitigation Incorporated**
Biological Resources		
Impact BIO-1: Construction activities associated with the proposed project could result in an impact to nesting birds due to the loss of eggs or nestlings, or otherwise lead to nest abandonment. **(Significant Impact)**	**MM BIO-1.1:** The project applicant shall schedule demolition and construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31. **MM BIO-1.2:** If demolition and construction activities cannot be scheduled to occur outside of the breeding season (September 1 to January 31), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist for each construction phase to ensure that no nests are disturbed during project demolition or construction. This survey shall be completed for the applicable construction phase no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats on the project site and within 250 feet of the construction areas for nests. If an	**Less than Significant Impact with Mitigation Incorporated**

	active nest is found and in the ornithologist's opinion is sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, in consultation with California Department of Fish and Wildlife (CDFW) to ensure that the nest will not be disturbed during project construction. **MM BIO-1.3:** The qualified ornithologist shall submit a report indicating the results of the survey(s) described in MM BIO-1.2 and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or Director's designee, prior to issuance of any grading or demolition permits for the applicable construction phase.	
Cumulative Impacts: The project would not result in a cumulatively considerable contribution to a significant cumulative biological resources impact.	With the incorporation of mitigation measures, discussed above, as well as Standard Permit Conditions for tree replacement and Habitat Plan compliance, the proposed project would result in a less than significant impact to biological resources. As a part of the City of San Jose's development review process, other projects in the area would be required to conform to similar conditions and mitigation measures to reduce their individual impacts to biological resources. Therefore, the proposed project, when combined with other development projects in the area, would not result in a significant cumulative impact to biological resources.	**Less than Significant Cumulative Impact with Mitigation Incorporated**
Cultural Resources		
Impact CUL-1: The project proposes to relocate and retain the existing carousel sign on-site, which appears individually eligible as a City	**MM CUL-1.1:** Prior to the issuance of any demolition, grading, or building permit (whichever occur first), preparation of a full photo-documentation of the carousel sign and shopping center context that surrounds	**Less than Significant Impact with Mitigation Incorporated**

Landmark. **(Significant Impact)**	and supports the carousel sign is required using the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation: Historic American Buildings Survey/ Historic American Engineering Record (HABS/HAER) Standards and shall be submitted to the City's Historic Preservation Officer. The documentation shall be of archival quality according to a scope approved by the Historic Preservation Officer (HPO), or HPO's designee, and be archived at a local repository such as the Archives at History San José. **MM CUL-1.2:** Prior to the issuance of any demolition, grading, or building permits (whichever occur first), a Historic Resources Protection Plan (HRPP) shall be prepared to ensure the carousel sign is not damaged when it is relocated. The Plan shall establish procedures to protect the carousel sign from direct or indirect impacts during construction (including relocation) activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRPP shall specify how the sign shall be dismantled, stored, and reassembled and shall be approved by the HPO, or HPO's designee, and implemented during construction activities. **MM CUL-1.3:** Prior to construction activities (including ground-disturbing work) within 100 feet of the carousel sign, the project permittee, in consultation with a qualified historic preservation professional, shall remove the sign from the site in accordance with the approved HRPP. In accordance with the HRPP, storage shall be located in a secure location that is indoors and protected from weather, impacts, and vandalism. The location of the storage facility shall be communicated to the Director of Planning, Building and Code Enforcement or the Director's designee.	

	Relocation of the sign to its final location shall be completed in accordance with the HRPP prior to the issuance of an Occupancy permit, or as determined by the Director of Planning, Building and Code Enforcement or Director's designee. The signage relocation shall also include interpretive signage indicating the sign's age, association and original location at the base of the structural support.	
Cumulative Impacts: The proposed project could potentially make a cumulatively considerable contribution to a significant cumulative impact to cultural resources.	The proposed project would implement mitigation measures and adhere to Standard Permit Conditions to reduce potentially significant impacts to historic and prehistoric cultural resources. Projects in the area would be required, through the City's development review process, to adhere to similar conditions and identify mitigation measures, if necessary, to minimize their respective impacts to cultural resources. Therefore, the proposed project would not make a cumulatively considerable contribution to a significant cumulative impact to cultural resources.	**Less than Significant Cumulative Impact with Mitigation Incorporated**
Hazards and Hazardous Materials		
Impact HAZ-1: Implementation of the proposed project could release chemicals from on-site soils into the environment, and expose construction workers to residual hydrocarbon, PCE, and/or agricultural soil contamination. **(Significant Impact)**	**MM HAZ-1.1:** Prior to issuance of any grading or demolition permits, the project applicant shall prepare a site-specific soil management plan (SMP) to manage potentially impacted soil and soil vapor, under SCCDEH oversight. Documentation developed with the County relating to SMPs or Site Cleanup shall be submitted to the City of San Jose's Director of Planning, Building, and Code Enforcement, or the Director's designee, and the Environmental Services Department Municipal Compliance Officer. **MM HAZ-1.2:** Prior to the issuance of any grading permits, shallow soil samples will be taken in the near surface soil in the project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous	**Less than Significant Impact with Mitigation Incorporated**

	agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The result of soil sampling and testing will be provided to City of San Jose's Director of Planning, Building, and Code Enforcement, or the Director's designee and the Environmental Services Department Municipal Compliance Officer.	
Impact HAZ-2: Soil vapor intrusion from contaminated soils on-site could result in a health hazard to future occupants of the site. **(Significant Impact)**	**MM HAZ-2.1:** Prior to the issuance of any grading permits, a qualified environmental professional shall evaluate prior soil vapor investigations to determine if supplemental investigations are necessary. All existing and/or supplemental soil vapor sampling shall be analyzed and compared to the most current risk-based screening levels set forth by the San Francisco Bay Area Regional Water Quality Control Board (SFRWQCB) or other appropriate regulatory agencies. The results of any supplemental sampling, and/or confirmation that existing sampling results are adequate to make a determination of appropriate mitigation, shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of grading permits. SFRWQCB is the lead environmental agency for this mitigation. **MM HAZ-2.2:** If existing and/or supplemental soil vapor sampling determines that vapor intrusion exceeds the most current risk-based screening levels, the project applicant, prior to issuance of any grading permits, shall implement measures to reduce vapor intrusion; these measures could include underground parking, vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization, depending on a toxicological review of the Phase II	**Less than Significant Impact with Mitigation Incorporated**

	subsurface investigation data. The appropriate measures shall be identified by a qualified environmental professional and incorporated into the Site Management Plan (SMP) described under mitigation measure MM HAZ-1.2, subject to review and approval by the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of grading permits. SFRWQCB is the lead environmental agency for this mitigation.	
Noise		
Impact NOI-1: Construction noise levels construction noise levels at nearby residential and commercial land uses would exceed the ambient noise environment by at least five dBA L_{eq} for a period exceeding 12 months. **(Significant Impact)**	**MM NOI-1.1:** Prior to the issuance of any demolition or grading permits, the project applicant shall adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity. • Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement or Director's designee that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. • The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good	**Less than Significant Impact with Mitigation Incorporated**

	mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. • The unnecessary idling of internal combustion engines shall be prohibited. • Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet). • The surrounding neighborhood shall be notified early and frequently of the construction activities. • A "noise disturbance coordinator" shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. **MM NOI-1.2:** Prior to issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan, including, but not limited to, the following available controls; the project applicant shall implement the plan during all phases of construction activity to reduce the noise exposure to neighboring properties. • Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists. • Equip all internal combustion engine-driven equipment with	

	mufflers, which are in good condition and appropriate for the equipment. • Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors. • Ensure that generators, compressors, and pumps are housed in acoustical enclosures. • Locate cranes as far from adjoining noise-sensitive receptors as possible. • During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible. • Substitute nail guns for manual hammering, where feasible. • Substitute electrically powered tools for noisier pneumatic tools, where feasible. • The construction noise logistic plan, inclusive of the above shall be signed by a qualified acoustical specialist verifying that the implementation measures included in this plan meets the reduction to noise levels as required by this mitigation measure. The verified	

	construction noise logistic plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of grading and/or building permits (whichever occurs first).	
Impact NOI-2: Residential and commercial uses adjacent to the proposed project could be exposed to mechanical equipment noise in excess of City standards. 55 dBA L_{eq} and 60 dBA $L_{eq,}$ respectively. **(Significant Impact)**	**MM NOI-2.1:** Prior to the issuance of any building permits, the project applicant shall select mechanical equipment designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA Leq (residential) or 60 dBA Leq (commercial) noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. Once the mechanical equipment has been selected, a plan set showing the location and type of mechanical equipment, along with a signed letter by a qualified acoustical consultant stating whether the equipment will comply with the City's 55 dBA L_{eq} noise limit at the shared property line shall be submitted to the satisfaction of the Director of Planning, Building, and Code Enforcement or Director's designee prior to issuance of any building permits.	**Less than Significant Impact with Mitigation Incorporated**
Impact NOI-3: Construction-generated vibration would exceed the 0.2 in/sec PPV threshold and would be capable of cosmetically damaging the adjacent residential and	**MM NOI-3.1:** Prior to the issuance of any grading or building permits, whichever occurs first, the project applicant shall incorporate the following measures into the construction noise logistics plan described previously in mitigation measure MM NOI-1.2. A	**Less than Significant Impact with Mitigation Incorporated**

commercial buildings to the east and south. **(Significant Impact)**	qualified acoustical consultant shall provide a signed letter confirming that construction equipment would not exceed the 0.2 in/sec PPV threshold at residential receptors pursuant to the City's General Plan Policy EC-2.3. • Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent commercial or residential buildings. This would apply to equipment similar to vibratory rollers, hoe rams, large bulldozers, drills, loaded trucks, and jackhammers. • Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 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 building or grading permits, whichever occurs first, the project applicant shall submit the construction noise logistics plan and the signed letter from the qualified acoustical consultant to the Director of Planning, Building and Code Enforcement, or Director's designee.	

Summary of the Project Alternatives

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project but avoid or substantially lessen significant environmental effects. The following is a summary of project alternatives that were analyzed as part of the EIR processes. A full analysis of project alternatives is provided in Section 7.0 Alternatives Analysis, of this EIR.

No Project Alternative

The project site is currently developed with a commercial/retail shopping center and surface parking lots. The No Project Alternative assumes that the project site would remain as it currently exists.

Because the No Project Alternative would not result in any new development on the site, this Alternative would avoid all of the environmental impacts of the project. However, this Alternative would not meet any of the applicant's or City's project objectives.

Existing Plans Alternative

The Existing Plans Alternative would consist of annexation of the site and buildout under a City zoning district that would be consistent with the existing City General Plan designation, such as an all-commercial non-Signature project. This Alternative would entail an office development similar to other existing office developments in the area and conforming to the development standards of the appropriate commercial zoning district. The project would consist of buildings that are two stories in height, with a total of approximately 260,000 square feet and an average Floor Area Ratio of approximately 0.35, and surface parking, reflective of other existing office developments in the area.

The proposed mixed-use project complying with the City's Signature Project goals and requirements would result in significant impacts to air quality (construction-related emissions), nesting birds, cultural resources, hazards and hazardous materials, and operational and construction-related noise. The Existing Plans Alternative would result in reductions in construction-related air quality emissions, and operational, construction noise and vibration impacts due to the substantially reduced size of the project. The proposed Signature Project includes a total of approximately 905,000 square feet, compared to the Existing Plans Alternative total of 260,000 square feet. While this Alternative would reduce significant impacts, it would not meet the most critical of the applicant or City's project objectives, which are to redevelop the site as an Urban Village with a mixed-use Signature Project that provides a mix of residential, commercial, and employment uses, consistent with the General Plan.

Reduced Grading and Excavation Alternative

The Reduced Grading and Excavation Alternative would consist of a mixed-use urban village development but having a reduced amount of grading and excavation than the proposed project in order to reduce construction air quality impacts. Because of the inherent difficulty in defining this alternative based on reduced construction emissions (a 45% reduction in construction activity, as

discussed in the following paragraph, doesn't necessarily translate into an equivalent percentage reduction in building square footage), this analysis is based on a project alternative that substantially reduces the amount of grading and excavation by replacing the proposed below-ground parking structures with multiple-story above-ground structure(s). The new parking structure(s) would result in a reduced amount of public park area and reduced sizes of the hotel and assisted living/office buildings. The Reduced Grading and Excavation Alternative project would consist of the same amount of retail space (55,600 square feet), and same number of apartment units (305), single-family homes (48) and townhomes (25) as the original project. However, it would have a 0.77-acre community park, 135,740 gross square feet of hotel space (193 rooms), and 144,060 gross square feet of assisted living/office space. The community park area would be reduced by approximately 0.83 acres, or approximately 48 percent, from the proposed project. The hotel square footage represents a reduction of approximately 16 percent from the proposed project, and the assisted living/office space represents a reduction of approximately 22 percent from the proposed project. Taken together, this reflects an overall reduction in the mixed-use development program of about six percent but would entail a substantial reduction in construction activity by not excavating substantial below-grade parking areas. While the Reduced Grading and Excavation Alternative would reduce significant impacts, it would not be consistent with several important applicant and City project objectives, including providing underground parking to reduce the visual impact of above-ground parking and maximize open space for the benefit of the community.

Areas of Concern

Concerns from local residents, property owners, organizations, and/or agencies about the project, as expressed during the NOP/EIR scoping process related to the following subject areas:

- Urban Village concept
- Streets, sidewalks and connections
- Crime and emergency services
- Building height/compatibility
- Land uses and General Plan consistency
- Open spaces
- Architectural style and site design
- Housing affordability
- Small business concerns
- Carousel signa and other historic items
- Parking
- Noticing and EIR scoping
- Utility capacity (water, gas, electricity)
- Light pollution
- Construction impacts (noise and vibration)
- Interagency coordination
- Privacy
- EIR process
- Aesthetics
- Air quality (including health risk)

- Biological resources (including tree preservation and incorporation of bird-safe building design)
- Energy consumption
- Public services impacts
- Transportation/traffic congestion (including construction traffic and cut-through traffic) impacts
- Growth impacts
- Alternatives to the project

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Cambrian Park Mixed-Use Village in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project. The environmental impacts associated with the proposed project are primarily related to construction air quality, biological resources (nesting birds), cultural resources, greenhouse gas emissions, hazards and hazardous materials, and operational and construction noise. These issues are discussed in Subsections 3.3, 3.4, 3.5, 3.8, 3.9, and 3.12 of this EIR, respectively.

1.2 EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on February 15, 2018. The standard 30-day comment period concluded on March 16, 2018, and was extended to April 5, 2018, to allow additional time for public comment. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City of San José also held a public scoping meeting on March 5th, 2018, to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at the Camden Community Center at 3369 Union Avenue, San José, California. Due to regulatory changes and changes in the project description since the time of NOP circulation in 2018, a revised NOP was published on October 26, 2020, and a second scoping meeting was held virtually via Zoom (due to the City's COVID-19 public meeting protocols in addition to state and county requirements during the pandemic) on November 5, 2020, to allow for additional public comment. Appendix A of this EIR includes copies of the NOPs and comments received.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review and comment period. During this period, the Draft EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, and will also be posted on the City's website. Written comments concerning the environmental analyses contained in this Draft EIR during the 45-day public review period should be sent to:

Kara Hawkins, Environmental Project Planner
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Third Floor
San José, CA 95113
(408) 535-7852
kara.hawkins@sanjoseca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary
- List of individuals and agencies commenting on the DEIR
- Responses to comments received on the DEIR, in accordance with CEQA Guidelines (Section 15088)
- Copies of letters received on the DEIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.2.3: Notice of Determination

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)). As of the publishing of this document, in conformance with COVID-19-related guidance from the Governor of the State of California as well as Orders from the Santa Clara County Public Health Department, the Clerk-Recorder's Office allows for the filing of CEQA documents in-person, online, or via mail.

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT LOCATION

The project site is located at the southeast corner of the intersection of Camden Avenue and Union Avenue, in the Cambrian Park neighborhood in southwestern San José, California. The site is currently occupied by the Cambrian Park Plaza shopping center.

Surrounding land uses include single family residential to the north across Camden Avenue, single family residential adjacent to the easterly site boundary, apartments adjacent to the southerly corner of the site, and single family residential and commercial to the west of the site across Union Avenue. There is an existing commercial center located diagonally to the northwest of the project site, at the northwest corner of Camden Avenue and Union Avenue (see Figures 2.0-1, 2.0-2, 2.0-3).

2.2 PROJECT DESCRIPTION

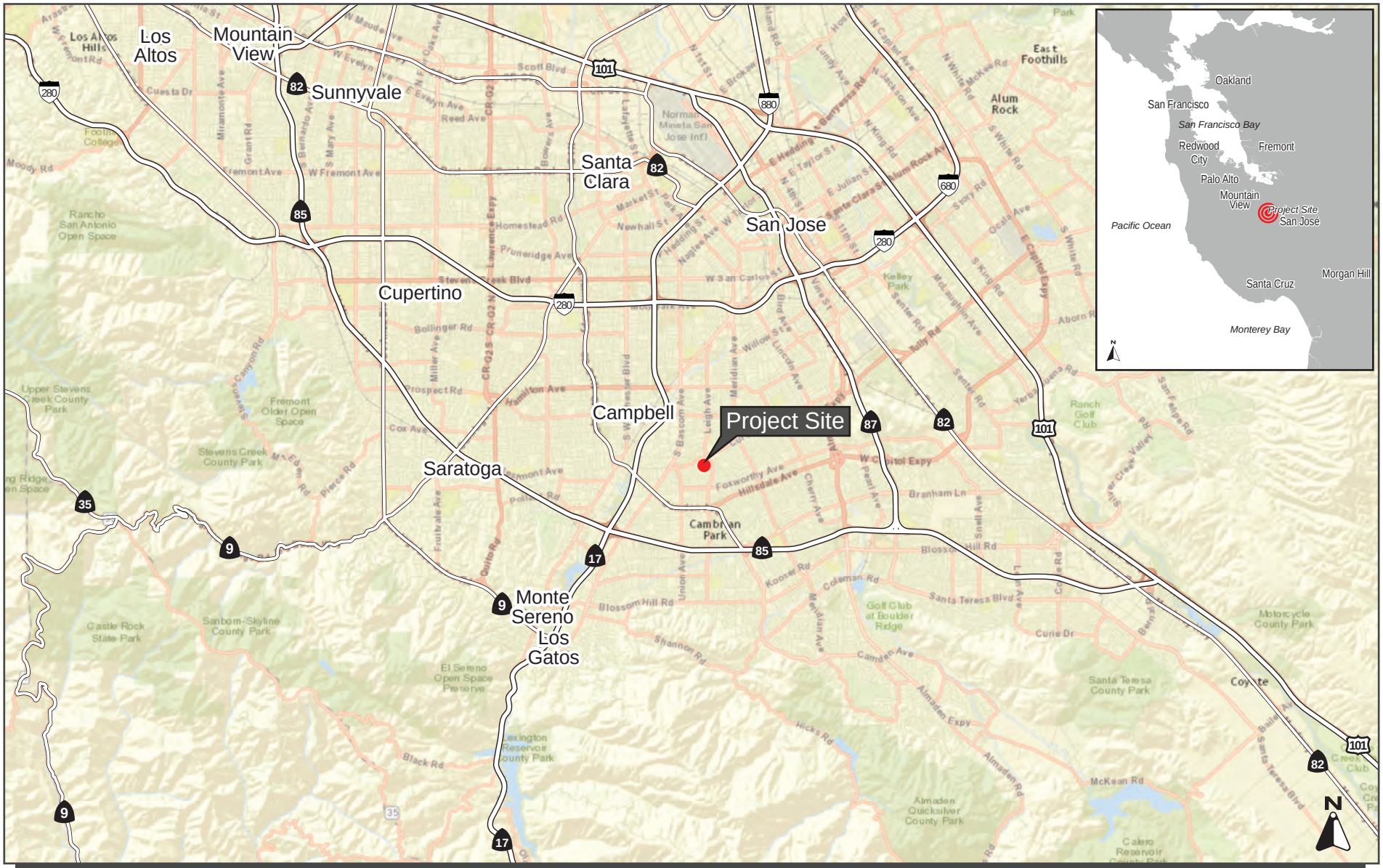
2.2.1 Existing Site

The 18.1-gross acre project site is comprised of two parcels (APNs 419-08-012, 419-08-013), and is designated *NCC – Neighborhood/Community Commercial* in the Envision San José 2040 General Plan. The site is within a designated *Urban Village* (Camden Avenue/Hillsdale Avenue) boundary. The site is located in an unincorporated area of Santa Clara County and is located in the *CG – General Commercial* zoning district in the County of Santa Clara.

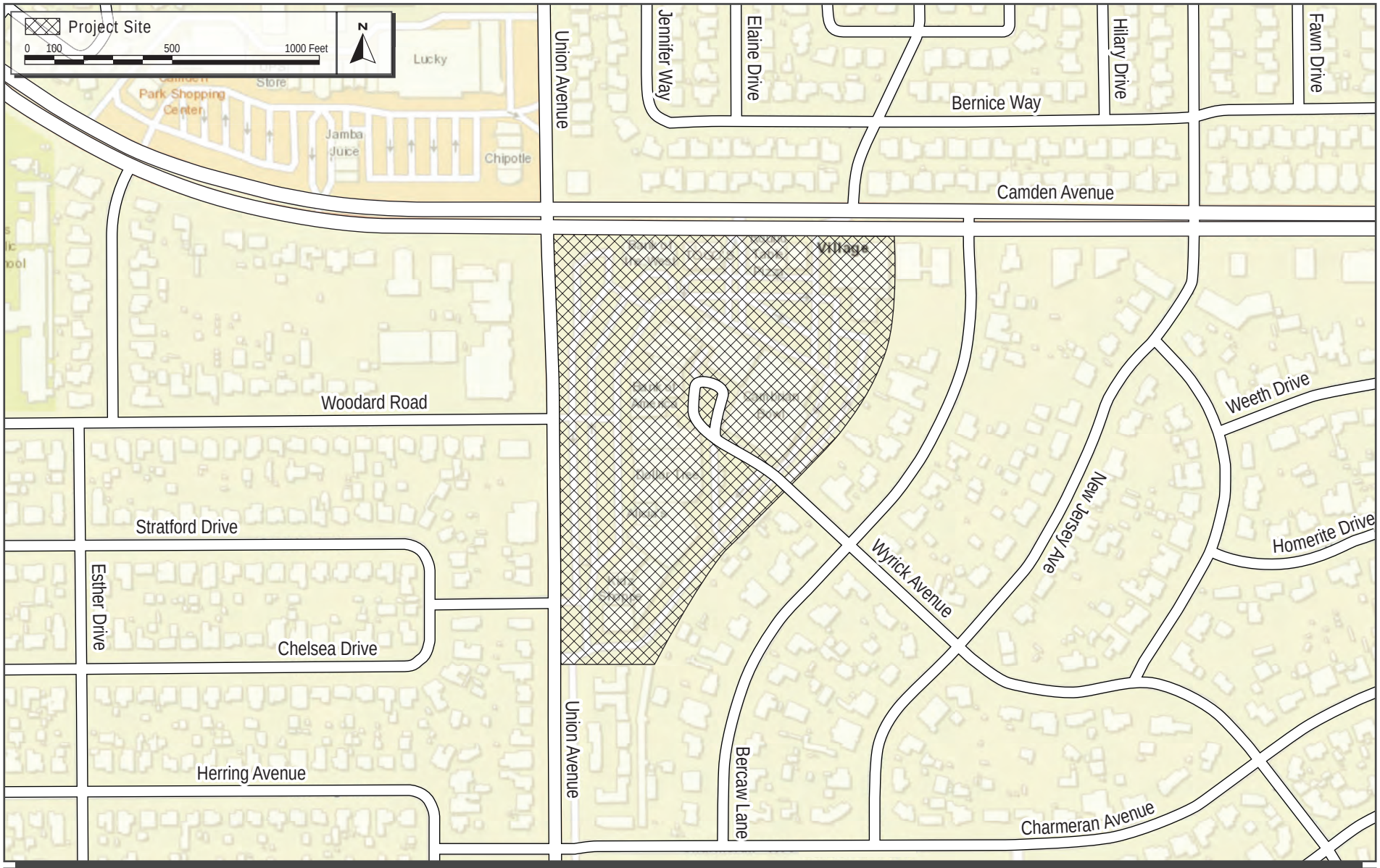
The project site is currently developed with 170,427 square feet of commercial buildings consisting of one central single-story commercial/retail structure and four other single-story commercial/retail buildings located along the Camden Avenue frontage in the northern portion of the site. The remainder of the site contains surface parking and drive aisles, with no medians and only sparse landscape areas. A total of 764 surface parking spaces are provided on-site. The main structure includes a small interior courtyard, located at its southern end, and pockets of landscaping located at various locations along the front sides of the building. The rear side of the building contains additional parking spaces, loading areas and trash pickup areas. The shopping center buildings contain a variety of commercial and retail uses including a crafts boutique, nail salons and spas, a variety store, a flower shop, a jewelry store, restaurants, banks, a fitness studio, a bike shop, a furniture store and a former bowling alley. The project site is accessed by two ingress/egress driveways on Camden Avenue (right-turn in and right-turn out only), and three ingress/egress driveways on Union Avenue. One of these driveways is located at a signalized intersection opposite Woodard Road, and one connects to a frontage road parallel to Union Avenue at the southwestern corner of the site. Vehicle access to the site is also provided by Wyrick Avenue, which currently enters the site along its eastern boundary. There is an existing sidewalk along the northeast side of Wyrick Avenue that provides pedestrian access to the site, as well.

2.2.2 Proposed Project

As proposed, the project would demolish the existing buildings, infrastructure, and hardscape, remove all of the existing landscaping, and construct a mixed-use project consisting of a hotel, apartment buildings with ground floor commercial including retail and restaurant uses, an assisted



REGIONAL MAP | FIGURE 2.0-1



VICINITY MAP | FIGURE 2.0-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.0-3

living facility, townhomes, single-family homes, community park areas and promenades, a community garden, a fitness park area, and a playground (see Figure 2.0-4).

Hotel

The proposed hotel building is five stories in height (68 feet to the roof level), with retail at the ground floor and one level of below-grade parking. The hotel would provide up to 229 rooms and approximately 131,380 gross square feet of floor area and would include a restaurant with a rooftop deck dining area. The ground floor space would provide approximately 4,610 square feet for retail/restaurant uses. The parking garage would extend from the hotel site westward to the area beneath the apartments and commercial area at the northwest corner of the site and would also serve these uses. The hotel building is L-shaped and features an auto court and plaza on the interior side. Vehicular access to the hotel would be from a City standard driveway located at the proposed new public street at the northeast corner of the site. The proposed public street will align with Taper Avenue across Camden Avenue from the site and forms the southern leg of a new signalized intersection at that location.

Apartments/Commercial

The proposed apartment and commercial uses are located in the northwestern portion of the site, with two L-shaped, six-story apartment buildings with ground floor commercial including retail and restaurant uses located along the perimeter of the site on Camden Avenue and Union Avenue. The apartment buildings provide 305 residential units on the second through sixth floors and would reach a maximum height of 80 feet to the roof level. Outdoor roof decks are provided on the second and fifth floors for residential uses. Approximately 50,990 feet of commercial space including retail/restaurant uses are provided on the ground floor of the buildings and in the interior courtyard. The buildings are separated by a pedestrian walkway leading to open space and community and dining plazas on the interior sides of the buildings. An entry plaza containing a walkway with decorative paving and a fountain is located at the corner of Camden Avenue and Union Avenue. The interior space also includes stand-alone kiosk buildings and an active open space area with an interactive play fountain at the opposite end of the entry plaza.

Vehicular access to the apartment and commercial area will be taken from a private two way through drive aisle (Main Street) that connects Union Avenue on the west side of the site, to Camden Avenue on the north side of the site, via 26’ wide City standard driveways at the respective street frontages. The driveway entrance on Union Avenue would be located at the existing signalized intersection with Woodard Road and would comprise the eastern leg of the intersection. The driveway entrance on Camden Avenue would be located approximately halfway between Union Avenue and the proposed new intersection at Taper Avenue. Main Street would provide angled surface parking in each direction adjacent to the buildings, as well as limited parallel parking in front of the proposed public park. Main Street also provides direct access to the below-grade parking garage ramps for the hotel, apartment/commercial and assisted living buildings. A second level of below-grade parking extending approximately 20 feet below grade is provided in this area of the site.

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

CONCEPTUAL SITE PLAN

FIGURE 2.0-4

Assisted and Independent Living/Office

A five-story, approximately 184,060-square foot assisted living facility with its own underground parking garage and an interior courtyard area is proposed along Union Avenue frontage at the west side of the project site. The assisted living facility reaches a maximum height of 65 feet to the top of the parapet. The building has a one-way entrance driveway providing vehicle access from Union Avenue to a porte-cochere structure at the front of the building. The driveway connects to Main Street at the northwest corner of the building, near the Union Avenue/Woodard Road intersection. The building has ground-level outdoor patios on the easterly side; one facing the proposed community park, and the other facing the proposed forest park promenade. Additionally, outdoor roof deck areas are provided on the third and fourth floors, on the eastern side of the building.

The assisted living facility would as provide housing and personalized health care services to individuals who require assistance with daily living activities, including meal service. It would be licensed by the California Department of Social Services, Community Care Licensing Division as a Residential Care Facility for the Elderly. The building would house 80 Assisted Living units, 30 Memory Care units, and 50 Independent Living units, with an expected total number of residents of 180. The estimated number of employees is 45.

A project variant is proposed for this area of the site which consists of approximately 160,000 square feet of office uses instead of the assisted living facility and independent living units. The development footprint of this variant would be approximately the same as the assisted living facility. Both scenarios are analyzed throughout this EIR; the proposed project is referenced as the Assisted Living Variant and the office scenario is referenced as the Office Variant. The parking configuration in the garage beneath the building would remain the same for both uses.

Townhouses

The proposed project includes five three-story townhouse buildings, containing a total of 25 residential units. The townhouses are located at the southwest corner of the site, with two buildings fronting on Union Avenue, on opposite sides of a proposed new street connecting Union Avenue to Camden Avenue that runs along the east/southeast boundary of the project site. The proposed townhouse units have individual garages on the ground floor, which are accessed via a City-standard driveway aisles off of the new public street. The project proposes to signalize the intersection of Union Avenue and Chelsea Avenue where the new street will connect. The new street will create a new eastern leg of the intersection.

Single-Family Homes

The project includes 48 single-family homes, located on both sides of the proposed new street along the east/southeast boundary of the site. Eighteen of the single-family homes will include accessory dwelling units (ADUs), which consist of 300 to 400 square feet of living space within the footprint of the home and having a separate exterior door, which can function as a separate living unit or in-law quarters. The proposed two- and three-story homes will have direct vehicle access from the street, and individual City-standard driveways that can accommodate off-street parking for the units. On-street parallel parking will also be provided in front of the homes. The homes along the perimeter of the site that back up to the east/southeast boundary of the site will be smaller than the homes located

on the opposite side of the street. The project proposes to construct a seven-foot wall between the project site and the residences to the south and east, to provide acoustical shielding of ground floor mechanical equipment. The existing sidewalk on Wyrick Avenue, east of the site, will be extended through the site at the approximate midpoint of the block containing the new single-family homes. The sidewalk would lead into the center of the project site, providing direct pedestrian access to the proposed community park areas.

Community Parks and Public Open Space

In addition to the private open space included with the proposed single-family homes, townhouses, apartments and assisted living units, the project provides several community park and open space areas. These include: a large, centrally-located community park space consisting of open fields and a grassy amphitheater; a dog park at the terminus of Wyrick Avenue on the eastern boundary of the site; community gardens and a fitness park located between the townhouses and single-family homes in the southern portion of the site; a playground that features the relocated and preserved Cambrian Park Plaza sign along the Union Avenue side of the site; a play space with interactive fountains in the commercial/retail area; and forested pedestrian path that runs through the middle of the site (forest park promenade). The total area of open space is approximately 10 acres, including four acres of a public accessible park and plaza.

The spatial and land use components of the proposed development are summarized in Table 2.0-1 below. Building elevations are shown on Figures 2.0-5 through 2.0-12.

Table 2.0-1: Development Summary

Proposed Land Use	Size	Parking Provided	Parking Ratio
Hotel	229 rooms	275 spaces	1.2/room
Ground Floor Retail/Restaurant	4,610 square feet		
Assisted Living and Independent Living/Office	110 assisted living rooms 50 independent senior units/ 160,000 s.f.	180 spaces	1.2/1,000 s.f.
Apartments	305 units	458 spaces	1.5/unit
Ground Floor Retail/Restaurant	50,990 s.f.	230 spaces	5/1,000 s.f.
Townhouses	25 units	63 spaces	2.5/unit
Single-Family Homes	48 units, Including 18 ADUs	120 spaces	2.5/unit
Community Park / Publicly Accessible Open Space	4.0 acres	-	-
Residential and Commercial Common and Private Open Space	6.2 acres		
s.f. = square feet			

WEST ELEVATION

NORTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 1 WEST AND NORTH ELEVATIONS | FIGURE 2.0-5

EAST ELEVATION

SOUTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 1 EAST AND SOUTH ELEVATIONS | FIGURE 2.0-6

WEST ELEVATION

NORTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 2 WEST AND NORTH ELEVATIONS | FIGURE 2.0-7

EAST ELEVATION

SOUTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 2 EAST AND SOUTH ELEVATIONS | FIGURE 2.0-8

WEST ELEVATION

NORTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 3 WEST AND NORTH ELEVATIONS | FIGURE 2.0-9

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 3 EAST AND SOUTH ELEVATIONS | FIGURE 2.0-10

WEST ELEVATION

NORTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 4 WEST AND NORTH ELEVATIONS | FIGURE 2.0-11

EAST ELEVATION

SOUTH ELEVATION

Source: Kenneth Rodrigues & Partners, Inc., August 1, 2021.

BUILDING 4 EAST AND SOUTH ELEVATIONS | FIGURE 2.0-12

Site Access, Circulation and Parking

The proposed project would result in various improvements to site access and circulation. Vehicular access to the project site would be provided via two signalized access points along Union Avenue and one signalized access point (plus one additional right-in and out access only driveway) along Camden Avenue. The signalized access points on Union Avenue would form the eastern legs of intersections at Chelsea Drive and Woodard Road. A new signalized intersection would be established at Chelsea Drive. As described previously, the signalized intersection at Chelsea Drive would connect to a new two-way public street providing direct access to the townhome units and single-family dwellings in the east/southeast area of the site, and egress onto Camden Avenue. The existing signalized intersection at Woodard Road would provide access to a two-way through drive aisle (Main Street) which would provide access to the parking garages for the assisting living facility, the hotel, and the apartment/retail buildings, and egress onto Camden Avenue. The project would remove the existing two-way driveway adjacent to the frontage road parallel to Union Avenue at the southwest corner of the site.

Loading and unloading of commercial vehicles would occur within the underground parking garages. There are no on-street or at-grade designated loading zones proposed adjacent to the hotel, commercial or assisted living/office buildings on Main Street or the new public street, or along the existing Union Avenue or Camden Avenue frontages.

The access points on Camden Avenue would be provided at the approximate midpoint along the site's northern boundary and at Taper Avenue at the northeastern corner of the site. The central access point would be located at an existing driveway and would be restricted to right-in and right-out turns only. The northeastern access point would form the southern leg of a new, signalized intersection at Taper Avenue. This intersection would provide access to the new public street along the site's eastern boundary.

The project also includes the proposed closure of the existing site access point at Wyrick Avenue for vehicles and an access/frontage roadway that currently runs parallel to and east of Union Avenue between the project site and Charmeran Avenue. A new pedestrian-only connection would be provided at the existing Wyrick Avenue access point. The proposed pedestrian-only access point would provide direct access to the proposed public park in the approximate center of the site. The elimination of access between the project site and the frontage road on Union Avenue could require improvements to the northern end of the frontage road.

Vehicle parking for the project is provided in a combination of below-grade parking structures, at-grade surface parking spaces, and private garages. One level of below-grade parking would be provided underneath the hotel and assisted living facility, and two levels of below-grade parking would be provided underneath the apartment/commercial buildings. The parking garages for the hotel and apartment/retail buildings would be connected. The proposed project would provide 1,012 below-grade parking spaces, 94 surface parking spaces, and 146 private garage spaces, for a total of 1,252 parking spaces.

Bicycle parking is provided on-site for the mixed-use apartment/commercial buildings, the hotel, the assisted living facility, and the community park. The mixed-use apartment/retail building would provide two separate bike rooms on the first floor – one for the ground-floor commercial uses and

one for the apartments. A total of 41 short-term and 10 long-term bicycle parking spaces would be provided for the retail uses at the mixed-use apartment building, and a total of 57short-term and 20 long-term bicycle parking spaces would be provided for the apartment residents. The hotel building would provide 20 short-term and four long-term bike parking spaces, for hotel guests and ground-floor commercial uses. The assisted living facility includes a bike room providing four short-term and six long-term bike parking spaces for employees. Additionally, the proposed project would provide a total of 31short-term and 16 long-term parking spaces for the park and open space areas. Overall, the proposed project would provide 209 bicycle parking spaces throughout the site.

Construction Details

Construction of the proposed project is anticipated to last approximately 28 months, beginning in 2022. Construction activities would include building demolition, grading, excavation, trenching, paving, and building interior. The proposed project would demolish all the existing buildings on-site, totaling 170,427 square feet, and remove all the surface parking spaces, totaling 764 stalls. Soil export volumes would total approximately 400,000 cubic yards (CY). The proposed project would require approximately 50,000 truckloads/trips to remove the soil from the site. The shallowest groundwater depth at the site is estimated to be 40 feet, while the deepest level of excavation for the two-levels of below grade parking would extend to a depth of approximately 20 feet, thus construction dewatering is not anticipated to be required.

Urban Village

The project site is located in the Camden Avenue/Hillsdale Avenue Urban Village/Growth Area, a Horizon 3 Urban Village in the Envision San José 2040 General Plan[2]. No Urban Village Plan has been developed to date for this Urban Village area. The project proponent intends to develop the site as a "Signature" project, in conformance with *Policy IP-5.10* of the General Plan. *Policy IP-5.10* allows residential mixed-use Signature projects such as the subject project to proceed within Urban Village areas prior to the preparation of an Urban Village Plan, subject to the following:

1. Conforms to the Land Use/Transportation Diagram. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use/Transportation Diagram designation.

2. Incorporates job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area.

3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

[2] Horizon refers to the timeframe for the buildout of jobs and housing planned for each of the City's growth areas. The planned residential growth capacity for Urban Villages in Horizon 3 is 10,068 dwelling units.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

1. Includes public parklands and/or privately maintained, publicly accessible plazas or open space areas.

2. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.

3. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.

4. Demonstrates high-quality architectural, landscape and site design features.

5. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

2.3 PROJECT OBJECTIVES

The stated objectives of the project proponent are to:

1. Further the Envision San José 2040 General Plan Land Use Element Goal LU-2 to "Focus new growth into identified Growth Areas to preserve and protect the quality of existing neighborhoods, including mobile home parks, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City's projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use."
2. Annex, rezone and redevelop the 18.1-gross acre project site to allow for the creation of a mixed-use Urban Village and Signature Project, through Planned Development Zoning and Planned Development Permit processes.

3. Further the Envision San José 2040 General Plan Major Strategy #5 and Implementation *Policy IP-5.10* by promoting the development of a Signature Project in an Urban Village, providing an active, walkable, bicycle-friendly, mixed-use setting for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.

4. Redevelop an existing predominately surface parking site containing aging commercial buildings to accomplish the following goals: (1) provide a location within close proximity to the available housing, parks and schools for future employees and close proximity to the multiple food and retail services provided by the retail locations along the Camden Avenue/Hillsdale Avenue corridor; and (2) situate the mixed use village near, or adjacent to, existing traffic arterials (such as Highway 17), and bus connection services in order to allow for multi-modal transit mechanisms for site accessibility.

5. Meet high sustainability and green building standards by designing the development to meet US Green Building Code LEED and Cal-Green standards for new construction.

6. Provide publicly accessible open space, including approximately 1.6 acres of land for a central community park and plaza.

7. Locate the majority of parking underground in order to minimize the visual impact of above-ground parking, maximize on-site open space, and foster compatibility with the surrounding community.

8. Provide on-site services to residents and support growth in employment and commercial activity by locating retail and other commercial uses within the project.

9. Provide an economically sustainable number of residential units to allow enhancement of the character of the neighborhood by providing common open space areas including a town square and a community park.

10. Locate higher density housing with easy access to transportation corridors, bus corridor stops, commercial services, and jobs.

11. Contribute to the City of San Jose's efforts in satisfying its Regional Housing Needs Allocation for market rate housing units.

2.4 USES OF THE EIR

This EIR is intended to provide the City of San José, other public agencies, and the general public with the relevant environmental information needed in considering the proposed project. It is anticipated that the following discretionary actions by the City of San Jose, including but not limited to the following, will be required to implement the project addressed in this EIR:

- Planned Development Prezoning
- Annexation
- Planned Development Permits
- Tentative Map Permits and Final Maps
- Issuance of Grading, Building, Encroachment, Utility, and Occupancy Permits

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

The discussion for each environmental subject area 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 includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project's impact on the environmental subject areas 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.
- **Cumulative Impacts** – This subsection discusses the project's contribution to significant cumulative impacts on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past,

present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). This EIR uses the list of projects approach.

The analysis must determine whether the project's contribution to any significant cumulative impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and known pending projects in the project vicinity (within approximately a 2.5-mile radius of the project site) that are evaluated in the cumulative analysis. Because the traffic analysis for the project must evaluate conformance with the General Plan's long-range transportation goals to determine cumulative transportation impacts, these projects are also included in the Background Conditions analyzed in Section 3.16 Transportation of this EIR.

Table 3.0-1: Cumulative Projects List

Project Name	Location	Description
Approved But Not Yet Constructed/Occupied		
Harker Middle School	Union Avenue/Barret Avenue intersection. City of San José.	600-student middle school
95 East Hamilton Avenue Office	95 East Hamilton Avenue, City of Campbell.	5,800-square foot office building
Creekside Center	675/705 Creekside Way, City of Campbell.	172,000 square feet of office space
Pruneyard Expansion	1875/1901 South Bascom Avenue, City of Campbell.	100,000-square foot office building and 23,000 square feet of retail space.
Opa Expansion	276 East Campbell Avenue, City of Campbell.	10,819 square feet of commercial and office space
1700 Dell Avenue	1700 Dell Avenue, City of Campbell.	161,870 square feet of office space
Cresleigh Homes	540, 558, and 566 East Campbell Avenue. City of Campbell.	Mixed-use project consisting of 8,292 square feet of commercial space and 59 condominium units.

Table 3.0-1: Cumulative Projects List		
Pending		
Belmont Village Assisted Living Facility	Union Avenue/Los Gatos Almaden Road intersection, City of San José	198-bed senior assisted living facility
Robson Homes	2223 Camden Avenue. City of San Jose	40 single-family detached homes, including 21 accessory dwelling units.
2295 South Winchester Boulevard Mixed-Use	2295 South Winchester Boulevard, City of Campbell	Mixed-use project consisting of 16 condominium units and 3,200 square feet of retail space
Franciscan Apartments	601 Almarida Drive, City of Campbell.	60 apartment units

For each environmental issue, cumulative impacts may occur within different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area.

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program 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. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[3]

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

Local

San José 2040 Envision San José 2040 General Plan

The *Envision San José 2040 Envision San José 2040 General Plan* includes the following policies that are applicable to the proposed project.

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-1.12: 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.

[3] California Department of Transportation. ”Scenic Highways”. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html

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-4.8: Include development standards in Urban Village Plans that establish streetscape consistency in terms of street sections, street-level massing, setbacks, building facades, and building heights.

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 IP-5.1: Prepare a comprehensive Urban Village Plan prior to the issuance of entitlements for residential development within any of the Urban Village areas identified on the Land Use / Transportation Diagram. Commercial projects, including those with ancillary residential uses, and "Signature Projects," as defined in Policy IP-5.10, may proceed in advance of the preparation of a Village Plan. Use the Village Plan to clearly address:

> Urban Character: Include streetscape and building frontage design, pedestrian facility improvements and other urban design actions necessary to successfully implement the Village concept.

The Camden Avenue/Hillsdale Avenue Urban Village is categorized as a Commercial Corridor and Center Urban Village in the General Plan. While this type of Urban Village is less directly connected to transit than other Growth Areas, it typically contains large parcels which may have greater potential for redevelopment and are generally located in areas with a high degree of accessibility which is advantageous for intensified commercial development. According to the General Plan, a modest and balanced amount of new housing and job growth capacity is planned for the Commercial Urban Villages in order to support their intensification as both employment and housing centers, support potential expansion of existing retail activity, and add a mix of employment uses.

City of San José Design Guidelines

The City of San José is currently working to update and consolidate its residential, commercial and industrial guidelines, which were adopted in 1997, 1990 and 1992, respectively, into one document entitled "San José Citywide Design Standards and Guidelines" (Citywide DSG). The Citywide DSG are designed to work in conjunction with other City documents and regulations to ensure that buildings throughout San José have high-quality design and are appropriate for their site, function, and neighborhood. Projects in Urban Villages, Specific Plans, and North San José or other Area Development Policies are subject to the standards and guidelines within those applicable guidance documents.

City of San José Council Policy 4-3

In addition to the General Plan Policies, *City Council Policy 4-3 (Outdoor Lighting on Private Developments)* is applicable to the project and is intended to promote energy-efficient outdoor lighting on private development in the City that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow. To achieve these objectives, the Policy contains the following general statements.

- The use of low-pressure (LPS) sodium lighting for outdoor, unroofed areas shall be required for all private development in the City of San José as a condition of approval on all Land Use Development Permits. Below are the parameters for such lighting:
    - No light source shall be directed skyward.
    - All light sources that produce more than 4,050 lumens shall be fully shielded (full cutoff) to prevent light aimed skyward.
    - All light sources that produce less than 4,050 lumens must be at least partially shielded.
    - Lighting fixtures that illuminate pedestrian walkways may use light sources other than LPS, but only when such fixtures are fully shielded.
    - Seasonal decorative lighting is allowed to be unshielded only if using very low-wattage fixtures with a cumulative luminosity that does not negatively affect other properties of the night sky. The Director of Planning reserves the right to limit any lighting that adversely affects other properties or the night sky.
    - All outdoor lighting fixtures, including display lighting, shall be turned off within one hour of the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
    - Lighting Fixtures and architectural detailing that use luminous tube lighting (neon, argon or krypton) should be limited to yellow, orange and red colors to minimize interference with the Observatory.
    - When luminous tube lighting is used in signage, is subject to the provisions of the sign Ordinance.
    - Properties with existing non-conforming lighting shall be required to conform to this Policy as a part of any permit for reuse, expansion of use, or change in use.

The Policy also contains exceptions, as described below:

> The Director of Planning shall consider exceptions to the use of low-pressure sodium lighting for outdoor areas only during a development permit process for the property. All exceptions shall require a photometric study of the proposal, a referral to the Lick Observatory, and must be the subject of a public hearing. Any alterations or changes to the lighting plan of a development permit that involve the use of illumination fixtures other than LPS must likewise be granted by the Director and be the subject of a public hearing. Any member of the public may appeal decisions about exceptions to this Policy before the Planning Commission. The Director of Planning may grant exceptions to LPS only for uses within a nighttime environment where it is deemed appropriate. Parking lots and driveways shall not be considered for exemption from the

low-pressure sodium lighting requirement regardless of nighttime environment. The City of San José has several different types of nighttime environments:

- Intrinsically dark environments such as county and regional parks, rural areas, areas adjacent to optical astronomical observatories, and areas with minimal or no outdoor lighting shall be lit at the minimum level necessary and shall not be considered for exemptions from the LPS requirement.
- Suburban and rural residential areas shall remain areas of low-ambient light levels and also shall not be considered for exception from the LPS requirement.
- Urban residential areas are areas of medium-ambient light levels and shall not be considered from exception from the LPS requirements, except in limited circumstances for recreational facilities, as specified below.
- For urban areas of mixed residential and commercial use, exceptions may be granted by the Director of Planning only for the specific uses specified below.

Within the nighttime environments where higher levels of light could be considered, only specific land uses may qualify for exception from the LPS requirement. Exceptions using other outdoor light illumination fixtures including incandescent, metal halide, high-pressure sodium, fluorescent, and mercury vapor, are limited to the following circumstances:

- Pedestrian-Oriented Nighttime Districts: For pedestrian-oriented nighttime activity areas with vertical mixed residential and commercial use of business districts adjacent to residential areas, including areas of Neighborhood Business Districts, exceptions to the use of LPS lighting shall be considered only where other lighting is crucial to the success of pedestrian-oriented businesses.
- Outdoor lighting shall be fully shielded regardless of the lumen output and reduced to the minimum level necessary by 10:00 p.m. or within an hour of the close of business, whichever is later.
- Outdoor recreational facilities: For field sports such as football, baseball, softball or soccer, partially shielded light fixtures may be used during such recreational events. Recreational uses such as tennis, volleyball, handball, and racquetball shall use fully shielded fixtures. Lighting for outdoor recreational activity must be extinguished by 11:00 p.m., or when the activity is concluded, but only if the event began before 10 P.M.
- Outdoor automobile sales areas and outdoor material handling areas: This exception will only be considered in areas where color rendition is critical to preserve the effectiveness of these specified activities. Non-LPS lighting must be fully shielded and extinguished by 10:00 P.M. or within one hour of the close of business, whichever is later.

The Downtown Core, as defined in the General Plan, is exempt from the provisions of this Policy, as are any areas that the Council has exempted up until the date of this revision. To allow time for further review of associated issues, the current exemption for outdoor automobile sales areas shall continue for one year from the date the City Council approved revisions to this Policy on June 20, 2000.

3.1.1.2 *Existing Conditions*

Visual Character of the Project Site

The project site is a commercial shopping center containing one centrally located building surrounded by surface parking lots, and four separate buildings located along the Camden Avenue frontage of the site. The center was constructed in the 1950s. The buildings are all of a uniform architectural style, having ground floor occupancies and long sloping roofs that overhang the walkways and entrances to the storefronts. The buildings have brick facades, grey wood siding, with white trim and white posts.

The site's large size, open parking areas and location at the intersection of two very busy arterial streets (Camden Avenue and Union Avenue), make the site highly visible from the surrounding area. There are several mature palm trees on the site, and there are overhead utility lines visible along both the Camden Avenue and Union Avenue frontages. The original, free-standing sign for the Cambrian Park Plaza is located in the parking lot near the northwest corner of the site and is a dominant feature of the Union Avenue frontage. The majority of the Union Avenue frontage has no sidewalks and contains streetlights and a mix of on-site pole mounted signs and temporary A-frame signs placed within the public right-of-way. The Camden Avenue frontage is occupied by the four commercial buildings. Views of the site are shown in Photos 1 through 16.

Surrounding Land Uses

The project site is basically triangular-shaped, with two sides fronting along major commercial thoroughfares. Land uses surrounding the site on the west side, across Union Avenue, are primarily commercial. A commercial strip center extends from Camden Avenue south to Woodard Road that includes a donut shop, restaurants, martial arts studios, a tobacco shop, a massage business, a liquor store, a hair salon, and a shoe store. From Woodard Road south to Chelsea Drive, there is a gas station, a medical supply store, and single–family residences at the Chelsea Drive intersection.

There is a commercial center located at the northwest corner of Union Avenue and Camden Avenue, to the northwest of the project site. It has two major anchor tenants – a chain drug store and a supermarket. Other tenants in the center include restaurants, a video game store, a bank, and a payday loan establishment. To the north of the site, at the northeast corner of the intersection, is a fast-food establishment. The rest of the Camden Avenue frontage across from the site contains single-family homes.

Adjacent uses along the southeast boundary of the site include an office complex at the corner of Camden Avenue and Bercaw Lane, single-family homes, and a child daycare center. An apartment complex is located adjacent to the southerly tip of the project site, fronting on Union Avenue.

Scenic Vistas and Resources

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

Photo 1: Viewing southeast toward the site from Camden Avenue/Union Avenue.

Photo 2: Viewing south along the project frontage on Union Avenue from Camden Avenue/Union Avenue.

PHOTOS 1 & 2

Photo 3: Viewing east along the project frontage on Camden Avenue.

Photo 4: Viewing west along the project frontage on Camden Avenue.

PHOTOS 3 & 4

Photo 5: Viewing northeast from the northeastern portion of the site.

Photo 6: Viewing southwest from the northeastern portion of the site.

PHOTOS 5 & 6

Photo 7: Viewing southeast from the western portion of the site.

Photo 8: Viewing northeast from the southwestern portion of the site.

PHOTOS 7 & 8

Photo 9: Viewing southeast from the southwestern portion of the site.

Photo 10: Viewing east from the northwest portion of the site.

PHOTOS 9 & 10

Photo 11: Viewing southwest along the rear property line at the terminus of Wyrick Avenue.

Photo 12: Viewing northeast along the rear property line at the terminus of Wyrick Avenue.

PHOTOS 11 & 12

Photo 13: Viewing southwest toward the adjacent apartment buildings south of the site.

Photo 14: Viewing east along the south property line.

PHOTOS 13 & 14

Photo 15: Viewing north along the western property line form the southwest corner of the site.

Photo 16: Viewing southeast toward the site from Union Avenue.

PHOTOS 15 & 16

such as Union Avenue and Camden Avenue. Intermittent views of the Santa Cruz Mountains to the south and west are available from the project site.

Scenic Corridors

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[4] The project site is located 0.5-mile from SR 85, which is a designated Urban Throughway in the General Plan. The project site is also located approximately 0.7 miles east of the segment of Camden Avenue between South Bascom Avenue and SR 17, which is identified as a Gateway in the General Plan. The site is not visible from any of the City's designated Gateways, Urban Throughways or Rural Scenic Corridors.[5]

There are no State-designated scenic highways in San José. The nearest officially designated state scenic highway to the project site is SR 9, located approximately 3.5 miles southwest of the site.[6] Interstate 280 from the San Mateo County line to SR 17,[7] which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is 3.9 miles south of that segment.

The County of Santa Clara has designated scenic roads in unincorporated Santa Clara County. County-designated scenic roads in the City's sphere of influence include Casa Loma Road, McKean Road, and Uvas Road in the hills above Calero Reservoir, Metcalf Road, Silver Creek Road, and San Felipe Road in the Silver Creek Hills, Hicks Road, Sierra Road, and Mt. Hamilton Road. The project site is not proximate to any County-designated scenic roads.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project area, including but not limited to streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, would the project:

1) Have a substantial adverse effect on a scenic vista?
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

[4] City of San José. *Envision San José 2040 General Plan FPEIR.* Page 739. September 2011.
[5] City of San José. "Scenic Corridors Diagram". Accessed October 27, 2020. https://www.sanjoseca.gov/home/showdocument?id=22565
[6] California Department of Transportation. *California Scenic Highway Mapping System*. Accessed November 4, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
[7] The segment at SR 17 is the same segment identified as the City's Urban Throughways.

3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views[8] 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?
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Generally, visual effects discussed in a CEQA document would be of two types: impacts from the project's appearance and what views, if any, it would obscure.

Aesthetic values are subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. The best available statement of what constitutes a visually acceptable standard for new structures is the Design Guidelines and policies adopted by the City Council. The proposed development will be reviewed for consistency with applicable design guidelines and policies prior to issuance of planning permits.

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

The proposed buildings would be visible from several public vantage points including Camden Avenue, Union Avenue, Woodard Road, Chelsea Drive, and Bercaw Lane. While there are intermittent views of the Santa Cruz Mountains from the area surrounding the site, the area is relatively flat and prominent viewpoints, other than buildings, are limited. Furthermore, there are no City, County, or State designated scenic vistas, highways, or other scenic resources within the project area.

The area surrounding the project site is currently developed with one- and two-story houses, apartment buildings, and commercial/retail structures. The proposed project would construct new buildings on the site, ranging from one to six stories. The tallest building, a six-story apartment building, fronts on the corner of Union Avenue and Camden Avenue in the northwestern portion of the site. The second tallest building, a six-story hotel building, fronts on Camden Avenue at the northeast corner of the site. While the proposed development may further block views of the mountains for a limited number of off-site residences, private views are not protected scenic resources under CEQA. The project would not significantly block public views of the Santa Cruz mountains from the surrounding streets and sidewalks, as these views are partially blocked by existing development. It is not a significant environmental impact for a structure to be visible in an existing urban setting. All new structures, by their existence, change the appearance of their location and immediate setting. The historic Cambrian Park Plaza sign would be relocated to a location along Union Avenue where it would continue to be visible from the street and preserved as a component of the project. For these reasons, the project would not result in a significant impact to scenic vistas. **(Less than Significant Impact)**

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

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

There are no state scenic highways in the immediate vicinity of the project site or from which the project site is visible. Therefore, the project would not substantially damage scenic resources within a state scenic highway. **(Less than Significant Impact)**

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

The project site is in an urban area. The proposed development would alter the visual character of the project site compared to the existing conditions. The proposed development would substantially increase the building density on the site. Although the mass and scale of the proposed development would be a departure from the existing single-story shopping center buildings and surface parking lots, the project would not degrade existing surrounding characteristics. The proposed commercial buildings, surface parking lots and taller buildings are oriented toward Camden Avenue and Union Avenue, which are both commercial thoroughfares. The smaller-scale residential buildings are located toward the interface with existing residential uses on the east side of the site to create a more compatible transition to the existing smaller scale structures.

The project would not conflict with applicable regulations governing scenic quality, including General Plan Policies CD-1.1 and CD-1.12, which require implementing the highest standards of architecture and site design, and using building design to reflect the unique character of the site and the context of the surrounding development, respectively. The project would be constructed in conformance with the Citywide Design Guidelines, which contains strong design controls and development standards to ensure that new development projects are compatible with existing surrounding land uses. This would be consistent with Policy CD-1.1. The project would also be subject to design review through the City's development permit process, which provides site and architectural review to ensure consistency with the pedestrian access and building architectural quality provisions of Policy CD-1.12. As a Signature Project within an Urban Village, the project would be reviewed for conformance to scenic quality objectives, including: 1) inclusion of public parklands and/or privately maintained, publicly accessible plazas or open space areas; 2) achievement of pedestrian friendly design guideline objectives of the General Plan; and 3) demonstration of high quality architectural, landscape and design feature objectives. For these reasons, the project would have a less than significant impact on the visual quality or character of the 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?

The project site is currently developed and located in an urban area with commercial and residential development. The proposed development would add new lighting sources to the area, including security lights, parking garage lights, and decorative outdoor lighting. The amount of nighttime lighting would be increased as a result of the proposed project. In addition, the taller buildings would include glass windows and building materials which could increase the amount of glare experienced by nearby residents and motorists in surrounding roadways.

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. All lighting installed by the project would be full-cutoff lighting[9], designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan design and lighting policies would ensure the project would not create a new source of nighttime light that would adversely affect views in the surrounding area.

The design of the proposed project would also be subject to the City's design review process for commercial and residential development and would be required to utilize exterior materials that do not result in daytime glare, consistent with the Citywide DSG. As a result, the project would not significantly impact adjacent uses due to nighttime lighting or daytime glare from building materials. **(Less than Significant Impact)**

3.1.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative aesthetics impact?

The project would be subject to architectural review and General Plan policies adopted with the intent of reducing aesthetic impacts from development in the City. Development in the surrounding areas would also undergo design review on a project-by-project basis and would be subject to General Plan aesthetic policies. Any necessary modifications to the design of the project could be made during the development review stage to ensure aesthetic impacts are reduced. There is no significant cumulative aesthetic impact and the project, together with past, present, and reasonably foreseeable future development, would not result in a significant cumulative aesthetics impact. **(Less than Significant Cumulative Impact)**

[9] Full cut-off lighting is a lighting fixture that projects all of its light in a downward direction.

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[10]

3.2.1.2 *Existing Conditions*

The proposed project site is a developed site located in an unincorporated suburban neighborhood within the sphere-of-influence of the City of San José. It is zoned *CG – General Commercial* in the County of Santa Clara and has a City of San José land use designation of *NCC – Neighborhood/Community Commercial* and is within a designated *Urban Village* boundary under the City's General Plan. It is not under a Williamson Act contract. There are no existing agricultural or forestry resources on or in the vicinity of the site.

3.2.2 Impact Discussion

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
4) Result in a loss of forest land or conversion of forest land to non-forest use?
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

[10] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed April 26, 2019. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

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

The proposed project would redevelop a site that is designated as "Urban and Built-Up Land" on maps prepared by the California Resources Agency for Santa Clara County. Therefore, no farmland would be converted to non-agricultural use as a result of project implementation. **(No Impact)**

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

The project is zoned for residential and commercial uses. The project site is not under a Williamson Act contract. Therefore, the project will not conflict with existing zoning for an agricultural use or a Williamson Act contract. **(No Impact)**

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

The project site is not zoned, or adjacent to land zoned, for forest land, timberland, or timberland zoned Timberland Production. Therefore, the project would not conflict with existing zoning or require rezoning of forest land or timberland uses. **(No Impact)**

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

The project site is in an unincorporated, yet urbanized, area of the City and is developed with commercial/retail buildings. Therefore, no forest land would be lost as a result of the project. **(No Impact)**

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed residential development would occur in an unincorporated, yet urban, area of the City. The project would not result in impacts to agricultural lands or forest lands in the surrounding region. **(No Impact)**

3.2.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative agricultural and forestry resources impact?

The project would redevelop an existing site in an unincorporated, yet urbanized, area of the City. No agricultural or forest land would be lost during project implementation. Therefore, the project would not result in a cumulatively considerable contribution to a significant cumulative impact to agricultural and forestry resources. **(No Cumulative Impact)**

3.3 AIR QUALITY

The following discussion is based, in part, on an air quality assessment prepared by *Illingworth & Rodkin, Inc*. The report, dated September 18, 2020, is included as Appendix B to this DEIR.

3.3.1 Environmental Setting

3.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

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

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants), including particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), and lead. 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.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

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. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which 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).[11]

[11] CARB. "Overview: Diesel Exhaust and Health". Accessed September 11, 2020. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

Fine Particulate Matter ($PM_{2.5}$) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs. According to BAAQMD, $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents. Sources of $PM_{2.5}$ include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

Local risks associated with TACs and $PM_{2.5}$ are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

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 would 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 gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[12]

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of San José and other 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.

Local

The *Envision San José 2040 General Plan* includes the following policies that are applicable to the proposed project.

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

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

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-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-13.2: 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.

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.

3.3.1.2 *Sensitive Receptors*

There are groups of people 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. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children.

The closest sensitive receptors to the project site are residences to the east, with one home located approximately five feet from the property line. There are more sensitive receptors at farther distances with two daycare centers that care for infants to kindergarten age children within 1,000 feet of the project site (TrueHeart Family and Early Discoveries CDC – Cambrian Park). This project would also introduce new sensitive receptors in the form of residents and adult seniors (only for the Assisted Living Variant).

3.3.1.3 *Existing Conditions*

The project is in the San Francisco Bay Area Air Basin. The Air Basin includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeast portion of Sonoma County and the southwest portion of Solano County.

The subject project is within the jurisdiction of the BAAQMD. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants, and the number of days during which the region exceeds air quality standards, have fallen dramatically. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Local Climate and Air Quality

Air quality is a function of both local climate and local sources of air pollution. Air quality is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. Climate and topography are major influences on air quality.

Climate and Meteorology

During the summer, mostly clear skies result in warm daytime temperatures and cool nights in the Santa Clara Valley. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Air Pollution Potential

Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air which usually reaches across San Mateo County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the county, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the $PM_{2.5}$ standard each winter. This is due to the high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flow into the region.

Attainment Status Designations

The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for all state standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An "unclassified" designation signifies that data does not support either an attainment or nonattainment status. The California Clean Air Act (CCAA) divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

Table 3.3-1 shows the state and federal standards for criteria pollutants and provides a summary of the attainment status for the San Francisco Bay Area with respect to national and state ambient air quality standards. State and federal ambient air quality standards are health-based standards and are set to be protective of human health. Exceedances of those standards result in unhealthy levels of air pollutants.

Table 3.3-1: San Francisco Bay Area Attainment Status

Pollutant	**Averaging Time**	**California Standards**		**National Standards**	
		Concentration	***Attainment Status***	***Concentration***	***Attainment Status***
Carbon Monoxide (CO)	8-Hour	9 ppm (10 mg/m^3)	Attainment	9 ppm (10 mg/m^3)	Attainment
	1-Hour	20 ppm (23 mg/m^3)	Attainment	35 ppm (40 mg/m^3)	Attainment
Nitrogen Dioxide (NO_2)	Annual Mean	0.030 ppm (57 mg/m^3)	Attainment	0.053 ppm (100 $\mu g/m^3$)	Attainment
	1-Hour	0.18 ppm (338 $\mu g/m^3$)	Attainment	0.100 ppm	Unclassified
Ozone (O_3)	8-Hour	0.07 ppm (137 $\mu g/m^3$)	Nonattainment	0.070 ppm	Nonattainment

Table 3.3-1: San Francisco Bay Area Attainment Status					
	1-Hour	0.09 ppm (180 µg/m^3)	Nonattainment	Not Applicable	Not Applicable
Suspended Particulate Matter (PM_{10})	Annual Mean	20 µg/m^3	Nonattainment	Not Applicable	Not Applicable
	24-Hour	50 µg/m^3	Nonattainment	150 µg/m^3	Unclassified
Suspended Particulate Matter ($PM_{2.5}$)	Annual Mean	12 µg/m^3	Nonattainment	12 µg/m^3	Attainment
	24-Hour	Not Applicable	Not Applicable	35 µg/m^3	Nonattainment
Sulfur Dioxide (SO_2)	Annual Mean	Not Applicable	Not Applicable	80 µg/m^3 (0.03 ppm)	Attainment
	24-Hour	0.04 ppm (105 µg/m^3)	Attainment	365 µg/m^3 (0.14 ppm)	Attainment
	1-Hour	0.25 ppm (655 µg/m^3)	Attainment	0.075 ppm (196 µg/m^3)	Attainment

Lead (Pb) is not listed in the above table because it has been in attainment since the 1980s. ppm = parts per million, mg/m^3 = milligrams per cubic meter, µg/m^3 = micrograms per cubic meter

Source: Bay Area Air Quality Management District, 2017. *Air Quality Standards and Attainment Status.* January 5.

Existing Air Pollutant Levels

BAAQMD monitors air pollution at various sites within the Bay Area. The closest air monitoring station (158 Jackson Street) that monitored O_3, CO, NO, NO_2, PM_{10}, and $PM_{2.5}$ over the past five years (2015 through 2019) is in the City of San José approximately five miles southwest of the project site. The data shows that during the past few years, the project area has exceeded the state and/or federal O_3, PM_{10}, and $PM_{2.5}$ ambient air quality standards. **Error! Reference source not found.**.3-2 lists air quality trends in data collected at the San José Station for the past five years and published by the BAAQMD, which is the most recent time-period available. Ozone standards are exceeded on zero to four days annually in San José and three to 15 days throughout the Bay Area. Measured 24-hour PM_{10} and $PM_{2.5}$ concentrations are exceeded on zero to six monitoring days in San José and up to 18 days at any place in the Bay Area (note these levels were influenced by smoke from wildfires).

Table 3.3-2: Ambient Air Quality Concentrations from 2014 through 2018						
Pollutant	**Standard**	**2015**	**2016**	**2017**	**2018**	**2019**
Ozone						
Max 1-hr concentration		94 ppb	87 ppb	121 ppb	78 ppb	95 ppb
No. days exceeded: CAAQS	90 ppb	0	0	3	0	1
Max 8-hr concentration		81 ppb	66 ppb	98 ppb	61 ppb	81 ppb

Table 3.3-2: Ambient Air Quality Concentrations from 2014 through 2018						
Pollutant	**Standard**	**2015**	**2016**	**2017**	**2018**	**2019**
No. days exceeded: CAAQS NAAQS	70 ppb 70 ppb	2 2	0 0	4 4	0 0	2 2
Carbon Monoxide						
Max 1-hr concentration		2.4 ppm	2.0 ppm	2.1 ppm	2.5 ppm	1.7 ppm
No. days exceeded: CAAQS NAAQS	20 ppm 35 ppm	0 0	0 0	0 0	0 0	0 0
Max 8-hr concentration		1.8 ppm	1.4 ppm	1.8 ppm	2.1 ppm	1.3 ppm
No. days exceeded: CAAQS NAAQS	9.0 ppm 9 ppm	0 0	0 0	0 0	0 0	0 0
PM_{10}						
Max 24-hr concentration		58 µg/m^3	41 µg/m^3	70 µg/m^3	122 µg/m^3	77 µg/m^3
No. days exceeded: CAAQS NAAQS	50 µg/m^3 150 µg/m^3	1 0	0 0	6 0	4 0	4 0
Max annual concentration		22.0 µg/m^3	18.5 µg/m^3	21.6 µg/m^3	23.1 µg/m^3	19.2 µg/m^3
No. days exceeded: State	-	-	-	-	-	-
$PM_{2.5}$						
Max 24-hr concentration		49.4 µg/m^3	22.6µg/m^3	49.7 g/m^3	133.9µg/m^3	27.6
No. days exceeded: NAAQS	35 µg/m^3	2	0	6	4	0
Annual Concentration		10.0 g/m^3	8.4 µg/m^3	9.5 µg/m^3	12.8µg/m^3	9.1 µg/m^3
No. days exceeded: CAAQS NAAQS	12 µg/m^3 12 µg/m^3	- -	- -	- -	- -	- -
Nitrogen Dioxide						
Max 1-hr concentration		49 ppb	51 ppb	68 ppb	86 ppb	60 ppb
No. days exceeded: CAAQS NAAQS	180 ppb 100 ppb	0 0	0 0	0 0	0 0	0 0
Annual Concentration		13 ppb	11 ppb	12 ppb	13 ppb	11 ppb
No. days exceeded: CAAQS NAAQS	30 ppb 53 ppb	- -	- -	- -	- -	- -
Source: Bay Area Air Quality Management District. Air Quality Summary Reports. Accessed October 27, 2021. https://www.baaqmd.gov/about-air-quality/air-quality-summaries. NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards						

3.3.2 Impact Discussion

For the purpose of determining the significance of the project's impact on air quality, would the project:

1) Conflict with or obstruct implementation of the applicable air quality plan?
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
3) Expose sensitive receptors to substantial pollutant concentrations?
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Significance Thresholds

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. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-3 below. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable and contribute to unhealthy air. BAAQMD's thresholds are set to be protective of human health and are designed to allow the air basin to achieve the state and federal ambient air quality standards. If a project makes a less than cumulatively considerable contribution to the criteria air pollutants for which the basin is in nonattainment, the project has no significant adverse health effects.

Table 3.3-3: Air Quality Significance Thresholds			
Criteria Air Pollutant	***Construction Thresholds***	***Operational Thresholds***	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/yr.)**
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hr. average) or 20.0 ppm (1-hr. average)	
Fugitive Dust	Construction Dust Ordinance or Other Best Management Practices	Not Applicable	
Health Risks and Hazards	**Single Sources Within 1,000-foot Zone of Influence**	**Combined Sources (Cumulative from all Sources Within 1,000-foot Zone of Influence)**	
Excess Cancer Risk	> 10.0 per one million	> 100 per one million	
Hazard Index	>1.0	>10.0	
Incremental Annual $PM_{2.5}$ >0.3	> 0.3µg/m^3	> 0.8µg/m3	
Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less.			

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

BAAQMD 2017 CAP

BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following questions.

1) Does the project support the primary goals of the Clean Air Plan (CAP)?
2) Does the project include applicable control measures from the CAP?
3) Does the project disrupt or hinder the implementation of any CAP control measures?

The proposed project supports the primary goals of the 2017 CAP, which are to attain air quality standards, reduce population exposure, protect public health, reduce greenhouse gas emissions, and protect the climate. As discussed below and shown in Table 3.3-4 and Table 3.3-5, project construction and operation emissions would not exceed the BAAQMD thresholds for ozone precursor pollutant (ROG, NO_x) and exhaust (PM_{10}, $PM_{2.5}$) emissions. Additionally, the project is consistent with the City's General Plan land use designation for the site and would be required to comply with the City's Green Building Ordinance for Private Sector New Construction as set forth in Municipal Code Section 17.84.

The 2017 CAP contains a control strategy intended to complement efforts to improve air quality and protect the climate being made by other partner agencies at the state, regional and local levels. The

strategy is based on the following four key priorities and identifies 85 individual control measures to reduce pollutant emissions.

- Reduce emissions of criteria pollutants and TACs from all key sources.
- Reduce emissions of "Super GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels.
- Decarbonize our energy system.

The project would support measures related to land use strategies, green building, reduced energy demand, urban heat island, recycling and waste reduction, water conservation, urban tree planting, and bicycle and pedestrian access. The project would be required to include bicycle parking spaces, improve pedestrian access to the site, comply with the Green Building Policy to reduce construction-related waste and achieve sustainability goals, and replace all removed trees, and with mitigation would make a less than cumulatively considerable contribution to significant cumulative GHG emissions (refer to Section 3.8, *Greenhouse Gas Emissions*). Furthermore, the project is subject to measures and conditions that would encourage alternative modes of transportation to reduce vehicle miles traveled (refer to *Section 3.16, Transportation*).

The project is an infill project located within a General Plan-designated Urban Village, and as such it is in an urbanized area that is currently served by pedestrian, bicycle, and transit facilities. By providing on-site bicycle parking for residents and commercial uses that exceeds City standards (refer to Section 3.16.3, *Operational Issues Not Required Under CEQA*), the project is in conformance with transportation Control Measure TR9 of the CAP, which encourages planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities. Conformance with CALGreen standards makes the project consistent with Buildings Control Measure BL1 of the CAP, which seeks to identify barriers to effective local implementation of the CALGreen statewide building energy code and engage with additional partners to target reducing emissions from buildings.

As described above, the project would not disrupt, delay or otherwise hinder implementation of the 2017 CAP control measures, and not inhibit BAAQMD or partner agencies from 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. Therefore, the project would not result in a significant impact related to consistency with 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. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor

pollutants (ROG and NOX), PM10, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Construction Period Emissions

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. The project land use types and sizes, and anticipated construction schedule were input to CalEEMod. The CARB EMission FACtors 2017 (EMFAC2017) model was used to predict emissions from construction traffic, which includes worker travel, vendor trucks, and haul trucks. The model output from CalEEMod along with construction inputs are included as attachments to the air quality and GHG assessment (Appendix A). Newer versions of the EMFAC model have become available subsequent to the *Illingworth & Rodkin* assessment, and generally produce lower NO_x and $PM_{2.5}$ emissions and cancer risk.[13] The emissions and cancer risk of the *Illingworth & Rodkin* assessment would therefore be considered to be conservative.

The proposed land use inputs to the CalEEMod were the same for both scenarios, except for the assisted living facility use for the Assisted Living Variant and the general office use for the Office Variant. The modeled input and project land uses are shown in Table 3.3-4.

Table 3.3-4: CalEEMod Land Use Inputs and Project Land Uses

Land Uses	Size	Units	Square Feet/Acres
CalEEMod Land Use Inputs			
Apartments	320	Residential units	340,220 s.f.
Sit Down Restaurant (ground floor of apartment building)	--	--	42,000 s.f.
Retail (Strip Mall/ground floor of apartment building)	--	--	18,000 s.f.
Hotel	230	Rooms	165,740 s.f. (includes rooms and 4,610 s.f. of retail/restaurant space)
Enclosed Parking	1,225	Space	490,000 s.f.
Surface Parking (Parking Lot)	98	Space	39,200 s.f.
Single-Family Homes	49	Residential units	113,620 s.f.
City Park (Publicly Accessible Park)	--	--	2.26 acres
Other Non-Asphalt Surfaces (Open Space)	--	--	319,470 s.f./7.3 acres
Alternative 1: Assisted Living Building (Congregate Care)	185	Rooms	160,000 s.f.
Alternative 2: General Office Building	--	--	160,000 s.f.
Proposed Project Land Uses			
Apartments	305	Residential units	348,390 s.f.
Sit Down Restaurant (ground floor of apartment building)	--	--	35,695 s.f.
Retail (Strip Mall/ground floor of apartment building)	--	--	15,295 s.f.

[13] Personal conversation with James Reyff, *Illingworth & Rodkin*, on May 19, 2021.

Table 3.3-4: CalEEMod Land Use Inputs and Project Land Uses			
Land Uses	**Size**	**Units**	**Square Feet/Acres**
Hotel	229	Rooms	165,740 s.f. (includes rooms and 4,610 s.f. of retail/restaurant space
Enclosed Parking	1,012	Space	490,000 s.f.
Surface Parking	94	Space	39,200 s.f.
Single-Family Homes	48	Residential units	113,588 s.f.
Publicly Accessible Park	--	--	2.3 acres
Open Space	--	--	7.9 acres
Alternative 1: Assisted Living Building	160	110 Assisted Living Rooms 50 Independent Senior Living Units	125,740 s.f. (Assisted Living Space) 58,320 s.f. (Independent Senior Units)
Alternative 2: General Office Building	--	--	160,000 s.f.
Notes: The proposed project and the modeled assumptions are approximately the same size. The increase in square footage of the Assisted Living Building by 20,000 square feet would not change the construction assumptions.			

CalEEMod computes annual emissions for construction that are based on the project type, size and acreage. The model 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 traffic-related emissions are based on worker and vendor trip estimates produced by CalEEMod and haul trips that were computed based on the estimate of demolition material to be exported, soil material imported and/or exported to the site, and the estimate of cement and asphalt truck trips. The construction build-out scenario, including equipment list and schedule, were based on information provided by the project applicant. The construction schedule assumed a duration of approximately 28 months, or 581 construction workdays.

Average daily emissions were annualized for each year of construction by dividing the annual construction emissions and dividing those emissions by the number of active workdays during that year. Table 3.3-5 shows the annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 3.3-5: Construction Period Emissions								
Year	**ROG**		**NOx**		**PM_{10} Exhaust**		**$PM_{2.5}$ Exhaust**	
Assisted Living Variant								
Construction Emissions Per Year (Tons)								
Year	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***
2021	0.45	0.17	4.96	2.72	0.25	0.08	0.20	0.05
2022	2.19	1.86	7.59	6.14	0.39	0.20	0.29	0.11
2023	5.09	4.80	5.79	4.97	0.32	0.18	0.23	0.10
Annualized Daily Construction Emissions Per Day (pounds/day)								
Year	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***
2021 (100 construction workdays)	9	3	**99**	54	5	2	4	1
2022 (260 construction workdays)	17	14	**58**	47	3	2	2	1
2023 (221 construction workdays)	46	43	52	45	3	2	2	1
BAAQMD Thresholds (pounds per day)	*54* lbs./day		*54* lbs./day		*82* lbs./day		*54* lbs./day	
Exceed Threshold?	No	No	**Yes (2021 & 2022)**	No	No	No	No	No
Office Variant								
Construction Emissions Per Year (Tons)								
Year	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***
2021	0.45	0.17	4.96	2.72	0.25	0.08	0.20	0.05
2022	2.112	1.79	7.59	6.14	0.39	0.20	0.29	0.11
2023	4.87	4.58	5.79	4.97	0.32	0.18	0.23	0.10
Annualized Daily Construction Emissions Per Day (pounds/day)								
Year	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***	***Unmit***	***Mit***
2021 (100 construction workdays)	9	3	**99**	54	5	2	4	1
2022 (260 construction workdays)	16	14	**58**	47	3	2	2	1
2023 (221 construction workdays)	44	41	52	45	3	2	2	1
BAAQMD Thresholds (pounds per day)	*54* lbs./day		*54* lbs./day		*82* lbs./day		*54* lbs./day	
Exceed Threshold?	No	No	**Yes (2021, 2022)**	No	No	No	No	No
Notes: Unmit = Unmitigated, Mit = Mitigated								

As indicated in Table 3.3-5, predicted annualized project construction emissions would exceed the BAAQMD significance thresholds for NO_x during the years 2021 and 2022 (i.e., first two years of construction) for both project scenarios. However, with the implementation of the City's Standard Permit Conditions required for all projects as well as the project-specific Mitigation Measures AIR-1, below, the NO_x emissions would be reduced to a level at or below the threshold of 54 pounds per day for both alternatives. All other construction criteria pollutants emissions are below the BAAQMD thresholds. Note that the ROG emissions differ slightly between the two alternatives due the painting square footage difference in residential and non-residential developments. The NO_x, PM_{10}, and $PM_{2.5}$ construction emissions are the same since the construction schedule and equipment would be the same for both project scenarios.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of DPM and PM_{10}. 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.

Implementation of the following mitigation measure (best management practices) to reduce DPM and PM_{10} during construction is recommended by which BAAQMD for all projects.

Impact AIR-1: Project construction could result in significant fugitive dust (DPM and PM_{10}) emissions.

Mitigation Measures: The following mitigation measures are proposed as part of the project to significant fugitive dust impacts to a less than significant level.

MM-AIR-1.1: Prior to the issuance of any demolition or grading permits, a qualified air quality consultant shall prepare a Construction Dust Control Plan and implement the following dust (DPM and PM_{10}) control measures during the construction period**:**

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

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

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of

California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

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

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

9. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries.

10. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.

11. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

12. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

13. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.

14. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Prior to the issuance of any grading or demolition permits, the project applicant shall submit a copy of the Construction Dust Control Plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

With the implementation of mitigation measure MM AIR-1.1, the impacts of construction emissions of DPM and PM_{10} would be reduced to less than significant.

Impact AIR-2: Emissions from construction activities would exceed the BAAQMD criteria pollutant threshold of 54 pounds per day for NO_x emissions for the first two years of construction by up to 47 pounds per day for both project variants (Alternatives 1 and 2).[14] **(Significant Impact)**

Mitigation Measures: The following mitigation measures are proposed as part of the project to significant construction NO_x emissions impacts to a less than significant level.

MM AIR-2.1: Prior to the issuance of any demolition or grading permits (whichever occurs first), a qualified air quality consultant shall prepare a construction operations plan demonstrating use of construction equipment that has low diesel particulate matter exhaust and NO_x emissions. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

1. All diesel construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards (i.e., Tier 4 Interim or Final engine standard) for NO_x and PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise,

    a. If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). The use of Tier 3 equipment shall not exceed 5 percent of all equipment usage (described in terms of total horsepower hours during a phase).

    b. Use of alternatively fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.

[14] Development Alternative 1 would include 48 single-family houses, 25 townhouses, 305 apartment units, 229 hotel rooms, up to 40,481 square feet of restaurant space, 17,349 square feet of retail, and a 180-bed assisted living complex. Alternative 2 includes the same land uses as Alternative 1, with the exception of the replacement of the assisted living complex with 160,000 square feet of office space.

2. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators, welders, and air compressors.

The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall include but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
- How the construction contractor will ensure that the measures listed are monitored.
- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval.

With the implementation of Mitigation Measures MM AIR-1.1 and MM AIR-2.1, the project's construction NO_x emissions in 2021 and 2022 would be reduced from 99 pounds per day and 58 pounds per day to 54 pounds per day and 47 pounds per day, respectively.[15] As a result, the project's construction criteria pollutant emissions would be reduced below the BAAQMD single-source thresholds. As discussed in the regulatory setting section, BAAQMD's thresholds are set to be protective of human health, and therefore the project's criteria air pollutant emissions from construction, with mitigation, would not cause significant adverse health impacts. **(Less than Significant with Mitigation Incorporated)**

Operational Emissions

Operational air emissions from the project would be generated primarily from autos driven by future residents, retail customers, hotel guests, and employees. Other operational emissions include evaporative emissions from architectural coatings and maintenance products (classified as consumer products), which are typical emissions from commercial and residential uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out in the year 2024. The CalEEMod land use inputs for operational uses are shown in Table 3.3-4. The operational

[15] Mitigation Measure MM AIR-1.1 to reduce fugitive dust emissions would also reduce NO_x emissions during construction as the measures require reductions in equipment idling times and construction equipment maintenance to ensure reduced emissions.

emissions from the existing retail use of the site were factored into the model to determine net project emissions.

Annual emissions were predicted using CalEEMod and daily emissions were estimating assuming 365 days of operation. Table 3.3-6 shows net average daily operational emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during operation of the project.

Table 3.3-6: Operational Period Emissions

Scenario	***ROG***	***NOx***	***PM_{10}***	***$PM_{2.5}$***
2024 Assisted Living Variant Annual Project Operational Emissions (*tons/year*)	7.07	4.60	5.12	1.47
2024 Office Variant Annual Project Operational Emissions (*tons/year*)	7.19	4.95	5.60	1.60
2024 Annual Existing Operational Emissions (*tons/year*)	2.71	2.48	3.40	0.93
Assisted Living Variant Net Annual Emissions	4.36	2.13	1.72	0.54
Office Variant Net Annual Emissions	4.48	2.47	2.20	0.67
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2024 Assisted Living Variant Net Daily Operational Emissions (*pounds/day*)[1]	23.9	11.7	9.4	3.0
2024 Office Variant Net Daily Operational Emissions (*pounds/day*)[1]	24.6	13.5	12.1	3.7
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*

Notes: [1] Assumes 365-day operation.

As shown in the Table 3.3-6, the operational period emissions would not exceed the BAAQMD significance thresholds.[16] As discussed in the regulatory setting section, BAAQMD's thresholds are set to be protective of human health, and therefore the project's operational criteria air pollutant emissions would not cause significant adverse health impacts. Therefore, the impact would be less than cumulatively considerable. **(Less than Significant Impact)**

[16] The model results shown in Table 3.3-7 provide a conservative estimate of operational emissions. Given 320 apartment units were modeled, compared to the 305 apartment units the project is proposing, the model results assume 82 additional operational daily trips for the apartment use. For the assisted living facility, it was assumed the facility would have 185 assisted living rooms in the air quality model (which would generate 181 daily trips). The project proposes 110 assisted living rooms and 50 independent senior living units within the same assisted living facility (which would generate 171 daily trips). The modeled project assumptions would generate more daily trips and, therefore, would generate more mobile criteria pollutant emissions during operations, when compared to the proposed project.

Personal Communications. Del Rio, Robert, Hexagon Transportation Consultants (trip generation for proposed project). October 20, 2021.
Personal Communications. Reyff, James, Illingworth & Rodkin (air quality consultant). October 27, 2021.

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

Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources). Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. During project operation, the project would generate some truck traffic, consisting of mostly light-duty vehicles. The project does not propose any onsite stationary sources (e.g., emergency generator with diesel engine) at the time of this analysis.

The air quality analysis addressed project impacts to existing sensitive receptors for temporary construction activities and operational project traffic impacts only. Because there are also several sources of existing TACs and localized air pollutants in the vicinity of the project, the impact of these existing sources of TAC was also assessed in terms of the cumulative risk that includes the project contribution.

Community Risk Methodology for Construction and Operation

Community risk impacts were addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. The risk impacts from the project consist of the combination of risks from construction and operational sources. These sources include on-site construction activity, construction truck hauling, and increased traffic from the project. To evaluate the increased cancer risks from the project, a 30-year exposure period is typically used, per BAAQMD guidance,[17] with the residential sensitive receptors being exposed to both project construction and operation emissions during this timeframe.

The project increased cancer risk is computed by summing the project construction cancer risk and operational cancer risk contributions. Unlike the increased maximum cancer risk, the annual PM2.5 concentration and HI values are not additive but based on the annual maximum values for the entirety of the project. The project's maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction and operation.

The methodology for computing community risk impacts involved the modeling of TAC and $PM_{2.5}$ emissions, dispersion modeling and cancer risk computations.

Modeled Sensitive Receptors

Receptors for this assessment included locations where sensitive populations would be present for extended periods of time (i.e., chronic exposures). This includes all adjacent existing residences and other sensitive receptor groups, as shown on Figure 3.3-1. Residential receptors are assumed to include all receptor groups (i.e., infants, children, and adults) with almost continuous exposure to project

[17] BAAQMD, 2016. *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*. December 2016.

emissions. Additionally, the risks and hazard values were calculated for infants and children at the daycare centers identified on Figure 3.3-1.

Community Risks from Project Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. 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 $PM_{2.5}$.[18] This assessment included dispersion modeling to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

The increased cancer risk calculations were based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences during the entire construction period. At the daycares, children between the ages of six months to six years old were assumed. It was also assumed that the children would be at the daycare centers for 250 days per year, which aligns with BAAQMD's recommendation for worker schedules.[19] This exposure frequency was used since children would be at the daycare when parents are at work.

The maximum modeled annual $PM_{2.5}$ concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed HI values was based on the ratio of the maximum DPM concentration modeled and the chronic inhalation refence exposure level of five $\mu g/m^3$.

[18] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.
[19] Bay Area Air Quality Management District, 2016, *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*. January.

Source: Illingworth & Rodkin, Inc., April 23, 2021.

PROJECT CONSTRUCTION SITE, PROJECT TRAFFIC, LOCATIONS OF OFF-SITE SENSITIVE RECEPTORS AND MAXIMUM TAC IMPACTS | FIGURE 3.3-1

The maximum modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors (as shown on Figure 3.3-1) to find the MEI. Results indicated that the maximum concentrations from DPM and $PM_{2.5}$ would occur at two different locations. The maximum increased cancer risk would occur at the Early Discoveries CDC – Cambrian Park daycare center, which is adjacent to the eastern portion of the project site. Sensitive receptors at this location were assumed to include infants and children with the age range being six months to six years old. The maximum annual $PM_{2.5}$ concentration from project construction would occur at a single-family home also east of the project site.

The construction community risks were also computed and predicted at the location of another daycare center (TrueHeart Family Daycare) identified in Figure 3.3-1. **Error! Reference source not found.** lists the calculated community risks from construction at all these locations. As shown in the table below, project construction emissions would exceed the single-source community risk threshold for cancer risk and $PM_{2.5}$ at the MEI (Early Discoveries CDC – Cambrian Park daycare center). Construction emissions would also exceed the single-source thresholds for cancer risk and $PM_{2.5}$ at the nearest residence to the east.

Community Risks from Project Operation

Operation of the project would have long-term emissions from mobile sources (i.e., traffic). While these emissions would not be as intensive at or near the site as construction activity, they would contribute to long-term effects to sensitive receptors.

Operational Traffic

The project would generate either 8,151 gross trips per day for the Assisted Living Variant or 8,931 gross trips for the Office Variant. The gross trips generated by the project would be used (as opposed to the net project trips) to provide a conservative estimation of operational traffic emissions. A majority of these trips would be from light-duty, gasoline vehicles (i.e., passenger cars). To address the added community risks, the impact from this traffic was assessed using the CT-EMFAC 2017 emissions model, AERMOD dispersion model and cancer risk calculations following BAAQMD methodology.

Operational Stationary Equipment

Stationary equipment that would be permitted by BAAQMD and emit TACs or $PM_{2.5}$ has not been identified for this project.

Summary of Project-Related Community Risks at the MEI

The maximum project health risk impacts at the MEI, considering project construction and operation, is shown below in Table 3.3-6. The project community risks at the TrueHeart Family Daycare center and at the residential single-family home most impacted by project construction are also listed for informational purposes. Note that the maximum annual $PM_{2.5}$ concentration was identified at a residential single-family home; therefore, the annual $PM_{2.5}$ concentration listed for the MEI would be the same for the residential single-family home location. The annual $PM_{2.5}$ concentration is not age-sensitive but based on an annual maximum.

Table 3.3-6: Maximum Project Risk Impacts at the Off-Site Receptors			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Early Discoveries CDC – Cambrian Park Daycare (MEI)			
Project Construction (Years 0-3) Unmitigated	**69.58**[1]	**0.49**[2]	0.02[1]
Mitigated	7.14[1]	0.09[2]	<0.01[1]
Project Operation (Years 4-7)			
Assisted Living Variant Traffic	0.88	0.15	<0.01
Office Variant Traffic	0.91	0.16	<0.01
Total Project Impact – Includes Assisted Living Variant Traffic			
Unmitigated	**70.46**	**0.49**	0.02
Mitigated	8.02	0.15	<0.01
Total Project Impact – Includes Office Variant Traffic			
Unmitigated	**70.49**	**0.49**	<0.01
Mitigated	8.05	0.16	<0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceed Threshold?			
Unmitigated	***Yes***	***Yes***	*No*
Mitigated	*No*	*No*	*No*
TrueHeart Family Daycare Exposure[3]			
Project Construction Unmitigated	8.06	0.03	<0.01
Mitigated	0.83	<0.01	<0.01
Project Operation (Years 4-7)			
Assisted Living Variant Traffic	0.09	0.01	<0.01
Office Variant Traffic	0.10	0.01	<0.01
Total Project Impact – Includes Assisted Living Variant Traffic			
Unmitigated	8.15	0.03	<0.01
Mitigated	0.92	0.01	<0.01
Total Project Impact – Includes Office Variant Traffic			
Unmitigated	8.16	0.03	<0.01
Mitigated	0.93	0.01	<0.01
Residential Exposure[3]			
Project Construction Unmitigated	**23.96**	**0.49**	0.02
Mitigated	2.42	0.09	<0.01
Project Operation (Years 4-30)			
Assisted Living Variant Traffic	0.25	0.15	<0.01
Office Variant Traffic	0.27	0.16	<0.01
Total Project Impact – Includes Assisted Living Variant Traffic			
Unmitigated	**24.21**	**0.49**	0.02
Mitigated	2.67	0.15	<0.01
Total Project Impact – Includes Office Variant Traffic			
Unmitigated	**24.23**	**0.49**	<0.01
Mitigated	2.69	0.16	<0.01

Notes: [1]Based on the location of the Early Discoveries CDC – Cambrian Park daycare.
[2]Based on the location of a single-family home to the east of the site.
[3]Listed for informational purposes
Bold denotes an exceedance of the single-source threshold.

As shown in Table 3.3-6, the unmitigated increased cancer risks from project activities at the increased cancer risk MEI location (i.e., Early Discoveries CDC – Cambrian Park daycare center) would exceed the single-source significance thresholds. The annual maximum $PM_{2.5}$ concentration from project activities at the residential location would also exceed the BAAQMD single-source threshold. This would constitute a significant impact.

Impact AIR-3: Project construction activities would exceed BAAQMD single-source thresholds for lifetime excess cancer risk (10 in one million) and annual $PM_{2.5}$ (0.3 µg/m^3).

Mitigation Measures: Prior to the issuance of any grading or demolition permits, the project applicant shall implement Mitigation Measures MM AIR-1.1 and MM AIR-2.1.

CalEEMod was used to calculate the health risk impacts of the project upon implementation of the mitigation measures described previously. With mitigation, the increased cancer risk from project construction and operation under the Assisted Living Variant would be reduced to 8.02 cases per million and the annual $PM_{2.5}$ concentration would be 0.15 µg/m^3. Under the Office Variant, the prescribed mitigation would reduce the cancer risk to 8.05 cases per million and the annual $PM_{2.5}$ concentrations to 0.16 µg/m^3. These values would not exceed the lifetime excess cancer risk threshold of 10 cases per million or the annual $PM_{2.5}$ threshold of 0.3 µg/m^3. Therefore, the health risk impacts from project-related air emissions would be less than significant with mitigation incorporated. **(Less than Significant Impact with Mitigation Incorporated)**

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

The proposed hotel, retail, and residential project (which may include an office component) would not generate any substantial odors that would cause complaints from surrounding uses. The site is not exposed to any substantial odor sources. Localized odors, mainly resulting from diesel exhaust and construction equipment on-site, would be created during the construction phase of the project. These odors would be temporary and not likely to be noticed beyond the project site's boundaries. The proposed project would, therefore, result in less than significant odor impacts. **(Less than Significant Impact)**

3.3.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative air quality impact?

Health Effects from Criteria Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and make a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. As described previously under checklist question a, the proposed project would not exceed BAAQMD thresholds for construction criteria air pollutants with implementation of mitigation measures MM AIR-1.1 and 1.2. The project would not exceed BAAQMD thresholds for operational criteria air pollutants. Therefore, the project would not result in an adverse health effect due to its contribution to significant cumulative air pollution. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Cumulative Community Risks of all TAC Sources at Project MEI

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site (i.e., influence area). These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area indicates that traffic on Camden Avenue and Union Avenue would exceed 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. Note that the traffic volumes differ between the Assisted Living and Office Variants due to the difference in land uses. Therefore, Camden Avenue and Union Avenue were analyzed for both alternatives.

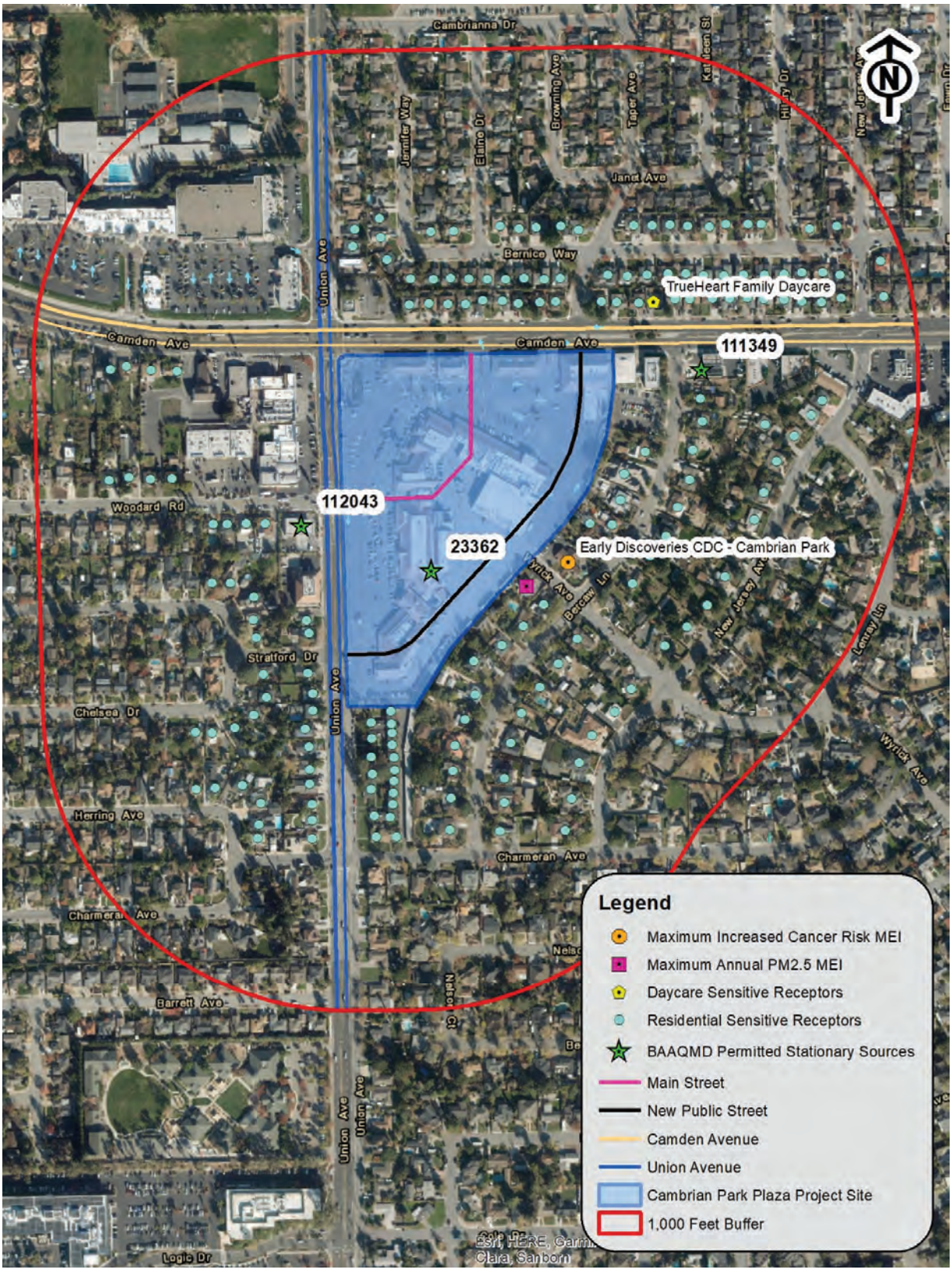
A review of BAAQMD's stationary source geographic information systems (GIS) map tool identified three stationary sources within 1,000 feet of the project site with the potential to affect the project MEI. Figure 3.3-2 below shows the location of the sources affecting the MEI. Community risk impacts from these sources upon the MEI reported in Table 3.3-7 below.

BAAQMD Permitted Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's Permitted Stationary Sources 2018 GIS website.[20] This mapping tool identifies the location of nearby stationary sources and their estimated risk and hazard impacts. Three permitted facilities were identified, with two being gasoline dispensing facilities (Moe's Stop [Facility ID #111349] and Kwikserv [Facility ID 112043]) and one dry cleaning establishment located on the project site (Cambrian Park Plaza Dry Cleaners [Facility ID 23362]).

A request for daily emissions from the facilities was submitted to BAAQMD, who provided updated emissions data.[21] The screening risks and hazards for the two gasoline dispensing facilities were adjusted for distance using BAAQMD's Gasoline Dispensing Facility Distance Multiplier Tool. The dry-cleaning facility would be removed due to the project; therefore, its risk and hazards were netted out of the total cumulative risks and hazard values. Note that no age-sensitivity factors were included in the screening analysis, so risks would be similar or lower if adjustments were included. Table 3.3-7 below lists the risks and hazards from the stationary sources.

[20] BAAQMD, Web: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65
[21] Correspondence with Areana Flores, BAAQMD, 3 March 2020.



Source: Illingworth & Rodkin, Inc., April 23, 2021.

PROJECT SITE AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 3.3-2

Local Roadways – Camden Avenue and Union Avenue

A refined analysis of potential health impacts from vehicle traffic on Camden Avenue and Union Avenue was conducted. The refined analysis involved predicting emissions for the traffic volume and mix of vehicle types on both roadways near the project site and using an atmospheric dispersion model to predict exposure to TACs. The associated cancer risks are then computed based on the modeled exposures.

Summary of Cumulative Risks at the MEI

Table 3.3-7 reports both the project and cumulative community risk impacts. The project's community risk caused by project construction activities would exceed the increased cancer risk single-source thresholds. However, the cumulative annual increased cancer risk, maximum $PM_{2.5}$ concentration, and hazard risk values would not exceed the cumulative threshold for either alternative. To mitigate the construction risk impacts, the project would be subject to Mitigation Measures MM AIR-1.1 and MM AIR-1.2, previously described under checklist question b.

Table 3.3-7: Cumulative Community Risk Impacts at the Location of the MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ concentration ($\mu g/m^3$)	Hazard Index
Project Impacts			
Total Project Impact – Includes Assisted Living Variant Traffic			
Unmitigated	**70.46**	**0.49**	0.02
Mitigated	8.02	0.15	<0.01
Total Project Impact – Includes Office Variant Traffic			
Unmitigated	**70.49**	**0.49**	<0.01
Mitigated	8.05	0.16	<0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceed Threshold?			
Unmitigated	***Yes***	***Yes***	*No*
Mitigated	*No*	*No*	*No*
Cumulative Sources			
Assisted Living Variant - Camden Avenue, ADT 36,235	1.44	0.07	<0.01
Assisted Living Variant - Union Avenue, ADT 19,800	1.16	0.06	<0.01
Office Variant - Camden Avenue, ADT 36,120	1.59	0.07	<0.01
Office Variant - Union Avenue, ADT 19,030	1.19	0.06	<0.01
Moe's Stop (Facility ID #111349, Gas Dispensing Facility) MEI Distance at 670 feet	1.48	-	0.01
Kwikserv (BMZ Investment Inc) (Facility ID #111349, Gas Dispensing Facility) MEI Distance at 880 feet	0.17	-	<0.01
Weingarten Realty (Facility ID #23362) – To Be Removed	*-0.02*	-	-
Cumulative Sources – Assisted Living Variant			
Unmitigated	74.69	0.62	<0.06
Mitigated	12.25	0.28	<0.05
Cumulative Sources – Office Variant			
Unmitigated	74.90	0.62	<0.05
Mitigated	12.46	0.29	<0.05
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***

Table 3.3-7: Cumulative Community Risk Impacts at the Location of the MEI			
Exceed Threshold – Either Variant?			
Unmitigated	*No*	*No*	*No*
Mitigated	*No*	*No*	*No*

As shown in the table above, emissions from existing cumulative sources in the area do not exceed BAAQMD cumulative source thresholds without the project. When considering the total mitigated project emissions under both alternatives and the emissions from cumulative sources in the area, the BAAQMD cumulative source thresholds would not be exceeded. Therefore, the proposed project would not, with other past, present, and reasonably foreseeable future projects, create a significant cumulative health risk impact. **(Less than Significant Cumulative Impact)**

Odors

As stated in Impact d, above, the project would not generate any substantial odors, nor would it be exposed to any existing substantial odor sources in the surrounding community. Only localized odors resulting from diesel exhaust and construction equipment on-site would be created during the construction phase of the project. As these odors would be temporary and not likely to be noticed beyond the project site's boundaries and given that there are no known sources of substantial odors in the surrounding community, they could not be considered as making a cumulatively considerable contribution to a significant cumulative air quality impact. **(Less than Significant Cumulative Impact)**

3.3.4 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 to explain how the project's exposure of future project residents and other sensitive receptors would adhere to City policies intended to prevent excessive exposure to existing health risks and other environmental hazards.

On-site Community Risk Assessment for TAC Sources

The proposed project would provide new residences, including units intended for families with children. Therefore, on-site residential sensitive receptors were assumed to include infants, children, and adults. The nearby sources of TACs and their impacts upon the on-site sensitive receptors was assessed. Figure 3.3-3 shows the future on-site sensitive receptors in relation to the nearby TAC sources. The risk impacts from the TAC sources are shown in Table 3.3-8.

Local Roadways (Camden Avenue and Union Avenue) and BAAQMD Permitted Stationary Sources

The roadway analysis was completed in the same manner as for the off-site sensitive receptors as described above. A 30-year exposure period was used in the risk calculations and a breathing height of five feet was used.

The stationary source analysis was completed in the same manner as described above for the project MEI.

Source: Illingworth & Rodkin, Inc., April 23, 2021.

ON-SITE SENSITIVE RECEPTORS AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 3.3-3

Summary of Cumulative Community Risks at the Project Site

Community risk impacts from the TAC sources upon the proposed sensitive receptors are reported in Table 3.3-8. The risks from the singular TAC sources are compared against the BAAQMD single-source threshold. The risks from all the sources are then combined and compared against the BAAQMD cumulative-source threshold.

Table 3.3-8: Cumulative Community Risk Impacts Upon the On-site Sensitive Receptors

Source	***Maximum Cancer Risk (per million)***	***$PM_{2.5}$ concentration ($\mu g/m^3$)***	***Hazard Index***
Assisted Living Variant - Camden Avenue, ADT 36,235	5.88	**0.55**	<0.01
Assisted Living Variant - Union Avenue, ADT 19,800	3.75	**0.45**	<0.01
Office Variant - Camden Avenue, ADT 36,120	5.70	**0.55**	<0.01
Office Variant - Union Avenue, ADT 19,030	3.75	**0.45**	<0.01
Moe's Stop (Facility ID #111349, Gas Dispensing Facility) MEI Distance at 680 feet	7.39	-	0.03
Kwikserv (BMZ Investment Inc) (Facility ID #111349, Gas Dispensing Facility) MEI Distance at 870 feet	2.48	-	0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceed Threshold?	*No*	***Yes***	*No*
Cumulative Sources – Assisted Living Variant	19.50	**1.0**	<0.06
Cumulative Sources – Office Variant	19.32	**1.0**	<0.06
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***
Exceed Threshold?	*No*	***Yes***	*No*

As shown in the table above, the $PM_{2.5}$ concentrations that future sensitive receptors would be exposed to from the existing roadways would exceed both thresholds.

The significant exposure for new project residential receptors is judged by two effects: (1) increased cancer risk, and (2) annual $PM_{2.5}$ concentration. Exposure to annual $PM_{2.5}$ concentrations from the surrounding roadway traffic on Camden Avenue and Union Avenue is above the threshold, while cancer risk impacts are below thresholds, as shown in Table 3.3-8. Cancer risk is mostly the result of exposure to diesel particulate matter, although, gasoline vehicle exhaust contributes to this effect. Annual $PM_{2.5}$ concentrations are based on the exposure to $PM_{2.5}$ resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. The modeled $PM_{2.5}$ exposure to the project site informs the condition of approval. Reducing particulate matter exposure would reduce both annual $PM_{2.5}$ exposures and cancer risk.

The following standard permit condition will be applied to the project as a condition of approval:

Condition of Approval:

The project shall include the following measures to minimize long-term annual $PM_{2.5}$ exposure for new project occupants:

1. Install air filtration in the project residential buildings where annual $PM_{2.5}$ concentrations exceed 0.3 µg/m^3. Specific portions of the project site (i.e., which residential units) that require this filtration could be further identified by modeling. Note that the analysis identified maximum impacts to planned residences while other residences may have concentrations below the threshold. Air filtration devices shall be rated MERV13 or higher for all portions of the site. To ensure adequate health protection to sensitive receptors this ventilation system, whether mechanical or passive, shall filter all fresh air circulated into the dwelling units.

2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.

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

A system with MERV13 would achieve an 80 percent reduction in $PM_{2.5}$ emissions.[22] Increased cancer risk and $PM_{2.5}$ exposures for MERV13 filtration cases were calculated assuming a combination of outdoor and indoor exposure. For use of MERV13 filtration systems, without the additional use of sealed, inoperable widows and outdoor exposure of three hours to ambient $PM_{2.5}$ concentrations and 21 hours of indoor exposure to filtered air was assumed. In this case, the effective control efficiency using a MERV13 filtration system is about 70 percent for $PM_{2.5}$ exposure. The installation of MERV13 filtration systems in the residential buildings would reduce the maximum annual $PM_{2.5}$ concentration caused by Camden Avenue and Union Avenue from 1.0 µg/m^3 to 0.3 µg/m^3. Therefore, these concentrations would not exceed the single source threshold of an annual $PM_{2.5}$ concentration of 0.3 µg/m^3.

[22] Bay Area Air Quality Management District (2016). Appendix B: Best Practices to Reduce Exposure to Local Air Pollution, *Planning Healthy Places A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning* (p. 38). http://www.baaqmd.gov/~/media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

3.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an arborist report prepared by *Kielty Arborist Services* in April 2018. The report is included in this DEIR as Appendix C.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Federal Endangered Species Act and California Endangered Species Act

Individual plant and animal species listed as threatened or endangered under the California and federal Endangered Species Acts are considered special-status species. Federal and California 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.

The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals. amphibians and reptiles, birds and mammals. Most fully protected species have also been listed as threatened or endangered species under the more recent endangered species laws and regulations. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.[23]

In addition to species listed under California 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 and California Fish and Game Code Protections for Birds

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 CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, 3513, and 3800.

[23] California Department of Fish and Wildlife website. https://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#:~:text=Fully%20Protected%20species%20may%20not,for%20the%20protection%20of%20livestock. Accessed November 3, 2020.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, State, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 401, 404) as "waters of the United States" and State of California Porter-Cologne Water Quality Control Act as "waters of the State."

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 may require 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 applicable to the proposed project.

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. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

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

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

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

Policy MS-21.6: As a condition of new development, require 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.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Chapter 13.32) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. Unless removal of the tree is required pursuant to Chapter 13.28, a tree removal permit or development permit is required from the City for the removal of ordinance-size live trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit. The City of San José regulations regarding Tree Removal Controls (San José City Code, Chapter 13.28) provide that the director shall direct and superintend the planting, removal, and maintenance of any trees, shrubs, and hedges in public places or any streets. A street tree planting or removal permit, or development permit, is required for the planting, pruning, or removal of street trees, unless an imminently hazardous condition exists or other unique circumstances pursuant to Section 13.28.340.

3.4.1.2 *Existing Conditions*

Overview of Habitats Found on the Project Site

The project site is fully developed with five commercial buildings and a large surface parking lot. There are sparse pockets of ornamental landscaping throughout the parking lot, and a small interior courtyard, located at the project site's southern end. The site is surrounded by commercial and residential development. Due to the extensive development in the project area, there are no native habitats on the project site. There are a total of 40 trees on-site, none of which are native tree species.

The 17.2-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban.*[24] *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands. Although the majority of the project site is covered with impervious surfaces (asphalt/concrete paving, buildings), the site contains limited amounts of landscaping consisting of ornamental trees and shrubs planted in parking lot planters and adjacent to buildings.

Special Status Species

Special status species are those plants and animals listed under the California and Federal Endangered Species Acts (including candidate species identified pursuant to the California Endangered Species Act); "fully protected" species identified in the California Fish and Game Code, plants with a ranking of 1B, 2A, and 2B on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Special status plant and animal species occurring in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, and serpentine grassland habitats are not present on the project site. Since the native vegetation of the project area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with the urbanized area. The project site is almost entirely covered with asphalt paving and buildings and does not contain habitat suitable to support any special status species, therefore, special status species are not expected to be present.

Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including carbon dioxide absorption, protection from weather, nesting and foraging habitat for raptors and other birds, and as a visual enhancement to the urban environment. The trees surveyed by *Kielty Arborist Services* are listed in Table 3.4-1 and include trees on and adjacent to the site. Of the 51 trees surveyed, 40 trees are on the site and 11 trees are located along the property lines on neighboring properties at locations that could be impacted by project construction. Seventeen of the surveyed trees are ordinance sized.

Table 3.4-1: Trees On-Site

Tree No.	Common Name	Scientific Name	Circumference (inches)
1	Camphor	*Cinnamomum camphora*	30.2
2**P**	Mexican fan palm	*Washingtonia robusta*	46.5
3	Flowering plum	*Prunus blireana*	18.2
4	Camphor	*Cinnamomum camphora*	34.9
5	Camphor	*Cinnamomum camphora*	34.2
6	Crape myrtle	*Lagerstroemia spp.)*	18.5
7-16	Italian cypress	*Cupressus sempervirens*	18.8
17	Flowering plum	*Prunus blireana*	16.3

[24] Santa Clara Valley Habitat Agency. "Geobrowser". http://www.hcpmaps.com/habitat/. Accessed August 25, 2020.

Table 3.4-1: Trees On-Site			
18	Flowering plum	*Prunus blireana*	15.7
19	Flowering plum	*Prunus blireana*	16.0
20**P**	Camphor	*Cinnamomum camphora*	48.7
21	Camphor	*Cinnamomum camphora*	27.6
22	Flowering plum	*Prunus blireana*	23.6
23	Liquidambar	*Liquidambar styraciflua*	32.4
24	Liquidambar	*Liquidambar styraciflua*	36.8
25	Liquidambar	*Liquidambar styraciflua*	23.6
26**P**	Mexican fan palm	*Washingtonia robusta*	52.2
27**P**	Mexican fan palm	*Washingtonia robusta*	53.1
28**P**	Mexican fan palm	*Washingtonia robusta*	44.3
29**P**	Mexican fan palm	*Washingtonia robusta*	52.2
30	Liquidambar	*Liquidambar styraciflua*	26.4
31	Liquidambar	*Liquidambar styraciflua*	26.4
32***P**	Tree of heaven	*Ailanthus altissima*	47.1 est.
33***P**	Acacia	*Acacia dealbata*	47.1 est.
34***P**	Tree of heaven	*Ailanthus altissima*	47.1 est.
35***P**	Silver maple	*Acer saccharinum*	78.5 est.
36***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
37***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
38***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
39***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
40***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
41***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
42***P**	Tree of heaven	*Ailanthus altissima*	37.7 est.
43	Oleander	*Nerium oleander*	20.4
44	Privet	*Ligustrum japonicum*	17.9
45	Privet	*Ligustrum japonicum*	16.0
46	Privet	*Ligustrum japonicum*	15.1
47	Privet	*Ligustrum japonicum*	25.4
48	Privet	*Ligustrum japonicum*	31.4
49	Privet	*Ligustrum japonicum*	37.1
50	Privet	*Ligustrum japonicum*	37.0
51	Privet	*Ligustrum japonicum*	9.4
*Indicates tree on neighboring property **P** indicates protected tree/ordinance-sized			

3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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

The project site is located in a developed urban area and lacks suitable habitat for the special-status species that have been identified in (or near) San José. No sensitive habitats or habitats suitable for special-status plant or wildlife species (mammals, birds, bats, reptiles, amphibians, fish) occur on or adjacent to the project site, and no such species have been observed on the site. Therefore, development of the project site under the proposed project would not directly impact special-status species. **(Less than Significant Impact)**

Nesting Birds

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory and non-migratory birds. Nesting birds receive certain protections under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, 3513, and 3800. Any future construction activities on the project site resulting from the proposed project during the nesting season (i.e., February 1 to August 31) could result in impacts to active nests, including the loss of eggs or nestlings, or otherwise lead to nest abandonment. Any such impacts to active nests could constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Impact BIO-1: Construction activities associated with the proposed project could result in an impact to nesting birds due to the loss of eggs or nestlings, or otherwise lead to nest abandonment. **(Significant Impact)**

Mitigation Measures: The following mitigation measures are included to reduce impacts to nesting birds during construction:

MM BIO-1.1: The project applicant shall schedule demolition and construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.

MM BIO-1.2: If demolition and construction activities cannot be scheduled to occur outside of the breeding season (September 1 to January 31), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist for each construction phase to ensure that no nests are disturbed during project demolition or construction. This survey shall be completed for the applicable construction phase no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats on the project site and within 250 feet of the construction areas for nests. If an active nest is found and in the ornithologist's opinion is sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, in consultation with California Department of Fish and Wildlife (CDFW) to ensure that the nest will not be disturbed during project construction.

MM BIO-1.3: The qualified ornithologist shall submit a report indicating the results of the survey(s) described in MM BIO-1.2 and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or Director's designee, prior to issuance of any grading or demolition permits for the applicable construction phase.

Implementation of the mitigation measures discussed above would reduce impacts to nesting birds to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Bird-Safe Design

The City of San José's Riparian Corridor Protection and Bird-Safe Design Policy, adopted in September 2016, provides guidance consistent with the goals, policies, and actions of the 2040 General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) limiting the creation of new impervious surface within Riparian Corridor setbacks to minimize flooding from urban runoff, and control erosion; and 3) encouraging bird-safe design in baylands and riparian habitats of lower Coyote Creek, north of State Route 237. It supplements the regulations for riparian corridor protection in existing City policies that may provide for riparian protection and bird-safe design. The general guidelines for setbacks and lighting apply to development projects within 300 feet of riparian corridors. Bird-Safe design guidance for buildings and structures includes avoiding large areas of reflective glass, transparent building corners, up-lighting, and spotlights. The project site is not

located near a riparian area or otherwise located in an area mapped by the City where such a consideration is required per the Policy.

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 completely developed and mostly paved, with more than 98 percent of the site being covered with impervious surfaces. Vegetation on the project site consists of landscape trees and lawn areas. Because of the history of development on the site and in the area, no natural or sensitive habitats such as riparian, wetland or aquatic habitats exist on or adjacent to the site that would support endangered, threatened, or special status species. The Envision San José 2040 General Plan FEIR concluded that impacts to developed habitats resulting from development under the General Plan would be less than significant because of their abundance within the region and State, and the relatively low value of these habitats for biological resources compared to more natural habitats. For these reasons, the proposed project would have a less than significant impact on sensitive natural communities. **(Less than Significant Impact)**

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

Due to the developed nature of the site, there are no state or federally protected wetlands present on or adjacent to the site. Implementation of the project would not result in any impacts to protected wetlands. **(Less than Significant 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?

Given that the project site and surrounding land uses are located in a built urban environment, the site does not serve as a wildlife movement corridor. While the site is not a wildlife corridor, birds could be impacted by loss of the mature trees on the site that provide nesting and/or foraging habitat. Mitigation measures to avoid and/or reduce impacts to nesting birds are described above under checklist question a.

There are no native wildlife nursery sites present on the project site.[25] The project would not interfere with migratory patterns of fish or wildlife species. Therefore, future development of the site would not result in any impacts to migratory fish or wildlife species and native wildlife nursery sites. **(Less than Significant Impact)**

[25] A wildlife nursery site is defined as a site where wildlife concentrates for hatching and/or raising young, such as rookeries, spawning areas and bat colonies. *County of San Diego Guidelines for Determining Significance and report Format and Content Requirements – Biological Resources*, Land Use and Environment Group, Dept. of Planning and Land Use, Dept. of Public Works. September 15, 2010.

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

As displayed in Table 3.3-1 in Section 3.4.1.2 Existing Conditions, there are 17 ordinance-sized trees (six onsite and eleven offsite), and 34 non-ordinance-sized trees (all onsite) on or adjacent to the project site. While some of the trees surveyed are located along the property lines, it was conservatively assumed that the project would remove or otherwise substantially damage all of the existing trees on and immediately adjacent to the site. Impacts resulting from the removal of 51 trees would be offset by the planting of replacement trees on-site, in conformance with General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

Consistent with the General Plan, trees removed by the project would be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Municipal Code
  - Chapter 13.28 (Street Trees)
  - Chapter 13.32 (Tree Protection Controls)
- Envision San José 2040 General Plan Policies MS-21.4, MS-21.5, and MS-21.6

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, which are defined in Chapter 13.32 as trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade.]. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 3.4-2 below.

Table 3.4-2: Tree Replacement Ratios

Circumference of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each 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. One 24-inch box tree= two 15-gallon trees.

A total of 51 trees onsite would be removed, including 17 ordinance sized trees. Based on the size of the trees proposed for removal, 17 trees would be replaced at a 4:1 ratio, 16 trees would be replaced at a

2:1 ratio, and 18 trees would be replaced at a 1:1 ratio. As mentioned previously, there are no native trees on-site. The total number of replacement trees required to be planted would be 118 trees. The location and species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. A tree replacement plan will be required as a standard permit condition to ensure compliance with the City's tree replacement ratios.

According to City policy, 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:

1. 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.
2. Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Tree Protection Plan

In addition to the tree inventory list, the Arborist Report included a Tree Protection Plan that provides guidance for the protection and preservation of the trees on adjacent properties during the construction process. It describes in detail the procedures for the installation and maintenance of tree protection fencing, installation of landscape buffers, tree trimming and root cutting restrictions, trenching and excavation, irrigation systems, and inspections. The Tree Protection Plan is embedded within the Arborist Report, attached as Appendix C and is included in the conditions of approval for the project.

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

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

The 18.1-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban*. These are areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. There is no land cover fee for designated Urban Areas under the Habitat Plan.

The Habitat Plan considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition. Urban development that increases the intensity of land use results in increased

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

In compliance with the Habitat Plan and as part of the project approval, the project applicant would be required to pay applicable nitrogen deposition fees prior to the issuance of grading permits.

Standard Permit Condition:

- The project is subject to applicable Santa Clara Valley Habitat Conservation 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 or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and shall complete subsequent forms, reports, and/or studies as needed prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

Because the project would be required to comply with the requirements of the Habitat Plan, the project would have a less than significant impact, related to conformance with applicable habitat conservation plans. **(Less than Significant Impact)**

3.4.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative biological resources impact?

With the incorporation of mitigation measures discussed in this section, as well as Standard Permit Conditions for tree replacement and Habitat Plan compliance, described above, the proposed project would result in a less than significant impact to biological resources. As a part of the City of San Jose's development review process, other projects in the area would be required to conform to similar conditions and mitigation measures to reduce their individual impacts to biological resources. Therefore, the proposed project, when combined with other development projects in the area, would not result in a significant cumulative impact to biological resources. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.5 CULTURAL RESOURCES

The following analysis is based, in part, on an Archaeological Literature Search prepared by *Holman & Associates,* in January 2018, Historic Resource Evaluations for Cambrian Park Plaza and Pylon Sign completed by Mark Hulbert in May 2016, Peer Review of the Historical Nomination of the Cambrian Park Plaza Carousel Sign completed in July 2016, and a Historic Resource Assessment prepared by *Archives and Architecture* in September 2018. Copies of the historic reports are included in Appendix D of this EIR. A copy of the literature search is on file with the City.

3.5.1: Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

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

National Register of Historic Places

The National Register of Historic Places (NRHP) is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance at the national, state or local level. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR of Historic Resources (CRHR).[26]

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

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

Second, for a property to qualify under the NRHP's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's

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

significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the physical characteristics corresponding to its historic context, the NRHP has identified seven aspects of integrity: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

State

California Register of Historical Resources

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

- **Mandatory Historical Resources**. A resource the State Historical Resources Commission lists on the CRHR of Historical Resources, or the State Historical Resources Commission determines to be eligible for listing in the CRHR is defined by CEQA to be "an historical resource." Resources are formally listed or determined eligible for listing by the State Historical Resources Commission in accordance with the procedures set forth in the provisions of state law relating to listing of historical resources.[27] If a resource has been listed on the State Register, or formally determined to be eligible for listing by the State Historical Resources Commission under these procedures, it is conclusively presumed to be an "historical resource" under CEQA.
- **Presumptive Historical Resources**. A resource included in a local register of historic resources as defined by state law[28] or identified as significant in an historical resource survey meeting the requirements of state law,[29] shall be presumed to be historically or culturally significant. The lead agency must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- **Discretionary Historical Resources.** A resource that is not determined to be a significant historical resource under the criteria described above, may, in the discretion of the lead agency, be found to be a significant historical resource for purposes of CEQA, provided its determination is supported by substantial evidence in light of the whole record. The CEQA Guidelines further provide that generally, a lead agency should consider a resource historically significant if the resource is found to meet the criteria for listing on the CRHR, including the following:

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

- Criterion 1 (Events): The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States; or
- Criterion 2 (Persons): The resource is associated with the lives of persons important to local, California, or national history; or
- Criterion 3 (Architecture): The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or
- Criterion 4 (Information Potential): The resource has the potential to yield information important to the prehistory or history of the local area, California or the nation.[30]

Historical resources eligible for listing in the CRHR must meet one of the criteria of significance described above *and* retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic 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 hence, in evaluating adverse changes to them. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The process of determining integrity is similar for both the California and National Registers 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.

Archaeological Resources and Human Remains

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

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

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

Local

Envision San José 2040 General Plan

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

Policy EC-2.3: Require new development to minimize 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 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[31] 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. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment, static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and 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.

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.

Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If

[31] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.9: Promote the preservation, conservation, rehabilitation, restoration, reuse, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, streetlamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

Policy LU-13.13: Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

City of San José Municipal Code

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof
2. An integrated group of structures on a single lot
3. A site, or portion thereof
4. Any combination thereof

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way.
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction.
    b. Of a master architect, builder, artist or craftsman.

c. Of high artistic merit.
d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes.
e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked.
f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of an historic district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

City of San José Historic Resources Inventory

The City and Historic Landmarks Commission maintain the Historic Resources Inventory, which identifies known historic resources of varying significance. A City Landmark is a highly significant historic resource meeting the qualifications for landmark designation as defined in the Historic Preservation Ordinance. A Structure of Merit is a special historical resource that does not merit City Landmark designation and is not considered an historic resource for purposes of CEQA Guidelines Section 15064.5(a) discussed above but contributes to a lesser extent than a historic resource to the historic fabric of the City or neighborhood. For resources in a historic district, a Contributing Structure may be less significant individually than it is as an element located within a National Register Historic District, City Landmark Historic District, or Conservation Area. The Project site is not located in a historic district or conservation area.

3.5.1.2 *Existing Conditions*

Site History

The project area had taken the name of the Cambrian District during the Early American period. The origins of this name came from an early pioneer, David Lewis, who had immigrated to the United States from Wales, and around 1863 named the area after the Cambrian Mountains of his homeland.

The project site was within a larger 80-acre farm owned by the estate of S. H. Gifford by 1876, though this ownership is not certain as historic accounts the property had been acquired by

Christopher Schofield in 1868. Schofield planted prunes and grapes on what was largely a hay and grain farm and experimented with one of the first silos in the area (Brainard, 1888). The Schofield ranch existed until the late 1940s. The ranch homestead was located on the west side of what was then an extension of New Jersey Avenue south of Railroad Avenue. During the ownership of the Schofields, the Southern Pacific Company built a spur line to the Almaden mines from their track near what is today Highway 17. This right-of-way and the road then known as Railroad Avenue later became Camden Avenue.

By the end of the Great Depression, the 80-acre Schofield property, as well as several properties to the south totaling approximately the same acreage, were owned by the American Trust Company. In 1942 the American Trust Company sold these properties to Paul and Marion T. Schaeffer. The Schaeffers later developed and/or sold off these properties after the war. Schaeffer Lands Incorporated formed in the early 1940s, and the Schaeffer Land Trust, formed in 1977, and its successors built, owned and operated Cambrian Park Plaza until 2015 when it was sold to Weingarten Nostrat, Inc.

Historic Resources

Cambrian Park Plaza

At the time of the development of Cambrian Park Plaza in 1953, Railroad Avenue was aligned at the north side of what is today, Camden Avenue, the tracks to its south having been removed by that time. In 1953, permits for construction of the shopping center were obtained. The first stores fronting Union Avenue opened in 1953. A Shell gasoline and service station was constructed by 1956. The carousel rotating sign was constructed on the site around 1956. By 1960, Schaeffer had completed the main building complex, including Cambrian Bowl. Cambrian Bowl is representative of an expansion period of bowling alleys after World War II. The bank on Camden Avenue was built by 1960, and two additional buildings on Camden Avenue were added during the 1960s. The fourth building (now housing BevMo) was added in the 1970s to complete the buildout. In 1990, the gasoline station was removed. Schaeffer Lands Incorporated formed in the early 1940s, the Schaeffer Land Trust formed in 1977, and its successors built, owned, an operated Cambrian Park Plaza until 2015 when it was sold to Weingarten Nostrat, Inc. All but one of the buildings and structures were constructed over 50 years ago. There is a plaque at the entry of the main market building complex (now occupied by Dollar Tree) that attributes the creation of Cambrian Park Plaza to Paul Schaeffer.

The architecture of Cambrian Park Plaza is associated with, and locally predates, the evaluation of the Town & Country Village shopping center concept that was first developed in California after World War II. The Town & Country Village building type is a variant of the domestic Ranch style and has been referred to as “Rustic Ranch” due to its unpainted board and batten siding and use of unpainted heavy timbers. Refer to Appendix C for a detailed description of the background, historic, and thematic context of the project site.

The shopping center retains much of its historic integrity per the NRHP seven aspects of integrity, but with significant irreversible alterations affecting the design, likely dating from around the 1980s after the death of Paul Schaeffer. Cambrian Park Plaza maintains its prominent suburban location at the southeast corner of Camden and Union Avenues. It is surrounded by residential and commercial

uses, a setting that has not changed substantively over time since the construction of the complex, although the area has continued to be built up over time.

The original connected buildings have integrity with some of its distinctive mid-century Rustic Ranch Style design. The materials also retain integrity, including board and batten siding with brick facings, shingle-like concrete roofing, cross-hatched doors, roughhewn timber structural members, and some of the signage. Although preserved, considerable visual alterations to the character-defining materials were made by painting the originally unpainted wood elements, which does not seem reversible. The outside posts of the walkways also have been altered, replacing rustic tree-trunk posts with built-up and painted corbeled posts. This building complex includes masonry work and other installed trim materials that represents mid-century workmanship. The complex retains its mid-twentieth-century Town & Country form, scale, and feeling and continues, through its location, setting, design, and form, to illustrate its associations with early patterns of suburban development in greater San José.

The historic assessment of the project site found that none of the buildings are eligible for listing on the CRHR, and none of the buildings met the qualitative criteria for designation as a San José City Landmark due primarily to irreversible alterations to the property over time that have affected the historic integrity of the architectural character of the shopping center. The historic assessment found that Cambrian Park Plaza is, however, eligible for listing on the San José Historic Resources Inventory as a Structure of Merit based on General Plan goals and policies pertaining to historic resources.

An earlier historical evaluation of the Cambrian Park Plaza shopping center by *Preservation Architecture*, dated May 20, 2016, concluded that the Cambrian Park Plaza did not meet any criteria for listing on the CRHR or for designation as a County of Santa Clara or City of San José Landmark, and that in addition, the existing property and its buildings were not listed on any local historic register or survey at the time of the preparation of the report, and as a consequence are therefore not a potential historic resource. A copy of the *Preservation Architecture* report is also included in Appendix D.

Existing Carousel Sign

The sign was the subject of evaluations in 2016 by Kara Brunzell of *Brunzell Historical*, and Mark Hulbert of *Preservation Architecture.*

Hulbert conducted his study at the request of the property owner Weingarten Nostat, Inc. Brunzell was hired by the County of Santa Clara Department of Planning and Development to conduct the evaluation at the direction of the Board of Supervisors, who were considering the sign as a possible Santa Clara County Landmark. Brunzell found the sign eligible as a County Historic Landmark, indicating that it is a unique example of Roadside Vernacular architecture, with sufficient integrity to convey its historic identify. Based upon the Brunzell report, the existing carousel rotating sign on Union Avenue at the project site was eligible to be listed on the Santa Clara County Heritage Resources Inventory. Hulbert, in peer reviewing Brunzell's report, argued that the sign did not retain sufficient integrity to embody the distinctive characteristics of a historic period, and therefore did not qualify for listing as a County Landmark.

The California Code of Regulations Section 4852(c) addresses the issue of "integrity" which is necessary for eligibility for the California Register. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4) and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility.

Brunzell prepared a response to Hubert's peer review stating that the carousel sign retains sufficient integrity under the standards set forth in National Register Bulletin 15, Section VIII. The response to the Hubert's peer review describes how the sign is consistent with the seven aspects of integrity as its location, design, setting, materials, workmanship, feeling, and association (e.g., with the shopping center in which it was constructed) has been retained. The response to the peer review confirmed its eligibility as a Santa Clara County historic landmark. The Board of Supervisors considered all of the evidence presented in the four reports, as well as the recommendation of the Santa Clara County Historical Heritage Commission, and on August 30, 2016, voted to declare an intent to add the sign on the County's Heritage Resources Inventory, which was adopted unanimously at the Oct. 4, 2016, meeting of the Board but held to a final vote at the November 1, 2016 meeting. The sign, as it currently exists, is shown on Figure 3.5-1.

Archives and Architecture prepared a historic resources assessment for the proposed project in 2018. The historic assessment found the carousel pylon sign, as a visible reminder of the community's commercial heritage, to be individually eligible for listing as a City Landmark structure, given its age, unique and distinctive design, and its prominent associations with mid-century suburban commerce and roadside architecture. The carousel is described as a distinctive entity in the shopping center that provides an essential sense of identity to the village of Cambrian Park, an unincorporated residential community that evolved approximately 70 years ago. Therefore, the carousel sign is a historical resource under CEQA.

Other Resources in the Area

Located approximately one mile south of the project site, at the northeast corner of Union Avenue and Los Gatos-Almaden Road (15480 Union Avenue) is a Craftsman-style bungalow structure that is known as the San José Clubhouse. It has historic designation classifications of City Landmark Site/Structure and National Register Site/Structure in the San José Historic Resources Inventory. The building was constructed in 1910 and has been maintained to retain its original character. It is currently utilized as a facility that can be rented for meetings, weddings, and other community events. The building is owned and used by a club named We and Our Neighbors, a 501(c)3 nonprofit organization whose mission statement says that they are dedicated to promoting educational and social activities among its members, preserving the historical clubhouse, and supporting worthwhile causes in the neighboring as well as greater community. The club was formed in 1892 and Ms. Maria Schofield, the wife of Christopher Schofield, was elected to be the club's first president and served for 25 years. Ms. Schofield was reported to have donated $2,650 to money to have the house constructed on the property. Due to its distance from the San José Club, development of the proposed Cambrian Park Village project would not have any direct effects on this historical resource.

Source: Archives & Architecture, LLC.

EXISTING CAMBRIAN PARK PLAZA CAROUSEL PYLON SIGN | FIGURE 3.5-1

Archaeological Resources

An archaeological literature review was completed for the project site at the Northwest Information Center of the California Historical Resources Information System in January 2018. In the general area of northern Santa Clara County where the project site is located, Native American archaeological sites have been recorded on the wide valley terraces within a half mile of major rivers and creeks, especially near confluences. Other sites have been identified near the interface of valley and hills near a major water source. Since the project site is part of the gently sloping valley floor and over a mile from Los Gatos Creek to the west, and three quarters of a mile to Ross Creek to the south and east, there is a low potential for archaeological resources to be deposited within the project site.[32] There are no recorded archaeological sites identified within the project site or the surrounding quarter mile.[33]

3.5.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
3) 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?

Cambrian Park Plaza Buildings

The Cambrian Park Plaza buildings are s eligible for listing on the San José Historic Resources Inventory as a Structure of Merit. A Structure of Merit is not considered a historical resource under CEQA because Structures of Merit do not need to meet the criteria to be City Landmarks or on the California Register and, in this specific case, the Cambrian Park Plaza lacks the substantial evidence of historic or cultural significance needed to make the Plaza a discretionary CEQA historical resource.[34] The demolition of the shopping center itself, therefore, would not result in a significant

[32] Holman & Associates. *Archaeological Literature Search for Cambrian Park Plaza Mixed Use Village, 14900 Camden Ave. in Santa Clara County*. January 30, 2018. Page 2.
[33] Ibid. Page 1.
[34] General Plan Goal LU-13 is to "Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place." Consistent with this General Plan Goal, the City's Historic Preservation Ordinance (Municipal Code Chapter 13.48) authorizes the City to preserve historic properties using a Landmark Designation process. Furthermore, the City Council's Preservation of Historic Landmarks Policy is intended to preserve historically and architecturally significant structures, sites, and districts. The Policy applies to any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, state, or national qualification

impact to a historic resource. However, the City has standard conditions of approval for the removal of Structures of Merit.

Conditions of Approval: Structure of Merit, Cambrian Park Plaza Buildings. Prior to issuance of any demolition permit, the following shall be met to the satisfaction of the Planning Director:

- Preparation of a full photo-documentation of the shopping center buildings is required using the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation: Historic American Buildings Survey/ Historic American Engineering Record (HABS/HAER) Standards and shall be submitted to the City's Historic Preservation Officer. The photo-documentation shall be provided to History San José.

Structures of Merit are not considered local historic resources under CEQA, however in conformance with the City's practices and General Policies LU14.4 and LU-16.4, the following Conditions of Approval will be implemented as part of the project.

Carousel Sign

Implementation of the project would result in the demolition and removal of all existing buildings and landscaping on-site, except for the Cambrian Park Plaza carousel, which is a historical resource under CEQA. The sign, including the pylon structure below the carousel would be removed. The carousel and pylon structure would be stored during project construction and reassembled in a new location on-site in proximity after construction is complete. The demolition of Cambrian Park Plaza as presently proposed in concept would result in an adverse environmental effect on the carousel sign were it not retained as a part of the project. The carousel sign appears is a historical resource under CEQA and is eligible for listing on the San José Historic Resources Inventory as a San José City Landmark Structure. According to the *Archives and Architecture* report, the carousel sign, as a visible reminder of the community's commercial heritage, is individually eligible for listing as a City Landmark structure, given its age, unique and distinctive design, and its prominent associations with mid-century suburban commerce and roadside architecture. It is a distinctive entity in the shopping center and provides an essential sense of identity to the village of Cambrian Park, an unincorporated residential community that evolved around 70 years ago. A significant impact would occur if the project included the demolition of this historic resource.

The project proposes to retain the carousel as it currently exists, without modification. However, the carousel will be relocated from its current position on the Union Avenue side of the site, between Camden Avenue and Woodard Road, to a spot approximately 550 feet south of this location along the Union Avenue frontage. Relocation could create a significant impact if it resulted in loss of historic integrity. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance. The proposed new location for the carousel sign will be closer to the street, which will allow the carousel to maintain its visibility along Union Avenue and from the neighborhood west of the site. The carousel sign will be located at the back of the sidewalk, between the proposed assisted living facility/office building and townhouses, surrounded by landscaping. A children's playground is proposed to be located immediately behind

criteria. The City's policies and Code are exclusive to landmark designations, as well as state and federal eligible buildings, and do not include protection of Structures of Merit.

the carousel sign. Retention, relocation and restoration of the sign, with its three-sided message boards and rotating carousel feature on top would provide a highly visible and recognizable link to the site's former use as the Cambrian Park Plaza shopping center and would maintain sufficient integrity per Section 4852(c) to avoid impacting the carousel sign's City Landmark eligibility.

Impact CUL-1: The project proposes to relocate, retain, and restore the existing carousel sign on-site, which is individually eligible as a City Landmark.

Mitigation Measures: The following measures will be implemented to reduce cultural/historic resources impacts to a less than significant level.

MM CUL-1.1: Prior to the issuance of any demolition, grading, or building permit (whichever occur first), preparation of a full photo-documentation of the carousel sign and shopping center context that surrounds and supports the carousel sign is required using the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation: Historic American Buildings Survey/ Historic American Engineering Record (HABS/HAER) Standards and shall be submitted to the City's Historic Preservation Officer. The documentation shall be of archival quality according to a scope approved by the Historic Preservation Officer (HPO), or HPO's designee, and be archived at a local repository such as the Archives at History San José.

MM CUL-1.2: Prior to the issuance of any demolition, grading, or building permits (whichever occur first), a Historic Resources Protection Plan (HRPP) shall be prepared to ensure the carousel sign is not damaged when it is relocated. The Plan shall establish procedures to protect the carousel sign from direct or indirect impacts during construction (including relocation) activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRPP shall specify how the sign shall be dismantled, stored, and reassembled and shall be approved by the HPO, or HPO's designee, and implemented during construction activities.

MM CUL-1.3: Prior to construction activities (including ground-disturbing work) within 100 feet of the carousel sign, the project permittee, in consultation with a qualified historic preservation professional, shall remove the sign from the site in accordance with the approved HRPP. In accordance with the HRPP, storage shall be located in a secure location that is indoors and protected from weather, impacts, and vandalism. The location of the storage facility shall be communicated to the Director of Planning, Building and Code Enforcement or the Director's designee.

Relocation of the sign to its final location shall be completed in accordance with the HRPP prior to the issuance of an Occupancy permit, or as determined by the Director of Planning, Building and Code Enforcement or Director's designee. The signage relocation shall also include interpretive signage indicating the sign's age, association and original location at the base of the structural support.

With the implementation of the above mitigation measures, the project would reduce its impact to the carousel sign to a less than significant level by documenting the historic character of the Cambrian Park Plaza carousel sign, relocating and preserving the carousel sign in compliance with the Secretary of Interior's Standards and a Historic Resources Protection Plan. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed above in Section 3.5.1.2, the project site has a low potential for archaeological resources and there are no recorded archaeological sites within the project site or surrounding quarter mile. Should any archaeological resource or human remains during project excavation and grading activities, their disturbance would result in a significant impact.

Consistent with General Plan policies ER-10.2 and ER-10.3, the project shall implement the following Standard Permit Conditions to reduce or avoid impacts to subsurface cultural resources to a less than significant level.

Standard Permit Conditions:

Prehistoric and Historic Resources

- 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 Historic Preservation Officer and Director of Planning, Building and Code Enforcement, or Director's designee, shall be notified, and a qualified professional archaeologist shall examine the find. Project personnel shall not collect or move any cultural material.
- 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 any occupancy permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) meet the definition of a historical or archaeological resource, then project activities shall avoid it. Project personnel shall not collect or move any cultural material.
- If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Historic Preservation Officer and Director of Planning, Building and Code Enforcement, or Director's designee, and the Northwest Information Center prior to issuance of occupancy permits

With the implementation of the above standard permit conditions, the project would reduce impacts to archaeological resources by halting work if a subsurface cultural resource is encountered during

construction, evaluating the find, notifying appropriate parties as identified above as applicable, and implementing mitigation if necessary. **(Less than Significant Impact)**

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

As discussed previously, the project site is located in an area of low archaeological sensitivity and there are no known archaeological sites on or in the vicinity of the project site. While this remains true, there is still the possibility that human remains are uncovered during project construction activities. Any disturbance of human remains would result in a significant impact.

Consistent with General Plan policies ER-10.2 and ER-10.3, the project shall implement the following Standard Permit Conditions to reduce or avoid impacts to subsurface cultural resources to a less than significant level.

Standard Permit Conditions

Human Remains

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per AB 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, or Director's designee, and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
  - The MLD identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With the implementation of the above standard permit conditions, the project would reduce impacts to archaeological resources and human remains by halting work if a subsurface cultural resource is encountered during construction, evaluating the find, notifying appropriate parties as identified above as applicable, and implementing mitigation if necessary. **(Less than Significant Impact)**

3.5.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative cultural resources impact?

The proposed project would implement mitigation measures and adhere to Standard Permit Conditions to reduce potentially significant impacts to historic and prehistoric cultural resources. Projects in the area would be required, through the City's development review process, to adhere to similar conditions and identify mitigation measures, if necessary, to minimize their respective impacts to cultural resources. Therefore, the proposed project would not make a cumulatively considerable contribution to a significant cumulative impact to cultural resources. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.6 ENERGY

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the U.S. Environmental Protection Agency (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.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 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.

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2019 Title 24 updates went into effect on January 1, 2020.[35] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went into effect on January 1, 2020, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

[35] California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed September 11, 2020. http://www.bsc.ca.gov/.

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

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

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

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.

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 needs 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 so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

City of San José Green Building Standards

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED), GreenPoint, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 3.6-1 below.

Table 3.6-1: Private Sector Green Building Policy Applicable Projects

Applicable Project*	**Minimum Green Building Rating**
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

*For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. Available at: https://www.sanjoseca.gov/DocumentCenter/Home/View/363. Site accessed April 1, 2019.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, a Reach Code Ordinance which encourages building electrification and energy efficiency (Ordinance No. 30311), Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Reach Building Code

In 2019, the San José City Council-approved Ordinance No. 30311 and adopted the 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.

In 2020, the San José City Council-approved Ordinance No. 30502 and adopted an update to the Reach Code to prohibit natural gas infrastructure in newly constructed buildings, with limited exceptions for hospitals, attached accessory dwelling units, and facilities with a distributed energy resource. There also is a limited exception for process loads and commercial kitchens that sunsets on December 31, 2022. Finally, there is a hardship exception where an applicant can show that due to the type of project, physical site constraints, necessary operational requirements, or public health and safety concerns in the event of an electric grid outage that it would be a hardship or infeasible to forgo natural gas.

Climate Smart San José

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

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

3.6.1.2 *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.[36] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The

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

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.[37] 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.[38]

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

Natural Gas

PG&E provides natural gas services within San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[39] 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.[40]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[41] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[42] 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

[37] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed August 31, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[38] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed August 31, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[39] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed August 31, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[40] California Energy Commission. "Natural Gas Consumption by County." Accessed August 31, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[41] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed August 31, 2020. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[42] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020. [43,44]

Energy Use of Existing Development

The project site is currently developed with 170,427 square feet of commercial buildings consisting of one central single-story commercial/retail structure and four other single-story commercial/retail buildings. A total of 764 surface parking spaces are also provided on-site. The estimated annual energy use of the existing development is shown in Table 3.6-2 below.

Table 3.6-2: Estimated Annual Energy Use of Existing Development[1]

Land Use	Electricity Use (kWh)	Natural Gas Use (kBtu)
Strip Mall – 170,430 square feet	1,821,860	403,912
Parking Lot – 764 spaces	106,960	0
Total:	**1,928,820**	**403,912**

Notes: [1] Illingworth & Rodkin, Inc. *Cambrian Park Plaza Air Quality and Greenhouse Gas Assessment.* September 18, 2020.

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

3.6.1.3 *Project Impacts*

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?

Operational Impacts

Tables 3.6-3 and 3.6-4 below compare the energy use under the Assisted Living and Office Variants, respectively, with the energy use under existing conditions. Notably, these figures do not assume compliance with the City's Reach Code[45], which generally prohibits use of natural gas in new development absent a showing of hardship. As a result, these figures conservatively overestimate project energy use,

[43] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed August 31, 2020. http://www.afdc.energy.gov/laws/eisa.
[44] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed August 31, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[45] City of San José. Ordinance No. 30502. https://www.sanjoseca.gov/Home/ShowDocument?id=69230). Accessed May 19, 2021.

Table 3.6-3: Assisted Living Variant Annual Energy Demand		
Land Use	**Electricity (kWh)**	**Natural Gas (kBtu)**
Apartments Mid Rise – 320 units	1,321,070	2,764,620
City Park – 2.26 acres	0	0
Townhouses – 25 units	126,136	468,075
Assisted Living – 185 beds	763,745	1,598,300
Hotel – 230 rooms	1,262,940	7,343,940
Single-Family Housing – 49 units (incl. 18 ADUs)	396,438	0
Strip Mall – 18,000 square feet	192,420	42,660
Sit Down Restaurant – 42,000 square feet	1,374,240	8,730,960
Enclosed Parking with Elevator – 1,225 spaces	2,871,400	0
Parking Lot – 98 spaces	13,720	0
Total:	8,322,109	20,948,555
Existing Development	*1,928,820*	*403,912*
Increase:	**6,393,289**	**20,544,643**
Source: Illingworth & Rodkin, Inc. *Cambrian Park Plaza Air Quality and Greenhouse Gas Emission Assessment*. September 18, 2020.		

As shown in Table 3.6-3 above, implementation of the Assisted Living Variant would increase electricity use on-site by approximately 6.4 million kWh per year and natural gas usage by approximately 20.5 million kBtu per year.

Table 3.6-4: Office Variant Annual Energy Demand		
Land Use	**Electricity (kWh)**	**Natural Gas (kBtu)**
Apartments Mid Rise – 320 units	1,321,070	2,764,620
City Park – 2.26 acres	0	0
Townhouses – 25 units	126,136	468,075
Office – 160,000 square feet	2,852,800	2,619,200
Hotel – 230 rooms	1,262,940	7,343,940
Single-Family Housing – 49 units	396,438	0
Strip Mall – 18,000 square feet	192,420	42,660
Sit Down Restaurant – 42,000 square feet	1,374,240	8,730,960
Enclosed Parking with Elevator – 1,225 spaces	2,871,400	0
Parking Lot – 98 spaces	13,720	0
Total:	10,411,164	21,969,455
Existing Development	*1,928,820*	*403,912*
Increase:	**8,482,344**	**21,565,543**
Source: Illingworth & Rodkin, Inc. *Cambrian Park Plaza Air Quality and Greenhouse Gas Emission Assessment*. September 18, 2020.		

As shown in Table 3.6-4, implementation of the Office Variant would increase electricity use on-site by approximately 8.5 million kWh per year and natural gas usage by approximately 21.6 million kBtu per year.

In addition to not assuming compliance with the Reach Code, the energy use increase is likely overstated because the estimates for energy use are based on CalEEMod default inputs and do not take into account the efficiency measures incorporated into the project as a requirement of the California Building Code and Title 24 energy efficiency standards in effect at the time of project buildout, which would improve the overall efficiency of the project. If the project were built out in 2024, for example, it would likely be required to conform to the 2022 California Building Code and Title 24 standards. The proposed project would include insulation and design provisions to minimize wasteful energy consumption, per the State's CALGreen code. The proposed mixed-use development would be constructed using green building practices, as described above (LEED and Green Point), consistent with San José's Council Policy 6-32. In addition, the proposed project would implement the following green building measures and design features, consistent with the San José 2030 Greenhouse Gas Reduction Strategy.

- Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.
- Encourage the installation of solar panels or other clean energy power generation sources over parking areas.
- Require new development to incorporate green building practices, including those required by the Green Building Ordnance. 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).
- Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.
    a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.
    b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.
    c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parkin are considered in real estate and business transactions.

- Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
- Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.
- Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
- Encourage pedestrian cross-section 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.
- Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate eland to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
- Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.
- Promote participation in car share programs to minimize the need for parking spaces in new and existing development.
- Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
- Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.

The project is a mixed-use development that would create housing and jobs in a city that currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident). The implications of this imbalance are that many residents leave San José five times per week to commute to and from work, typically by personal vehicle. By adding 394 units of additional housing in the City and up to approximately 200 jobs (assuming one worker per 300 square feet of commercial/retail space provided) under the Assisted Living Variant and approximately 730 jobs under the Office Variant, the proposed project would incrementally decrease the imbalance between

jobs and employed residents. Furthermore, the proposed project is an infill development and would create jobs and place housing in an area where services, retail, and transit exist in the immediate vicinity. High-density infill development, by its very nature, makes for an efficient use of land and resources by concentrating development in urban areas near existing roads and infrastructure. High-density infill development also results in fewer environmental impacts and shorter commute distances to jobs than traditional urban sprawl development. Because the project is an infill development near existing transit, jobs, and services, the project would not substantially increase the distance between jobs and housing.

In addition, the project would be required to include 178 bicycle parking spaces and is in proximity to multiple transit routes, which would help to reduce vehicle trips to and from the project site by encouraging alternative transportation modes. The project would generate additional vehicle trips to and from the site, however ongoing increases in the fuel economy standards for new vehicles would result in efficiency gains for vehicles over time. For the reasons described above, the project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. **(Less than Significant Impact)**

Construction

The anticipated construction schedule assumes that the project would be built over 28 months. The project would require demolition, grading, and site preparation for construction of the proposed buildings. Based on data provided by the applicant, the proposed project would require up to 400,000 cubic yards of soil export.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project, however, does include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed in *Section 3.3 Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

Construction of the project would result in an unavoidable expenditure of energy from fuels and building materials; however, implementation of the air quality related BMPs would reduce the energy impacts of construction. Additionally, the project would be required to divert 75 percent of construction and demolition waste in accordance with Municipal Code Section 9.10.2480. Diverting waste from the landfill and salvaging for reuse would reduce energy waste during the construction process. In addition, as discussed above, the project responds to existing demand, therefore making the construction necessary rather than wasteful, and redeveloping infill locations provides construction efficiencies that are not available at greenfield sites because urban infrastructure already exists. Therefore, construction of the project would not consume energy in a manner that is wasteful, unnecessary, or inefficient. **(Less than Significant Impact)**

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

The proposed project would be required to submit a Leadership in Energy and Environmental Design (LEED), GreenPoint, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32. Per City Council Policy 6-32, the project would be built using green building practices, as described above (LEED and Green Point). Additionally, the project would be built to the California Building Code standards and Title 24 energy efficiency standards. City policies have been adopted to satisfy state criteria for renewable energy and energy efficiency; therefore, by designing and constructing the project in conformance with adopted policies, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

3.6.1.4 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant cumulative energy impact?

The proposed project would result in a net increase in energy demand relative to the existing commercial/retail uses of the site. As mentioned, the project would be built to California Building Code standards and Title 24 energy efficiency standards in effect at the time of construction. The project would also incorporate green building measures to meet City Council Policy 6-32. Adherence to these standards would reduce the energy demand of the proposed project. Furthermore, electricity on-site would be provided by SJCE, which currently provides its customers with 80 percent GHG emission-free electricity and plans to provide 100 percent emission-free electricity by 2021. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity.

The energy demand of the proposed project, together with the cumulative projects, would be considered less than significant due to the small increment of increased energy demand, as compared to county-wide usage, resulting from energy conservation requirements established as policy by the City and set forth by state code. All cumulative development would be required to meet Title 24 energy efficiency standards and would not encourage wasteful or inefficient use of energy; cumulative development in the City of San José and surrounding cities would be required to conform to adopted green building standards. Further, the project implements a City growth strategy (Urban Villages) designed to decrease inefficient use of energy resources by focusing job and housing growth in walkable and bike friendly locations that have good access to transit and other existing infrastructure and facilities. Therefore, implementation of the proposed project would not combine with other past, present, and reasonably foreseeable future projects to make a significant cumulative energy impact and would not make a cumulatively considerable contribution to significant cumulative energy impacts caused by wasteful, inefficient, or unnecessary energy use. The project also would not combine with other past, present, or reasonably foreseeable future projects to create a conflict with a plan for renewable energy or energy efficiency, and cumulative energy impacts would be less than significant, and the project's contribution would be less than cumulatively considerable. **(Less than Significant Cumulative Impact)**

3.7 GEOLOGY, SOILS AND MINERALS

The following discussion is based in part on a geotechnical engineering investigation report prepared for the project site by *Krazan & Associates, Inc.* A copy of the report, dated March 9, 2018, is included in Appendix E of this EIR.

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer 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 2019 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 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.

Paleontological Resources Regulations

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. The 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 *Envision San José 2040 General Plan* includes the following policies applicable to the proposed project.

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-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

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 un-engineered 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 soil disturbance of one acre or more, are adjacent to a creek/river, and/or are

located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.

Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

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 Jose Municipal Code

Title 24 of the San José Municipal Code includes the 2019 California Building, Plumbing, Mechanical, Electrical, Existing Building, Historical Building, and Green 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 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with Chapter 17.10 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.

3.7.1.2 *Existing Conditions*

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the inland sea that had previously inundated the area. Sediments of the Santa Clara Valley are composed of water-bearing Plio-Pleistocene and Upper Quaternary sediments, which are underlain by older non-water bearing rocks. The Upper Quaternary sediments consist of up to 1,000 feet of poorly sorted gravel, sand and clay, which were deposited in alluvial fan and deltaic depositional environments. The near-surface deposits in the vicinity of the subject site are indicated to be of Holocene alluvial fan deposits and alluvial fan levee deposits consisting of sands, silt, and clays derived from erosion of local mountain ranges.

Site Geology

Soils

The project site is approximately 230 feet above mean sea level and is relatively flat. The project site is underlain by soils of the Urban land-Flaskan complex of zero to two percent slopes.[46] These soils are alluvium soils derived from metamorphic or sedimentary rock and/or alluvium derived from metavolcanics. Urban land-Flaskan complex soils are well drained and exhibit low to moderate

[46] Natural Resource Conservation Service, *Custom Soil Report for Santa Clara Area, California, Western Part.* Available at: http://http://websoilsurvey.sc.egov.usda.gov/WssProduct/ October 3, 2017.

shrink-swell behavior (i.e., expansive behavior). Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavement, and structures found on shallow foundations. There are no unique geologic features on or adjacent to the project site. Due to the flat topography of the project site, the potential for erosion or landslide on or adjacent to the site is low.

Based on the findings of the *Krazan* report, the subsurface conditions appear to be typical of those found in the geologic region of the site. Within the areas not covered by pavement, the upper soils consisted of approximately six to 12 inches of very loose silty sand and gravelly silty sand. These soils are described as disturbed, having low strength characteristics and highly compressible when saturated. Beneath the pavement section and loose surface soils, approximately two to four feet of fill material was encountered. The fill material consisted of silty sand and gravelly silty sand. The limited testing performed on the fill soils indicated that they had varying strength characteristics ranging from loosely placed to compacted. Below the fill material were approximately two to three feet of loose to medium dense gravelly silty sand with traces of clay. Field and lab tests suggest that these soils are moderately strong and slightly compressible. Below four to seven feet, layers of medium dense to very dense gravelly silty sand or gravelly silty sand with traces of clay were encountered.

Groundwater

Test boring locations were checked for the presence of groundwater during and immediately following the drilling operations. Free groundwater was not encountered, however, information obtained from the California Geological Survey indicated that groundwater has historically been as shallow as 40 feet within the vicinity of the project.

Seismicity

The San Francisco Bay Area is classified as the most seismically active region in the United States. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well-defined active fault zones of the San Andreas Fault System, which regionally trends in a northwesterly direction. The U.S. Geological Survey's (USGS) Working Group on California Earthquake Probabilities 2007 estimates that there is a 63 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area between 2007 and 2036. The Hayward Fault is the most likely to generate an earthquake of this magnitude in the next 30 years.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone[47] or in a Santa Clara County Fault Hazard Zone[48] and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 3.7-1.

[47] Stellar Environmental Solutions, Inc. *Phase I Environmental Site Assessment.* July 2013. Page 11.
[48] Santa Clara County, Geologic Hazard Zones – Spatial Data, *Fault Rupture Hazard Zones*, February 26, 2002. Available for download at: https://www.sccgov.org/sites/dpd/OrdinancesCodes/GeoHazards/Pages/GeoMaps.aspx. Accessed September 15, 2020.

Table 3.7-1: Active Faults Near the Project Site	
Fault	**Distance from Site**
Monte Vista – Shannon	2 miles West
San Andreas	7 miles West
Hayward (Southeast Extension)	14 miles North
Calaveras	13 miles East
Zayante-Vergeles	12 miles South

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within the soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. Soils beneath the project site were found to be cohesive and dense, which are less susceptible to liquefaction. The project site not located within a State-designated liquefaction hazards zone or a Santa Clara County liquefaction hazard zone.[49]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading is low.

Paleontological Resources and Unique Geologic Features

The City of San José has been mapped for its paleontological sensitivity. Based on sensitivity maps prepared for the General Plan EIR, the project site has a high paleontological sensitivity at the surface.[50] The project site is located in an urban, developed, infill area and unique geologic features such as serpentine outcrops and boulders, pinnacles, or Tafoni sandstone are not present on the site.

Mineral Resources

Mineral resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the

[49] State of California Seismic Hazard Zones. San Jose West Quadrangle. February 7, 2002. Available at: < http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSE_WEST/maps/ozn_sjosw.pdf>

[50] City of San Jose. *Integrated Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan.* September 2011. Page 694.

Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as a source of construction aggregate materials. Communications Hill is approximately four miles northeast of the project site.

There have been a number of mineral resource deposits identified throughout the County of Santa Clara, including construction aggregate deposits (such as sand, gravel, and crushed stone) and salts derived from evaporation ponds at the edge of San Francisco Bay.[51] The closest site containing regionally significant mineral deposits is the Azevedo Quarry (State Mine ID 91-43-0003) in San José. Reclamation of the Azevedo Quarry commenced in 1995 and continued through 2009, when active reclamation of the site ceased. The quarry is located five miles east of the project site and is largely reclaimed in its current state.

In addition, Lexington Quarry (State Mine ID 91-43-0006) is located approximately five miles south of the project site. Lexington Quarry is an active mine located east of the Lexington Reservoir, in the Santa Cruz Mountains above the City of Los Gatos.

3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology, soils, and minerals would the project:

1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
    - Strong seismic ground shaking?
    - Seismic-related ground failure, including liquefaction?
    - Landslides?
2) Result in substantial soil erosion or the loss of topsoil?
3) 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?
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?
7) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

[51] County of Santa Clara. 1994 General Plan DEIR. September 1994.

8) 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 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 in the seismically active San Francisco Bay Area which has a 63 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. The project site is, however, 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 within 10 miles of the site (Monte-Vista Shannon, San Andreas), the proposed project is outside of the fault zone, and significant impacts from fault ruptures are not anticipated to occur. **(Less than Significant Impact)**

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. Consistent with City requirements, the following condition shall be implemented proposed project to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition:

- To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will 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 project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on-site and off-site to the extent feasible and in compliance with the Building Code. A soils investigation report must be submitted to and accepted by the Public Works Project Engineer in Development Services prior to the issuance of a grading permit. Foundation, earthwork and drainage

recommendations should be included in the report. The report must be signed and stamped by a Registered Geotechnical/Civil Engineer.

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

Landslides

The project site is relatively flat and is not located adjacent to any steep slopes that present landslide hazards. The project site is not located within a Geologic Hazard Zone for Landslides, and the proposed project would not pose a risk to human or building safety due to earthquake-induced landslides. **(No Impact)**

Liquefaction and Lateral Spreading

The project site is not located within a State of California Liquefaction Hazard Zone and is not located next to an open-face geologic formation. The project, therefore, would not be at risk for liquefaction or lateral spreading. **(No Impact)**

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

The site is developed, and the majority of the site is paved with very little soil currently exposed. Ground disturbance would be required for demolition of the existing surface parking lots and buildings, grading, and construction of proposed development. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The Envision San José 2040 General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion. Because the project would comply with the regulations identified in the Envision San José 2040 General Plan FEIR, implementation of the proposed project would have a less than significant soil erosion impact.

Demolition and construction on the project site would temporarily increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project would be required to implement the following standard permit conditions, consistent with the regulations identified in the Envision San José 2040 General Plan FEIR, for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions:

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

With implementation of these measures and compliance with the City's grading ordinance, construction of the proposed project would have a less than significant impact. **(Less than Significant Impact)**

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The project site is located on relatively flat terrain on the floor of the Santa Clara Valley. There are no unique geologic features on or adjacent to the project site. The soils underlying the site (Urban land-Flaskan complex of zero to two percent slopes) have low to moderate expansion potential. The upper layers of soil underlying the site have low strength characteristics and are highly compressible. The lower layers of soil have a low to moderate compressibility. The characteristics of the soils at the project site do not indicate the possibility of on- or off-site landslide, lateral spreading, or liquefaction. The potential for land subsidence and collapse will be addressed in a design-level geotechnical investigation prepared for the project prior to issuance of grading and building permits. In doing so, the project would reduce any impacts resulting from unstable soils present at the site. In addition, the use of standard building techniques and conformance with Building Code requirements would reduce the potential for subsidence and collapse. **(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 is located above soils that have low to moderate expansion potential. Expansive soils can affect buildings and structures due to fluctuations in volume when becoming saturated. While development on the site could be affected by the underlying expansive soils, all buildings and structures proposed for the site would be constructed in accordance with the 2019 California Building Code, as set forth in the standard permit condition below.

Standard Permit Condition:

- Construct the project in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the San José Department of Public Works 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.

In addition to the condition describe above, the project would adhere to the recommendations of a design-specific geotechnical investigation. The potential for expansive soils to affect project development would be addressed in the geotechnical investigation. The City Geologist would review and approve the geotechnical report prior to issuance of a grading permit or Public Works Clearance. Adherence to standard construction techniques designed to reduce impacts from expansive soils would further reduce potential impacts. For these reasons, the proposed project would not create substantial direct or indirect risks to life or property due to the expansive soils underlying the site. **(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 disposal of wastewater from the project site will be facilitated by connection to the City's existing sewer system. The existing utilities in the project area would serve the proposed mixed-use project. No on-site septic system would be constructed for the proposed project. By connecting to existing City sewer lines, as described above, the proposed project would avoid potential impacts related to wastewater disposal via an on-site septic system or alternative wastewater disposal system. **(No Impact)**

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

As discussed above in Section 3.7.1.2, there are no unique geologic features on-site. The project site has high paleontological sensitivity at the surface; therefore, there is potential for encountering unknown paleontological resources during project grading and excavation (including excavation for the below-grade parking garages).

Consistent with General Plan Policy ER-10.3, the project shall implement the following standard permit conditions to reduce or avoid impacts to paleontological resources to a less than significant level.

Standard Permit Conditions:

- If vertebrae fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement 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 City will be responsible for ensuring that the project sponsor implements the recommendations of the paleontological monitor regarding treatment and reporting. A report of all findings shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

With the implementation of the above standard permit conditions, the project would reduce impacts to paleontological resources to a less than significant level by providing proper training for construction workers, halting work if a resource is encountered, and implementing treatment measures (if necessary). **(Less than Significant Impact)**

g) 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?

Due to the project's distance from recognized mineral resource sites, the developed nature of the site and its surroundings, and the scale of development proposed, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

h) 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?

Lexington Quarry is located five miles south of the site and is the closest mineral resource recovery site to the project site. Communications Hill is also recognized as an important mineral resource recovery site and is located approximately four miles northeast of the site. Due to its distance from these sites, the proposed project would not affect any mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

3.7.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative geology and soils impact?

Projects in the Cities of San Jose and Campbell, and unincorporated areas of Santa Clara County, will be subject to similar geology, soils, and seismicity impacts as the proposed project. All cumulative projects occurring within the City of San Jose and neighboring cities would implement conditions of approval, mitigation measures, and ensure consistency with the 2019 California Building Code in order to avoid impacts from seismicity and geology and soils hazards and/or reduce them to a less than significant level.

Adhering to the Standard Permit Conditions for paleontological resources would ensure that these resources are not impacted by implementation of the proposed project. Projects in the surrounding areas would be subject to similar conditions as the proposed project, thereby ensuring that the cumulative impacts to paleontological resources would be less than significant.

For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative geology and soils impact. **(Less than Significant Impact**)

3.7.4 Non-CEQA Effects

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment

may have on a project; nevertheless, the City has policies that address existing conditions (e.g., geologic hazards) affecting a proposed project, which are addressed below.

The policies of the Envision San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The City of San José Envision General Plan Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. The General Plan provides that new development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and requires review and implementation of mitigation measures as part of the project approval process.

As discussed in *Section 3.7.2.3*, the project site is in the seismically active San Francisco Bay Area which has a 63 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake, though the probability of liquefaction and/or lateral spreading on-site is considered low.

Geologic conditions in the project area will require that the proposed structures be designed and built-in conformance with the requirements of the California Building Code. The Envision San José 2040 General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related impacts to a less than significant level. The project would be built and maintained in accordance with site-specific geotechnical report (consistent with Action EC-4.11) and applicable regulations including the California Building Code.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the Envision San José 2040 General Plan FEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

3.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on an air quality and greenhouse gas emission assessment prepared by *Illingworth & Rodkin, Inc.* The report dated October 1, 2020, is included as Appendix B to this DEIR.

3.8.1 Environmental Setting

3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, greenhouse gases (GHGs), regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. 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.

3.8.1.2 *Regulatory Framework*

Federal

Corporate Average Fuel Economy Standards

The Corporate Average Fuel Economy (CAFE) standards are federal regulations enacted by Congress in 1975 to improve the average fuel economy of cars and light trucks produced for sale in the United States. The CAFE standards are fleet-wide averages that must be achieved by each automaker for its car and truck fleet, each year. They are administered by the Secretary of Transportation via the National Highway Traffic Safety Administration and are intended to create domestic jobs and cut global warming.

State

Assembly Bill 32 and Senate 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 $MMTCO_2e$.

Assembly Bill 1493

Adopted by the state legislature in 2002, AB 1493 directed the CARB to adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from passenger vehicles, beginning with the 2009 model year. (California Health and Safety Code, § 43018.5.). CARB approved those regulations in 2005. California was granted a waiver from the regulations in 2009 by the U.S. EPA, and CARB adopted continuing standards for future model years.

Senate Bill 100

SB 100, signed into law in 2018, established a landmark policy requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers in the state by 2045. SB 100 requires the CEC, CPUC, and CARB to complete a joint agency report to the Legislature evaluating the 100 percent zero-carbon electricity policy by January 1, 2021, and at least

every four years afterward. The report will be developed using a public process and qualitative and quantitative analyses to address the requirements and intent of the statute.[52]

Senate Bill 350

SB 350 increases California's renewable electricity procurement goal from 33 percent by 2020 to 50 percent by 2030, and also requires the state to double statewide energy efficiency savings in electricity and natural gas end uses by 2030. To help meet these goals and reduce GHG emissions, large utilities will be required to develop and submit integrated resource plans, which detail how utilities will meet their customers' resource needs, reduce GHG emissions, and increase the use of clean energy resources. SB 350 also transforms the California Independent System Operator (ISO), a nonprofit public corporation, into a regional organization, contingent upon approval from the Legislature. The bill also authorizes utilities to undertake transportation electrification.

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (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).

Executive Order N-79-20

Executive Order N-79-20 seeks to address climate change concerns and significantly reduce greenhouse gas emissions by banning the sale of new gasoline-powered vehicles in the state by 2035 and imposing other restrictions. The Order requires the CARB to develop regulations that: (1) require all in-state sales of new passenger cars and trucks be zero-emission by 2035; (2) require all medium- and heavy-duty vehicles, "where feasible," be zero emission by 2045; and (3) work to make all off-road vehicles and equipment zero emissions by 2035.[53]

[52] California Energy Commission. *SB 100 Joint Agency Report*. https://www.energy.ca.gov/sb100#:~:text=Senate%20Bill%20(SB)%20100%20established,end%2Duse%20customers%20by%202045.&text=An%20evaluation%20identifying%20the%20potential,associated%20with%20achieving%20the%20policy. Accessed November 6, 2020.

[53] JDSUPRA. *A First Look at California's Executive Order Banning Fuel-Burning Vehicles and Imposing Other Greenhouse Gas Reducing Restrictions.* https://www.jdsupra.com/legalnews/a-first-look-at-california-s-executive-17672/. Accessed November 6, 2020.

Executive Order B-55-18

EO B-55-18, signed by Governor Brown in 2018, established a new statewide policy to achieve carbon neutrality (i.e., the point at which removal of carbon pollution from the atmosphere meets or exceeds emissions) no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. The EO calls on CARB to address this goal in future Scoping Plans, which affect other major sectors of California's economy, including transportation, agriculture, development, industrial, and others.[54]

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.

ABAG Plan Bay Area 2040

ABAG's Plan Bay Area is the RTP/SCS for the San Francisco Bay Area. Plan Bay Area establishes GHG emissions goals for automobiles and light-duty trucks, a potent source of GHG emissions attributable to land use development. As previously described, ABAG was tasked by CARB to achieve a seven percent per capita reduction in mobile-source GHG emissions compared to 2005 vehicle emissions by 2020 and a 15 percent per capita reduction by 2035. Plan Bay Area 2013-2040 establishes an overall mechanism to achieve these GHG targets for the project region consistent with both the target date of AB 32 (end of 2020) and the post-2020 GHG reduction goals of SB 32. CARB has confirmed the Project region will achieve its GHG reduction targets by implementing Plan Bay Area (CARB 2018). The RTP/SCS contains thousands of individual transportation projects, including highway improvements, railway electrification, bicycle lanes, new transit hubs, and replacement bridges. These future investments seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices. The RTP/SCS is an important planning document for the region, allowing project sponsors to qualify for federal funding. In addition, the RTP/SCS is supported by a combination of transportation and land use strategies that help the region achieve state GHG emission reduction goals and federal Clean Air Act requirements,

[54] Monchamp Meldrum LLP. *SB 100 and EO B-55-18: California's New 100% Clean Energy Policy.* https://www.lexology.com/library/detail.aspx?g=14f523fe-5c6f-4d32-be6b-76e634e95293. Accessed November 6, 2020.

preserve open space areas, improve public health and roadway safety, support the vital goods movement industry, and use resources more efficiently.

Plan Bay Area 2050 is a long-range plan charting the course for the future of the nine-county San Francisco Bay Area. Plan Bay Area 2050 that focuses on four key issues—the economy, the environment, housing and transportation—and will identify a path to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Building on the work of the Horizon initiative, this new regional plan will outline strategies for growth and investment through the year 2050, while simultaneously striving to meet and exceed federal and state requirements. The MTC and ABAG are expected to adopt Plan Bay Area 2050 in summer 2021.[55]

Local

Envision San José 2040 General Plan

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

The General Plan includes the following GHG reduction policies, which are applicable to the project.

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

Policy CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.

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

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

[55] MTC website. Plans and Projects. Plan Bay Area 2050. https://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2050. Accessed May 19, 2021.

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

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

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

Policy TR-2.18: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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

Policy IP-3.7: Monitor, evaluate and annually report on the success of the programs and actions contained within the Greenhouse Gas Reduction City Council Policy to demonstrate progress toward achieving required State of California Greenhouse Gas reduction targets (at or below 1990-equivalent levels) by 2020, 2030, 2040 and 2050. Refine existing programs and/or identify new programs and actions to ensure compliance and update the Council Policy, as necessary.

Policy IP-17.2: Develop and maintain a Greenhouse Gas Reduction Strategy or equivalent policy document as a road map for the reduction of greenhouse gas emissions within San José, including those with a direct relationship to land use and transportation. The Greenhouse Gas Reduction Strategy identifies the specific items within the Envision San José 2040 General Plan that contribute to the reduction of greenhouse gas emissions and considers the degree to which they will achieve its goals. The Envision General Plan and Land Use / Transportation Diagram contain multiple goals and policies which will contribute to the City's reduction of greenhouse gas emissions, including a significant reliance upon new growth taking place in a more compact urban form that facilitates walking, mass transit, or bicycling.

City of San José 2030 Greenhouse Gas Reduction Strategy

The City of San José has recently updated its GHG Reduction Strategy in alignment with SB 32, which established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18). The *City of San José 2030 Greenhouse Gas Reduction Strategy* (2030 GHGRS) is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The 2030 GHGRS was developed under General Plan Policy IP-3.7 to monitor and update as necessary the GHG reduction strategy measures and IP-17.2 to develop and maintain a GHG reduction strategy to serve as a road map for reducing GHG emissions within San José. To that end, the 2030 GHGRS provides an update of current emissions levels based on a 2017 emissions inventory, establishes a new 2030 emissions target consistent with SB 32, and assesses the City's progress and achievement pathway toward its 2020 and 2030 GHG targets. The 2030 GHGRS is consistent with the major strategies and policies within the Envision San José 2040 General Plan and includes additional reduction measures to achieve the 2030 GHG emissions target. It also includes emissions forecasts that were prepared to align with the future buildout conditions in the Envision San José 2040 General Plan horizon year, including its future estimates of the local population, employment, and travel demand consistent with the City's Land Use and Transportation Diagram.[56]

The 2030 GHGRS includes a Development Consistency Checklist, the purpose of which is to provide a streamlined review process for proposed new development projects subject to discretionary review and that trigger environmental review under CEQA. In accordance with CEQA Guidelines Section 15183.5, analysis of GHG emissions and potential climate change impacts from new developments is a requirement, and a project's incremental contribution to cumulative GHG emissions may be determined not to be cumulatively considerable if the project complies with the requirements of the approved qualified climate action plan. The 2030 GHGRS identifies GHG emissions reduction measures to be implemented by development projects within the general strategies for energy, buildings, land use and transportation, water, and waste sources. 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.

City of San José Municipal Code

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

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

[56] *City of San José 2030 Greenhouse Gas Reduction Strategy*. August 2020.

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy, which requires that for mixed-use projects only that component of the project triggering compliance with the policy is required to achieve the applicable green building standard. The commercial buildings (which total greater than 25,000 square feet), would be required to achieve a minimum LEED Silver certification. The residential buildings would be required to meet the Greenpoint Rated standards, at a minimum.[57]

Climate Smart San José

Climate Smart San José is a visioning plan to reduce air pollution, save water, and create a stronger and healthier community. The Plan forces on three pillars and nine key strategies:

- A sustainable and climate smart city
- Transition to a renewable energy future
- Embrace our Californian climate
- A vibrant city of connected and focused growth
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for our families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- An economically inclusive city of opportunity
- Create local jobs in our city to reduce vehicle miles traveled (VMT)
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

The Plan calls for unlocking the resources of the private sector and residents by making the investment case for the "Good Life 2.0" and the economic efficiency that many Climate Smart measures bring.

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

[57] City of San José. *Private Sector Green Building*. Accessed September 15, 2020. https://www.sanjoseca.gov/your-government/environment/energy/green-building

infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

In 2020, the San José City Council-approved Ordinance No. 30502 and adopted an update to the Reach Code to prohibit natural gas infrastructure in newly constructed buildings, with limited exceptions for hospitals, attached accessory dwelling units, and facilities with a distributed energy resource. There also is a limited exception for process loads and commercial kitchens that sunsets on December 31, 2022. Finally, there is a hardship exception where an applicant can show that due to the type of project, physical site constraints, necessary operational requirements, or public health and safety concerns in the event of an electric grid outage that it would be a hardship or infeasible to forgo natural gas.

3.8.1.3 *Existing Conditions*

The project site is currently developed with five retail buildings, totaling 170,427 square feet, and a surface parking lot, providing 764 parking spaces. Operation of these buildings generates GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc.

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

   Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?

BAAQMD Significance Thresholds

The BAAQMD's 2017 CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified adopted GHG reductions plan (i.e., a Climate Action Plan). Such a qualified Climate Action Plan should address emissions reductions with the associated period that the project would operate (e.g., beyond year 2020).

As described previously, the City recently updated its GHG Reduction Strategy to account for GHG emissions reduction targets through 2030. Projects that would not be fully operational prior to 2030 would require quantification of GHG emissions and comparison to a service population threshold which reflects a future emissions reduction target.

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, the generator, 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 GHG Emissions

The proposed development would result in increases in GHGs associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, etc. Neither the City nor BAAQMD 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.

Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32 or SB 32, the increase in emissions would be less than significant.

Operational GHG Emissions

As previously discussed, the recently adopted 2030 GHGRS uses Envision San José 2040 General Plan land use designations as the basis from which to prepare its emissions forecasts. As the project is consistent with the General Plan land use designations for the site, GHG emissions generated by the project would be covered by the 2030 GHGRS, which is considered a qualified Climate Action Plan. On a qualitative basis, the project's emissions would be considered less than significant, given they are covered by a qualified Climate Action Plan.

The project would generate GHG emissions associated with the various operational aspects of the proposed land uses and estimated service populations (for the hotel and commercial uses). However, the project is consistent with, and is covered by the City's 2030 GHGRS, as detailed in the impact analysis below, and the operational GHG emissions would therefore be considered less than significant. **(Less than Significant Impact)**

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

Plan Bay Area

The project is consistent with the with provisions of Plan Bay Area, including the goal of reducing per capita mobile-source GHG emissions. By proposing a mixed-use development consisting of housing and commercial uses located on existing transit routes, the project would contribute toward a long-term reduction in mobile source (automobile) GHG emissions.

2030 GHGRS Compliance Checklist Measures

The 2030 GHGRS identifies GHG emissions reduction measures to be implemented by development projects within the general strategies for energy, buildings, land use and transportation, water, and waste sources. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. The project will include specific measures consistent with the categories described below under Tables A, B and C of the 2030 GHGRS Compliance Checklist. A copy of the completed checklist is included in Appendix B.

Table A: General Plan Consistency

The project is consistent with several measures listed in *Table A: General Plan Consistency* of the Compliance Checklist, as described below.

1) Consistency with the Land Use/Transportation Diagram (Land Use and Density) – The proposed project is a mixed-use Urban Village, consistent with the General Plan Land Use designation for the site. It will contain a mix of commercial and residential uses that will internalize vehicle trips and be neighborhood-serving.

2) Implementation of Green Building Measures – Consistent with Measures MS-2.2 and MS-2.7, the project proposes to include solar panels on buildings throughout the site. The project is also consistent with Measure MS-2.3 by using solar orientation in the siting of the proposed buildings and planting of new trees to provide shade on south and southwest exposures. The project is consistent with Measure MS-2.11 by reducing energy use through construction techniques, architectural design and site design techniques. The project would meet the standards of the City's Private Sector Green Building Policy (6-32), including achieving a LEED rating of Silver for the proposed commercial buildings.

Pedestrian, Bicycle & Transit Site Design Measures – The project has been designed as a mixed-use Urban Village that features pedestrian and bicycle connectivity. This is consistent with Measures CD-2.1 and CD-3.2, which encourage the creation of streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the General Plan, and the prioritization of pedestrian and bicycle connections to transit, community facilities, commercial areas, and other areas serving daily needs. The project is also consistent with Measure CD-3.4, which encourages pedestrian cross-access connections between adjacent properties and requires pedestrian and bicycle connections to streets and other public spaces, especially to transit facilities. The project plans include a pedestrian circulation plan that shows the proposed pedestrian and bicycle connections to the surrounding public streets.

The project is consistent with Measure CD-2.5 by integrating Green Building Goals and Policies of the General Plan into the site design to create healthful environments. The project design minimizes paved areas and provides many additional trees to shade buildings, paths and circulation elements.

The project is consistent with Measure CD-2.11, which discourages the use of surface parking in Urban Village areas. The majority of parking for the project is located in underground garages, with no aggregated surface lots for the proposed hotel, commercial/apartment, or assisted living/office buildings proposed.

Measures LU-3.5 and TR-2.8 require the provision of adequate bicycle parking and project design measures to promote bicycle and pedestrian safety. The project proposes bicycle storage and parking facilities at various locations throughout the site to serve each of the proposed land uses (hotel, commercial, assisted living/office, etc.) The project also includes the requirement of a TDM Plan for the proposed hotel, commercial, and assisted living or office uses. This would be consistent with Measure TR-7.1, which encourages employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for carsharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures. It is also consistent with Measure TR-8.5, which encourages the promotion of car share programs to minimize the need for parking spaces on-site.

3) Water Conservation and Urban Forestry Measures – Consistent with Measure MS-3.1, the project design includes the use of low-water requiring and climate-appropriate landscaping materials, and water efficient irrigation systems that conform to the State's Model Water Efficient Landscape Ordinance. In addition, the project includes the planting and maintenance of both street trees and trees on private property, which will help achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines, consistent with Measure MS-26.1. The project is also consistent with Measure MS-21.3 by proposing tree species that conform to the San José Community Forest guidelines.

Table B: 2030 Greenhouse Gas Reduction Strategy Compliance

The project is consistent with several strategies listed in *Table B: 2030 Greenhouse Gas Reduction Strategy Compliance* of the Compliance Checklist, as described below.

Zero Net Carbon Residential Construction - the proposed project will meet the City's Green Building Checklist requirements for the residential component of the project.

Renewable Energy Development – The proposed project will be plumbed for future solar capability. Utilities that will serve future solar panels will be brought to the property. Participation in community solar programs is one of several potential measures in which the project could participate, however it is not mandatory.

Zero Waste Goal – The proposed project will incorporate recycling facilities into the new buildings.

Water Conservation – The proposed project will include the installation of high-efficiency appliances/fixtures to reduce water use and will include water-sensitive landscape design.

Table C: Applicant Proposed Greenhouse Gas Reduction Measures

The project is consistent with several strategies listed in *Table C: Applicant Proposed Greenhouse Gas Reduction Measures* of the Compliance Checklist, as described below.

- The proposed project will create a mix of uses on the site, resulting in a reduction of parking demand.

- The proposed project will incorporate the minimum number of on-site parking stalls required by the City of San José standards.
- The project will incorporate pedestrian- and bicycle-friendly design.
- The proposed project will incorporate TDM measures for all proposed commercial uses on the site, reducing vehicle trips and encouraging the use of bicycles and transit.

General Plan Policy Conformance

As proposed, the project will be in conformance with the following Envision San José 2040 General Plan policies, several of which are also listed as consistency measures on the 2030 GHGRS Compliance Checklist (Table A), as described below.

Policy CD-2.11: The project is located in the Camden Avenue/Hillsdale Avenue Urban Village and is consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation. The project proposes a minimum amount of surface parking, with underground parking structures providing parking beneath the proposed hotel, mixed-use commercial/high density residential, and assisted living/office buildings.

Policies CD-3.2 & CD-5.1: The project provides bicycle connections to the two adjacent major streets, with two new street entrances on Union Avenue and Camden Avenue. In addition, the project includes direct pedestrian and bicycle access to the proposed commercial plaza area and community park via the main entrance to the site at the Camden Avenue/Union Avenue intersection, and a pedestrian/bicycle path at the Wyrick Avenue entrance on the east side of the site. New public streets with sidewalks and pedestrian/bicycle paths throughout the site are designed to accommodate the anticipated increase in pedestrian and bicycle activity on the site, as well as providing pedestrian and bicycle connectivity to the surrounding community.

Policy LU-5.4: The vertical mixed-use design of the proposed commercial/residential buildings represents a compact urban form that facilitates bicycle access as well as safe, accessible, convenient, and pleasant pedestrian connections to other on-site amenities such as the park and open space areas. Bicycle parking is provided for commercial and residential uses, per the City of San José requirements.

Policy MS-2.3: Solar orientation was a consideration in the siting of the project buildings, including the planting of a substantial number of trees to shade the south and west exposures of the buildings.

Policy MS-2.11: The project will incorporate green building practices, as required by the Green Building Ordinance, and is designed to achieve a LEED rating of Silver.

Policy TR-2.18: The project will provide bicycle parking at commercial/retail uses and storage facilities for multi-family residential uses.

Policy TR-3.3: There are existing VTA bus lines in Camden Avenue and Union Avenue that serve the project site. Redevelopment of the site with commercial/retail, residential, and assisted living facility or office uses, as proposed, will contribute toward improved transit ridership. Direct access to bus stops on both of these street frontages is provided with the project.

Consistency with the General Plan policies and inclusion of 2030 GHGRS Conformance Checklist measures in the project would ensure that the project is in compliance with the City's GHG Reduction Strategy and would therefore not result in a significant impact, nor would it make a cumulatively considerable contribution to global climate change. **(Less than Significant Cumulative Impact)**

3.8.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative GHG emissions impact?

As discussed in Section 3.8.1, GHG emissions have a broader, global impact; therefore, the project's cumulative GHG impacts are discussed above.

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment (Phase I ESA) prepared by *AEI Consultants* in August 2014, and an Environmental Conditions Summary Memo prepared by *Arcadis* in May 2021. The Phase I ESA and Summary Memo are included in this EIR as Appendix F.

3.9.1: Environmental Setting

3.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and wastes are highly regulated under federal and state laws. Federal statutes, regulations and policies related to environmental issues in connection with development, such as those enforced by the United States Environmental Protection Agency (EPA), include but are not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the California Environmental Protection Agency (CalEPA) has enforcement authority in regard to state law, and certain local environmental agencies have been granted responsibility by CalEPA 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.

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

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[58]

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 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 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 protocol methodology for managing materials with PCBs in applicable

[58] CalEPA. "Cortese List Data Resources." Accessed September 17, 2021. https://calepa.ca.gov/sitecleanup/corteselist.

structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[59] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. As of July 1, 2019, buildings constructed between 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.

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

The Norman Y. Mineta San José International Airport is located approximately 6.4 miles north of the project site. Development within the Airport Influence Area (AIA) can be subject to hazards from aircraft and pose hazards to aircraft traveling to and from the airport. The County of Santa Clara Airport Land Use Commission (ALUC) adopted an Airport Comprehensive Land Use Plan (CLUP) in October of 2010, amended November 16, 2016, to address these potential hazards and establish review procedures for potentially incompatible land uses.

The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the CLUP. The CLUP set standards focused on three areas of ALUC responsibility: noise, objects in navigable airspace, and the safety of persons on the ground and in aircraft. Projects within the AIA are subject to an additional level of review by the City to determine how policies established in the CLUP may impact the proposed development. The project site is not located within the Santa Clara County Airport Land Use Commission's designated Airport Influence Area for San Jose International, nor are the project's proposed structure heights subject to FAA review under FAR Part 77.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to hazards and hazardous materials and applicable to the proposed project:

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

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

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

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

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

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

Policy 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.

3.9.1.2 *Existing Conditions*

Historical Uses of the Project Site

The project site was historically a part of the surrounding orchards in the area until approximately 1953. At this time, the central core of the Cambrian Park Plaza Shopping Center, as it is developed today, was constructed as part of the growing residential development of the surrounding area. The northwestern portion of the site formerly contained a service station from the 1950's until 1994 when it was removed. Based on the 1968 aerial photograph, the northwest portion of the site was once the location of Camden High School.

The surrounding area has historically been primarily rural/residential. The closest school to the project site is Harker Preschool, located approximately 1,200 feet to the south of the site.

Current Uses of the Project Site

The existing shopping center on-site was constructed in the early to mid-1950s. The shopping center contains several retail stores, including a bowling alley and a dry cleaner.

On-Site Sources of Contamination

Recognized Environmental Concerns

The Phase I ESA dated August 1, 2014, prepared by *AEI Consultants* for the project site, identified the Cambrian Plaza Dry Cleaning establishment at 14414 Union Avenue as a recognized environmental condition under the applicable Phase I ESA standard (ASTM E1527-13). The dry cleaner is located in the southern/central portion of the main commercial building on-site. This establishment is the location of a historical release of chlorinated solvents composed of

tetrachloroethylene (PCE) into the underlying soil and groundwater.[60] PCE is no longer used by the dry cleaner.

The most recent subsurface investigation regarding the dry-cleaning facility was completed in 2014, which found concentrations of PCE in groundwater of up to 831 µg/L and in soils between five µg/kg to 19.8 µg/kg.[61] The release of PCE exceeded the residential direct contact environmental screening levels (ESLs) set by the San Francisco Bay Regional Water Quality Control Board. The groundwater results indicate that PCE from the dry-cleaning facility has impacted a perched groundwater zone on the property and that deeper drinking-water aquifers have not been impacted. The dry cleaner facility is listed on several hazardous materials databases, including the US Historic Cleaners, the Resource Conservation and Recovery Act (RCRA) – Small Quantity Generator (SQG), the Facility Index System Database (FINDS), CUPA listings, Emergency Management Institute (EMI), and Hazardous Waste Information System (HAZNET) databases. The dry cleaner closed in the late 2010s. The dry cleaner, and the investigation and remediation of dry-cleaning chemicals, including PCE and daughter products (discussed below), are under the regulatory oversight of the State of California Regional Water Quality Control Board for the San Francisco Bay region (RWQCB). Documentation relating to the open regulatory case file with RWQCB are available on RWQCB's electronic database (GeoTracker).

Multiple rounds of subsurface investigation have been performed, including under RWQCB oversight. The groundwater results collected to date indicate that the PCE releases have impacted a perched groundwater zone on the property but that deeper drinking-water aquifers have not been impacted. Remedial actions have been performed since October of 2016, including remediation *via* soil vapor extraction (SVE), under RWQCB oversight, and are scheduled to continue as required by RWQCB in accordance with requirements for obtaining written regulatory closure in the form of a "No Further Action" letter (No Further Action Letter).

In addition to having affected soil and groundwater, the historical PCE releases from the dry-cleaning facility have been identified as a soil vapor intrusion concern. An indoor air quality and groundwater investigation was completed at the site in 2014 to address potential vapor intrusion concerns.[62] Indoor and outdoor air samples from five locations at or near the dry cleaner were collected. The data were reviewed to evaluate the presence and concentrations of chemicals of potential concern (COPCs), to assess the quality of indoor air samples, and estimate health risks to existing and future users of the site. Based on the evaluation, the COPCs sampled in 2014 are not expected to pose adverse health effects to current and future commercial workers on-site[63]

The former Shell gas service station at 14200 Union Avenue (at the northwest corner of the site) was identified as a controlled recognized environmental condition. The station operated two 8,000-gallon

[60] Soil samples collected in 1998, 2008, and 2014 revealed PCE concentrations in excess of residential direct contact ESLs.

[62] Arcadis U.S., Inc. *Summary of Indoor Air and Groundwater Investigation – Cambrian Park Plaza Shopping Center, 14414 Union Avenue, San José, California.* September 15, 2014.
[62] Arcadis U.S., Inc. *Summary of Indoor Air and Groundwater Investigation – Cambrian Park Plaza Shopping Center, 14414 Union Avenue, San José, California.* September 15, 2014.
[63] The indoor air quality investigation did not account for potential changes of use at the site to include future residential uses and assumed the existing commercial uses would remain.

gasoline underground storage tanks (USTs), two 5,000-gallon gasoline USTs, a 550-gallon waste oil UST, a lube bay oil/water separator, and three hydraulic lifts. In 1994, the USTs, oil/water separator, and hydraulic lifts were removed from the site. Groundwater and soil sampling detected concentrations of TPH-g, TPH-d, benzene, 1,2-dichloroethane, chromium, lead, nickel, and zinc above their respective ESLs.

In September 1996, the gas station facility received regulatory case closure status from the Santa Clara County Department of Environmental Health, which noted that residual fuel and hydraulic oil hydrocarbons remained in subsurface soil. A subsurface investigation of the former Shell gas service station in 2014 was completed to investigate soil and soil vapor conditions in and around the former USTs, waste oil tank, and hydraulic lifts.[64] Seven shallow soil samples were collected up to a maximum depth of 20 feet bgs and two soil vapor samples were collected using soil vapor probes to a depth of five feet bgs. The soil samples that were collected and analyzed showed concentrations of petroleum hydrocarbon as diesel and motor oil, lead, and three volatile organic compounds (VOCs) including toluene and xylene, each at levels below their respective ESLs for commercial/industrial use.[65] The soil vapor sampling results identified the presence of six chemicals, including PCE and its breakdown product trichloroethylene (TCE), above their respective ESLs. The concentration of PCE detected in soil vapor was above the ESL for residential use but was below the ESL for commercial use.

The site is listed on several hazardous materials regulatory databases, including the LUST, Historic LUST, Historic CORTESE, and EDR Historic Auto Stations databases. The Historic databases refer to listings of open and closed leaking underground tanks (HIST LUST - now handled by the Santa Clara County Department of Environmental Health), sites on the Cortese List designated by the SWRCB, IWB, and DTSC (HIST CORTESE – no longer updated), and listings of potential gas station/filling station/service station sites available to EDR at the time of their report (EDR US Hist Auto Stat).[66]

Historical Recognized Environmental Conditions

No historical recognized environmental conditions have been identified.

Former Agricultural Uses

Prior to the existing shopping center development in about 1953, the project site was historically used for agricultural purposes, similar to the former surrounding orchard areas. Agricultural chemicals, such as pesticides, herbicides and fertilizers, were likely used as part of the site's former agricultural use.

[64] Arcadis U.S., Inc. *Summary of Subsurface Investigation – Former Shell Service Station, Cambrian Park Plaza Shopping Center, 14200 Union Avenue, San José, California.* August 25, 2014.
[65] The samples collected were not compared to ESLs for residential uses.
[66] AEI Consultants. *Phase I Environmental Site Assessment, Property Identification: Cambrian Park Plaza Shopping Center 14388 – 14458 Union Avenue and 14800 – 14948 Camden Avenue San Jose, Santa Clara County, California 95124Appendix D – Regulatory Databases.* August 1, 2014

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. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. Use of friable asbestos products was banned in 1978.

The existing buildings on-site were constructed in the 1950's with ACMs. A 1995 ACM survey conducted at the property site found that the floor tiles and mastic throughout the shopping center contain asbestos.

Lead Based Paint

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

Other Environmental Conditions

According to the Santa Clara Valley Water District (SCVWD), an abandoned well is present on the northwestern portion of the project site, near the current Bank of the West building. The abandoned 726-foot well was a water production well operated by San Jose Water Works. The well has a sanitary seal located near the former gas station as of 1996.

The project site is not located within a California Fire Hazard Severity zone, as mapped by CalFire. The nearest mapped zone is located in the hills to the south and southwest of the Blossom Hill Road/Union Avenue area, approximately 1.5 south of the project site.

3.9.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

1) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7) 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 mixed-use development would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to the operations of the existing buildings. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that would be transported, used and stored on-site, would not generate substantial hazardous emissions or accidental chemical releases that would pose a risk to site users or adjacent residential land uses. Compliance with applicable federal, state and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment, including adjacent residences, are created by the routine transport, use, or disposal of hazardous substances. **(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?

Soil and Groundwater Contamination

Environmental Conditions Summary

An Environmental Conditions Summary Memo was prepared by *Arcadis* on May 4, 2021, that summarizes both the results of historical site investigation activities across the project site and the ongoing remedial activities to address volatile organic compound (VOC)-impacted soil and soil vapor associated with the former dry cleaner at the site. The following discussion is based on the findings and conclusions of the Memo.

Regulatory Status

Solvent chemicals (primarily PCE and its daughter products) associated with the former dry cleaner at the site historically impacted soil and groundwater. In October 2016, *Arcadis* installed an interim SVE system, and continually operates and monitors the SVE system and performs indoor air and sub-slab soil vapor monitoring events at the site. These activities are conducted per the Revised Indoor Air Sampling and Groundwater Sampling Work Plan dated February 11, 2015, and the SVE pilot test and associated activities presented in the Annual Report for Indoor Air and Groundwater Monitoring dated August 20, 2015 (Annual Report). These documents were submitted to and approved by the San Francisco Bay RWQCB.

Weingarten (the project applicant) is anticipating that the site will be redeveloped in the next one to two years. At that time, a final remedy, likely involving some soil excavation, will be implemented following the demolition of the building. In the interim, the interim SVE pilot test was implemented to reduce indoor air concentrations for commercial workers and visitors to the property, as well as a monitoring program for indoor air, and sub-slab vapor, and groundwater.

Environmental investigation and monitoring activities at the site are overseen by the RWQCB as a cleanup case under their Site Cleanup Program (SCP). State water code allows the RWQCB to recover reasonable expenses for overseeing the investigation and cleanup of contaminated properties. The responsibility for cost recovery under the SCP was transferred to Weingarten in March 2015 after they purchased the property from the previous owner (Schaefer Land Trust). Weingarten routinely pays the fees incurred by the RWQCB during of their oversight of the SCP case. *Arcadis* has performed the following environmental activities under the RWQCB program:

- Soil and groundwater grab sampling near and downgradient of the former dry cleaner
- Installation of one deep (MW-2A) and one shallow, perched-zone (MW-2P) monitoring well
- Investigation along the sanitary sewer line including collecting soil samples and a sewer video survey
- Installation of two shallow SVE wells
- Installation and operation of an interim, pilot SVE system
- Soil-vapor sampling at the former Shell gasoline station

- Soil-vapor sampling along the eastern property boundary
- Installation and semi-annual monitoring of four sub-slab soil-vapor probes
- Semi-annual indoor air monitoring of occupied tenant spaces near the former dry cleaner
- Indoor air contingency plan actions including potential vapor intrusion pathway survey and sealing, building HVAC system modifications, and installing air purification units.

Current Conditions

Soil. *Arcadis* collected soil samples at ten exterior locations at the site in September 2014. The soil sampling results indicated the presence of the volatile organic compound (VOC) tetrachloroethene (PCE) at relatively low concentrations of up to 66.3 µg/kg. In comparison, previous soil investigations conducted beneath the dry cleaner concrete slab detected PCE concentrations up to 5,100 µg/kg. In addition, *Arcadis* collected shallow soil samples along the sanitary sewer line originating in the dry cleaner building and several hundred feet downgradient. No elevated levels of PCE were detected in those samples. These soil quality results suggest that PCE may be confined in lateral and vertical extent to a relatively limited area beneath the building itself.

Groundwater. Groundwater sampling in deeper well MW-2A on the site was discontinued after the February 2018 monitoring event due to five consecutive non-detect results. The shallow perched-zone well, MW-2P, will be sampled if it contains sufficient water for sampling (water level at least six inches above the bottom of the well screen). Well MW-2P has had insufficient water for sampling each year after it was first sampled following its installation in 2014. The water level in MW-2P was checked again in March 2021 and was found to be insufficient for sampling.

Soil Vapor. Semi-annual soil-vapor sampling is conducted on four sub-slab probes located within tenant spaces on the site. The sub-slab soil vapor sample data is used to evaluate SVE system effectiveness, calculate attenuation factors, and compliment indoor air sample data. The sub-slab soil vapor samples are collected in general accordance with the 2011 DTSC Guidance. Based on the building footprint and previous indoor air sample results, the four probes were installed within the four tenant spaces that showed previous exceedances of PCE in indoor air. Analytical results of recent sub-slab soil vapor samples were compared to those collected before the start of SVE system operation. The results indicated that PCE concentrations in the sub-slab subsurface have consistently reduced during SVE operation, in one case by a factor of approximately 30. To address data gaps from previous investigations, in November 2017 *Arcadis* performed soil vapor sampling at four outdoor boring locations along the southeastern property boundary. *Arcadis* assessed the locations for the potential presence of VOCs, including PCE, in soil vapor along the southeastern property boundary of the site. Soil vapor samples were collected at each location from an approximate depth of three to five feet below grade surface. The results of the soil vapor sampling detected PCE in only two of the four samples. Of the two samples with detections, no samples exceeded the residential ESL. In addition, one of the four samples detected trichloroethene (TCE), also below the residential ESL. The soil vapor samples collected and analyzed indicated the presence of several other chemicals including but not limited to acetone, carbon disulfide, chloromethane, ethylbenzene, naphthalene, toluene, 1,1,1-trichloroethane (1,1,1-TCA), and xylenes, each below their respective ESLs for residential use.

Indoor Air Monitoring and Contingency Plan. To continue monitoring indoor air while the existing buildings are in operation, indoor air sampling with the HVAC on (normal operating conditions) is performed on a semi-annual basis on the occupied spaces (currently three spaces are occupied). Semi-annual monitoring is performed in August and February. All samples are analyzed by EPA Method TO-15 on a standard turnaround basis. The indoor air contingency plan will be triggered when an indoor air result for PCE or TCE exceeds the RWQCB ESL of 2.0 micrograms per cubic meter (μg/m3). Contingency plan actions will be implemented within five business days of receiving analytical results. It was noted that the benzene, carbon tetrachloride, and chloroform results in most of the IA samples exceeded the ESLs for those compounds, however they are also routinely detected in the outdoor ambient sample, indicating that the likely source in the area is from ambient air or customer vehicles parked nearby.

In the event that the indoor air monitoring results indicate an exceedance of one of the ESLs, the indoor air contingency plan will be implemented within five days of receiving sample results. The contingency plan will include a brief building survey in the tenant spaces where screening levels were exceeded to document relevant building information. The building survey will include collecting potential chemical storage and usage information and inspecting the building slab to identify potential preferential pathways such as utility conduits, floor cracks, or other penetrations in building slabs. A hand-held monitoring device capable of detecting VOCs to the parts per billion range may be used to assist with identifying preferential pathways. If preferential pathways are identified during the building survey, they will be sealed, and confirmation indoor air sampling would be conducted. If warranted, other mitigation steps may include ensuring drain p-traps are filled with water and enhancing building HVAC operation (where applicable). After the appropriate mitigation steps have been performed, one round of confirmation indoor air samples will be collected. In the event that the indoor air monitoring confirmation sampling results indicate on-going exceedance of one of the screening levels, additional actions will be implemented as soon as practicable.

Conclusions and Recommendations

The *Arcadis* Memo concluded that the previous site investigations indicate that the site had concentrations of PCE above its ESLs in soil vapor samples. Based on the previous concentration exceedances in soil vapor, the soil and soil vapor samples collected at the site indicate the presence of only PCE above the screening criteria. Analysis of soil samples for pesticides and metals has not been performed. Soil vapor sample results indicate that there are constituents of concern at the site which will require remediation or mitigation during future site development activities. The project site is under the regulatory oversight of the RWQCB.

The project applicant is anticipating that the site will be redeveloped in the future. At that time, a final remedy, likely involving soil excavation, will be implemented following the demolition of the building. In the interim, an SVE pilot test was implemented to reduce indoor air concentrations for commercial workers and visitors to the property, as well as a monitoring program for indoor air, sub-slab vapor, and groundwater. This mitigation and monitoring program should be continued until the project site is redeveloped. Prior to redevelopment, a work plan for assessing the former dry cleaner area will be submitted to the RWQCB. The assessment will include soil vapor conditions and indoor air quality (e.g., potential vapor intrusion). If the assessment concludes that vapor intrusion is a concern for future occupants of the site, the implementation of a vapor intrusion mitigation system

(e.g., vapor barrier, passive ventilation system with ability to be made active) during future site development should be adequate for protection against carcinogenic risks as well as other health effects associated with exposure to VOCs in a residential and commercial setting. Regulatory (e.g., RWQCB) concurrence of any VOC mitigation system design may be required.

Any future development at the site should also include the preparation and utilization of a site-specific soil management plan (SMP) to manage potentially impacted soil and soil vapor. The soil sampling analytical results indicate that soil removed during future development activities will be likely characterized as nonhazardous soil and require disposal at an appropriate disposal facility. The SMP should include a description of work protocols and potential chemical analyses that will be needed to accommodate future development of the site, if any.

Construction and Soil Vapor Impacts and Mitigation

Construction Impacts

As previously described, the project site is impacted by contamination from the former gas station on-site and the former dry-cleaning facility. Construction of the proposed project could expose construction workers to elevated concentrations of residual contaminants, primarily PCE. Additionally, the site was formerly used for agriculture; construction on the project site could disturb on-site soils with residual agricultural pesticide contamination and expose construction workers to elevated concentrations of pesticide chemicals.

Impact HAZ-1: Implementation of the proposed project could release chemicals from on-site soils into the environment, and expose construction workers to residual hydrocarbon, PCE, and/or agricultural soil contamination. **(Significant Impact)**

Mitigation Measures: The project applicant shall be required to implement the following mitigation measures to reduce the impacts of potential on-site soil contamination to a less than significant level:

MM HAZ-1.1: Prior to issuance of any grading or demolition permits, the project applicant shall prepare a site-specific soil management plan (SMP) to manage potentially impacted soil and soil vapor, under SCCDEH oversight. Documentation developed with the County relating to SMPs or Site Cleanup shall be submitted to the Supervising Planner of the City of San Jose's Department of Planning, Building, and Code Enforcement and the Environmental Services Department Municipal Compliance Officer.

MM HAZ-1.2: Prior to the issuance of any grading permits, shallow soil samples will be taken in the near surface soil in the project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The result of soil sampling and testing will be provided to the Supervising Planner of the City of San Jose's

Department of Planning, Building, and Code Enforcement and the Environmental Services Department Municipal Compliance Officer.

Implementation of the mitigation measures described above would reduce potential impacts from on-site soil contamination to less than significant levels **(Less than Significant Impact with Mitigation Incorporated)**

Asbestos Containing Materials and Lead-Based Paint Impacts

The project proposes to demolish the existing buildings on-site which could release asbestos particles into the environment and expose construction workers and nearby residents to harmful levels of asbestos. Lead-based paint may also be present within these buildings.

Suspected ACMs would be required to be properly assessed prior to demolition consistent with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. The NESHAP requires the removal of all potentially friable ACMs prior to building demolition.

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

The project is required to implement the following standard permit conditions, consistent with OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint.

Standard Permit Conditions:

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of BAAQMD. Demolition and disposal of ACM will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2.
- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including

employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

The Envision San José 2040 General Plan FEIR concluded that conformance with Federal, State, and local regulatory requirements will result in a less than significant impact from ACMs and Lead. **(Less than Significant Impact)**

Soil Vapor Intrusion

The *Arcadis* Memo has concluded that soil vapor sample results indicate that there are constituents of concern at the site which will require remediation or mitigation during future site development activities. Soil vapor intrusion from contaminated soils on-site can pose a health hazard to future occupants of the site, which could be exacerbated by the proposed below-grade excavation or other on-site operational activities. This would constitute a significant impact.

Impact HAZ-2: Soil vapor intrusion from contaminated soils on-site could result in a health hazard to future occupants of the site. **(Significant Impact)**

Mitigation Measures: The project applicant shall be required to implement the following mitigation measures to reduce the impacts of potential soil vapor intrusion to a less than significant level:

MM HAZ-2.1: Prior to the issuance of any grading permits, a qualified environmental professional shall evaluate prior soil vapor investigations to determine if supplemental investigations are necessary. All existing and/or supplemental soil vapor sampling shall be analyzed and compared to the most current risk-based screening levels set forth by the San Francisco Bay Area Regional Water Quality Control Board (SFRWQCB) or other appropriate regulatory agencies. The results of any supplemental sampling, and/or confirmation that existing sampling results are adequate to make a determination of appropriate mitigation shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of grading permits. SFRWQCB is the lead environmental agency for this mitigation.

MM HAZ-2.2: If existing and/or supplemental soil vapor sampling determines that vapor intrusion exceeds the most current risk-based screening levels, the project applicant, prior to issuance of any grading permits, shall implement measures to reduce vapor intrusion; these measures could include underground parking, vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization, depending on a toxicological review of the Phase II subsurface investigation data. The appropriate measures shall be identified by a qualified environmental professional and incorporated into the SMP described under mitigation measure MM HAZ-1.2, subject to review and approval by the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of grading permits. SFRWQCB is the lead environmental agency for this mitigation.

With implementation of the mitigation measures described above, the proposed project would result in a less than significant impact due to potential soil vapor intrusion. **(Less than Significant Impact with Mitigation Incorporated)**

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 Harker Preschool, located approximately 1,200 feet south of the project site. While the nearest school is less than one-quarter mile from the site, emissions and hazardous materials handling at the site, during project construction or operation, would not pose a significant health risk to nearby schools. The implementation of Mitigation Measures MM HAZ-1.1 and 1.2 and the standard permit conditions described above would reduce exposure hazards from onsite sources of hazardous materials to a less than significant level. In addition, the proposed residential/commercial project would not involve the handling of significant quantities of hazardous materials to pose a risk to any offsite properties. **(No Impact)**

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is listed on several regulatory databases; however, it is not currently listed on the Cortese List. The inclusion of the site on the Historic Cortese List was due to the presence of the former Shell station on the site, which contained the leaking UST. As discussed above, the Shell station received regulatory case closure status from the Santa Clara County Department of Environmental Health. Therefore, because the site is not currently listed, the project would not result in a significant hazard to the public or environmental due to accidental chemical releases. **(No Impact)**

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

The project site is located approximately 6.4 miles south of the Norman Y. Mineta San Jose International Airport and approximately 7.8 miles southwest of the Reid-Hillview Airport. The project is not located within the Airport Influence Area of either of the airports mentioned. Thus, there would be no impact. **(No Impact)**

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

The project would be accessible from driveway entrances on Union Avenue and Camden Avenue. Vehicular access to the proposed townhouse buildings is from a drive aisle that runs along the easterly site boundary, connecting Camden Avenue at the northeastern corner to Union Avenue at the

southwestern corner. The proposed driveway entrances and internal drive aisles would be accessible to emergency vehicles at all times. The current City of San José Emergency Operations Plan and Santa Clara County Emergency Operations Plan do not address site-specific emergency vehicle access issues. The project would, therefore, not impair the implementation of or physically interfere with any known emergency response or 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 in an area prone to wildfires and would not result in a wildfire hazard to adjacent occupied structures. As previously stated, the project site is not located within a California Fire Hazard Severity zone, as mapped by CalFire. **(No Impact)**

3.9.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative hazards and hazardous materials impact?

The proposed project would demolish several buildings that contain asbestos and lead-based paint. These buildings would be demolished and disposed of in accordance with national, state and local regulations. In addition, the project would implement mitigation measures to reduce impacts related to residual agricultural chemicals, petroleum hydrocarbons, and PCE in the soil and groundwater on-site. By doing so, the project would reduce its individual hazardous materials impacts to a less than significant level.

Many of the properties in San José, Campbell, and the surrounding areas were historically used for agricultural purposes and are likely to have similar levels of contaminants in their underlying soils. Cumulative projects will be required to prepare a Phase I ESA (at a minimum) to disclose any contamination on- or off-site that could adversely affect human health. For each of the projects that are under consideration, various mitigation measures will be implemented as a condition of development approval for the risks associated with exposure to hazardous materials. Measures would include incorporating the requirements of applicable existing local, state, and federal laws, regulations, and agencies such as DTSC and Cal/OSHA, during all phases of project development. By adhering to General Plan policies and current regulations for managing hazardous materials and implementing mitigation measures, when necessary, future projects in the area would not result in significant hazardous materials impacts. Therefore, the cumulative projects, including the proposed project, would not result in significant cumulative hazardous materials impacts. **(Less than Significant Impact)**

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

FEMA manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data.

Federal Clean Water Act

The major federal legislation governing water quality is the Clean Water Act (CWA), as amended by the Water Quality Act of 1987. The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for water quality management nationwide. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.) In California, 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 have been developed to fulfill the requirements of this legislation.

Under Section 303(d) of the 1972 Clean Water Act, States are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern. The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. Currently, Los Gatos Creek is listed on the California 303(d) list[67] for Diazinon as a pollutant source. However, it is listed under Category 4A which indicates that its listing for Diazinon is currently being addressed by a USEPA approved TMDL.

State of California Porter-Cologne Water Quality Control Act

The State of California's Porter-Cologne Water Quality Control Act provides the basis for water quality regulation within California; the Act assigns primary responsibility for the protection and enhancement of water quality to the State Water Resources Control Board (SWRCB), and the nine regional water quality control boards. The SWRCB provides state-level coordination of the water

[67] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

quality control program by establishing state-wide policies and plans for the implementation of state and federal laws and regulations. Each Regional Water Quality Control Board (RWQCB) adopts and implements a water quality control plan ("Basin Plan") that recognizes the unique characteristics of each region with regard to natural water quality, actual and potential beneficial uses, and water quality problems. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses. The City of San Jose is within the jurisdiction of the San Francisco Bay Region RWQCB.

NPDES Permit Programs

NPDES General Permit for Construction Activity

The State Water Resources Control Board has implemented a National Pollution Discharge Elimination System (NPDES) Construction General Permit for the State of California. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit – Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. In order to obtain coverage under the Construction General Permit, a Notice of Intent (NOI) must be filed with the RWQCB, and Storm Water Pollution Prevention Plan (SWPPP) must be developed by a certified Qualified SWPPP Developer (QSD) prior to commencement of construction. Once grading begins, the SWPPP must be kept on-site and updated as needed while construction progresses. The SWPPP details the site-specific Best Management Practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction phase. The SWPPP also contains a summary of the structural and non-structural BMPs to be implemented during the post-construction period, pursuant to the stormwater control practices and procedures encouraged by the City of San Jose and the RWQCB.

Municipal Regional Stormwater Permit (MRP) / C.3 Requirements

The City of San José is required to operate under an NPDES permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Stormwater Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board in 2015 (Order No. R2-2015-0049) covers 76 Bay Area municipalities and county agencies as co-permittees, including the City of San José.

The MRP mandates that the co-permittees use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to incorporate Low Impact Development (LID) practices, which are intended to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. The MRP also requires that stormwater treatment measures be properly installed, operated and maintained.

Hydromodification Management Plan

Hydromodification is a change in stormwater runoff characteristics from a watershed caused by changes in land use conditions (i.e., urbanization) that alter the natural cycling of water. Changes in land use conditions can cause runoff volumes and velocity to increase which can result in a decrease in natural vegetation, changing of river/creek bank grades, soil compaction, and the creation of new drainages.

In addition to runoff water quality controls, Provision C.3 of the MRP requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increase in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. New or redevelopment projects may be deemed exempt from the hydromodification management 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 that are 65 percent or more impervious, based on the Hydromodification Applicability Maps developed by the co-permittees and incorporated by reference in the MRP. Based on the City's Hydromodification Applicability Map, the proposed project would be located in a subwatershed that is less than 65 percent impervious.[68] However, as described below, City Policy 8-14 exempts projects from HMP requirements if they do not increase impervious surfaces on-site compared to existing conditions.

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the 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.

Provision C.12.f of the adopted MRP requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain

[68] City of San José. *Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements.* https://www.sanjoseca.gov/home/showdocument?id=27925. Accessed October 1, 2020.

systems.[69] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. 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.

City Policies and Municipal Code Requirements

The City of San Jose has adopted policies and ordinances regarding urban runoff and water quality. Specific requirements are summarized below.

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy is designed to implement Provision C.3 of the MRP and includes specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

The City of San José's Policy 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). Projects that create or replace less than one acre of impervious surface or are located in subwatersheds greater than or equal to 65 percent impervious are not required to include hydromodification controls under this policy. The project would replace more than one acre of impervious surface area and is located in a subwatershed that is less than 65 percent impervious, however, it would be exempt from the hydromodification requirements under the provision of Policy 8-14 that states that projects that do not create an increase in impervious surface area over pre-project (existing) conditions are not considered to be Hydromodification Management Projects.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies applicable to the proposed project.

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

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

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

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

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

Policy EC-5.16: 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.

3.10.1.2 *Existing Conditions*

Water Quality

The project site is located within the Guadalupe River watershed which covers a 170 square-mile area. The water quality of the river/slough can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, trash, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Runoff from the site likely contains pollutants typically found in urban developed environments, including sediment, automotive fluids, and trash.

Groundwater

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Groundwater at the project site has been estimated to occur at depths of approximately 40 feet bgs; however, the depth to groundwater is a seasonal occurrence and the general depth to groundwater in the Santa Clara Valley is 80 feet bgs.[70] The project site is entirely developed and does not contribute to the recharging of the County's groundwater aquifers managed by the Santa Clara Valley Water District.[71]

Storm Drainage

The project site is 98 percent impervious (734,484 square feet) and two percent pervious (13,360 square feet). Stormwater runoff from the project site is currently collected on-site and conveyed to

[70] AEI Consultants. *Phase I Environmental Site Assessment.* August 1, 2014.
[71] Santa Clara Valley Water District. *2016 Groundwater Management Plan*. November 2016.

existing City storm drain facilities in Camden Avenue and Union Avenue. Along the Camden Avenue project frontage, there is a 21-inch storm drain line, west of Taper Avenue, and a 10-inch storm drainage line, east of Taper Avenue. A 24-inch storm drain line runs along the Union Avenue project frontage. Runoff from the site is ultimately discharged into Los Gatos Creek which flows to the Guadalupe River and then the San Francisco Bay.

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0228H, dated May 18, 2009), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard. There are no floodplain requirements for Zone D.

Dam Failure

Based on the SCVWD dam failure inundation hazard maps, the project site is outside of both the Lexington Dam and Anderson Dam failure flood inundation hazard zones.

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    - 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?
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
5) 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

Implementation of the proposed project could result in disturbance of the entire approximately 17.2-acre project site. Since the project would disturb more than one acre of soil, it would be required to comply with the statewide Construction General Permit. The Permit requires preparation and implementation of a SWPPP that includes sediment control measures and other stormwater pollution prevention practices specific to the project. The following Standard Permit Conditions, based on RWQCB Best Management Practices, will be included in the project to reduce the potential for water quality impacts during construction.

Standard Permit Conditions: The proposed project shall implement the following best management practices to prevent stormwater pollution and minimize potential sedimentation during project construction:

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

In addition, the proposed project shall adhere to the requirements of the NPDES Construction General Permit due to its disturbance of over one acre of soil, as outlined in the following conditions:

- Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The certified SWPPP will be posted at the construction sites and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The Not will document that all elements of the

SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan in place as described in the SWPPP for the site.

Construction of the proposed project, with implementation of the above conditions, would not result in significant construction-related water quality impacts. **(Less than Significant Impact)**

Post-Construction Impacts

The proposed project would create and/or replace more than 10,000 square feet of impervious surfaces and is therefore subject to San José Council Policy 6-29 and the MRP. Under Provision C.3 of the MRP, the project would be required to treat runoff from 100 percent of its impervious surface area. A stormwater management plan must be prepared for the project as a requirement of the Planned Development rezoning and permit processes. The plan requires approval by the San José Director of Planning, Building, and Code Enforcement for consistency with Council Policy 6-29 and the MRP.

The preliminary Stormwater Management Plan (SWMP) prepared for the project proposes the incorporation of flow through planters on podium decks and directly adjacent to buildings to treat roof runoff. Runoff from surface parking, sidewalks and other hardscape surfaces would be treated using bioretention basins and planters located in proximity to these impervious areas. The flow through planters and bioretention facilities provide treatment of the runoff by filtering pollutants out before the water is discharged to off-site storm drain lines. A detailed Operation and Maintenance Plan will be included in the final SWMP to ensure that the post-construction treatment controls are properly maintained to maximize their functionality and pollutant removal efficiency.

In addition to treatment controls, the SWMP describes pollutant source controls that will be included in the project. These include structural controls such as storm drain inlet stenciling, and covered dumpster, recycling and food waste containers placed on impervious surfaces that are plumbed to the City's off-site sanitary sewer system. Operational controls such as annual cleaning of on-site storm drains, landscape installations designed to minimize the use of irrigation, pesticides and fertilizers, and regular maintenance of refuse areas to keep them free of trash will also be included in the project.

With the implementation of the post-construction stormwater management plan described above, that is consistent with Council Policy 6-29 and the MRP, the proposed project would result in a less than significant post-construction water quality impact. **(Less than Significant Impact)**

Hydromodification Management

The proposed project would create and/or replace one acre or more of impervious surfaces and is located in a subwatershed or catchment area that is less than 65 percent impervious. Therefore, the project is subject to San José Council Policy 8-14 for hydromodification management. Council Policy 8-14 states for development that is subject to the policy:

> *Stormwater discharges from HM Projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increases in runoff flow and*

volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of stream beds and banks, silt pollution generation, or other adverse impacts. All HM Projects are required to install Post-Construction HMCs.

The existing site contains greater than 98 percent impervious surface area and less than two percent pervious surface area. By contrast, the proposed new project will be approximately 80 percent impervious and 20 percent pervious, representing a reduction in imperviousness of approximately 18 percent. Since the area of impervious surfaces on the project site would decrease with implementation of the project, runoff flow from the project would be less than it is in the current condition. Therefore, because stormwater runoff rates would be lower than those in the existing condition, hydromodification management facilities would not be necessary for the project. Stormwater treatment measures such as biotreatment areas and planter boxes included in the project would provide additional benefits by reducing the rate of runoff. Therefore, the proposed project would not result in a significant water quality impact due to the effects of hydromodification. **(Less than Significant Impact)**

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

The proposed project is located within the Santa Clara Subbasin, one of two groundwater basins located within the City of San José Urban Growth Boundaries. Planned buildout within the scope of the 2040 General Plan does not include areas within any of the Santa Clara Valley Water District's 18 major groundwater recharge systems. The Santa Clara Subbasin has not been identified as a groundwater basin in a state of overdraft.

Groundwater has been estimated to occur at a depth of approximately of 40 feet bgs, although the depth can vary seasonally. Dewatering would be required if groundwater were encountered during the excavation to establish below-ground parking garages for the proposed apartment building and hotel (approximately 20 feet bgs). Any dewatering of groundwater required by the project would be conducted in accordance with local and regional policies and regulations for safe transport and disposal of groundwater, as well as all applicable safety measures set forth in the Site Management Plan implemented by mitigation measure MM HAZ-1.2 (refer to Section 3.9 Hazards and Hazardous Materials). Construction activities proposed by the project would not substantially decrease groundwater supplies or interfere with groundwater recharge. The proposed project would increase water demand on-site but would rely on existing water delivery systems to meet its demand. The project would not establish or require additional groundwater pumping, actions which could impede efforts to sustainably manage the Santa Clara Subbasin. **(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 will replace the existing shopping center, including paved parking lots, buildings, walkways and landscaping with a mixed-use development project. The existing site contains greater than 98 percent impervious surface area and less than two percent pervious surface area. By contrast, the proposed new project will be approximately 80 percent impervious and 20 percent pervious, representing a reduction in imperviousness of approximately 18 percent. This decrease in impervious surface area will result in a net reduction in post-construction stormwater runoff. As a result, the potential impact to the flow capacity of the existing storm drain systems in Camden Avenue and Union Avenue adjacent to the site is anticipated to be minimal. On-site storm drain collection systems will be designed in accordance with City of San José standards. Adherence to the standard permit conditions described above for management of stormwater runoff during construction would function to reduce erosion and siltation on-site. Therefore, the proposed project would not alter the drainage system in the area in a manner which would result in flooding, erosion/siltation, excess polluted runoff, or an exceedance of storm drain capacity.

In conformance with the NPDES Construction General Permit, the project would develop a SWPPP and install construction BMPs to reduce pollutant loads in stormwater runoff during construction. In addition, the project's on-site storm drain system includes LID-based treatment controls (bioretention areas and planter boxes) that will reduce pollutants in post-construction stormwater runoff in compliance with MRP and Policy 6-29 standards. As a result, the project would not provide substantial sources of polluted runoff. **(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 is located in a Flood Zone D according to FEMA Flood Insurance Rate Maps. A Flood Zone D indicates undetermined flood hazard for the site and is reserved for areas where no flood hazard analysis has been conducted. The project site is located outside of the 100-year floodplain of Los Gatos Creek, the closest waterway to the site. Based on the SCVWD dam failure inundation hazard maps, the project site is outside of both the Lexington Dam and Anderson Dam failure flood inundation hazard zones. In addition, the project site is located inland of the San Francisco Bay and would not be subject to inundation following a tsunami or seiche.[72] Therefore, the project would not risk release of pollutants due to inundation from flooding, tsunamis, or seiches. **(Less than Significant Impact)**

[72] California Department of Conservation. *Santa Clara County Tsunami Inundation Maps.* https://www.conservation.ca.gov/cgs/tsunami/maps/Santa-Clara. Accessed August 31, 2020.

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

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

The project site is not located within, or adjacent to, a SCVWD groundwater recharge pond or facility.[73] Implementation of the proposed project would not interfere with any actions set forth by the SCVWD in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not preclude the implementation of the GMP. **(Less than Significant Impact)**

3.10.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative hydrology and water quality impact?

The proposed project would reduce potential water quality impacts to a less than significant level by adhering to the requirements of the NPDES Construction General Permit and the MRP, as detailed in Standard Permit Conditions under checklist question a. The project would reduce the imperviousness on-site and correspondingly reduce impacts from runoff into the City's storm drain system. Cumulative projects in the area would, depending on their size and scale, be required to implement similar conditions as the proposed project to reduce construction-related and operational water quality impacts. The City of San Jose has policies and municipal code requirements which ensure compliance with regional and statewide water quality regulations. Projects in the area would be required to adhere to these policies, including General Plan Policies ER-8.1, ER-8.3, EC-5.16, and Action EC-7.10. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

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

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Local

County of Santa Clara Zoning Ordinance

The project site is zoned *CG – General Commercial* in the County of Santa Clara. According to the Santa Clara County Zoning Ordinance, the *CG* zoning district is intended to provide, at readily accessible locations, a wide variety of retail, service, and administrative establishments that are required to serve a large trading area population. It is intended to be applied within urban service areas to commercial areas designated in a corresponding manner by the applicable city general plan.

Envision San José 2040 General Plan

The project site is designated *NCC – Neighborhood/Community Commercial* in the Envision San José 2040 General Plan. The *NCC* designation is intended to support a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. *NCC* allows building heights of one to five stories and a FAR of up to 3.5.

The project is located within the Camden Avenue/Hillsdale Avenue Urban Village.

The *Envision San José 2040 General Plan* includes the following policies, which are applicable to the proposed project.

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-1.17: 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-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).

In addition, the project is proposed to be a Signature Project, which will allow the development of residential uses on a site in an Urban Village with a commercial land use designation as long as the criteria in Policy IP-5.10 are met.

Policy IP-5.10: Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use "Signature" project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the *Envision San José 2040 General Plan* Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:

1. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use / Transportation Diagram designation.

2. Incorporates job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area.

3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

4. Includes public parklands and/or privately maintained, publicly accessible plazas or open space areas.

5. Achieves the pedestrian friendly design guideline objectives identified within this Envision San José 2040 General Plan.

6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.

7. Demonstrates high-quality architectural, landscape and site design features.

8. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

3.11.1.2 *Existing Conditions*

Project Site

The project site consists of a retail center containing one centrally located commercial/retail building surrounded by surface parking lots, and four commercial/retail buildings located along the Camden Avenue frontage on the north side of the site. All of the buildings on the site are single-story. The site is bounded on the north by Camden Avenue, and on the west by Union Avenue. Camden Avenue in the vicinity of the site is an east-west six-lane divided arterial roadway with breaks in the center median for left-turn pockets that provide access to residential neighborhoods to the north and to the project site. Union Avenue in the vicinity of the site is a north-south four-lane arterial roadway with no median islands. It runs north into the City of Campbell, and provides direct access to Highway 85, located approximately ½-mile south of the site. There are two right-turn in and out driveways that provide vehicle access to the site from Camden Avenue. On Union Avenue, there is one signalized intersection at Woodard Road and two driveways that provide vehicle access to the site.

Surrounding Land Uses

Development surrounding the site is a mixture of commercial and residential. A commercial/retail center is located diagonally across from the project site at the northwest corner of Camden Avenue and Union Avenue. Commercial/retail shops and restaurants are located across Union Avenue to the west of the site between Camden Avenue and Chelsea Drive. There are also commercial/office buildings located adjacent to the northeast corner of the site on Camden Avenue, and a child daycare center is adjacent to the site's eastern border at Wyrick Avenue. To the north of the site, across Camden Avenue, are single-family neighborhoods. Single-family residential uses are also existing along the east side of the site and across Union Avenue to the west, south of Chelsea Drive. An apartment complex is located adjacent to the site on the south.

3.11.2 Impact Discussion

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

1) Physically divide an established community?
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

a) Would the project physically divide an established community?

The project would transform an underutilized commercial/retail center into a new community of apartments, townhouses, single family homes, retail shops and restaurants, a hotel, an assisted living facility or office building, and public open space areas. This would provide a transition between the existing commercial uses and retail centers along Union Avenue and Camden Avenue to the west and northwest, and the existing residential uses to the east and south of the site. The project would provide pedestrian and bicycle access through the site from the surrounding neighborhoods. As a result, the proposed project would not physically divide an established community. **(Less than Significant Impact)**

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Consistency with Plans and Policies

The project would be pedestrian oriented and designed in accordance with applicable design standards. Minimal surface parking for commercial/retail uses would be screened from view from Camden and Union Avenues by the residential/commercial buildings located along the frontages of these streets. Exterior dining patio areas located between the buildings in the plaza would allow pedestrian access in the interior of the site, where street-side the parking is located. The proposed hotel, apartment and assisted living (or office) buildings would have below-ground parking garages, and the proposed townhouses would have built-in garages at the ground level. This would minimize potential lighting impacts to adjacent uses. Therefore, the project would be consistent with Envision San José 2040 General Plan Policies CD-1.12, CD-1.17, and CD-4.9.

Consistency with the Envision San José 2040 General Plan and Zoning

The proposed project includes construction of up to approximately 60,000 square feet of commercial including retail and restaurant uses, a 230-room hotel, up to 320 apartment units, 25 townhouse units, 49 single family homes, a 160,000-square foot assisted living facility (or 160,000-square foot office building), and 2.26 acres of public open space/park area. A mixed-use project with residential uses is allowed on commercially designated properties within an Urban Village if the project either a) meets the criteria outlined in Envision San José 2040 General Plan Policy IP-5.10 to qualify as a Signature Project or b) if an Urban Village Plan is adopted which allows residential development on commercial-designated sites. The project site is located within the Camden/Hillsdale Urban Village Area, which does not currently have an adopted Urban Village Plan. A primary strategy of the Envision San José 2040 General Plan is to direct new employment and housing growth to identified Urban Village Areas that have the potential to develop and intensify into vibrant, walkable, mixed-use urban communities. The project represents an intensification of the site consistent with the Urban Village Area designation.

The project is zoned *CG – General Commercial* in the County of Santa Clara and is within an Urban Village boundary. Because the project site is located in an unincorporated area of the City, the project would require a pre-zoning from unincorporated to the proposed CN(PD) Planned Development Zoning District and annexation to allow the proposed mixed-use urban village project. The height, proposed uses, and residential density associated with the proposed PD pre-zoning are consistent with development considered under the Envision San José 2040 General Plan designations; therefore, the project would not result in an impact due to conflict with the Envision San José 2040 General Plan. **(Less than Significant Impact)**

Land Use Impacts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts *from* the proposed project *upon* persons and the physical environment, and potential impacts *from* the existing surroundings *upon* the project itself. 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.

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is a mixed residential/commercial development located within a designated Urban Village on a major transportation corridor. This area is a mix of commercial/retail, and residential land uses.
The Envision San José 2040 General Plan FEIR evaluated potential land use impacts resulting from high intensity development within Urban Villages adjacent to low density residential neighborhoods. These impacts could include visual intrusion from building height, shade and shadow impacts, noise, litter, and parking spillover.

The project, as proposed, is consistent with the Envision San José 2040 General Plan. The Envision San José 2040 General Plan FEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable Envision San José 2040 General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. The proposed project would comply with all applicable City policies, actions and ordinances, and would be consistent with adopted design guidelines. Therefore, the proposed project would have a less than significant land use compatibility impact on surrounding land uses. **(Less than Significant Impact)**

Shade and Shadow Impacts

The CEQA Guidelines do not provide a quantifiable threshold by which to assess the level of impact resulting from increased shading. As a result, it is the discretion of the Lead Agency (the City of San José in this instance) to determine the impact threshold. Currently, for CEQA purposes, the City of San José only has an adopted threshold of significance for shade and shadow in the vicinity of public parks in the Downtown area. No thresholds for increased shade and shadow apply to other areas of the City, including private open space. Furthermore, the courts have determined that "California landowners do not have a right of access to air, light and view over adjoining property."[74]

[74] *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 492

As of September 2020, there were a few existing solar collectors seen on the roofs of the adjacent residential properties to the east that could be shaded by the project. The California Solar Rights Act (AB 3250, 1978) and the Solar Shade Act (AB 2321, 1978) protect existing solar panels and solar easements from trees and shrubs planted after installation of the solar panels but provide no guarantee of solar access as it pertains to new building construction. Additionally, the single-family residential uses proposed along the eastern boundaries of the site would be approximately the same height or slightly taller than the existing one- and two-story residences, and the taller apartment, hotel, and assisted living buildings are all separated from nearby existing residences by wide roadways. Thus, minimal shading is likely to occur.

While the proposed project could increase shading on the houses and apartments to the east of the site in the winter afternoon hours, the proposed project would not preclude the use of any public or private open space. Consistent with City policy and the CEQA Guidelines, since there is no adopted quantifiable threshold and shading would only increase for a limited number of hours per day in the winter months, the project would not result in significant shade or shadow impact. **(Less than Significant Impact)**

3.13.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative land use and planning impact?

The project, along with cumulative projects in the area, will undergo development review at the City of San José to evaluate the project's design and its compatibility with surrounding land uses. During this process, modifications can be made to the project's design, scale and/or layout to ensure the project is consistent with the residential or commercial design guidelines that have been established by the City. Cumulative projects will undergo a similar review process as the proposed project to ensure that proposed development is not in conflict with land use plans, policies and regulations adopted to avoid or mitigate environmental effects. The project, therefore, in combination with cumulative development, would not result in cumulatively significant policy conflict impacts and would not result in a significant cumulative land use impact. **(Less than Significant Cumulative Impact)**

3.12 NOISE

The following discussion is based on a noise and vibration assessment prepared by *Illingworth & Rodkin, Inc.* in September 2020. The report is attached as Appendix G of this EIR.

3.12.1 Environmental Setting

3.12.1.1 *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 ten 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.[75] 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.

[75] 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}.

3.12.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

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 3.12-1 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 3.12-1: 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[76] in any habitable room.

Local

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 3.12-2, below.

Table 3.12-2: 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.

[76] 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 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.

The following General Plan noise and vibration policies are applicable to the proposed project:

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis must 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 the plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 3.11-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:

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

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

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

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

Policy EC-1.6: 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-1.11: Require safe and compatible land uses within the Mineta San José International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Policy EC-2.3: Require new development to minimize 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 vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and 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.

City of San José Municipal Code

The City's Municipal Code contains a Zoning Ordinance that limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. Chapter 20.40.600 states the sound pressure level generated by any use or combination of uses shall not

exceed 60 dBA at any property line shared with land zoned for commercial/industrial uses, except upon issuance and in compliance with a Conditional Use Permit. The City Code does not define the acoustical time descriptor associated with the above noise level limits. A reasonable interpretation of the City Code would identify the ambient base noise level criteria as an average or median noise level (L_{eq}/L_{50}).

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

Chapter 20.40.500 of the Municipal Code prohibits outdoor activity, including loading, sweeping, landscaping or maintenance, which occurs within 150 feet of any residentially zoned property, between the hours of 12:00 AM midnight and 6:00 AM, except pursuant to and in compliance with a conditional use permit.

3.12.1.3 *Existing Conditions*

The project site is surrounded by residential and commercial land uses. Single- and multi-family residential buildings are located adjacent to the project site to the south and east, to the southwest opposite Union Avenue, and to the north opposite Camden Avenue. There is a commercial building located adjacent to the project site to the east, as well as commercial buildings across Union Avenue to the west and across Camden Avenue to the north. State Route 85 is located approximately 0.5 miles to the south of the site. Norman Y. Mineta San José International Airport is located approximately seven miles to the north. No other major noise sources, such as rail lines, are located in the project area.

To quantify the existing noise environment on the project site and at the nearest off-site residences, a noise monitoring survey was completed at the site over three days in March 2018. Due to shelter-in-place restrictions implemented by the State of California[77], current traffic volumes along the surrounding roadways were substantially lower than 2018 conditions. According to CEQA Guidelines Section 15125(a)(1), "where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence". Therefore, the prior noise measurements from 2018 were used for this analysis because updated noise measurements occurring during shelter-in-place would not be representative of typical conditions.

The 2018 monitoring survey consisted of three long-term (LT-1 through LT-3) and four short-term measurements (ST-1 through ST-4), as shown on Figure 3.12-1. The long-term noise measurements quantified the daily trend in noise levels including peak-noise periods during the early morning and late afternoon hours. The short-term noise measurements documented mid-day noise levels in order to establish a noise level for comparison with construction and operational noise. Vehicular traffic along Union Avenue and Camden Avenue dominates the noise environment at the project site. Tables 3.12-3 and 3.12-4 give a summary of the acoustical locations and measurements.

[77] California Executive Order No. N-33-20 (March 19, 2020).

NOISE MEASUREMENT LOCATIONS | FIGURE 3.13-1

Table 3.12-3: Existing Long-Term Noise Measurements (dBA DNL)				
Measurement	***Location***	***Daytime Levels***	***Nighttime Levels***	***Average Noise Level***
LT-1	North corner of Wyrick Ave. & Bercaw Lane (3/6/18 – 3/8/18)	53 – 64	53 – 64	60
LT-2	West side of Dollar Tree Parking Lot, ~35 ft. from Union Ave. Centerline (3/6/18 – 3/8/18)	65-71	52-67	70
LT-3	In front of 1977 Camden Ave., ~55 ft from Camden Ave. Centerline (3/6/18 – 3/8/18)	65-74	57-72	73

Table 3.12-4: Existing Short-Term Noise Measurements (dBA)							
Measurement	***Location***	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1	Union Ave and Chelsea Dr. intersection. (3/8/2018, 11:30 AM- 11:40 AM)	77	74	71	65	54	67
ST-2	Along site's southern fence line. (3/8/2018, 11:50 AM - 12:00 PM)	68	62	54	50	43	52
ST-3	Camden Ave and Taper Ave intersection. (3/8/2018, 12:10 PM- 12:20 PM)	76	72	68	64	56	65
ST-4	Along site's eastern fence line. (3/8/2018, 12:30 PM - 12:40 PM)	60	58	54	50	48	51

As shown in Table 3.12-3, the average noise levels at the project site range between 60 to 73 dBA DNL. The nearest noise sensitive receptors to the project site are the commercial building and residences located approximately five feet to the east and south of the project site, respectively.

3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2) Generation of excessive groundborne vibration or groundborne noise levels?
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people be residing or working in the project area to excessive noise levels?

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear.

Per City of San José Policy EC-1.2, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

City of San José Standards

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Operational Noise

General Plan Policy EC-1.3 states that new non-residential land uses should not exceed 55 dBA DNL at the property line when located next to existing residential uses. The proposed hotel, commercial, and office buildings would typically require various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings.

Construction Noise

Chapter 20.100.450 of the City's Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday, unless permission is granted with a development permit or other planning approval. For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months. Alternatively, a significant impact would 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.

Traffic-Generated Noise

Development allowed by the General Plan would result in increased traffic volumes along roadways throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable."

Construction Vibration

The City of San José has concluded that a significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. Groundborne vibration levels exceeding 0.08 in/sec PPV would have the potential to result in cosmetic damage to sensitive historic structures.

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

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Typical average construction-generated noise levels are approximately 80 to 90 dBA measured at a distance of 50 feet from the source. Construction-generated noise levels drop off at a rate of about six decibels per doubling of distance between the source and receptor. Shielding by buildings or terrain can provide an additional five to ten dBA noise reduction at distant receptors.

Table 3.12-5 shows typical construction noise levels at a distance of 50 feet.

Table 3.12-5: Typical Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		***Office Building, Hotel, Hospital, School, Public Works***		***Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station***		***Public Works Roads & Highways, Sewers, and Trenches***	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site.
II - Minimum required equipment present at site.

Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

Project construction would take approximately 28 months to complete. Construction activities would include demolition, site preparation, excavation, grading, trenching, building construction, paving, and architectural coating. In addition, the hauling of imported and exported soil and materials would generate truck trips on local roadways. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating.

The nearest noise-sensitive land uses are approximately 50 feet south and east from the center of the closest proposed buildings on the project site. Construction noise levels are calculated on the assumption that the acoustic center of the construction noise source is best represented by the center of the nearest buildings that would be constructed or from the center of the site overall. This assumption recognizes that construction noise sources are constantly moving throughout the site and that multiple pieces of equipment need room to work. As shown in Table 3.12-5, construction noise levels produced by the project would typically range from 77 to 89 dBA L_{eq} at a distance of 50 feet from the source with all pertinent equipment present at the site. As shown previously in Table 3.12-3, ambient hourly average noise levels at nearby sensitive receptors range from 51 to 67 dBA L_{eq}. Thus, construction noise would exceed ambient hourly noise levels at nearby sensitive receptors by at least five dBA L_{eq} for a period exceeding 12 months. This would constitute a significant impact.

Nearby commercial land uses to the north and northwest at the Camden Avenue/Union Avenue intersection and east of the site along Camden Avenue would be exposed to construction noise levels ranging from 65 to 74 dBA L_{eq}. Ambient average hourly noise levels along Camden Avenue and Union Avenue were measured to be approximately 65 dBA L_{eq} and 67 dBA L_{eq}, respectively. Thus, construction noise levels at commercial land uses would exceed 70 dBA L_{eq} and the ambient noise environment by at least five dBA L_{eq} for a period exceeding 12 months. This would constitute a significant impact.

Impact NOI-1: Construction noise levels construction noise levels at nearby residential and commercial land uses would exceed ambient noise environment by at least five dBA Leq for a period exceeding 12 months. **(Significant Impact)**

Mitigation Measures: The potential short-term noise impacts associated with construction of the project would be mitigated by the implementation of General Plan Policy EC-1.7, which requires the use of available noise suppression devices and techniques and limits construction hours near residential uses per the City's Municipal Code. For such large or complex projects, such as the proposed project, the Policy requires the implementation of a construction noise logistics plan. The following mitigation measures are therefore proposed as part of the project to reduce construction noise impacts to a less than significant level.

MM NOI-1.1: Prior to the issuance of any demolition or grading permits, the project applicant shall adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

- Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement or Director's designee that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

- The unnecessary idling of internal combustion engines shall be prohibited.

- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).

- The surrounding neighborhood shall be notified early and frequently of the construction activities.

- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

MM NOI-1.2: Prior to the issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan, including, but not limited to, the following available controls; the project applicant shall implement the plan during all phases of construction activity to reduce the noise exposure to neighboring properties.

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.

- If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.

- Ensure that generators, compressors, and pumps are housed in acoustical enclosures.

- Locate cranes as far from adjoining noise-sensitive receptors as possible.

- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.

- Substitute nail guns for manual hammering, where feasible.

- Substitute electrically powered tools for noisier pneumatic tools, where feasible.

- The construction noise logistic plan, inclusive of the above shall be signed by a qualified acoustical specialist verifying that the implementation measures included in this plan meets the reduction to noise levels as required by this mitigation measure. The verified construction noise logistic plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of grading and/or building permits (whichever occurs first).

Implementation of the above controls, which are consistent with General Plan Policy EC-1.7, would reduce construction noise levels emanating from the site, minimizing disruption and annoyance. These controls would reduce construction noise impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise

Mechanical Equipment

Residential, hotel, commercial, and office buildings typically require various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings. Although the specific development plans analyzed in the noise and vibration assessment prepared did not disclose the locations of future mechanical equipment, the noise and vibration report conclusions were based off of the assumption that like most similar buildings, mechanical equipment is generally located in equipment rooms in the basement or ground floor, in mechanical units on the side of the building, or on the roof of the building.

As described previously in Section 3.12.1.3 Existing Conditions, the nearest sensitive receptors are single- and multi-family residences to the south and east. The project proposes to construct a seven-foot wall between the project site and the residences to the south and east, to provide acoustical shielding of ground floor mechanical equipment.[78] The wall would also provide acoustical shielding for the commercial uses surrounding the project site to the east. Per the City's Noise Element and Municipal Code, noise levels produced by the operation of the mechanical equipment would be limited to 55 dBA L_{eq} at receiving residential land uses and 60 dBA L_{eq} at receiving commercial land uses.

Given the close proximity of noise-sensitive uses to the project site and current lack of details about the mechanical equipment proposed, mechanical rooms, and equipment locations, there is the potential for noise from mechanical equipment to exceed 55 dBA L_{eq} at noise-sensitive land uses and 60 dBA L_{eq} at commercial land uses in the immediate project vicinity. This would represent a potential conflict with General Plan Policy EC-1.3, which states that new non-residential land uses should not exceed 55 dBA DNL at the property line when located next to existing residential uses and would constitute a significant impact.

Impact NOI-2: Residential and commercial uses adjacent to the proposed project could be exposed to mechanical equipment noise in excess of 55 dBA L_{eq} and 60 dBA L_{eq}, respectively.

Mitigation Measures:

The following mitigation measure is proposed as part of the project to reduce mechanical equipment noise impacts to a less than significant level.

MM NOI-2.1: Prior to the issuance of any building permits, the project applicant shall select mechanical equipment designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA L_{eq} (residential) or 60 dBA L_{eq} (commercial) noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. Once the mechanical equipment has been selected, a plan set showing the location and type of mechanical equipment, along with a signed letter by a qualified acoustical consultant stating whether the equipment will comply with the City's 55 dBA L_{eq} noise limit at the shared property line shall be submitted to the satisfaction of the Director of

[78] The noise assessment assumed that an eight-foot wall would be proposed. However, the same mitigation to reduce the impacts of the project's mechanical equipment would be required with the proposed seven-foot wall. The proposed seven-foot wall would not change the conclusions of this assessment.
Personal Communications. Thill, Michael, Illingworth & Rodkin (Noise Consultant). Re: Cambrian Park Plaza EIR. October 27, 2021.

Planning, Building, and Code Enforcement or Director's designee prior to issuance of any building permits.

With implementation of mitigation measure MM NOI-2.1, impacts related to mechanical noise equipment would be reduced to a less than significant impact with mitigation incorporated.

Standard Permit Condition:

- Prior to the issuance of Building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA L_{eq} (residential) or 60 dBA L_{eq} (commercial) noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. A letter detailing how mechanical equipment shall comply with the City's 55 dBA (residential) and 60 dBA (commercial) noise limits shall be signed by a qualified acoustical consultant and submitted to the Director of Planning, Building, and Code Enforcement, or Director's designee, prior to issuance of a Building permit.

With implementation of the standard permit condition above, impacts related to mechanical noise equipment would be reduced to a less than significant level. **(Less than Significant Impact)**

Project-Generated Traffic Noise

A significant noise impact would occur if traffic generated by the project would substantially increase noise levels at sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Noise-sensitive land uses along Union Avenue and Camden Avenue are currently exposed to noise levels greater than 60 dBA DNL. Thus, a significant impact would occur if project-generated traffic would permanently increase noise levels by three dBA DNL. Traffic volumes would have to double for noise levels to increase by three dBA DNL.

The traffic report provided peak hour turning movements for existing traffic and project-generated traffic at local and major roadways in the vicinity of the site. Background plus project traffic volumes for both project variants were compared to existing volumes to conservatively estimate permanent noise level increases in the area. This comparison overstates project impacts because it includes impacts from background growth that would occur independent of the project. The background traffic scenario predicts a realistic traffic condition that would occur as approved development in the area is built by adding traffic from this growth to existing traffic volumes. Noise from project traffic and background traffic were considered together to calculate the maximum near-term noise increases that would occur on roadways in the project vicinity. The traffic noise increase from background plus project traffic (as compared to existing conditions) is summarized below in Table 3.12-6.

Table 3.12-6: Project Traffic Noise Increase					
Roadway	***Segment***	***Existing PM Peak Hour Volume***	***Background Plus Project PM Peak Hour Volume Assisted Living Variant***	***Background Plus Project PM Peak Hour Volume Office Variant***	***Relative Noise Level Increase, (dBA DNL) Assisted Living Variant/Office Variant***
Union Avenue	North of Camden Avenue	1495	1487	1490	0/0
	South of Camden Avenue	1680	1878	1906	1/1
Camden Avenue	West of Union Avenue	3106	3149	3166	0/0
	East of Union Avenue	3381	3686	3692	0/0

Source: Hexagon Transportation Consultants and Illingworth & Rodkin, Inc., September 2020.

As seen in Table 3.12-6 above, a traffic noise increase of zero to one dBA DNL was calculated for the primary roadways serving the site, which includes traffic noise from the project and other approved developments. Traffic volumes on Union Avenue, north of Camden Avenue, are projected to decrease under background plus project conditions in the PM peak hour due to the elimination of traffic associated with the existing retail uses on-site.[79] The project would neither result in a doubling of traffic volumes nor a permanent noise increase of three dBA DNL or more. Future project traffic would, therefore, not cause a substantial permanent noise level increase at the nearby noise-sensitive receptors. **(Less than Significant Impact)**

Truck Loading and Unloading

Truck deliveries for the commercial and office uses (in the Office Variant) and trash pick-ups for all buildings on the project site would have the potential to generate noise. The *Illingworth & Rodkin* analysis assumes that truck deliveries would occur during daytime hours, approximately two to three times per week. Typical noise levels generated by loading and unloading of truck deliveries would be similar to noise levels generated by truck movements on Union Avenue and Camden Avenue and truck deliveries/trash pick-ups at the existing commercial uses on-site and to the north and west of the site. Therefore, peak noise levels from truck activities would not increase the ambient day-night average noise levels in the project vicinity. **(Less than Significant Impact)**

[79] The noise assessment assumed 180 assisted living rooms at the proposed assisted living facility. The project proposes 110 assisted living rooms and 50 independent senior living units. The proposed 110 assisted living rooms and 50 independent senior units would result in three fewer AM peak trips and five fewer PM peak hour trips, when compared to the 180 rooms assumed in the noise assessment. Therefore, the conclusions for noise level impacts resulting from traffic would not change.
Personal Communications. Thill, Michael, Illingworth & Rodkin (Noise Consultant). Re: Cambrian Park Plaza EIR. October 25, 2021.

Parking and Circulation Noise

The project proposes a combination of surface and garage parking for the multi-family residential, commercial, hotel, and assisted living/office land uses, while individual at-grade parking garages would be provided for the townhomes and single-family dwellings.

The surrounding land uses are currently exposed to parking lot noise from the existing retail uses on-site and would be exposed to similar noise levels upon project implementation. The below-grade parking levels would be completely shielded and would not be audible at nearby residences. The parking and circulation noise from the proposed uses on-site would not be greater than the ambient noise environment due to traffic along Camden Avenue and Union Avenue, and nearby off-site receptors would not be able to distinguish parking noise from traffic noise.

Residences along Bercaw Lane to the south and east of the site are exposed to hourly ambient noise levels of approximately 51 dBA L_{eq}. These residences would be exposed to parking and circulation noise from the single-family homes along the eastern border of the site. As mentioned previously, an eight-foot noise barrier is proposed between the project site and the residences to the south and east. The calculated hourly average noise levels at the adjacent residential properties behind the seven-foot noise barrier would be 34 dBA L_{eq}, assuming one vehicle trip per unit during the peak hour (i.e., 49 trips).[80] This noise level would be below ambient traffic noise levels, and below the City's threshold of 60 dBA DNL for exterior noise levels. For this reason, and those described above, project noise due to parking and circulation would result in a less than significant impact. **(Less than Significant Impact)**

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

As described above, project construction would last approximately 28 months. Project construction may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction phases would include the demolition of the existing buildings and parking lot, site preparation work, grading and excavation, trenching, paving, and new building framing and finishing. Based on a review of the construction equipment list provided at the time of this study, the proposed project is not expected to require pile driving, which can cause excessive vibration.

A vibration limit of 0.08 in/sec PPV is used as a limit to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.2 in/sec PPV is used to minimize damage to buildings of normal conventional construction. The structures that are nearby the project site are of normal conventional construction, thus the 0.2 in/sec PPV threshold is appropriate for use in the *Illingworth & Rodkin* analysis.

[80] The noise assessment assumed that an eight-foot noise barrier was proposed. The project proposes to construct a seven-foot noise barrier. The seven-foot noise barrier (a height decrease of one foot) could result in a one dB increase in noise levels at the nearby single-family houses (which would result in noise levels up to 35 dB). The noise levels would continue to be below the City's threshold of 60 dBA DNL for exterior noise levels. Therefore, the impacts of the project's parking lot and circulation noise on nearby residences would not change. Personal Communications. Thill, Michael, Illingworth & Rodkin (Noise Consultant). Re: Cambrian Park Plaza EIR - Noise. October 27, 2021.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. The dropping of heavy equipment (e.g., clam shovel drop) and vibratory rollers produce vibration levels ranging from 0.202 to 0.21 in/sec PPV. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 3.12-7 below presents the typical vibration levels that could be expected from construction equipment at a standard distance of 25 feet and at the distances to the nearest residential and commercial land uses surrounding the site.

Table 3.12-7: Construction Vibration Levels at Nearby Buildings

Equipment		***PPV (in/sec)***			
		Source Level (25 ft)	***East / South Residential / Commercial (5 ft)***	***West Residential / Commercial (100 ft)***	***North Residential (140 ft)***
Clam shovel drop		0.202	**1.186**	0.044	0.030
Hydromill (slurry wall)	in soil	0.008	0.047	0.002	0.001
	in rock	0.017	0.100	0.004	0.003
Vibratory Roller		0.210	**1.233**	0.046	0.032
Hoe Ram		0.089	**0.523**	0.019	0.013
Large bulldozer		0.089	**0.523**	0.019	0.013
Caisson drilling		0.089	**0.523**	0.019	0.013
Loaded trucks		0.076	**0.446**	0.017	0.011
Jackhammer		0.035	**0.206**	0.008	0.005
Small bulldozer		0.003	0.018	0.001	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., September 2020.

As shown in the table above (in bold), the use of various construction equipment may exceed the 0.2 in/sec PPV threshold at nearby receptors along the eastern and southern property lines. The nearest sensitive receptors to the project site would be the adjacent residences located approximately five feet to the east and south of the site. At this distance, vibration levels due to construction activities would be up to 1.2 in/sec PPV, which would exceed the threshold.[81] Other sensitive receptors nearby include the residences located approximately 100 feet west of the site, across Union Avenue, and approximately 140 feet north of the site, across Camden Avenue. At these distances, vibration levels due to construction activities would be up to 0.05 in/sec PPV, which would not exceed the 0.2 in/sec PPV threshold. The nearest commercial land uses would be the adjacent commercial building located approximately five-to-ten feet to the east of the project site on Camden Avenue. At this distance, vibration levels due to construction activities would be up to 1.2 in/sec PPV, which would exceed the 0.2 in/sec PPV threshold. Other commercial land uses near the site include the commercial buildings

[81] Construction vibration thresholds are in terms of instantaneous maximum peak particle velocities, which often occurs when construction equipment is at its closest point to a receptor. Thus, the distance to sensitive receptors used in the vibration analysis was five feet, while the construction noise distance was assessed at 50 feet (the distance to the center of the nearest proposed building).

located approximately 100 feet west of the site, across Union Avenue, and approximately 140 feet north of the site, across Camden Avenue. At these distances, vibration levels due to construction activities would be up to 0.05 in/sec PPV, which would not exceed the 0.2 in/sec PPV threshold. There are no nearby historic structures which would be affected by construction vibration; this analysis assumes that the historic Cambrian Park Plaza sign would not be present on-site during any construction activities.

Project construction would generate vibration levels at nearby buildings within 30 feet of the site which would exceed the 0.2 in/sec PPV threshold. This would constitute a significant impact. Beyond a distance of 30 feet from the site, vibration may be perceptible but would not be capable of causing cosmetic damage to any buildings.

Impact NOI-3: Construction-generated vibration would exceed the 0.2 in/sec PPV threshold and would be capable of cosmetically damaging the adjacent residential and commercial buildings to the east and south. **(Significant Impact)**

Mitigation Measures:

The following mitigation measures are proposed as part of the project to reduce construction vibration impacts to a less than significant level.

MM NOI-3.1: Prior to the issuance of any grading or building permits, whichever occurs first, the project applicant shall incorporate the following measures into the construction noise logistics plan described previously in mitigation measure MM NOI-1.2. A qualified acoustical consultant shall provide a signed letter confirming that construction equipment would not exceed the 0.2 in/sec PPV threshold at residential receptors pursuant to the City's General Plan Policy EC-2.3.

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent commercial or residential buildings. This would apply to equipment similar to vibratory rollers, hoe rams, large bulldozers, drills, loaded trucks, and jackhammers.

- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 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 building or grading permits, whichever occurs first, the project applicant shall submit the construction noise logistics plan and the signed letter from the qualified acoustical consultant to the Director of Planning, Building and Code Enforcement, or Director's designee.

With implementation of the mitigation measures described above, the proposed project would not generate excessive construction vibration levels at nearby sensitive land uses. The prohibition of heavy vibration-generating equipment, use of smaller vibratory rollers and compactors, and use of alternative methods of breaking up pavement within proximity (30 feet) of existing offsite buildings are enforceable measures that would minimize potential damage to these buildings. **(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?

The proposed project is located approximately seven miles south of the Norman Y. Mineta San José International Airport and approximately eight miles southwest of Reid-Hillview Airport. The project site would not be located within the 2037 60 dBA CNEL noise contours prepared for Norman Y. Mineta San José International Airport.[82] Redi-Hillview Airport generates considerably less noise than the Norman Y. Mineta San José International Airport and is located further from the site. The project site is not located in the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the project area to excessive noise levels due to airport activities. **(Less than Significant Impact)**

3.12.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative noise impact?

Cumulative Traffic Noise

A significant cumulative impact would occur if the cumulative traffic noise level increase is three dBA DNL or greater than existing conditions and the project makes a cumulatively considerable contribution to that noise increase. A cumulatively considerable contribution is defined by *Illingworth & Rodkin, Inc.* as an increase of one dBA DNL or more attributable solely to the proposed project. The threshold was selected as a conservative threshold because it represents the minimum measurable change in noise levels recognizing that sound measuring equipment is accurate to plus or minus 1 dBA.

[82] Norman Y. Mineta San José International Airport. *Integrated Final Environmental Impact Report – Amendment to Norman Y. Mineta San José International Airport Master Plan.* April 2020.

Cumulative traffic noise level increases were calculated by comparing the cumulative traffic volumes and the cumulative plus project traffic volumes to the existing traffic volumes. Table 3.12-8 below shows the estimated noise increases under cumulative and cumulative plus project conditions.

Table 3.12-8: Cumulative Traffic Noise Increase

Roadway	***Segment***	***Existing PM Peak Hour Volume***	***Cumulative No Project PM Peak Hour Volume***	***Cumulative Plus Project PM Peak Hour Volume Assisted Living/Office Variant***	***Relative Noise Level Increase, (dBA DNL) Assisted Living/Office Variant***
Union Avenue	North of Camden Avenue	1495	1512	1504/1507	0/0
	South of Camden Avenue	1680	1839	1949/1977	1/1
Camden Avenue	West of Union Avenue	3106	3167	3186/3203	0/0
	East of Union Avenue	3381	3510	3703/3709	0/0

Source: Hexagon Transportation Consultants and Illingworth & Rodkin, Inc., September 2020.

As shown above in Table 3.12-8, a traffic noise increase of zero to one dBA DNL was estimated for the primary roadways serving the site under cumulative conditions. This would not be considered a significant noise increase. The proposed project would slightly increase traffic volumes beyond cumulative conditions at three of the four roadway segments studied; however, this increase would not make a cumulatively considerable contribution to a significant cumulative traffic noise impact. Therefore, the proposed project would result in a less than cumulatively considerable contribution to a less than significant cumulative noise impact. **(Less than Significant Cumulative Impact)**

3.12.4 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 because the City of San José has policies that address existing noise conditions affecting a proposed project. The project's consistency with the following General Plan noise standards is described below:

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for the proposed residential, hotel, and assisted living land uses, 65 dBA DNL or less for the proposed public park and playgrounds, and 70 dBA DNL or less for the proposed commercial and office uses (Table EC-1).

- The City's acceptable interior noise level objective is 45 dBA DNL or less for the proposed residences, hotel, and assisted living facility.

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

Future Exterior Noise Environment

As described in Section 3.12.1.3 Existing Conditions, the ambient noise environment at the project site ranges from 60 to 73 dBA DNL. The future noise environment at the site would continue to result primarily from vehicular traffic along Union Avenue and Camden Avenue. According to traffic data included in the traffic report, the future cumulative plus project conditions under both alternatives is expected to increase traffic noise levels along Union Avenue and Camden Avenue by one dBA DNL or less. To estimate the future noise environment at the project site, the estimated increase in noise levels due to future traffic volumes was applied to the results of the existing noise level measurements. The resulting future noise levels would be up to 61 dBA DNL at 50 feet from the centerline of Bercaw Lane, up to 71 dBA DNL at 35 feet from the centerline of Union Avenue, and up to 74 dBA DNL at 55 feet from the centerline of Camden Avenue.

Proposed Noise Sensitive Land Uses

The project's noise sensitive land uses would include the six-story multi-family residential building (Building 1), the five-story hotel along Camden Avenue (Building 2), the four-story assisted living building (Assisted Living Variant) proposed along Union Avenue (Building 3), and the proposed single-family residences and multi-family townhouses proposed along the southern and eastern borders of the site. In addition, a community park is proposed in the center of the site. The exterior noise was evaluated at the center of each outdoor space proposed, excluding private decks and balconies, per City standards.

Building 1 and Building 3 would be located approximately 60 feet from the Union Avenue centerline and would be exposed to future exterior noise levels of approximately 69 dBA DNL. Although this exceeds the 60 dBA DNL exterior noise level objective for residential uses by four dBA, the noise levels for the private open space areas for these buildings would meet the City's standards. The outdoor use areas of these buildings would be located within interior courtyards, at least 150 feet from the Union Avenue centerline. The courtyards would be acoustically shielded by the buildings themselves (providing a minimum of 10 dBA of attenuation), and the resulting future exterior noise levels at the courtyards would be approximately 55 dBA DNL or less. Noise levels in the courtyards of Buildings 1 and 3 would be compatible with the exterior noise level objectives of 60 dBA DNL for residential and assisted living uses and 70 dBA DNL for commercial and office land uses.

The outdoor space for Building 2 would be located over 400 feet from the centerline of Camden Avenue and over 550 feet from the centerline of Union Avenue. The outdoor space would be shielded from Union Avenue by intervening four- to six-story buildings proposed by the project. Assuming a future noise exposure of 73 dBA DNL at 75 feet from the Camden Avenue centerline and 69 dBA DNL at 60 feet from the Union Avenue centerline and factoring in 10 dBA of attenuation due to acoustical shielding by the intervening buildings, exterior noise levels at the Building 2 outdoor space would be 57 dBA DNL or less. This would be compatible with the exterior noise level objective of 60 dBA DNL for hotel uses.

The private outdoor use areas for the single-family residences nearest to Camden Avenue would be located approximately 100 feet from the centerline of the road. When accounting for the acoustical shielding provided by the proposed residential building and adjacent commercial building, exterior noise levels in the rear yards of the single-family residences nearest to Camden Avenue would be

approximately 65 dBA DNL. This exceeds the 60 dBA DNL exterior noise level objective for residential uses by five dBA. The *Illingworth & Rodkin* report concluded that construction of a six-foot high noise barrier at the property line would result in a reduction of outdoor noise to acceptable noise levels at these rear yards, which is identified as a condition of approval for the project. Noise levels in the remaining residential yards would meet the 60 dBA DNL noise level objective.

Community Park/Playground

The center of the proposed community park would be located approximately 450 feet from the Union Avenue centerline and approximately 580 feet from the Camden Avenue centerline. Assuming a future noise exposure of 73 dBA DNL at 75 feet from the Camden Avenue centerline and 69 dBA DNL at 60 feet from the Union Avenue centerline, and at least 10 dBA of acoustical shielding from intervening buildings, exterior noise levels at the center of the community park would be 56 dBA DNL or less. The center of the playground proposed along the site's western boundary, north of the townhouses, would be exposed to future exterior noise levels of approximately 60 dBA DNL, when accounting for distance from the roadway and acoustical shielding provided by the adjacent buildings. The proposed community park and playground would be exposed to noise levels below the City's acceptable exterior noise level threshold of 65 dBA DNL.

Future Interior Noise Environment

Interior noise levels would vary depending upon the design of the buildings (relative window to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by allowing for residents to close the windows to control noise. Where noise levels exceed 65 dBA DNL, sound-rated construction methods are normally required in addition to forced-air mechanical ventilation systems.

Noise Sensitive Land Uses

The City requires interior noise levels to be maintained at 45 dBA DNL or less for residential, assisted living, and hotel land uses. The townhome residences along the southern border of the site would be exposed to traffic noise levels of up to 69 dBA DNL. The single-family residences along the eastern border of the site would be exposed to traffic noise levels of up to 59 dBA DNL. The proposed apartment building and the assisted living facility under the Assisted Living Variant would be exposed to traffic noise levels of up to 69 dBA DNL. The hotel building would be exposed to traffic noise levels of up to 73 dBA DNL.

For the proposed single-family residences, the interior noise levels with standard construction and windows and doors partially open for ventilation would be up to 44 dBA DNL. This would be below the City's threshold for interior noise. For the remaining residential and hotel noise sensitive land uses, the interior noise levels with standard construction and windows and doors partially open for ventilation would range from 54 to 58 dBA DNL. This would exceed the City's threshold for interior noise. Even with standard construction and the windows closed, interior noise levels would range

from 44 to 48 dBA DNL and exceed the interior noise threshold. Sound-rated construction materials would be required in some units to reduce interior noise to acceptable levels. Preliminary calculations assuming wood siding construction (STC 39) and a window to wall ratio of 40 percent or less show that sound-rated windows with minimum STC[83] ratings of 32 to 34 would be satisfactory for units facing Union Avenue and/or Camden Avenue to achieve acceptable interior noise levels.

Commercial/Office Land Uses

CALGreen requires interior noise levels to be maintained at 50 dBA $L_{eq\ (1\text{-}hr)}$ or less during hours of operation for commercial uses, which would apply to the proposed commercial retail uses on the ground floor in the northwest area of the site. Commercial uses along Union Avenue would be as close as 60 feet from the roadway centerline and would be exposed to exterior noise levels ranging from 63 to 69 dBA $L_{eq(1\text{-}hr)}$ during daytime hours. Commercial and office uses (under the Office Variant) along Camden Avenue would be up to 75 feet from the roadway centerline and would be exposed to future exterior noise levels ranging from 64 to 73 dBA $L_{eq(1\text{-}hr)}$ during daytime hours. Standard commercial and office construction provides at least 25 dBA of outdoor to indoor noise reduction, assuming that the building includes adequate forced-air mechanical ventilation systems. Assuming standard commercial and office construction methods with the windows and doors closed, interior noise levels are calculated to range from 38 to 44 dBA $L_{eq(1\text{-}hr)}$ during daytime hours at the commercial and office uses along Union Avenue, and from 39 to 48 dBA $L_{eq(1\text{-}hr)}$ during daytime hours at the commercial uses along Camden Avenue. These interior noise levels would be below the CALGreen Code standard of 50 dBA $L_{eq(1\text{-}hr)}$.

The following measures are required as conditions of approval to ensure consistency with General Plan exterior and interior noise standards for the proposed land uses.

Conditions of Approval:

- Provide a minimum six-foot noise barrier, as measured above the pad elevation, to acoustically shield the rear yard of the nearest single-family residences to Camden Avenue. The noise barrier shall be solid over the entire surface of the barrier and at its base (e.g., no cracks or gaps) and be constructed from barrier materials having a minimum surface weight of three lbs/ft^2. Suitable barrier materials include, but are not limited to, wood fence boards (one-inch nominal thickness), pre-cast concrete panels, or masonry.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, so that windows can be kept closed to control noise in the noise sensitive land uses. This would apply to buildings containing ground-floor commercial and office uses.
- Provide sound rated windows and doors to maintain interior noise levels at acceptable levels for noise sensitive land uses. Preliminary calculations assuming wood siding construction (STC 39) and a window to wall ratio of 40 percent or less show that sound-rated windows with minimum STC ratings of 32 to 34 would reduce interior noise levels to acceptable levels at the units facing Union Avenue and/or Camden Avenue. The remaining residential and non-residential uses would be compatible with standard construction methods and closed

[83] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

windows. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. This would apply to buildings containing ground-floor commercial and office uses.

- The project applicant shall retain a qualified acoustical specialist to prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the final design phase of each project construction phase pursuant to requirements set forth in the State Building Code. The study will review the final site plan, building elevations, and floor plans for affected residential buildings prior to construction and confirm building treatments necessary to reduce residential interior noise levels to 45 dBA DNL or lower, and address and adequately control the noise from adjacent rooftop equipment. Treatments would include, but are not limited to, sound-rated windows and doors as described above, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee, along with the building plans and approved design, prior to issuance of a building permit for the applicable residential building.

3.13 POPULATION AND HOUSING

3.13.1 Environmental Setting

3.13.1.1 *Regulatory Framework*

The project site is designated *NCC – Neighborhood/Community Commercial* in the General Plan and is located within the designated Camden/Hillsdale *Urban Village* boundary. The site is located in an unincorporated area of San José and is located in the *CG – General Commercial* zoning district in the County of Santa Clara. The site's unincorporated status means that the project will require annexation and its location within an Urban Village determine the specific parameters that would apply to its future growth and provision of housing.

The Camden/Hillsdale Urban Village consists of 108 acres and has a growth capacity of 2,000 jobs and 560 residential units upon full build-out of the General Plan.[84] Redevelopment of the site requires prezoning to a conforming City of San José commercial zoning district or a *PD Planned Development* district, and annexation from the County of Santa Clara into the City of San José. Preparation of an Urban Village Plan for the Camden/Hillsdale area is pending. Prior to adoption of an Urban Village Plan for the Camden/Hillsdale area, redevelopment could occur if a) the project is consistent with the City's *CG Commercial General* zoning (residential uses would not be permitted), or b) the project is a mixed commercial and residential "Signature Project" in accordance with General Plan Implementation Policy IP-5.10.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes the following policies, which are applicable to the proposed project.

Policy IP-2.1: Gradually implement the development of new Urban Village areas by dividing them into three Plan Horizons and allowing a specific portion of the Urban Village areas to be developed within each Horizon. Identify the locations of current Plan Horizon Urban Villages presently available for residential development on the Land Use/Transportation Diagram.

Policy IP-2.2: Identify the Urban Villages to be made available for new housing in future Plan Horizons and allow continued commercial and mixed-use non-residential development in all Urban Villages.

Policy IP-2.9: Focus new residential development into specified Growth Areas to foster the cohesive transformation of these areas into complete Urban Villages. Allow immediate development of all residential capacity planned for the Growth Areas included in the current Plan Horizons.

Policy IP-5.5: Employ the Urban Village Planning process to plan land uses that include adequate capacity for the full amount of planned job and housing growth, including identification of optimal sites for new retail development and careful consideration of appropriate minimum and maximum

[84] [84] City of San José. *Envision San José 2040 General Plan.* Adopted November 1, 2011. As amended March 16, 2020. Appendix 5 – Planned Job Capacity and Housing Growth Areas by Horizon. https://www.sanjoseca.gov/home/showdocument?id=22359

densities for residential and employment uses to ensure that the Urban Village Area will provide sufficient capacity to support the full amount of planned job growth under this Envision Plan. The Urban Village Plan should be consistent with the following objectives:

1. The Urban Village planning process is not a mechanism to convert employment lands to non-employment uses.

2. Other City policies such as raising revenues, for example which could occur through the conversion of employment lands to non-employment uses shall not take precedent over the jobs first principle.

3. The General Plan's jobs first principles apply to Urban Villages and residential conversions are not allowed to proceed ahead of the job creation that is necessary to balance the residential elements of the Village Plan. This policy means that jobs and housing can move together on a case-by-case basis.

Policy IP-5.10: Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use "Signature" project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the *Envision San José 2040 General Plan* Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:

1. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use / Transportation Diagram designation.

2. Incorporates job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area.

3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

4. Includes public parklands and/or privately maintained, publicly accessible plazas or open space areas.

5. Achieves the pedestrian friendly design guideline objectives identified within this Envision San José 2040 General Plan.

6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.

7. Demonstrates high-quality architectural, landscape and site design features.

8. Is consistent with the recommendations of the City's Urban Design Review Process or equivalent recommending process if the project is subject to review by such a process.

3.13.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,049,187 in January 2020 with an average of 3.19 persons per household.[85] The City had approximately 336,507 housing units as of January 1, 2020. The ABAG estimates that there will be an approximate City population of 1,377,145 and 448,310 households by the year 2040.[86]

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current Envision San José 2040 General Plan. To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The project site is currently developed with 170,427 square feet of commercial buildings consisting of one central single-story commercial/retail structure and four other single-story commercial/retail buildings located along the Camden Avenue frontage in the northern portion of the site. There are no housing units on-site.

3.13.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on population and housing, would the project:

1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

[85] California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." May 2020.
[86] Association of Bay Area Governments. *Projections 2040.* November 2018.

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)?

A project can induce substantial population growth in a variety of ways, including the following:

- Proposing new housing beyond projected or planned development levels
- Generating demand for housing as a result of new business
- Extending roads or other infrastructure to previously undeveloped areas
- Removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The proposed project would result in a net increase in housing citywide of approximately 394 new housing units. Additionally, the Assisted Living Variant proposes a 185-bed assisted living facility. Assuming a rate of 3.19 persons per household and one resident per bed in the assisted living facility, the project would result in 1,442 new residents. The Assisted Living Variant also proposes a 230-room hotel, 18,000 square feet of retail, and 42,000 square feet of restaurant space. The San José Employment Density and FAR Assumptions by Land Use Type rates were used to estimate the number of jobs created under the Assisted Living Variant. Based on the retail rate of 250 gross square feet per employee and the hotel and restaurant rate of 2,000 gross square feet per employee, the proposed commercial uses would result in a total of 176 employees. The Office Variant would replace the 185-bed assisted living facility with 160,000 square feet of office space. Using the Traditional Office Space rate of 300 gross square feet per employee, the office uses under the Office Variant would generate 533 employees. In total, the Office Variant would place approximately 1,257 residents on-site and create approximately 709 jobs.

The project would develop land already planned for job and housing growth in the Envision San José 2040 General Plan. The project is located in the Camden/Hillsdale Urban Village,[87] which has a growth capacity of 2,000 jobs and 560 residential units upon full build-out of the General Plan.[88] As shown in Appendix 5 of the General Plan, there are currently no entitled residential units within the Camden/Hillsdale Urban Village. The housing would accommodate planned residential demand within the City. The project would not exceed the planned job or housing growth capacities for the Camden/Hillsdale Urban Village, nor would the project facilitate growth by extending infrastructure to undeveloped areas. For these reasons, the project would not induce substantial unplanned growth in the area. **(Less than Significant Impact)**

[87] The project is within the Camden/Hillsdale Urban Village Plan area identified in the General Plan; however, the Urban Village Plan has not yet been adopted. The proposed project meets the criteria of a signature project, as defined by the City of San José, since it includes residential and commercial space within an Urban Village.
[88] City of San José. *Envision San José 2040 General Plan.* Adopted November 1, 2011. As amended March 16, 2020. Appendix 5 – Planned Job Capacity and Housing Growth Areas by Horizon. https://www.sanjoseca.gov/home/showdocument?id=22359

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

The site has not been used for residential purposes in the past; therefore, the proposed development would not displace existing housing or people. The project would increase the City's housing stock and would not require the construction of off-site housing. Thus, the impact would be less than significant. **(Less than Significant Impact)**

3.13.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative population and housing impact?

The proposed project would not remove any housing or displace any people. Cumulative projects in the City could potentially remove housing and/or facilitate unplanned growth; however, the General Plan EIR determined that planned build out to 2040 would utilize existing areas within the City's Urban Growth Boundary to increase residential development. New housing developments as part of the General Plan build out will focus on an intensification of land use in already developed areas.

Based on the San José General Plan 4 Year Review, San José by 2040 could have 1.1 jobs per employed resident, which is a substantial change beyond the existing 0.8 to 1 ratio. The new jobs/housing imbalance would have the secondary effect of inducing population growth outside of San José by creating demand for new housing to serve the new workers in San José. The proposed project, however, would not create more jobs than housing for employed residents. The project would be developed consistent with the level of growth analyzed in the General Plan EIR and would not increase growth from more jobs beyond what was previously disclosed.

The General Plan EIR identified a significant unavoidable cumulative population and housing impact associated with the buildout of the General Plan. It stated that residential development outside of San José, especially outside of Santa Clara County and southern Alameda County, could contribute to regional growth inducing impacts that are not reduced to a less than significant level and that therefore, the identified cumulative population and housing impact related to the jobs/housing balance and induced growth is significant and unavoidable. As described in the preceding section, the proposed project would provide local job and residential growth within the parameters of what is anticipated under the Camden/Hillsdale Urban Village and General Plan, resulting in a less than significant project impact. Thus, the project would not make a cumulatively considerable contribution to a significant cumulative population and housing impact in the City. **(Less than Significant Cumulative Impact)**

3.14 PUBLIC SERVICES

3.14.1 Environmental Setting

Unlike utility services, public facility services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Typically, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. multi- or single-family housing).

The impact of a particular project on public facilities and services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (e.g., more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, however, not an environmental one.

CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

For the purposes of the EIR, a public facilities and services impact is considered significant if the project would result in substantial adverse physical impacts associated with the provision or 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, police protection, schools, parks, or other public facilities.

3.14.1.1 *Regulatory Framework*

State

California Government Code Section 65996

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

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes

local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Local

Envision San José 2040 General Plan

The following Envision San José 2040 General Plan policies related to the provision of public and services and recreational facilities are applicable to the proposed project:

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public 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 square feet per 1,000 population of community center space.

Policy PR-1.6: Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.

Policy PR-1.7: Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals, and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

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

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

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

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to

the public after normal school hours or shall include one or more of these elements in its project design.

Policy PR-3.4: Provide the amenities identified in the Balanced Planning Area Model in the Greenprint, which include amenities such as community centers, parkland, sport fields, dog parks and community gardens.

Policy PR-3.5: Develop programs, activities, events, and facilities that appeal to a broad audience, including but not limited to youth, young adults, and seniors and those of varying ethnicities, backgrounds, and abilities.

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

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

Policy PR-4.1: Collaborate with the community in the design, programming, and operation of parks and recreation facilities to ensure that these facilities meet their needs.

Policy PR-4.2: In the design of parks, consider providing features, facilities, and services that promote tourism and make San José an attractive location for economic development as well as serving the needs of San José residents.

Policy PR-4.4: Reinforce the cultural character of new and existing neighborhoods by reflecting local materials, design forms, and landscape character in the development of neighborhood serving parks.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very low, and extremely low-income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required, or the in-lieu fee to be paid, is based on the minimum acreage dedication formula outlined in the PDO. Projects must submit a private recreation exhibit package to the City Parks, Recreation & Neighborhood Services department (PRNS), which reviews the private recreation exhibits in order to verify how much credit is actually given. Credit given can range from no credit up to fifty percent credit and is given at the discretion of PRNS.

The primary difference between the applicability of the PDO or the PIO is whether the residential project proposes the subdivision of land. The provisions of the PDO apply to residential projects that

involve the subdivision of land, while the PIO applies to the construction of residential projects that are not subject to the requirements of the PDO (no land subdivision for residential purposes). Residential projects that contain 50 parcels or more may be subject to the requirement of parkland dedication instead of in-lieu fees, or the dedication of additional parkland beyond the provisions of Chapter 19.38 of the Municipal Code, as determined by the City's Director of Planning, Building and Code Enforcement.

3.14.1.2 *Existing Conditions*

Police Department

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 8.6 miles northeast of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD's Southern Division. The Southern Division includes four patrol districts, covering approximately 123 square miles. It is largest of the SJPD's four patrol divisions.[89]

The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for to occur) within 11 minutes. In 2018-2019, the citywide average response time for Priority 1 calls was 7.1 minutes, and the average response time for Priority 2 calls was 19.9 minutes.[90]

Fire Department

Fire protection services in San José 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. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that service the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2018-2019, the SJFD responded to Priority 1 incidents within the set time standard 74 percent of the time. [91]

The nearest fire station to the project site is Station No. 9, located at 3410 Ross Avenue, approximately 0.8 miles east of the site. In 2018-2019, Fire Department Station No. 9 responded to Priority 1 incidents within eight minutes approximately 75 percent of the time. [92]

[89] San José Police Department. "SJPD Southern Division." Accessed September 4, 2020. http://www.sjpd.org/bfo/southern.asp
[90] Ibid.
[91] City of San José. *Annual Report on City Services 2018-2019*. December 2019. https://www.sanjoseca.gov/home/showdocument?id=49208
[92] City of San José. *Annual Report on City Services 2018-2019*. December 2019. https://www.sanjoseca.gov/home/showdocument?id=49208

Schools

The project site is located within the Cambrian School District and the Campbell Union High School District (CUHSD). Students generated by the project would attend Sartorette School (K-6th grade) or Steindorf STEAM School (K-8th Grade), Price Middle School (7th and 8th grade), and Leigh High School.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including 190 neighborhood parks, community parks, and regional parks.[93] The City also manages 50 community centers, 17 community gardens, and six aquatic facilities. Other recreational facilities include seven public skate parks and 60 miles of interconnected trails.[94] The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

Based on General Plan level of service goals, the City has sufficient neighborhood/community and combined City and other Citywide/regional parkland. However, the City is deficient in school recreation and City-owned Citywide/regional parkland.[95] Following General Plan buildout, it is projected that the City will have a surplus of approximately 7,500 acres of combined city and other citywide/regional parkland, a deficit of approximately 8,000 acres of City-owned Citywide/regional parkland, a deficit of approximately 1,300 acres of recreational school grounds, and a deficit of approximately 400 acres of neighborhood/community serving parkland.

The nearest City parks to the project site are Houge Park, approximately ½-mile to the west of the site, and Butcher Park, approximately 0.7 miles east of the project site.

Community Centers and Libraries

There are 51 community centers within the City. Nearby community centers include the Camden Community Center, located at 3369 Union Avenue, approximately 0.2 miles north of the project site. The Camden Community Center includes a swimming pool and adjacent softball filed, playground and open space areas.

The San José Public Library System consists of one main library and 23 open branch libraries.[96] The nearest library to the project site is the Cambrian Branch Library at 1780 Hillsdale Avenue, approximately 0.9 miles south of the site.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or

[93] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: https://www.sanjoseca.gov/home/showdocument?id=9655 Accessed March 31, 2021.
[94] City of San José. Parks, Recreation & Neighborhood Services website – *Fast Facts*. https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities. Accessed March 31, 2021.
[95] City of San José. *Envision San José 2040 General Plan FEIR*. Page 616. September 2011.
[96] City of San José Public Library. https://www.sjpl.org/facts. Accessed September 4, 2020.

physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

1) Fire protection?
2) Police protection?
3) Schools?
4) Parks?
5) Other public facilities?

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

The project site is currently developed with commercial buildings and surface parking lots. As proposed, the project would demolish the existing buildings and hardscape, remove all of the existing landscaping, and construct a mixed-use project consisting of a hotel, retail space, apartments, townhomes, single family homes, an assisted living facility/office space, and public open space areas. The project would result in an increase in workers present on-site during regular business hours, as well as adding new residents to the site in the proposed single-family homes, townhomes, apartments, and assisted living facility. This would increase the demand for fire response and related emergency services.

The General Plan FEIR concluded that construction of new fire stations, other than those currently planned, would not be required to adequately serve the larger population. Although the project would result in an intensification of the use of the site compared to its current condition, the project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FEIR to avoid unsafe building conditions and promote public safety. Therefore, implementation of the project would result in a less than significant impact on fire protection services. **(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 incrementally increase the demand for police protection services in the area. The General Plan FEIR identified the need for additional police facilities following full build-out of the General Plan. New police facilities would require supplemental environmental review to determine impacts resulting from their development and, as necessary, prescribe mitigation measures to reduce impacts. The project, by itself, would not require additional police services or facilities. As

mentioned, the project would be constructed in accordance with current building codes and applicable City policies to promote public safety. Therefore, implementation of the project would result in a less than significant impact on 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 proposed project would include residential development and is expected to include school-age children. Students generated by the project would attend schools within the Campbell Union High School District and the Cambrian School District. The proposed project would increase the student population in the area by approximately 94 students, according to the SJUSD student generation factors of 0.238 students per dwelling unit.[97] Increasing the student population by 94 students would not require the construction of new schools; however, this increase would place a new demand on school facilities in the area.

In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project. The City of San José Building Division will review the square footage of the proposed project and issue a School Fees Form. Proof of payment to the impacted school district is required before issuance of building permits by the City.

Although residential development under the proposed project could generate new students in the area, the increase in students is expected and planned for in the General Plan FEIR. The project would conform to Government Code Section 65996, which requires the project to pay school impact fees and is considered adequate mitigation for increased demands upon school facilities. Therefore, the proposed project would have a less than significant impact on school facilities. **(Less than Significant Impact)**

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

Future residents, employees, and occupants of the project site could increase demand on local parks and could lead to physical deterioration of the park facilities and overcrowding. The project, however, includes on-site amenities that would partially offset its impact on existing park facilities. The proposed project includes approximately 7.1 acres of publicly accessible open space including 2.26 acres of central community parks and plaza area, plus a dog park, fitness park, playground, and forest park promenade. Private open space is also provided in the form of roof decks on the

[97] San José Unified School District. *Development Fee Justification Study.* April 2014.

apartment/retail buildings and the assisted living facility. In addition to providing amenity and recreational space on-site for future occupants, the project shall comply with existing regulations and policies, including Municipal Code Chapter 14.25, which requires the project applicant to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication to offset the project's impact on existing neighborhood parks.

The project applicant shall be required to dedicate land, pay a park impact fee in lieu of dedication, or both, for park and recreational purposes. Alternatively, the applicant may enter into a parkland agreement for the construction of park facilities, recreational facilities, or both to satisfy the requirements outlined in Section 14.25 of the Municipal Code. Fees generated from the proposed residential development would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the project site and/or community-serving facilities within a three-mile radius (General Plan Policies PR-2.4 and PR-2.5).

The environmental impacts of constructing the proposed community park and outdoor amenity areas are discussed throughout this EIR and the analysis concludes that their construction would not result in significant unavoidable environmental impacts.

Based on the discussion above, the proposed project would result in less than significant impacts to park facilities. **(Less than Significant Impact)**

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

The proposed project would contribute to the expected growth of the Camden/Hillsdale Urban Village as analyzed in the General Plan FEIR. The City has established a service level objective of providing at least 0.59 square feet of library space per capita. The anticipated population growth under the General Plan would result in approximately 0.68 square feet of library space per capita, which would exceed the service level goal of 0.59. The proposed project would be consistent with the land use designations that were analyzed in the General Plan FEIR. Therefore, the project would not require the construction of additional library facilities.

The proposed project is estimated to increase the population by 1,442 persons. Demand on nearby community centers may be incrementally increased; however, it is not expected that new or expanded facilities would be required to accommodate the population increase due to the proposed project. **(Less than Significant Impact)**

3.14.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative public services impact?

Cumulatively, other projects in the City may require the provision of public services, including increased fire and police services, schools, libraries, and community centers. Each project in the City would be required to assess the potential for the project to increase demand for public services such that new or expanded facilities would be required or substantial physical degradation of existing facilities would occur. Cumulative development projected by the Envision 2040 General Plan should be served by public services anticipated as part of the General Plan.

Residential projects would be required to implement the City's standard conditions for payment of school fees and parkland dedication and/or in-lieu fee payments to offset the increase in demand on schools and parks generated by new development. As mentioned in the above discussion, the project would increase the local population but would not require new or expanded public service facilities. Therefore, the project would not contribute considerably to a cumulatively significant public services impact. **(Less than Significant Cumulative Impact)**

3.15 RECREATION

3.15.1 Environmental Setting

3.15.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan Policies

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

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 square feet per 1,000 population of community center space.

Policy PR-1.6: Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.

Policy PR-1.7: Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals, and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

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

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

Policy PR-4.1: Collaborate with the community in the design, programming, and operation of parks and recreation facilities to ensure that these facilities meet their needs.

Policy PR-4.2: In the design of parks, consider providing features, facilities, and services that promote tourism and make San José an attractive location for economic development as well as serving the needs of San José residents.

Policy PR-4.4: Reinforce the cultural character of new and existing neighborhoods by reflecting local materials, design forms, and landscape character in the development of neighborhood serving parks.

3.15.1.2 *Existing Conditions*

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including 190 neighborhood parks, community parks, and regional parks.[98] The City also manages 50 community centers, 17 community gardens, and six aquatic facilities. Other recreational facilities include seven public skate parks and 61 miles of interconnected trails.[99] The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

Based on General Plan level of service goals, the City has sufficient neighborhood/community and combined City and other Citywide/regional parkland. However, the City is deficient in school recreation and City-owned Citywide/regional parkland.[100] Following General Plan buildout, it is projected that the City will have a surplus of approximately 7,500 acres of combined city and other citywide/regional parkland, a deficit of approximately 8,000 acres of City-owned Citywide/regional parkland, a deficit of approximately 1,300 acres of recreational school grounds, and a deficit of approximately 400 acres of neighborhood/community serving parkland.

The existing site is developed with 170,427 square feet of commercial buildings consisting of one central single-story commercial/retail structure and four other single-story commercial/retail buildings. There are no recreational facilities on-site. The nearest parks to the project site are Houge Park, approximately ½-mile to the west of the site, and Butcher Park, approximately 0.7 miles east of the project site.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on recreation, would the project:

1) 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?
2) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

[98] City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: https://www.sanJosé ca.gov/index.aspx?NID=204
[99] City of San José. Parks, Recreation & Neighborhood Services website – *Fast Facts*. http://www.sanJosé ca.gov/documentcenter/view/65881. Accessed September 4, 2020.
[100] City of San José. *Envision San José 2040 General Plan FEIR.* Page 616. September 2011.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project would increase the use of existing neighborhood and regional parks due to the establishment of new housing. The addition of 320 apartment units, 25 townhome units, 49 single-family dwellings, and a 185-bed assisted living facility is estimated to increase the local population by 1,442 persons.[101] The office project variant would reduce this number by approximately 185 persons, resulting in less demand on parks, as the assisted living residents would be replaced with office uses. While there are existing neighborhood and regional parks available to serve the new population, much of the expected demand would be offset due to the inclusion of 7.1 acres of community parks and public open space as a component of the project. Nonetheless, the project would be required to conform to Section 14.25 of the Municipal Code, which describes parkland dedications/in-lieu fees that new residential developments must contribute to the City. Fees collected from the PDO/PIO would be used to maintain existing park facilities within a 0.75-mile radius of the proposed project, or community centers within a three-mile radius, and would ensure that existing park facilities would not be degraded by the increased intensity in use. **(Less than Significant Impact)**

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

As described above, the project includes a total of 7.1 acres of publicly accessible open space including 2.26 acres of community parks and plazas. Various public recreational amenities are included in the project, such as a centrally located community park, a playground, a fitness park, a dog park, and a forest park promenade and plaza. The construction of these recreational facilities is analyzed throughout this EIR as a component of the project. No unmitigated adverse physical effects on the environment would occur because of the proposed recreational facilities. Additionally, no offsite facilities would need to be expanded or constructed due to the proposed project. Therefore, the project would not result in a significant impact on recreational facilities. **(Less than Significant Impact)**

3.15.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative recreation impact?

Other projects in the City could increase the use of recreational facilities, such as neighborhood and regional parks and community centers, to the point of disrepair. In its General Plan FEIR, the City identified that with expected population growth through 2035, additional parks and community centers would be required to accommodate the increase in population. Existing City policies and regulations, such as the Parkland Dedication Ordinance and Parkland Impact Ordinance, function to

[101] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

collect fees from new development (or require parkland to be dedicated) for the purpose of maintaining the City's service level objectives. By requiring cumulative projects to adhere to existing policies and regulations, the cumulative impact of future development on recreational facilities would be minimized.

The proposed project includes residential development and would be required to comply with Section 14.25 of the Municipal Code. The project includes recreational facilities of its own, but the proposed facilities are analyzed throughout this DEIR and found to not result in unmitigated significant environmental impacts. The proposed project, when combined with other projects in the City, would not result in a cumulatively considerable contribution to a significant recreation impact. **(Less than Significant Cumulative Impact)**

3.16 TRANSPORTATION

The following discussion is based on a Transportation Analysis (TA) completed by *Hexagon Transportation Consultants, Inc.* in September 2020. The TA was revised in July 2021, and is included in this DEIR as Appendix H.

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Regional Transportation Plan

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 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 were 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. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.5 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element.

VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

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

Traffic Calming Policy (City Council Policy 5-6)

The City's Traffic Calming Policy was originally effectuated in 2000, then revised in 2008. The purpose of the Policy is to provide a framework for the general processes, responsibilities and outreach related to traffic calming so that interested parties can effectively access this service. The Policy is intended to minimize the negative impacts associated with traffic on all streets, particularly within residential neighborhoods and near schools, by applying education, enforcement, and sound engineering solutions developed with strong community input. The Policy categorizes traffic calming solutions into two levels: basic and comprehensive.

Basic traffic calming services are traffic control devices and programs that are implemented on a day-to-day basis to regulate, warn, guide, enforce and educate motorists, pedestrians and bicyclists; and generally, apply to all streets. Residential neighborhoods with traffic impacts that cannot be addressed through basic traffic calming services may be eligible for additional traffic calming measures referred to as comprehensive traffic calming projects. Comprehensive traffic calming projects are physical roadway design features or dynamic signage and warning systems which are intended to slow traffic within, or divert traffic from residential neighborhoods, or to enhance pedestrian safety.

Envision San José 2040 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts resulting from planned development within the City. All future development addressed by this EIR for the project site will be subject to the transportation policies listed in the City's 2040 General Plan. These policies are listed below.

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, projects shall be required to fund, or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking, and transit facilities and services that encourage reduced vehicle travel demand.

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

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

Policy TR-1.7: Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-2.6: Require that all new traffic signal installations, existing traffic signal modifications, and projects included in San José's Capital Improvement Plan include installation of bicycle detection devices where appropriate and feasible.

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-3.4: Maintain and improve access to transit stops and stations for mobility-challenged population groups such as youth, the disabled, and seniors.

Policy TR-3.9: Ensure that all street improvements allow for easier and more efficient bus operations and improved passenger access and safety, while maintaining overall pedestrian and bicycle safety and convenience.

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 and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies and other measures.

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

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

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

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

Policy CD-3.4: 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 LU-9.1: Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities, which do not provide through- and publicly accessible bicycle and pedestrian connections.

San José Bike Plan 2020

The City's Bike Plan 2020, adopted in 2009, provides a foundation for enhancing the bikeways network and increasing the mode share of bicycle travelers. The Bike Plan lays out specific goals to improve bicycle access and connectivity in San José by the year 2020. These goals include completing 500 miles of bikeways; achieving a five percent bike mode share; reducing bike collision rates by 50 percent; adding 5,000 bicycle parking spaces; and achieving gold-level bicycle friendly community status. The City is in the process of preparing an update to the Bike Plan 2020, titled the Better Bike Plan 2025. The updated plan is currently in draft form and has not yet been adopted by City Council. Planned bicycle facilities identified in the Better Bike Plan 2025 in the project area include the following:

Planned Class II Bike Lanes:

- Ross Avenue, along its entire length

Planned Class III Bike Routes:

- Charmeran Avenue, between Jacksol Drive and Leigh Avenue
- New Jersey Avenue, between Camden Avenue and Dry Creek Road
- White Oaks Avenue, along its entire length
- Nelson Way/Lencar Way/Ewer Drive/Woodford Drive/Noreen Drive, between Leigh Avenue and Kirk Road
- Foxworthy Avenue, between Lantz Avenue and Manda Drive

Planned Class IV Protected Bike Lanes:

- Camden Avenue, along its entire length
- Bascom Avenue, along its entire length
- Union Avenue, between Los Gatos Almaden Road and Bascom Avenue
- Leigh Avenue, between Blossom Hill Road and Moorpark Avenue
- Branham Lane, between Union Avenue and just west of U.S. 101
- Samaritan Drive, along its entire length
- Curtner Avenue, between just west of Bascom Avenue and Monterey Road
- Hillsdale Avenue, along its entire length.

3.16.1.2 *Existing Conditions*

Existing Roadway Network

Regional access to the project site is provided via State Routes 17 (SR-17) and 85 (SR-85). These facilities are described below.

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

SR-85 is a six-lane freeway (two mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction) in the vicinity of the site. It extends from its starting point at US-101 in South San Jose westward and northward to Mountain View, where it ends as it again merges with US-101. Access to the project site is provided via its interchanges with Union Avenue and Camden Avenue.

Local access to the site is provided by Union Avenue, Camden Avenue, Leigh Avenue, Bascom Avenue, and Hillsdale Avenue. These roadways are described below.

Union Avenue is a two- to four-lane north-south roadway that runs along the project site's western boundary. It extends from Campbell Avenue in Campbell to Los Gatos, where it terminates at Blossom Hill Road. Along the project site frontage, Union Avenue consists of two travel lanes in each direction with a center two-way left-turn (TWLT) lane. Access to the project site is proposed to be provided via two signalized driveways as well as one right-turn only driveway along Union Avenue.

Camden Avenue is a four- to six-lane northwesterly southeasterly roadway that runs along the project site's northern boundary. It extends from Almaden Expressway in South San Jose north-eastward to SR-17 in Campbell, at which point it transitions into San Tomas Expressway. Along the project site frontage, Camden Avenue consists of three travel lanes in each direction. Access to the project site along Camden Avenue is proposed to be provided via a new signalized driveway as well as two right-turn only driveways.

Leigh Avenue is a two- to four-lane north-south roadway in the vicinity of the project site. It extends from Blossom Hill Road in South San Jose northward to West San Carlos Street, at which point it transitions into Shasta Avenue. Access to the project site from Leigh Avenue is provided via Camden Avenue.

Bascom Avenue is a six-lane north-south roadway in the vicinity of the project. It extends from Santa Clara southward to Los Gatos, at which point it makes a transition into Los Gatos Boulevard. Access to the project site from Bascom Avenue is provided via Camden Avenue.

Hillsdale Avenue is a six-lane east-west roadway that extends from its intersection with Camden Avenue eastward to Almaden Expressway, at which point it transitions into Capitol Expressway. Access to the project site from Hillsdale Avenue is provided via Camden Avenue.

Existing Site Access and Circulation

The site is developed with one centrally located retail building and four auxiliary retail buildings along the Camden Avenue frontage. A total of 764 surface parking spaces are provided throughout the site. The project site is accessed by two ingress/egress driveways on Camden Avenue. The easternmost driveway allows right in/right out movements only, while the westernmost driveway allows right in/left in/right out movements. One of these driveways is located at a signalized intersection opposite Woodard Road, and one connects to a frontage road parallel to Union Avenue at the southwestern corner of the site. The site is also accessible from the neighborhoods to the east of the site on Wyrick Avenue. Two-way through drive aisles provide for vehicle circulation throughout the majority of the site.

Existing Bicycle and Pedestrian Facilities

There are several bicycle facilities in the vicinity of the project site, as shown on Figure 3.16-1. Bicycle facilities are divided into three classes of relative significance. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations.

There is a Class I bikeway, Los Gatos Creek Trail, which runs along the west side of SR-17, extending from Lexington Reservoir south of Los Gatos to Meridian Avenue in San Jose. The trail can be accessed from the trailhead located along San Tomas Expressway, approximately 1.25 miles west of the project site. A bike path through Hough Park connects White Oaks Avenue and Jacksol Drive. There is also a pedestrian footbridge over SR 85 connecting White Oaks Avenue and Samaritan Place.

Class II striped bike lanes are provided on the following roadways:

- Union Avenue – between Los Gatos Almaden Road and Bascom Avenue
- Leigh Avenue – between Blossom Hill Road and Curtner Avenue
- Curtner Avenue – east of Darien Court
- Bascom Avenue - between SR 85 and Camden Avenue
- Samaritan Drive - along its entire length
- Camden Avenue – between Hillsdale Avenue and Wyrick Avenue
- Foxworthy Avenue – between Bascom Avenue and Lantz Avenue

Class II bike routes with “sharrows” or shared-lane pavement markings are provided on the following roadways:

- Foxworthy Avenue, east of Manda Drive
- Ross Avenue, along its entire length between Leigh Avenue and Branham Lane

Pedestrian facilities in the project area consist primarily of sidewalks along the streets. Sidewalks are found along virtually all previously described local roadways in the study area, except for short intermittent segments of Union Avenue and Leigh Avenue, south of Camden Avenue, where sidewalks are missing along one side of the street. Sidewalks are also missing along several of the local residential streets located just east of the project site. Other pedestrian facilities include crosswalks with pedestrian signal heads and push buttons at all the signalized intersections in the study area.

Existing Transit Service

Bus Service

Existing transit service is provided by Valley Transportation Authority (VTA). Five VTA bus lines serve the project site:

Local Bus Route 27 provides service between Kaiser San José and the Winchester Light Rail Station via Downtown Los Gatos, with 30-minute headways during commute hours. The nearest bus stop is located at Union Avenue at its intersection with Samaritan Drive, approximately ½-mile from the project site.

Local Bus Route 37 provides service between West Valley College and the Capitol Light Rail Station via Camden Avenue, with 60-minute headways during commute hours. The nearest bus stop is located at Camden Avenue at its intersection with Union Avenue, along the northern project site frontage.

Frequent Bus Route 61 provides service between Good Samaritan Hospital and Sierra Road/Piedmont Road via Union Avenue, with 40-minute headways during commute hours in the project vicinity and 20-minute headways north of Bascom Avenue/Union Avenue. The nearest bus stop is located at Union Avenue at its intersection with Camden Avenue, along the western project site frontage.

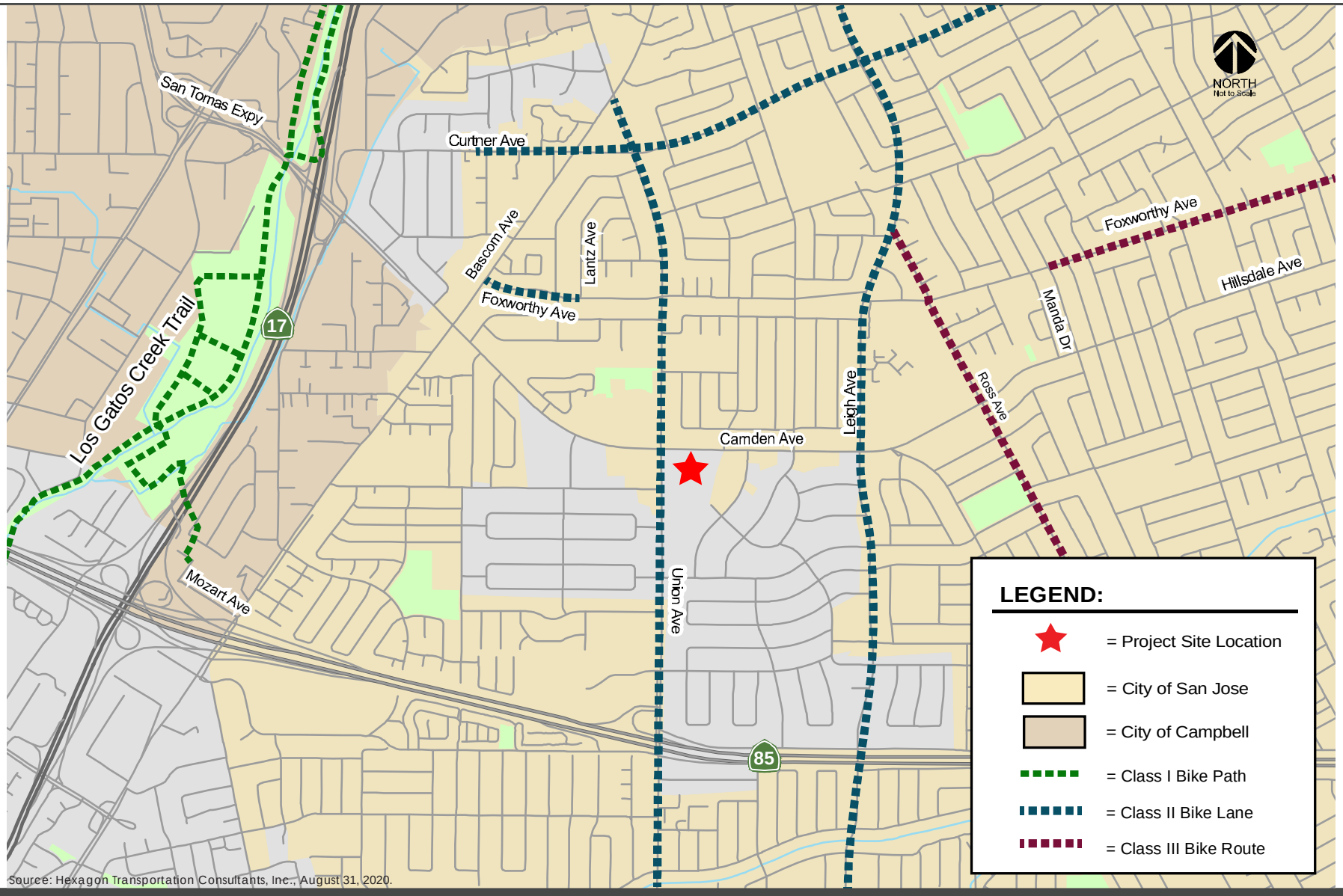
Express Bus Route 101 provides service between Camden Avenue/SR 85 and Palo Alto via Camden Avenue, with two scheduled trips in the northbound direction during the weekday AM commute period and two scheduled trips in the southbound direction during the weekday PM commute period. The nearest bus stop is located at Camden Avenue at its intersection with Union Avenue, along the northern project site frontage.

The bus lines serving the project area are shown on Figure 3.16-2.

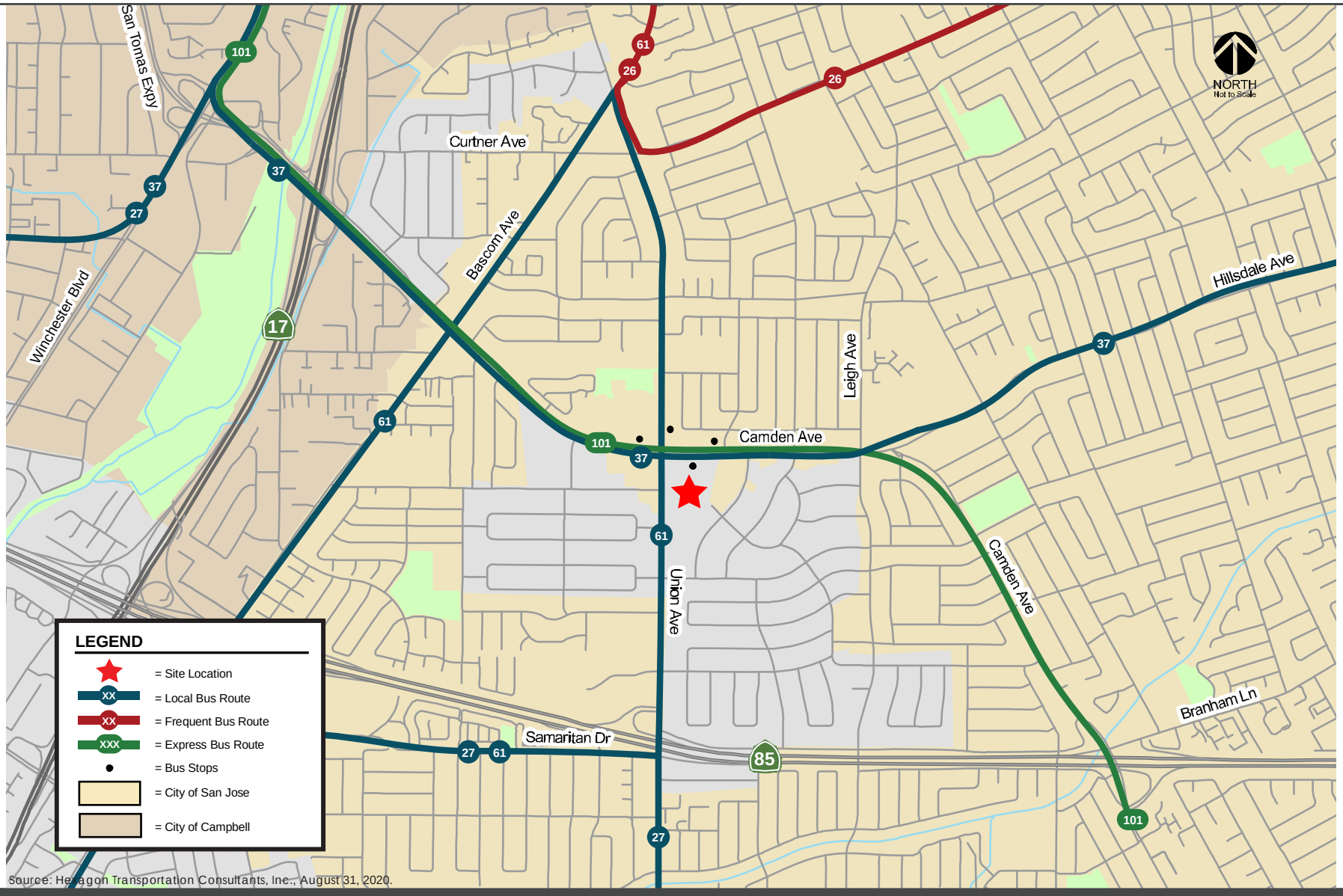
Light Rail

The VTA currently operates a 42.2-mile light rail system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale.

The LRT Green Line runs from the Winchester Transit Center in Campbell to Old Ironsides in Santa Clara and operates from 5:00 AM to 1:00 AM with 20-minute headways during the peak commute periods. The closest LRT station is located approximately two miles from the project site along Winchester Boulevard, north of Camden Avenue.



EXISTING BICYCLE FACILITIES | FIGURE 3.16-1



EXISTING TRANSIT FACILITIES

FIGURE 3.16-2

3.16.1.3 *Study Methodology*

The traffic study prepared for the proposed project consists of two primary components, pursuant to City Council Policy 5-1: a VMT analysis and a supplemental LTA. The VMT analysis is described below in Section 3.16.2.1 Project Impacts. The results of the LTA are described in Section 3.16.3 Operational Issues Not Required Under CEQA. The methodologies for the respective transportation analyses are described therein. For both analyses, two development scenarios were considered. The Assisted Living Variant consists of a 229-room hotel, 305 apartment units, 25 townhome units, 48 single-family dwelling units, 40,481 square feet of restaurant space, 17,349 square feet of retail space, and a 180-bed assisted living facility. The Office Variant consists of the same land uses described above, except for the replacement of the assisted living facility with 160,000 square feet of office uses.

3.16.2 Impact Discussion

For the purpose of determining the significance of the project's impact on transportation, would the project:

1) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?
4) Result in inadequate emergency access?

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

Transit Facilities

There are four bus lines serving the project site: local bus lines 27, 37, and 61, and express bus line 101. These bus lines operate along Camden Avenue and Union Avenue, with bus stops for all lines conveniently located in proximity to the project site. It is assumed that some employees and residents of the proposed project would utilize existing transit services. Assuming a maximum of three percent transit mode share, the project would generate approximately 11 and 14 new transit riders during peak hours for Alternatives 1 and 2, respectively. VTA operations reports indicate that all of the bus lines described above, as well as several other bus lines in the project area, are underutilized. Therefore, the new riders due to the proposed project could be accommodated by the current bus services in the area. VTA has recommended that the existing bus stop along Union Avenue on the project frontage be relocated just north of Chelsea Drive, and the stop on southbound Union Avenue at Chelsea Drive be improved. The project applicant will work with VTA staff to identify the specific placement of the relocated bus stop along Union Avenue and the necessary improvements of the southbound stop at Chelsea Drive.

In addition, General Plan Policy TR-3.3 states that "new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership" and "provide direct access to transit facilities." The project would increase the intensity of use on the site, which would contribute towards transit ridership. The project also would provide pedestrian connections to the relocated VTA bus stop. Therefore, the proposed project would not conflict with any program, plan, ordinance, or policy addressing transit facilities. **(Less than Significant Impact)**

Roadway Facilities

The project proposes to make various improvements to roadway facilities in the vicinity of the site, including signalizing the intersections of Camden Avenue/Taper Avenue and Union Avenue/Chelsea Drive, closing Wyrick Avenue to pedestrian access only, and removing the existing driveway at the southwest corner of the site. The new roadway facilities would be implemented in accordance with City of San José traffic engineering standards, and the final site plan would be subject to review by the Public Works Department to ensure all applicable standards are met. The project would not conflict with any planned improvements or modifications to the roadway system in the project vicinity.

The majority of project traffic is anticipated to utilize the adjacent major thoroughfares of Camden Avenue and Union Avenue; however, some project traffic may utilize adjacent residential streets to avoid perceived congestions and delays along major thoroughfares. Additionally, the proposed closure at Wyrick Avenue will change traffic patterns and volumes within the adjacent neighborhood. As a component of the LTA, a total of twelve surrounding roadways were evaluated to determine the indirect impacts of traffic on adjacent neighborhoods. The analysis, while not directly based on any established impact threshold, relied on the professional judgement in accordance with standards and methods employed by the traffic engineering community. The potential change in traffic on the study roadway segments was reviewed to determine the necessity of traffic calming measures in accordance with the City's Traffic Calming Policy. The following twelve roadways were included in the analysis.

- Wyrick Avenue, at Cambrian Park entrance
- Taper Avenue, between Camden Avenue and Bernice Way
- Chelsea Drive, between Union Avenue and Stratford Drive
- Chelsea Drive, between Stratford Drive and Esther Drive
- Stratford Drive, between Chelsea Drive and Esther Drive
- Woodard Road, between Union Avenue and Esther Drive
- Woodard Road, between Esther Drive and Calvin Drive
- Woodard Road, between Jackson Drive and Starview Drive
- Starbright Drive, between Jackson Drive and Starview Drive
- Bercaw Lane, north of Wyrick Avenue
- Bercaw Lane, south of Wyrick Avenue
- Charmeran Avenue, west of Bercaw Lane

The results of the analysis found that the project would result in the addition of approximately 100 to 1,400 daily trips to each of the roadway segments studied. Although the projected average daily trips with the addition of project traffic are within acceptable ranges for residential and collector streets,

the added project trips constitute a measurable increase from the existing volumes. Traffic volumes along some of the study roadway segments are also projected to decrease, such as the roadway segments of Wyrick Avenue and Bercaw Lane. This is due to the proposed closure of the existing site access point at Wyrick Avenue. The existing and projected average daily traffic volumes with the project are shown on Table 3.16-1.

Table 3.16-1: Existing and Projected Daily Traffic Volumes on Surrounding Streets

					Net Daily Project Trips		*Existing + Daily Project*		
Roadway Segment	***Date***	***Dir.***	***Speed Limit***	***Existing Daily Count***	***Alt 1***	***Alt 2***	***Alt 1***	***Alt 2***	***Traffic Calming Criteria Met?***
Wyrick Ave, at Cambrian Park Entrance	5/2/19	NB	25	467	-467	-467	0	0	
	5/2/19	SB	25	406	-406	-406	0	0	
		Total		873	-873	-873	0	0	No
Taper Ave, between Camden Ave & Bernice Wy	5/2/19	NB	25	665	0	0	665	665	
	5/2/19	SB	25	604	0	0	604	604	
		Total		1,269	0	0	1,269	1,269	No
Chelsea Dr, between Union Ave & Stratford Dr	5/2/19	EB	25	316	103	217	419	533	
	5/2/19	WB	25	357	145	289	502	646	
		Total		673	248	506	921	1,179	Yes
Chelsea Dr, between Stratford Dr & Esther Dr	5/2/19	EB	25	161	37	82	198	243	
	5/2/19	WB	25	118	60	120	178	238	
		Total		279	97	202	376	481	Yes
Stratford Dr, between Chelsea Dr & Esther Dr	5/2/19	EB	25	143	61	129	204	272	
	5/2/19	WB	25	193	84	167	277	360	
		Total		336	145	296	481	632	Yes
Woodard Rd, between Union Ave and Esther Dr	5/2/19	EB	30	2,039	20	495	2,059	2,534	
	5/2/19	WB	30	1,971	328	773	2,299	2,744	
		Total		4,010	348	1,268	4,358	5,278	No
Woodard Rd, between Esther Dr & Calvin Ave	5/2/19	EB	30	1,684	44	542	1,728	2,226	
	5/2/19	WB	30	2,017	352	820	2,369	2,837	
		Total		3,701	396	1,362	5,063	5,063	No
Woodard Rd, between Jacksol Dr & Starview Dr	5/2/19	EB	30	1,462	44	542	1,506	2,004	
	5/2/19	WB	30	2,214	352	820	2,566	3,034	
		Total		3,676	396	1,362	4,072	5,038	No
Starbright Dr, between Jacksol Dr & Starview Dr	5/2/19	EB	25*	79	83	174	162	253	
	5/2/19	WB	25*	90	60	120	150	210	
		Total		169	143	294	312	463	Yes
Bercaw Ln, North of Wyrick Ave	5/2/19	NB	25*	451	-98	-98	353	353	
	5/2/19	SB	25*	481	-76	-76	405	405	
		Total		932	-174	-174	758	758	No
Bercaw Ln, South of Wyrick Ave	5/2/19	NB	25*	294	-76	-76	218	218	
	5/2/19	SB	25*	365	-90	-82	275	283	
		Total		659	-166	-158	493	501	No
Charmeran Ave, West of Bercaw Ln	5/2/19	EB	25	1,182	135	281	1,317	1,463	
	5/2/19	WB	25	1,542	163	337	1,705	1,879	
		Total		2,724	298	618	3,022	3,342	No

* Assumed speed limit, based on the California Vehicle Code which states that the speed limit for residential districts is 25 miles per hour, unless otherwise posted.

The traffic volumes and speed data along the study roadway segments indicate that comprehensive traffic calming measures, per the City's Traffic Calming Policy, are warranted on Chelsea Drive, Stratford Drive, and Starbright Drive. The following traffic calming measures could be implemented per the City's recommendation and in coordination with the local neighborhood association.

- *Channelization Islands* – Turn-movements from Union Avenue to Chelsea Drive are currently prohibited during the AM and PM peak hours. Channelization islands could be constructed on Union Avenue at its intersection with Chelsea Drive to restrict ingress and egress from the project driveway to Chelsea Drive. Channelization islands could be constructed on Starview Drive at its intersections with Starbright Drive, Stratford Drive, and Sunrise Drive to restrict turn-movements to right-turns only to restrict the use of these streets by through traffic.

- *Traffic Circles* – Traffic circles could be implemented along Chelsea Drive and Stratford Drive at intersections between Union Avenue and Jackson Drive to reduce vehicular speed and cut-through traffic.

Implementation of the recommended improvements would ensure that the proposed project would not conflict with the City's Traffic Calming Policy. Thus, the project would not interfere with any program, plan, ordinance, or policy addressing roadway facilities. **(Less than Significant Impact)**

Bicycle and Pedestrian Facilities

As described in Section 3.16.1.2 Existing Conditions, there are several planned improvements to bicycle facilities in the vicinity of the project site. The project would not interfere with implementation of any planned bicycle facilities set forth in the San José Better Bike Plan 2025. The project would not remove or obstruct any bicycle facilities in the area. Therefore, the project would not conflict with the San José Bike Plan 2020 or draft San José Better Bike Plan 2025. The project would be consistent with General Plan Policy TR-2.8 by providing on-site bicycle parking and storage facilities and new sidewalks. The project would also be consistent with Policies CD-3.2 and LU-9.1, which encourage new development projects to prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and the surrounding community. The project provides numerous pathways throughout the project to create bicycle and pedestrian-friendly connectivity between the bus stops along Camden and Union Avenues and the project's commercial, residential, and open space areas. The project also features a direct pedestrian/bicycle path connection to and public park interface with the existing residential neighborhood to the east of the site.

The project would make improvements to the surrounding roadway network which would facilitate increased pedestrian usage and create connections to existing facilities and attractions. For example, the project would close Wyrick Avenue to vehicles and create a new pedestrian-only connection from the surrounding neighborhoods to the project site. The pedestrian-only connection would provide direct access to the proposed community park and retail/restaurant uses on the site. Additionally, the project would construct new sidewalks along the project frontages and signalize two intersections on Camden Avenue and Union Avenue. The new signalized intersections would

include pedestrian signal heads to increase pedestrian safety and utilization. The project also includes pedestrian pathways throughout the entirety of the site. The project would be consistent with General Plan Policies CD-3.3 and LU-9.1, which require new development to create and maintain pedestrian-friendly environments. Therefore, the project would not conflict with any programs, plans, ordinances, or policies addressing bicycle or pedestrian facilities. **(Less than Significant Impact)**

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 3.16.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects. The methodology used to determine existing and project VMT and the analysis of the project's VMT impacts are described below.

VMT Evaluation Methodology

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

The City of San José's Transportation Policy establishes procedures for determining project impacts on VMT based on project description, characteristics, and/or location. The City's Transportation Policy establishes screening criteria for various land uses; projects which meet the screening criteria would not require a detailed, quantitative assessment of VMT. The project site is in an area with regional average VMT, and the proposed residential land uses would not meet the small infill project screening criteria (15 single-family dwelling units, 25 multiple-family dwelling units). The project proposes 57,829 square feet of commercial including retail and restaurant uses, which would fall below the City's screening criteria for local-serving retail of 100,000 square feet or less. However, the City's VMT analysis methodology requires that proposed hotel uses be considered as retail uses. The proposed hotel was converted to an equivalent square footage of retail space based on trip generation rates published in the Institute of Traffic Engineers' (ITE) *Trip Generation Manual, 10th Edition* (2017). Based on the ITE daily trip rate for hotel land uses, the proposed 229-room hotel is estimated to generate 2,813 daily trips, which is equivalent to the trips generated by approximately 74,515 square feet of retail space. Therefore, the combined size of the proposed hotel (as converted to an equivalent retail space based on trip generation) and retail/restaurant uses would exceed the 100,000-square foot threshold for local-serving retail. None of the proposed land uses would be eligible for screening based on the City's screening criteria, and a quantitative VMT analysis is required.

VMT is calculated for residential, office, and industrial projects using the Origin-Destination VMT method, which measures the full distance of personal motorized vehicle-trips with one end within the project. A project's VMT is compared to established thresholds of significance based on the project location and type of development. When assessing a residential project, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita. When assessing an office or industrial project, the project's VMT is divided by the number of employees.

To determine whether a project would result in transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for development projects. However, for non-residential or non-office projects, very large projects, or projects that can potentially shift travel patterns, the City's Travel Demand Forecasting (TDF) model can be used to determine project VMT. Since the proposed residential and employment (assisted living/office) uses would not introduce land uses that are not already present in the project area, and the number of residential units and size of employment uses would not result in a significant shift in peak commute directions, the City's VMT tool (sketch tool) was used to estimate VMT for the proposed residential and employment uses. The City's TDF model was used to complete the VMT evaluation for the proposed non-residential and non-employment uses (which include retail, restaurant, and hotel uses)[102] due to the fact that the VMT tool is incapable of analyzing such land uses. The VMT analysis methods (sketch tool and TDF model) are described below.

City of San José VMT Evaluation Tool

Based on the assessor's parcel number (APN) of a project, the sketch tool identifies the existing average VMT per capita and VMT per employee for the project area. Based on the project location, type of development, project description, and proposed trip reduction measures, the sketch tool calculates the project VMT. However, the sketch tool is limited to the evaluation of residential, office, and industrial land uses. Therefore, the use of the sketch tool for land uses that are not reflective of one of the above general land uses, such as the proposed assisted living facility, requires the conversion of the proposed land use to an equivalent amount of residential units, office space, or industrial space. Therefore, the proposed 180-bed assisted living facility was converted into an equivalent amount of office space using trip generation estimates based on trip rates published in the ITE *Trip Generation Manual, 10th Edition.* Based on the ITE daily trip rate for an Assisted Living Facility, the proposed assisted living facility is expected to generate 468 daily trips, which is equivalent to the trips estimated to be generated by 48,400 square feet of office space. Therefore, the assisted living facility is expected to have employees with trip-making characteristics that are comparable to 48,400 square feet of office space.

TDF Model VMT Estimates

Hexagon utilized the recently updated City of San José Travel Demand Forecasting (TDF) Model to estimate VMT for the proposed hotel and retail/restaurant uses of the project site. The TDM model was used because it can estimate the diversion of traffic and change in traffic patterns due to land use changes/additions like those proposed by the project.

[102] For the purposes of analysis using the sketch tool, employment uses are considered to be office and industrial land uses only. The option for modeling other employment uses is not available in the tool.

The proposed retail/restaurant and hotel uses are not reflective of larger regional retail development, such as large shopping centers, which would attract new trips from outside the project area. Rather, the proposed retail and hotel uses of the project would result in a redistribution of trips that are currently made to other surrounding similar retail and hotel uses located outside of the immediate project area. The introduction of new retail, restaurant, and other services will attract trips from the areas immediately surrounding the project site, resulting in shorter and fewer vehicular trips. Therefore, the estimation of VMT for the proposed retail/restaurant and hotel uses consisted of a reallocation of retail and service employment from surrounding areas to the project site. *Hexagon*, in coordination with City staff, identified 30 small retail centers and 15 hotels that are similar to those proposed by the project from which existing trips may be redistributed to the project site. Retail and service jobs were then reallocated from Traffic Analysis Zones (TAZ) that are used to reflect each of the locations in the City's model. The TDF model was then used to estimate VMT without and with the proposed retail/restaurant and hotel uses of the project and the associated job reallocation. The total VMT for all existing development within the selected TAZs serves as the baseline from which the retail/restaurant and hotel uses of the project are evaluated.

Thresholds of Significance

The thresholds of significance for development projects, as established in Council Policy 5-1, are based on the existing citywide average VMT level for residential uses and the existing regional average VMT level for employment uses. The three criteria applicable to the proposed project are described below.

1. Projects that include general employment uses (office) are said to create a significant adverse impact when the estimated project VMT exceeds the existing regional average VMT per job minus 15 percent. Currently, the reported regional average is 14.37 VMT per job. This equates to a significant impact threshold of 12.21 VMT per job.

2. Projects that include residential uses are said to create a significant adverse impact when the estimated project VMT exceed the existing citywide average VMT per capita minus 15 percent or existing regional average VMT per capita minus 15 percent, whichever is lower. Currently, the reported citywide average is 11.94 VMT per capita, which is less than the regional average. This equates to a significant impact threshold of 10.12 VMT per capita.

3. Projects that include retail and hotel uses are said to create a significant adverse impact when the project results in an increase in the total regional VMT.

VMT Analysis

VMT of Existing Residential and Employment Land Uses

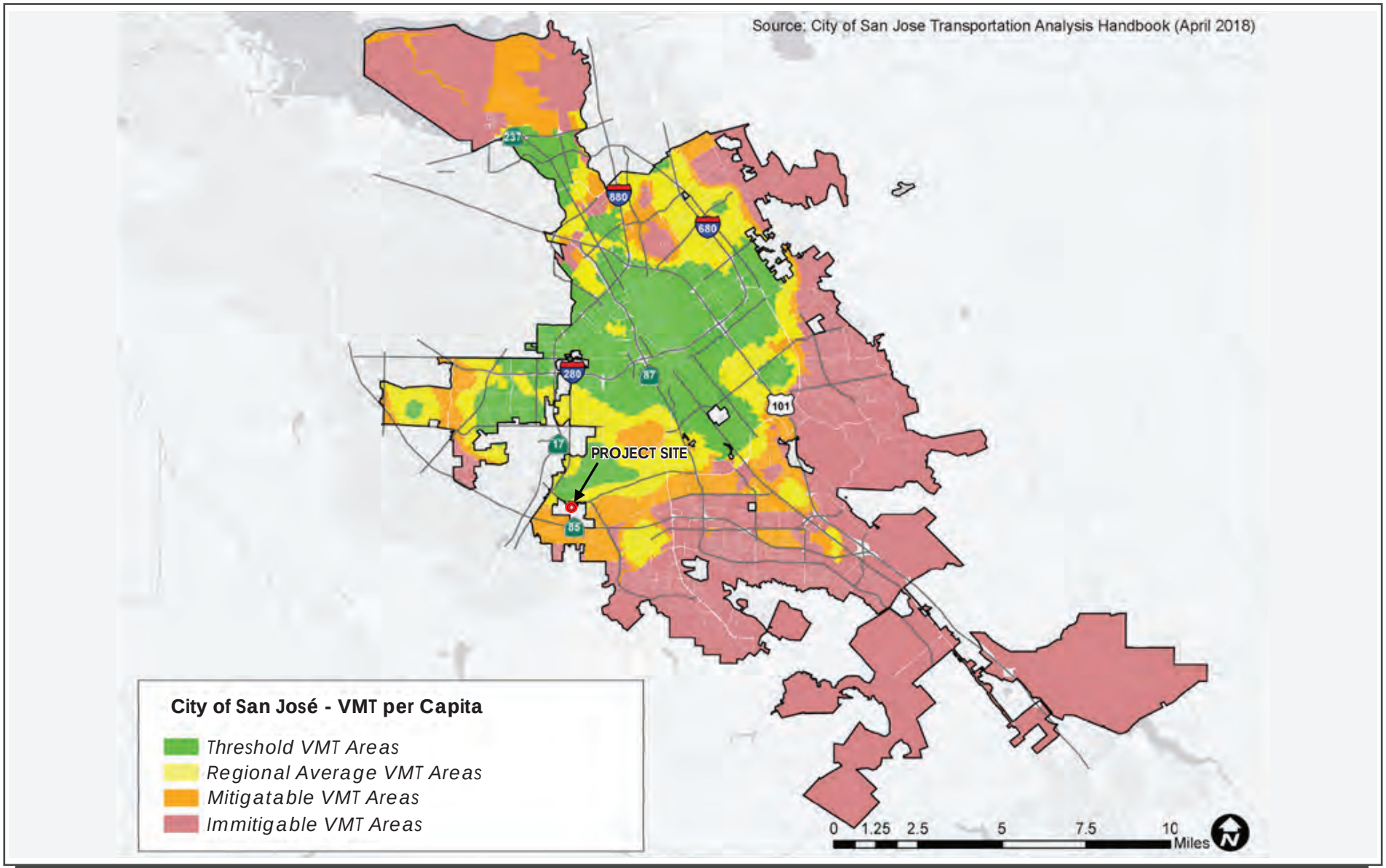
The results of the VMT analysis using the sketch tool indicate that the existing VMT for residential uses in the project vicinity is 10.3 per capita and employment uses is 13.1 per employee. As shown in Table 3.16-1, the current regional average VMT for employment uses is 14.37 per employee and the citywide average VMT for residential uses is 11.91 per capita. Therefore, the VMT levels of existing uses in the project vicinity are currently less than the average VMT levels. The City's Transportation Policy provides citywide average as the basis for the per capita VMT threshold, and the regional

average as the basis for the per employee VMT threshold. The Threshold VMT Areas, as well as the Regional Average, Mitigatable, and Immitigable VMT Areas of the City for VMT per Employee and VMT per Job are shown on the following heat maps (Figures 3.16-3 and 3.16-4).

Table 3.16-2: VMT Significant Impact Criteria for Development Projects

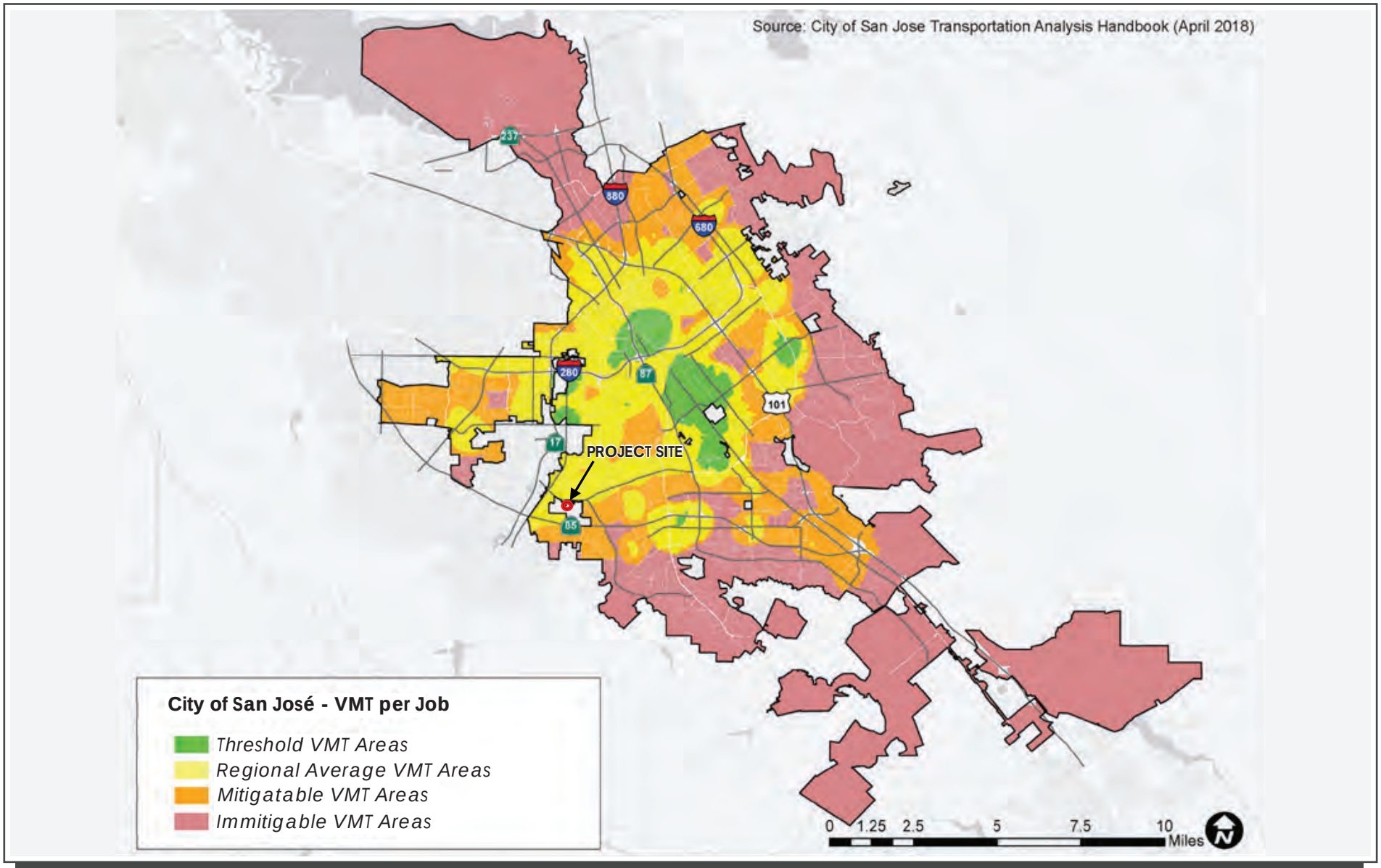
Type	***Significance Criteria***	***Current Level***	***Threshold***
Residential Uses	Project VMT per capita exceeds existing citywide average VMT per capita minus 15 percent OR existing regional average VMT per capita minus 15 percent, whichever is lower.	11.91 VMT per capita (Citywide Average)	10.12 VMT per capita
General Employment Uses	Project VMT per employee exceeds existing regional average VMT per employee minus 15 percent.	14.37 VMT per employee (Regional Average)	12.21 VMT per employee
Retail/Hotel/School Uses	Net increase in existing regional total VMT.	Regional Total VMT	Net Increase
Mixed Uses	Evaluate each land use component of a mixed-use project independently and apply the threshold of significance for each land use type included.	Appropriate levels listed above	Appropriate thresholds listed above

Source: City of San Jose Transportation Analysis Handbook, April 2018.



VMT PER CAPITA

FIGURE 3.16-3



VMT PER JOB

FIGURE 3.16-4

VMT of Existing Retail/Restaurant and Hotel Land Uses

The thresholds of significance for retail development projects, as established in the Transportation Analysis Policy are based on the existing regional average total VMT. However, the proposed retail/restaurant and hotel uses are not reflective of larger regional retail development, such as large shopping centers, which would attract new trips from outside the general project area. The proposed retail and hotel uses of the project will instead redistribute trips that are currently made to other surrounding similar retail and hotel uses. The introduction of new retail, restaurant, and other services will attract trips from the areas immediately surrounding the project area, resulting in shorter and fewer vehicular trips. For these reasons, the total VMT for all existing development within selected TAZs, from which trips would be redistributed to the project site, serves as the baseline from which the retail/restaurant and hotel uses of the project are evaluated, rather than the existing regional average total VMT. The results of the VMT analysis using the TDF model indicate that the existing VMT for retail uses in the area surrounding the project site is 313,534.

Project-Level VMT Analysis

The City's Transportation Policy identifies impact thresholds of 15 percent below the citywide average per capita VMT of 11.91 for residential uses and 15 percent below the regional average per employee VMT of 14.37 for employment uses. Thus, the proposed project would result in a significant impact if it results in VMT that exceeds per capita VMT of 10.12 and per employee VMT of 12.21.

The proposed project (Assisted Living Variant) consists of 48 single-family dwelling units (including 18 units that have ADUs), 25 townhouse units, 305 apartment units, 40,481 square feet of restaurant space, 17349 square feet of retail space, a 229-room hotel, and 110 assisted living rooms and 50 independent senior living units within a assisted living facility.[103] The results of the VMT evaluation for the residential uses and assisted living facility, using the City's VMT Evaluation Tool, indicate that these land uses are projected to generate VMT per capita (8.96) and VMT per employee (12.01) that are below the established thresholds. Therefore, the proposed residential and assisted living facility uses would not result in an impact on the transportation system based on the City's VMT impact criteria.

The results of the VMT evaluation for the proposed retail/restaurant and hotel uses, using the City's TDF model, indicate that these land uses are projected to generate total VMT of 313,141. This amounts to a reduction in the existing total VMT (313,534) in the area surrounding the project (baseline VMT). Therefore, the proposed retail/restaurant and hotel uses would not result in an impact on the transportation system based on the City's VMT impact criteria.

[103] The traffic study assumed 180 assisted living rooms, which would generate 468 daily trips. The proposed 110 assisted living rooms and 50 independent senior living units would generate 471 daily trips. The increase in three daily trips would not affect the project's VMT per capita or employee. Therefore, the project's VMT impact would continue to be less than significant.
Personal Communications. Del Rio, Robert, Hexagon Transportation Consultants. Cambrian Park Plaza EIR. October 20, 2021.

Project Office Variant Scenario VMT Analysis

As described in Section 2.2 Project Description, a project variant is proposed which includes all of the same land uses as the proposed project with the exception of the 180-bed, 160,000-square foot assisted living facility and independent living units being replaced with 160,000 square feet of office uses (Office Variant). The Office Variant is projected to generate VMT per capita (8.96) and VMT per employee (11.95) that are below the established thresholds. Therefore, the Office Variant would not result in an impact on the transportation system based on the City's VMT impact criteria. The transportation analysis suggests that the reduction in per-capita VMT and per-employee VMT could be indicative of the addition of residents and jobs in close proximity to one another.

The proposed retail/restaurant and hotel uses in the Office Variant are the same as the proposed project. As described above, the retail/restaurant and hotel uses would not result in an impact on the transportation system based on the City's VMT impact criteria.

For the reasons described above, the proposed project would not result in a VMT impact based on the City's criteria and would not conflict with CEQA Guidelines Section 15064.3 subdivision (b). **(Less than Significant Impact)**

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

The proposed project would be designed in accordance with City of San José traffic engineering standards. As described in greater detail below in Section 3.16.3 and in the traffic report in Appendix H, the project would meet the required 26-foot width for all driveways aside from the proposed 20-foot-wide driveway at Taper Avenue. The project applicant will coordinate with the City of San José to determine whether the 20-foot width is acceptable, as the reduced width may function as a traffic calming feature to reduce cut-through traffic on the proposed new street. Additionally, the unsignalized project driveway on Camden Avenue will be reviewed in accordance with Caltrans standards for adequate sight distance. This driveway should be clear of obstructions and red curbs should be implemented adjacent to the driveway to ensure exiting vehicles can see pedestrians on the sidewalk and vehicles and bicyclists traveling on Camden Avenue. The design of the site would include adequate corner radii along all internal roadways/drive aisles, as well as driveway widths, drive aisle widths, parking dimensions, and signage that satisfies City of San José design standards. The final site plan would be subject to review by the Public Works Department to ensure these standards are met. The proposed residential, retail, and assisted living/office land uses proposed by the project are compatible with the surrounding land uses. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible use. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The project would eliminate the existing direct vehicle access to the site from Wyrick Avenue, on the northeast side of the site. The project calls for a wrought iron fence with gates to allow pedestrian and bicycle access to the proposed public park at this location. While Wyrick Avenue currently provides emergency vehicle access to the site, the project proposes internal access roadways that

provide direct vehicle access to each proposed building and parking area and connect to every site driveway on Camden Avenue and Union Avenue, allowing emergency vehicle access. There are no dead-end aisles proposed, which allows for continuous circulation within the project site. Conformance with the City of San José design standards and guidelines for internal roadways and drive aisle widths would assure adequate access for emergency vehicles. The project also would not result in inadequate emergency access to existing development surrounding the project site, as the proposed changes to the circulation system and traffic calming measures would not physically obstruct roadways or impede emergency vehicle access. **(Less than Significant Impact)**

3.16.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative transportation impact?

Projects must demonstrate consistency with the General Plan to avoid having to do a project specific cumulative impact analysis. Consistency with the General Plan is based on the project's density, design, and conformance to General Plan goals and policies concerning transportation. Per the City's Transportation Analysis Handbook, if a project is determined to be inconsistent with the General Plan, a cumulative impact analysis will be required as part of a General Plan amendment to determine the project's cumulative effect on the regional air quality and greenhouse gas emissions targets and other performance metrics of the General Plan related to transportation.

An evaluation of the project's effects on the surrounding multi-modal transportation facilities including transit, bicycle, and pedestrian facilities was completed. The evaluation indicated that the project would not impede the completion of planned improvements to multi-modal facilities and would further policies have related to pedestrian, bicycle, and transit facilities. Therefore, the proposed project would be consistent with the General Plan's long-range multi-modal goals and policies.

The project site is located within the Camden Avenue/Hillsdale Avenue Urban Village. Urban villages were developed as one of the major strategies of the General Plan. Urban villages are defined as walkable, bicycle-friendly, transit-oriented, mixed-use settings that provide both housing and jobs, thus supporting the polices and goals of the General Plan. Development in Urban Villages is generally guided by Urban Village plans, adopted in conformance with the General Plan.

However, a plan for the Camden Avenue/Hillsdale Avenue Urban Village has not yet been developed and adopted by the City. Therefore, to proceed in advance of the Urban Village plan, the proposed project must be a Signature Project per the City's General Plan. A Signature Project serves as a catalyst promoting the development of the entire urban village area. Any project proposing residential uses in an urban village area prior to adoption of the urban village plan must conform to the following General Plan Signature Project requirements:

1. Be within an Urban Village area on sites with an Urban Village, residential, or commercial General Plan land use designation;
2. Incorporate job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature

Project that include housing, those portions must incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area; and
3. Be at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

A Signature Project also must be in substantial conformance with the following five objectives:

1. Includes public parklands and/or privately maintained, publicly accessible plazas or open space areas.
2. Achieves the pedestrian friendly design guideline objectives identified within the General Plan.
3. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.
4. Demonstrates high-quality architectural, landscape and site design features.
5. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

The proposed project will meet the City's General Plan Signature project requirements related to transportation analysis since it is located within a designated Urban Village on a site with an Urban Village land use designation, located at the intersection of two major arterials at a prominent location within the Urban Village area, would not impede subsequent village development, and incorporates residential and commercial density greater than what is planned for the entire Village Planning area. The project would support transit ridership, which is a goal of increasing development in this Urban Village.

The project will provide a publicly accessible plaza and park and, by providing these amenities, achieves the pedestrian friendly design guideline objectives, as set forth in General Plan Policies CD-3.3 and LU-9.1. The project would be designed to accommodate pedestrian transportation by closing Wyrick Avenue to through-traffic and including landscaped pathways throughout the site that would connect to surrounding pedestrian facilities. The proposed pedestrian paths connect the project to transit facilities along Camden Avenue and Union Avenue, supporting the goal of increasing transit ridership along these routes. Additionally, the project would provide improved pedestrian facilities on the Camden Avenue and Union Avenue frontages, including new sidewalks and signalized intersections with pedestrian signal heads. For these reasons, the proposed project would be consistent with the General Plan Signature project requirements related to transportation, Urban Village Planning Concepts, and the General Plan long-range transportation goals. Therefore, the project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative impact. **(Less than Significant Cumulative Impact)**

3.16.4 Operational Issues Not Required Under CEQA

As described previously, pursuant to SB 743 the effect of a project on automobile delay is no longer considered an impact on the environment. Nonetheless, local agencies retain their right to assess and regulate a project's impact on the circulation system outside of the CEQA process. As set forth in City Council Policy 5-1, an LTA is required for development projects 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. Thus, an LTA was completed for the proposed project which analyzed these issues. Each individual component of the LTA is described below.

Trip Generation, Distribution, and Assignment

Trip Generation

The traffic study evaluated the potential effects of each of the two proposed development alternatives, summarized below.

> The *Assisted Living Variant* would include 48 single-family homes, 25 townhomes, 305 apartment units, 229 hotel rooms, up to 57,830 square feet of commercial space including retail and restaurant uses, and a 180-bed assisted living facility including independent living units.
>
> The *Office Variant* would include the same land uses as the Assisted Living Variant, except for the replacement of the 180-bed assisted living and independent living unit facility with 160,000 square feet of office space.

Project trip generation was estimated by applying trip generation rates published in the ITE *Trip Generation Manual, 10th Edition* to the proposed land uses. The ITE average trip generation rates for single-family detached house (Land Use 210), multifamily housing (low-rise and mid-rise) (Land Use 220 and 221), shopping center (Land Use 820), high turn-over restaurant (sit-down) (Land Use 932), hotel (Land Use 310), assisted living (Land Use 254), and general office building (Land Use 710) were applied to the proposed land uses to estimate the project trips.

Additionally, in accordance with San José's Transportation Analysis Handbook (April 2018), several trip reductions were applied to project trips. The project is a mixed-use development with complementary land uses, which would result in a reduction of external site trips. Thus, the number of trips were reduced based on VTA's recommended mixed-use reduction (15 percent for residential/retail uses, 10 percent for hotel/retail uses, and three percent for residential/office uses). The project is located in an urban area with low access to transit. According to the Transportation Analysis Handbook, residential and retail developments within low-transit areas have vehicle mode shares of 87 percent while office development have a vehicle mode share of 91 percent. Thus, appropriate trip reductions were applied to the residential/retail and office trips generated by the project (13 percent for residential/retail uses and nine percent for office uses). As described previously in Section 3.16.2.1 Project Impacts, under checklist question b, the project would result in a reduction in VMT per capita and VMT per employee. It is assumed that every percent reduction from the existing VMT is equivalent to one percent reduction in peak-hour vehicle trips. Thus, project trip estimates for the proposed residential and employment uses were reduced accordingly (13 percent for

residential uses and nine percent for employment uses). Lastly, trip generation rates for the retail and restaurant land uses were adjusted to account for pass-by trips, which are trips that would already be on the adjacent roadways (and are therefore already counted in the existing traffic) but would turn into the site while passing by. Pass-by trip reductions of 34 percent and 43 percent were applied to the retail and restaurant land uses, respectively.

Trip credit for the existing uses on-site was also applied. Driveway counts at the existing driveways serving the site were conducted in May 2019 to quantify the amount of traffic currently being generated by the uses on-site. The driveway counts were adjusted to account for the observed use of the site as a cut-through route for drivers that were avoiding delay for the left-turn movement from Camden Avenue to southbound Union Avenue. Cut-through traffic was not observed during the PM peak hour. The driveway counts, as adjusted for cut-through traffic, show that the existing uses on-site currently generate approximately 220 AM peak-hour trips (147 inbound and 73 outbound) and 750 PM peak-hour trips (388 inbound and 362 outbound). As with the proposed retail land uses, a pass-by trip reduction of 34 percent was applied to the existing uses during the PM peak-hour. The existing traffic generated by on-site uses was subtracted from project traffic estimates to obtain the net increase in traffic.

The proposed project trip generation rates for both development scenarios, upon application of appropriate trip reduction and existing site trip credits, are shown in Tables 3.16-3 and 3.16-4 below.

Table 3.16-3: Project Trip Generation Estimates – Assisted Living Variant

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Single-Family Homes – 48 units	453	9	27	36	30	18	48
Townhomes – 25 units	183	3	9	12	9	5	14
Apartments – 305 units	1,659	29	81	110	82	52	134
Retail – 17,349 sf	655	10	6	16	32	34	66
Restaurant – 40,481 sf	4,541	221	181	402	245	150	395
Hotel – 229 rooms	2,801	82	60	142	82	85	167
Assisted Living – 110 beds	286	13	8	21	11	18	29
Independent Senior Living Units - 50	185	4	6	10	7	6	13
Total Project Trips (before reductions)	**10,763**	**371**	**378**	**749**	**498**	**368**	**866**
Total Project Trips (after reductions)	**7,925**	**285**	**286**	**571**	**288**	**216**	**504**
Existing Retail Uses – 170,427 sf	*-6,434*	*-147*	*-73*	*-220*	*-256*	*-239*	*-495*
Pass-by Reduction	*255*	*0*	*0*	*0*	*0*	*0*	*0*
Net Project Trips	**1,746**	**138**	**213**	**351**	**32**	**-23**	**9**

Notes:
The traffic study evaluated 180 assisted living beds. The project proposes 110 assisted living beds and 50 independent senior living units. Based on Personal Communications with Hexagon Transportation Consultants on October 20, 2021, this change would result in an increase of three daily trips, three fewer AM peak hour trips and five fewer PM peak hour trips as shown in this table. The conclusions of the level of service analysis (LOS) in the traffic study would not change.

Table 3.16-4: Project Trip Generation Estimates – Office Variant							
Land Use	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Land Uses							
Single-Family Homes – 48 units	453	9	27	36	30	18	48
Townhomes – 25 units	183	3	9	12	9	5	14
Apartments – 305 units	1,659	28	81	110	82	52	134
Retail – 17,349 sf	655	10	6	16	32	34	66
Restaurant – 40,481 sf	4,541	221	181	402	245	150	395
Hotel – 229 rooms	2,801	82	60	142	82	85	167
Office – 160,000 sf	1,558	160	26	186	29	155	184
Total Project Trips (before reductions)	**11,850**	**514**	**390**	**904**	**509**	**499**	**1,008**
Total Project Trips (after reductions)	**8,715**	**399**	**290**	**689**	**291**	**318**	**609**
Existing Retail Uses – 170,427 sf	*-6,434*	*-147*	*-73*	*-220*	*-388*	*-362*	*-750*
Pass-by Reduction	*255*	*0*	*0*	*0*	*132*	*123*	*255*
Net Project Trips	**2,536**	**252**	**217**	**469**	**35**	**79**	**114**

As shown in the tables above, the Assisted Living Variant would result in a net increase of 368 daily trips (354 trips in the AM peak hour and 14 trips during the PM peak hour) and the Office variant would result in a net increase of 583 daily trips (469 trips during the AM peak hour and 114 trips during the PM peak hour).

Trip Distribution and Assignment

The trip distribution pattern for the project was developed based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The peak-hour vehicle trips generated by each of the proposed development alternatives were assigned to the roadway network in accordance with the trip distribution pattern, with an emphasis on freeway access and project driveway location.

Intersection Operations Methodology

Study Intersections

The study includes an analysis of AM and PM peak-hour traffic conditions for 22 existing signalized intersections and four existing unsignalized intersections within the Cities of San Jose and Campbell, and one study intersection in the jurisdiction of the County of Santa Clara. The proposed new driveway in the northeast corner of the site on Camden Avenue was also studied. Intersections were selected for study if the project is expected to add 10 vehicle trips per hour per lane to an intersection that meets one of the following criteria outlined in the Transportation Analysis Handbook:

- Within a one-half mile buffer from the project's property line
- Outside a one-half mile buffer but within a one-mile buffer from the project AND currently operating at LOS D or worse

- Designated Congestion Management Program (CMP) facility outside of the City's Infill Opportunity Zones
- Outside the City limits with the potential to be affected by the project, per the transportation standards of the corresponding external jurisdiction
- With the potential to be affected by the project, per engineering judgement of Public Works.

The study intersections are identified below. CMP intersections are identified with an asterisk (*).

City of San José Study Intersections

4. Union Avenue and Bascom Avenue*
5. Union Avenue and Curtner Avenue
6. Union Avenue and Foxworthy Avenue
7. Union Avenue and Camden Avenue*
8. Union Avenue and Woodard Road (Proposed project driveway)
9. Union Avenue and SR 85 (N)
10. Union Avenue and SR 85 (S)/Samaritan Drive
11. SR 85 and Samaritan Drive
12. Leigh Avenue and Curtner Avenue
13. Leigh Avenue and Foxworthy Avenue
14. Leigh Avenue and Camden Avenue*
15. Camden Avenue and Hillsdale Avenue*
16. Camden Avenue and Lencar Way/Ewer Drive
17. Camden Avenue and SR 85 (N)/Branham Lane*
18. Camden Avenue and SR 85 (S)*
19. SR 85 and Branham Lane
20. Camden Park Driveway and Camden Avenue
21. Bascom Avenue and Camden Avenue*
22. Union Avenue and Cole Drive/Logic Drive

City of Campbell Study Intersections

23. San Tomas Expressway and SR 17 SB Ramps*
24. Camden Avenue and Curtner Avenue/White Oaks Road*

County of Santa Clara Study Intersection

25. Union Avenue and Charmeran Avenue

Unsignalized Study Intersections

26. Union Avenue and Cambrianna Drive (City of San José)
27. White Oaks Road and SR 17 NB Off-Ramp (City of Campbell)
28. Taper Avenue/Proposed Project Driveway and Camden Avenue (City of San José)
29. Union Avenue and Chelsea Drive/Proposed Project Driveway (City of San José)

Proposed New Driveway

30. Proposed Project Driveway/Camden Avenue (City of San José)

Traffic conditions at the study intersections and freeway segments were analyzed for the weekday AM and PM peak hours. The weekday AM peak hour of traffic is generally between 7:00 and 9:00 AM and the weekday PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on a typical weekday. Traffic conditions were evaluated for the following scenarios:

Scenario 1: Existing Conditions. Existing AM and PM peak hour traffic volumes were obtained from the City of San Jose, the 2018 CMP Annual Monitoring Report, previously completed traffic studies and supplemented with new manual turning-movement counts.

Scenario 2: Background Conditions. Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments. The added traffic from approved but not yet completed developments was provided by the City of San José in the form of the Approved Trips Inventory (ATI). The City of Campbell also provided information on approved projects in the study area for which traffic was included under background conditions. Background conditions represent the baseline conditions to which project conditions are compared for the purpose of determining project impacts.

Scenario 3: Background Plus Project Conditions. Projected peak hour traffic volumes with each of the proposed development alternatives were estimated by adding to background traffic volumes the additional traffic generated by each of the proposed development alternatives. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Scenario 4: Cumulative Conditions. Cumulative conditions represent future traffic volumes on the future transportation network. Cumulative conditions include traffic growth projected to occur due to the approved development projects, the proposed project, and other proposed but not yet approved (pending) development projects.

The data required for the analysis were obtained from new traffic counts, the Cities of San José and Campbell, the 2018 CMP Annual Monitoring Report, previously completed traffic studies, and field observations. The following data were collected from these sources:

- Existing traffic volumes
- Existing lane configurations
- Signal timing and phasing
- Approved project trips
- A list of approved and planned projects

Traffic conditions at the study intersections were evaluated using Level of Service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The analysis methods are described below.

Level of Service Standards

Signalized study intersections are subject to the local municipalities' level of service standards. The Cities of San Jose and Campbell level of service methodology is TRAFFIX, which is based on the 2000 Highway Capacity Manual (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersections operations on the basis of average delay time for all vehicles at the intersection. Since TRAFFIX is also the CMP-designated intersections level of service methodology, each of the Cities' methodologies employs the CMP defaults values for the analysis parameters. Each of the Cities' level of service standard for intersections is LOS D or better, except that in Campbell, LOS E is the standard for CMP intersections. The correlation between average delay and level of service is shown in Table 3.16-5.

Table 3.16-5: Signalized Intersection Level of Service Definitions

Level of Service	***Description of Operations***	***Average Control Delay (seconds/vehicle)***
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operation with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	The influence of congestion becomes more noticeable. Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay levels.	Greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual. (Washington, D.C., 2000)

The potential effects of the project were evaluated in accordance with the standards set forth by the City of San José and the Congestion Management Program (CMP) of Santa Clara County. As described above, both intersections located in the City of Campbell are CMP intersections, so effects at these intersections were evaluated according to CMP standards.

City of San José Definition of Adverse Intersection Operations Effects

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

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

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements. In this case, the appropriate threshold is whether the project increases the critical V/C value by 0.01 or more.

An adverse intersection operations effect in the City of San José may be addressed by implementing measures that would restore intersection level of service to background conditions or better. The City recommends prioritizing improvements related to alternative transportation modes, parking measures, and/or TDM measures. Improvements that increase vehicle capacity are secondary and must not have unacceptable effects on existing or planned transportation facilities.

CMP Standards

Based on CMP criteria, a project would fail to meet the CMP intersection standard if the additional project traffic caused one of the following during either peak hour:

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

The except to this threshold is when the addition of project traffic reduce the amount of average control delay for critical movements. In this case, the appropriate threshold is whether the project increases the critical V/C value by 0.01 or more.

An adverse intersection effect by CMP standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

Level of Service Analysis

Existing Conditions

The results of the intersection level of service analysis under existing conditions show that the intersection of Union Avenue and Camden Avenue, located in the City of San José, currently operates at an unacceptable level during the PM peak-hour.

All other study intersections operate at acceptable levels during both the AM and PM peak hours of traffic when measured against the applicable municipal and CMP level of service standards. A summary of the results of the intersection level of service analysis and calculation sheets are included in the traffic report in Appendix H to this DEIR.

Future Project Conditions

The intersection level of service analysis for future project conditions consists of background, background plus project, cumulative, and cumulative plus project conditions. Background peak hour traffic volumes were estimated by adding to existing volumes the estimated traffic from approved but not yet constructed developments. The background traffic scenario predicts a realistic traffic condition that would occur as approved development is built. Project trips were added to background traffic volumes to obtain background plus project traffic volumes for both project alternatives.

Traffic volumes under cumulative conditions were estimated by adding to the background traffic volumes the trips from proposed, but not approved (pending), development projects within the Cities of San José and Campbell. Cumulative conditions include trips generated by the following pending development projects in the project area:

- *Harker Middle School* (San José) – 600-student middle school located at the southwest corner of the Union Avenue/Barrett Avenue intersection, just north of SR 85.

- *Belmont Village Assisted Living Facility* (San José) – 198-bed senior assisted living facility located near the intersection of Union Avenue and Los Gatos Almaden Road.

- *Campbell Union High School District Property Residential Development* (San José): 39 single-family houses and 24 accessory units located at 3235 Union Avenue.

- *2295 South Winchester Boulevard Mixed Use* (Campbell) – mixed-use project consisting of 16 condominium units and 3,200 square feet of retail space located at 2295 South Winchester Boulevard.

- *Franciscan Apartments* (Campbell) – addition of 60 apartment units located at 601 Almarida Drive.

In addition to these projects that were modeled for the cumulative conditions analysis, there is a pending residential project located behind the Campbell Community Center between Union Avenue and Camden Avenue, approximately ¼-mile northwest of the project site. The project proposes to

demolish the existing, approximately 22,000-square foot Campbell Union High School District corporation yard facility to develop a residential subdivision of 40 single family detached homes.

It is assumed in this analysis that the transportation network under background, background plus project, and cumulative plus project conditions would be the same as the existing transportation network except for the following improvements:

- *Union Avenue and Chelsea Drive/Project Driveway* – The project is proposing to install a new traffic signal at this existing intersection. This new signalized intersection would provide a second full-access point to the project site along Union Avenue. Improvements would include converting the existing two-way left-turn lane on Union Avenue into a dedicated southbound left-turn pocket with protected left-turn phasing and adding crosswalks with pedestrian signal heads on all legs of the intersection. The existing northbound left-turn lane to Chelsea Drive will be maintained.

- *Camden Avenue and Taper Avenue/Project Driveway* – The project is proposing to install a new traffic signal at the existing intersection of Taper Avenue and Camden Avenue. A new south leg at the intersection would serve as a project driveway. The new signalized intersection would provide a full-access point to the project site along Camden Avenue with protected left-turn phasing for the westbound left-turn movement on Camden Avenue and crosswalks with pedestrian signal heads on Camden Avenue.

- *Existing Project Site Access from Wyrick Avenue* – The existing project site access point from Wyrick Avenue, located along the eastern project site boundary, would be closed to vehicular traffic. This existing access point currently provides a direct connection between the project site and the adjacent neighborhood served by Wyrick Avenue. With the project, a new pedestrian and bike only access point would be provided at this location. Vehicular traffic from the neighborhood served by Wyrick Avenue would access the project site via the Union and Camden Avenue access points.

- *Existing Project Site Access from Frontage Road Parallel to Union Avenue* – Access to the project site is currently provided via a frontage roadway that runs adjacent/parallel to Union Avenue and extends between the project site's southernmost driveway and Charmeran Avenue. This frontage roadway, a two-lane two-way roadway, provides direct access between the project site and the adjacent neighborhood via Charmeran Avenue, as well as on-street parking for the adjacent residential units located on the east side of the roadway. With implementation of the proposed project, the connection between the project site and the frontage roadway would be eliminated. The elimination of this access point will require adjustment of the northern end of the frontage roadway that could include a reconfigured connection to Union Avenue at its northern termini.

The results of the level of service analysis for background and background plus project conditions are shown in Table 3.16-6. The results of the level of service analysis for cumulative and cumulative plus project conditions are shown in Table 3.16-7.

All other study intersections are projected to operate at acceptable levels during both the AM and PM peak hours of traffic when measured against the applicable municipal and CMP level of service standards.

Signal Warrants

For unsignalized study intersections an assessment is made of the need for signalization of the intersection, based on the Peak-Hour Traffic Signal Warrant described in the *California Manual on Uniform Traffic Control Devices* (MUTCD), 2014 edition. This method provides an indication of whether peak-hour traffic volumes would be sufficient to justify installation of a traffic signal. The following two unsignalized intersections were evaluated:

23. Union Avenue and Cambrianna Drive (City of San José)
24. White Oaks Road and SR 17 NB Ramps (City of Campbell)

The results of the peak hour signal warrant checks indicate that the unsignalized study intersection of White Oaks Road and SR 17 Northbound Ramps currently has, and would continue to have, traffic volumes that warrant signalization of the intersection during both AM and PM peak hours. The proposed project is estimated to add approximately eight and nine trips during the AM peak-hour (both Alternatives 1 and 2[104]) and seven and ten trips during the PM peak-hour (under Alternatives 1 and 2, respectively). Because signalization of an intersection is dependent upon many factors and is required at this location regardless of the proposed project, the County of Santa Clara will decide if and when a signal should be installed and identify funding for its construction. Peak hour volumes at the Union Avenue and Cambrianna Drive intersection would not be sufficient to warrant signalization of the intersection.

[104] Alternative 1 = Assisted Living Variant; Alternative 2 = Office Variant

Table 3.16-6: Background Plus Project Level of Service – Alternative 1 and 2

Background						Background Plus Project							
						Alternative 1				Alternative 2			
Study Intersection	***Location***	***LOS Std.***	***Peak Hour***	***Avg. Delay***	***LOS***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***
1. Bascom Ave,/ Union Ave.*	San José	D	AM PM	29.5 37.5	C D	29.8 37.6	C D	0.4 0.0	0.004 -0.004	29.8 37.6	C D	0.5 0.0	0.005 -0.003
2. Union Ave./ Curtner Ave.	San José	D	AM PM	34.8 36.3	C D	34.8 36.4	C D	0.0 0.0	0.004 -0.001	34.8 36.4	C D	0.0 0.0	0.004 0.001
3. Union Ave./ Foxworthy Ave.	San José	D	AM PM	20.2 21.7	C C	20.2 21.8	C C	-0.1 0.0	0.004 -0.005	20.2 21.8	C C	-0.1 0.0	0.004 -0.005
4. Union Ave./ Camden Ave.*	San José	D	AM PM	48.2 **59.1**	D **E**	50.0 **68.2**	D **E**	17.9 **13.5**	0.017 **0.078**	50.0 **68.7**	D **E**	18.3 **14.0**	0.033 **0.080**
5. Union Ave,/ Woodard Rd.	San José	D	AM PM	16.3 16.2	B B	16.7 15.9	B B	0.7 -0.7	0.038 -0.008	17.4 16.3	B B	1.3 -0.7	0.046 -0.008
6. Union Ave./SR-85 (N)	San José	D	AM PM	18.3 16.7	B B	18.1 16.7	B B	0.0 0.0	0.007 0.003	18.2 16.6	B B	0.0 0.0	0.007 0.008
7. Union Ave./SR- 85(S)/ Samaritan Dr.	San José	D	AM PM	22.1 25.0	C C	22.3 25.2	C C	-0.1 0.0	0.000 0.003	22.4 25.3	C C	-0.2 0.0	0.000 0.003
8. SR-85/Samaritan Dr.	San José	D	AM PM	23.5 7.7	C A	23.7 7.8	C A	0.4 0.1	0.005 0.004	24.1 7.8	C A	0.9 0.1	0.013 0.004
9. Leigh Ave./ Curtner Ave.	San José	D	AM PM	41.5 43.0	D D	41.5 43.0	D D	0.1 0.1	0.004 0.004	41.5 43.0	D D	0.1 0.1	0.004 0.004
10. Leigh Ave./ Foxworthy Ave.	San José	D	AM PM	25.7 25.7	C C	25.8 25.7	C C	0.1 0.1	0.004 0.004	25.9 25.7	C C	0.1 0.1	0.004 0.004
11. Leigh Ave./ Camden Ave.*	San José	D	AM PM	46.3 52.1	D D	47.1 51.3	D D	0.9 -0.2	0.020 -0.006	47.3 51.5	D D	1.7 -0.1	0.031 -0.002
12. Camden Ave./ Hillsdale Ave.*	San José	D	AM PM	32.1 22.2	C C	32.1 22.3	C C	0.1 0.5	0.011 0.000	32.1 22.3	C C	0.2 0.4	0.015 0.003
13. Camden Ave./ Lencar Wy./Ewer Dr.	San José	D	AM PM	32.4 17.4	C B	32.3 17.4	C B	-0.1 0.0	0.007 -0.001	32.2 17.4	C B	-0.1 0.0	0.009 0.001

Table 3.16-6: Background Plus Project Level of Service – Alternative 1 and 2

Background						Background Plus Project							
						Alternative 1				Alternative 2			
Study Intersection	***Location***	***LOS Std.***	***Peak Hour***	***Avg. Delay***	***LOS***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***
14. Camden Ave./ SR-85 (N)/ Branham Ln.*	San José	D	AM PM	27.5 25.3	C C	27.7 25.3	C C	0.2 0.0	0.007 -0.001	27.7 25.3	C C	0.3 0.0	0.010 0.000
15. Camden Ave./ SR-85 (S)*	San José	D	AM PM	36.6 39.9	D D	36.8 39.9	D D	0.3 0.2	0.006 0.004	36.8 40.0	D D	0.4 0.3	0.006 0.006
16. SR-85/Branham Ln.	San José	D D	AM PM	16.8 26.8	B C	16.9 26.9	B C	0.1 0.0	0.002 0.002	17.1 26.9	B C	0.2 0.0	0.003 0.002
17. Camden Park Dwy./Camden Ave.	San José	D D	AM PM	10.8 16.6	B B	10.7 16.6	B B	-0.2 0.0	0.005 -0.002	10.6 16.6	B B	-0.2 0.0	0.005 -0.001
18. Bascom Ave./ Camden Ave.*	San José	D D	AM PM	54.8 50.0	D D	54.9 49.6	D D	0.4 -0.3	0.009 0.000	54.8 49.6	D D	0.4 -0.2	0.009 0.001
19. Union Ave./Cole Dr./Logic Dr.	San José	D	AM PM	27.0 20.5	C C	27.0 20.3	C C	0.2 -0.1	0.019 0.011	26.8 20.1	C C	0.2 -0.2	0.020 0.023
20. San Tomas Expwy. /SB SR-17 Ramps*	Campbell	E	AM PM	35.0 59.1	D E	35.1 59.1	D E	0.0 -0.3	0.000 0.002	35.1 59.0	D E	0.0 -0.7	0.000 0.004
21. Camden Ave./Curtner Ave./White Oaks Rd.	Campbell	E	AM PM	51.8 51.2	D D	51.6 51.2	D D	-1.3 -0.5	0.008 0.002	51.4 51.2	D D	-2.1 -0.8	0.013 0.004
22. Union Ave./Charmeran Ave.	Santa Clara County.	D	AM PM	19.3 11.3	B B	20.4 11.9	C B	1.2 0.7	0.040 0.023	20.6 11.8	C B	1.3 0.6	0.043 0.036

** Denotes CMP Intersection*
***Bold** indicates unacceptable level of service*
***Bold** and **boxed** indicates adverse operations*

Table 3.16-7: Cumulative Plus Project Level of Service – Alternatives 1 and 2

Cumulative						Cumulative Plus Project							
						Alternative 1				Alternative 2			
Study Intersection	***Location***	***LOS Std.***	***Peak Hour***	***Avg. Delay***	***LOS***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***	***Avg. Delay***	***LOS***	***Incr. in Crit. Delay***	***Incr. in Crit. V/C***
1. Bascom Ave,/Union Ave.*	San José	D	AM PM	29.5 37.5	C D	29.7 37.6	C D	0.4 0.0	0.004 -0.004	29.7 37.6	C D	0.5 0.0	0.005 -0.003
2. Union Ave./Curtner Ave.	San José	D	AM PM	34.8 35.3	C D	34.8 36.3	C D	0.0 11.2	0.004 0.013	34.8 36.3	C D	0.0 11.2	0.004 0.014
3. Union Ave./ Foxworthy Ave.	San José	D	AM PM	20.2 21.7	C C	20.1 21.7	C C	-0.1 0.0	0.004 -0.005	20.2 21.8	C C	-0.1 0.0	0.004 -0.005
4. Union Ave./Camden Ave.*	San José	D	AM PM	50.2 **60.8**	D **E**	51.8 **70.6**	D **E**	18.5 **14.8**	0.014 **0.078**	51.8 **71.1**	D **E**	18.9 **15.4**	0.031 **0.080**
5. Union Ave,/ Woodard Rd.	San José	D	AM PM	15.6 16.0	B B	16.2 15.6	B B	0.8 -0.7	0.038 -0.008	16.8 16.1	B B	1.3 -0.7	0.046 -0.008
6. Union Ave./SR-85 (N)	San José	D	AM PM	18.2 16.7	B B	18.1 16.7	B B	0.0 0.0	0.007 0.003	18.2 16.7	B B	0.0 0.0	0.007 0.008
7. Union Ave./SR-85(S)/ Samaritan Dr.	San José	D	AM PM	22.9 25.7	C C	23.3 25.9	C C	-0.1 0.0	0.000 0.005	23.4 26.0	C C	-0.3 0.4	0.000 0.011
8. SR-85/SamaritanDr.	San José	D	AM PM	25.4 7.9	C A	25.8 8.1	C A	0.4 0.1	0.005 0.004	26.3 8.1	C A	1.1 0.1	0.013 0.004
9. Leigh Ave./Curtner Ave.	San José	D	AM PM	41.5 43.0	D D	41.5 43.0	D D	0.1 0.1	0.004 0.004	41.5 43.0	D D	0.1 0.1	0.004 0.004

Table 3.16-7: Cumulative Plus Project Level of Service – Alternative 1 and 2

Cumulative						Cumulative Plus Project							
						Alternative 1				Alternative 2			
Study Intersection	*Location*	*LOS Std.*	*Peak Hour*	*Avg. Delay*	*LOS*	*Avg. Delay*	*LOS*	*Incr. in Crit. Delay*	*Incr. in Crit. V/C*	*Avg. Delay*	*LOS*	*Incr. in Crit. Delay*	*Incr. in Crit. V/C*
10. Leigh Ave./ Foxworthy Ave.	San José	D	AM PM	25.7 27.7	C C	25.8 27.7	C C	0.1 0.1	0.004 0.004	25.8 27.7	C C	0.1 0.1	0.004 0.004
11. Leigh Ave./ Camden Ave.*	San José	D	AM PM	46.1 52.0	D D	46.9 51.3	D D	0.9 -0.2	0.020 -0.006	47.1 51.4	D D	1.7 -0.1	0.031 -0.002
12. Camden Ave./Hillsdale Ave.*	San José	D	AM PM	32.0 22.1	C C	32.0 22.3	C C	0.1 0.6	0.011 0.001	32.0 22.2	C C	0.2 0.4	0.015 0.004
13. Camden Ave./Lencar Wy./EwerDr.	San José	D	AM PM	32.4 17.4	C B	32.3 17.4	C B	-0.1 0.0	0.007 -0.001	32.2 17.4	C B	-0.1 0.0	0.009 0.001
14. Camden Ave./SR-85 (N)/ Branham Ln.*	San José	D	AM PM	27.6 25.3	C C	27.7 25.3	C C	0.2 0.0	0.007 -0.001	27.7 25.3	C C	0.3 0.0	0.010 0.001
15. Camden Ave./SR-85 (S)*	San José	D	AM PM	36.6 39.9	D D	36.8 39.9	D D	0.3 0.2	0.006 0.004	36.8 40.0	D D	0.4 0.3	0.006 0.006
16. SR-85/Branham Ln.	San José	D	AM PM	16.8 26.8	B C	16.9 26.9	B C	0.1 0.0	0.002 0.002	17.1 26.9	B C	0.2 0.0	0.003 0.002
17. Camden Park Dwy./Camden Ave.	San José	D	AM PM	10.6 16.5	B B	10.4 16.5	B B	-0.1 0.0	0.005 -0.002	10.4 16.5	B B	-0.1 0.0	0.005 -0.002
18. Bascom Ave./Camden Ave.*	San José	D	AM PM	54.8 50.0	D D	54.9 49.6	D D	0.4 -0.3	0.009 0.000	54.8 49.6	D D	0.4 -0.2	0.009 0.001
19. Union Avenue/Cole Dr./Logic Dr.	San José	D	AM PM	26.8 20.1	C C	26.9 20.0	C B	0.3 -0.1	0.019 0.011	26.8 19.8	C B	0.3 -0.2	0.020 0.023
20. San Tomas Expwy./SB SR-17 Ramps*	Campbell	E	AM PM	35.0 59.3	C E	35.0 59.3	D E	0.0 -0.3	0.000 0.002	35.1 59.3	D E	0.0 -0.7	0.000 0.004

Table 3.16-7: Cumulative Plus Project Level of Service – Alternative 1 and 2

Cumulative						Cumulative Plus Project							
						Alternative 1				Alternative 2			
21. Camden Ave./Curtner Ave./White Oaks Rd.	Campbell	E	AM PM	51.6 51.3	D D	51.3 51.4	D D	-1.2 -0.4	0.008 0.002	51.2 51.4	D D	-2.0 -0.8	0.013 0.004
22. Union Ave./Charmeran Ave.	Santa Clara County	D	AM PM	18.7 11.1	B B	20.2 11.7	C B	1.5 0.7	0.028 0.023	19.9 11.6	B B	1.5 0.6	0.052 0.036

Union Avenue and Camden Avenue

As seen in Tables 3.16-6 and 3.16-7, the intersection of Union Avenue and Camden Avenue is projected to operate at an unacceptable LOS E during the PM peak-hour under background conditions, background plus project conditions, and cumulative plus project conditions under both Alternatives 1 and 2. The added trips due to the project (both alternatives) would cause the intersections' critical-movement delay to increase by more than four seconds and the V/C to increase by more than 0.01 during the PM peak hour. Based on the City of San José's guidelines, this constitutes an adverse effect on intersection operations.

- To address this deficiency, the project applicant shall provide a fair-share contribution towards Class IV protected bicycle lanes on Union Avenue and Camden Avenue along the opposite side of or beyond the project frontages.
- The improvements shall be consistent with the multi-modal transportation goals and policies outlined in the General Plan, which are intended to improve multi-modal accessibility to all land uses and encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT. The project applicant shall work with the City to determine an appropriate contribution towards implementing such improvements.

- The project's frontage improvements at Union Avenue and Camden Avenue may require a signal modification of the southeast corner of the Union Avenue and Camden Avenue intersection. The frontage improvements may require removal and reconstruction of curbs and a pole relocation. The project applicant shall coordinate any improvement of the southeast corner of this intersection with the City of San José's Department of Transportation.

Signal modification (within an existing right-of-way) and relocation of a pole would not result in significant environmental impacts. Any curbs removed would be reconstructed/replaced with new curbs, which would not have a significant impact on pedestrian facilities.

Freeway Segment Evaluation

The VTA has established a uniform program for evaluating the transportation impacts of land use decisions on the designated CMP Roadway System. The VTA's CMP has yet to adopt and implement guidelines and standards for the evaluation of the CMP roadway system using VMT. Therefore, the effects of the proposed project on freeway segments in the vicinity of the project area were evaluated, following the current methodologies outlined in the VTA Transportation Impact Analysis Guidelines.

Freeway Segment Level of Service Methodology

As described in the technical guidelines, the level of service for freeway segments is estimated based on vehicle density, which is correlated to an established level of service. The CMP specifies that a capacity of 2,300 vehicles per hour per lane (vphpl) be used for mixed-flow lane segments that are three lanes or wider in one direction, and a capacity of 2,200 vphpl be used for mixed-flow lane segments that are two lanes wide in one direction. A capacity of 1,650 vphpl was used for high-

occupancy vehicle (HOV) lanes. The CMP defines an acceptable level of service for freeway segments as LOS E or better.

Study Freeway Segments

Freeway segments included in the analysis were selected based on their proximity to the project area, including the following 34 directional segments along SR 85 and SR 17:

1. Northbound SR 17, from Bear Creek Road to Saratoga Avenue
2. Northbound SR 17, from Saratoga Avenue to Lark Avenue
3. Northbound SR 17, from Lark Avenue to SR 85
4. Northbound SR 17, from SR 85 to San Tomas Expressway/Camden Avenue
5. Northbound SR 17, from San Tomas Expressway/Camden Avenue to Hamilton Avenue
6. Northbound SR 17, from Hamilton Avenue to I-280
7. Northbound SR 85, from Blossom Hill Road to SR 87
8. Northbound SR 85, from SR 87 to Almaden Expressway
9. Northbound SR 85, from Almaden Expressway to Camden Avenue
10. Northbound SR 85, from Camden Avenue to Union Avenue
11. Northbound SR 85, from Union Avenue to South Bascom Avenue
12. Northbound SR 85, from South Bascom Avenue to SR 17
13. Northbound SR 85, from SR 17 to Winchester Boulevard
14. Northbound SR 85, from Winchester Boulevard to Saratoga Avenue
15. Northbound SR 85, from Saratoga Avenue to Saratoga-Sunnyvale Road
16. Northbound SR 85, from Saratoga-Sunnyvale Road to Steven Creek Boulevard
17. Northbound SR 85, form Stevens Creek Boulevard to I-280
18. Southbound SR 17, from I-280 to Hamilton Avenue
19. Southbound SR 17, from Hamilton Avenue to San Tomas Expressway/Camden Avenue
20. Southbound SR 17, from San Tomas Expressway/Camden Avenue to SR 85
21. Southbound SR 17, from SR 85 to Lark Avenue
22. Southbound SR 17, from Lark Avenue to Saratoga Avenue
23. Southbound SR 17, from Saratoga Avenue to Bear Creek Road
24. Southbound SR 85, from I-280 to Stevens Creek Boulevard
25. Southbound SR 85, from Stevens Creek Boulevard to Saratoga-Sunnyvale Road
26. Southbound SR 85, from Saratoga-Sunnyvale Road to Saratoga Avenue
27. Southbound SR 85, from Saratoga Avenue to Winchester Boulevard
28. Southbound SR 85, from Winchester Boulevard to SR 17
29. Southbound SR 85, from SR 17 to South Bascom Avenue
30. Southbound SR 85, from South Bascom Avenue to Union Avenue
31. Southbound SR 85, from Union Avenue to Camden Avenue
32. Southbound SR 85, from Camden Avenue to Almaden Expressway
33. Southbound SR 85, from Almaden Expressway to SR 87
34. Southbound SR 85, from SR 87 to Blossom Hill Road

Traffic volumes on the study freeway segments under existing plus project conditions were estimated by adding project trips to the existing volumes obtained from the 2018 CMP Annual Monitoring Report. The results of the freeway segment analysis (shown in Tables 20 and 21 of the traffic report in Appendix H) show that under Assisted Living Variant and Office Variant, mixed-flow lanes on 24

of the 34 directional freeway segments would operate at an unacceptable LOS F during one of the peak hours. In addition, the HOV lanes on 12 of the study segments are projected to operate at LOS F conditions under both alternatives. Each of the freeway segments were identified as operating at an unacceptable LOS F under existing conditions. The addition of traffic generated by each development alternative would therefore not result in the degradation of levels of service of any freeway segments.

Freeway On-Ramp Meter Analysis

An analysis of metered freeway on-ramps providing access to SR 17 and SR 85 from the project site was performed to identify the effect of the addition of project traffic on the vehicle queues at the metered on-ramps. It should be noted that the evaluation of freeway ramps is not required based on the City's transportation impact analysis guidelines, nor are there adopted methodologies and impact criteria for the analysis of freeway ramps.

The metered freeway on-ramps were evaluated during the AM and PM peak hours of traffic. Ramp meters were observed to be operating during only the peak period in the peak direction of commute traffic. Freeway on-ramps that are not metered are not evaluated since these ramps do not experience measurable queue lengths due to ramp metering. The following metered freeway on-ramps and the peak-period when their meter is active were studied:

- SR-17 northbound diagonal on-ramp from Camden Avenue – AM peak-hour
- SR-85 northbound diagonal on-ramp from Union Avenue – AM peak-hour
- SR-85 southbound diagonal on-ramp from Union Avenue – PM peak-hour
- SR-85 southbound diagonal on-ramp from Camden Avenue – PM peak-hour

The evaluation of the effects of project traffic on the freeway ramps studied is discussed below and summarized in Table 22 of the traffic report (Appendix H). The existing vehicle queue lengths and meter service rates (the number of vehicles that proceed through the meter during a specific time period, or the time the vehicle at the front of the queue must wait for the ramp meter to turn green) at each of the above metered ramps were measured in the field during the peak hours of traffic in 2018. Wait times at the metered ramps (the time it took a vehicle at the end of the queue to proceed through the meter) were also measured in the field and were verified with the collected queue and meter rate data. A ratio between the existing ramp volumes and the approved and project trips projected to use each ramp was used to estimate the number of vehicles that would be added to the existing queue under background and project conditions.

SR-17 Northbound Ramp. Based on field observations, the longest vehicle queue that was observed at the SR-17 northbound on-ramp from Camden Avenue was 14 vehicles in length within the two mixed-flow lanes during the AM peak-hour. The observed maximum vehicle queue extended to less than half of the total ramp length and was never observed to extend back onto Camden Avenue. Queue lengths and wait times at the on-ramp under background conditions are projected to be the same as under existing conditions since there are no approved projects that would add trips to the ramp.

The proposed project is projected to add 14 and 15 trips to this on-ramp during the AM peak-hour under development Assisted Living Variant and Office Variant, respectively. This equates to

approximately one vehicle trip added to the on-ramp every four minutes. The proposed project is projected to increase the vehicular queue length at this on-ramp by approximately one vehicle and the wait time by approximately three seconds when compared to background conditions during the AM peak-hour under both Assisted Living Variant and Office Variant alternatives. The addition of project traffic to the SR 17 northbound on-ramp from Camden Avenue equates to less than a two percent increase in traffic volume on the ramp during the AM peak-hour, when compared to background conditions. Thus, it can be concluded that the addition of project trips to the SR 17 northbound on-ramp from Camden Avenue would have minimal effect on vehicle queues at the ramp during the AM peak hour.

SR-85 Northbound Ramp form Union Avenue. The maximum vehicle queue that was observed at the SR 85 northbound on-ramp from Union Avenue was 58 vehicles in length within the two mixed-flow lanes during the AM peak-hour. The observed maximum vehicle queue extended nearly the entire length of the on-ramp. However, the queue was never observed to extend beyond the on-ramp and onto Union Avenue. With the addition of approved project trips, the queue length for this on-ramp is projected to increase by one vehicle (to a maximum of 59 vehicles) and the wait time is projected to increase by six seconds during the AM peak-hour.

The proposed project is projected to add 45 and 46 trips to this on-ramp during the AM peak-hour under development Assisted Living Variant and Office Variant, respectively. This equates to approximately one vehicle trip added to the on-ramp every one to two minutes. The proposed project is projected to increase the vehicular queue length at this on-ramp by approximately six vehicles and the wait time by approximately 36 seconds when compared to background conditions during the AM peak-hour under both Assisted Living Variant and Office Variant alternatives. The addition of project traffic to the SR-85 northbound on-ramp from Union Avenue equates to less than nine percent increase in traffic volume on the ramp during the AM peak-hour, when compared to background conditions. Since the existing observed maximum queue length at this on-ramp was observed to extend along the entire length of the ramp, the addition of approved and project traffic could potentially result in the ramp queue extending back onto Union Avenue.

The additional vehicles added to the projected ramp queue by the proposed project could be stored within the exclusive southbound right-turn lane on Union Avenue at the northbound on-ramp intersection, which has storage capacity for eight vehicles. Although the addition of project traffic to this on-ramp may not result in the blocking of through traffic on Union Avenue, the project traffic is projected to increase the queue length at a metered on-ramp that was observed to be near capacity. The proposed project should consider implementing measures that would reduce the amount of peak-hour traffic added to the roadway network, such as a Travel Demand Management (TDM) plan, to reduce the project's effect on this freeway on-ramp. A discussion of potential TDM measures is included in the following section.

SR-85 Southbound Ramp from Union Avenue. The maximum vehicle queue that was observed at the SR 85 southbound on-ramp from Union Avenue was 44 vehicles in length within both mixed-flow lanes during the PM peak-hour. The observed maximum vehicle queue extended nearly the entire length of the on-ramp. However, the queue was never observed to extend beyond the on-ramp and onto Union Avenue. With the addition of the approved project trips (Samaritan Medical Office Expansion), the queue length for this on-ramp is projected to increase by six vehicles (to a maximum of 50 vehicles) and the wait time is projected to increase by approximately 48 seconds during the AM

peak-hour. The additional six vehicles added to the on-ramp queue under background conditions would result in the projected queue to exceed the storage capacity provided on the on-ramp and the queue to back up and through the SR-85/Union Avenue (S) intersection during the PM peak-hour.

The proposed project is projected to add 14 and 29 trips to this on-ramp during the PM peak-hour under development of the Assisted Living Variant and Office Variant, respectively. This equates to approximately one vehicle trip added to the on-ramp every two to four minutes. The proposed project is estimated to increase the vehicular queue length at this on-ramp by one and two vehicles from background conditions during the PM peak-hour under development of the Assisted Living Variant and Office Variant, respectively. The additional trips also will result in an increase of approximately eight seconds and 16 seconds in the wait times at the ramp under development of the Assisted Living Variant and Office Variant, respectively. The addition of project traffic to the SR 85 southbound on-ramp from Union Avenue equates to less than a three percent increase in traffic volume on the ramp during the PM peak-hour, when compared to background conditions.

The additional vehicles added to the projected ramp queue by the proposed project could be stored within the two exclusive southbound left-turn lanes, which have a combined storage capacity of 18 vehicles. Nevertheless, the proposed project is projected to increase the maximum queue length at a freeway on-ramp that is projected to provide inadequate queue storage capacity. The proposed project should consider implementing measures that would reduce the amount of peak-hour traffic added to the roadway network, such as a TDM plan, and thus reduce the project's effect on this freeway on-ramp. A discussion on potential TDM measures is included in the following section.

SR-85 Southbound Ramp from Camden Avenue. Based on field observations, the longest vehicle queue that was observed at the SR 85 southbound on-ramp from Camden Avenue was 25 vehicles in length within the one mixed-flow lane during the PM peak-hour. The observed maximum vehicle queue was never observed to extend back onto Camden Avenue. Queue lengths and wait times at the on-ramp under background conditions are projected to be the same as under existing conditions since there are no approved projects that would add trips to the ramp.

The proposed project is projected to add five and nine trips to this on-ramp during the PM peak-hour under Assisted Living Variant and Office Variant, respectively. This equates to approximately one vehicle trip added to the on-ramp every six to 12 minutes. The proposed project is projected to increase the vehicular queue length at this on-ramp by approximately one vehicle and the wait time by approximately five seconds when compared to background conditions during the PM peak-hour under both development alternatives. The addition of project traffic to the SR 17 southbound on-ramp from Camden Avenue equates to less than a two percent increase in traffic volume on the ramp during the PM peak-hour, when compared to background conditions. Thus, the addition of project trips to the SR 85 southbound on-ramp from Camden Avenue would have minimal effect on vehicle queues at the ramp during the PM peak hour.

Potential Trip Reduction Measures (TDM Program)

The addition of project traffic to the adjacent roadway network would result in the increase of vehicle queue lengths and wait times at locations where the existing queue storage capacities currently are at or near capacity, such as the left-turn pockets at the intersection of Union Avenue and Camden Avenue and the SR-85 freeway on-ramps at Union Avenue. Due to the physical constraints at these

locations, it is not feasible to provide additional queue storage capacity for the entirety of the projected vehicular queues associated with the planned and proposed project development. Therefore, while the project would not have significant transportation impacts as defined under CEQA, in order to address queue lengths, the project should consider implementing single-occupant auto trip reduction measures, via a TDM plan. The TDM plan should encourage multimodal travel and use of the available bus services and pedestrian/bicycle facilities in the immediate project area to the greatest extent possible. An effective TDM program that includes several of the measures identified below has the potential to greatly reduce project generated traffic and the identified operational (non-CEQA) issues. The project TDM program may consider the following elements to reduce vehicle trips:

- Eco Pass or Clipper Card for employees of the retail, hotel/office, and assisted living facility, providing free rides on Santa Clara County's local transit agency, the Santa Clara Valley Transportation Authority (VTA)
- Monthly Vanpool Subsidy
- Commuter Tax Benefits through WageWorks offering pre-tax deduction per month for transit and pre-tax deduction per month for parking
- Internal Carpool Matching Program utilizing zip code matching
- Regional Carpool Matching Program through 511
- Preferred parking for Carpools and Vanpools
- Bicycle Lockers and/or Bicycle Racks near entrances to buildings
- Showers for cyclists and pedestrians, offering clean towel service, complimentary toiletries, hair dryers, and ironing boards (office use only)
- Intranet Site featuring transit, bike, ridesharing and telework information
- New Hire Orientation presentations focusing on commute alternatives from Day 1
- Centrally Located Kiosks with transit schedules, bike and transit maps, and other commute alternative information
- Periodic Events which connect employees with local transit agencies and transportation organizations (e.g., Spare the Air Fare, Bike to Workday)
- Onsite amenities which allow employees to complete errands without a car, such as bicycle repair, dry cleaning, oil changes, carwash, haircuts, dental services, cafeteria, coffee bars, fitness center, massage services, mail and shipping services, convenience store, ATM, gift store (office and residential uses only)
- Guaranteed ride home
- Telecommuting (office uses only)
- Unbundled parking for tenants
- Parking management and pricing
- Subsidizing ridesharing
- Car-sharing programs
- On-site transportation coordinator
- E-bike program.

Site Access and Circulation

The project site plan (dated July 31, 2020) was reviewed in accordance with generally accepted traffic engineering standards to determine if adequate site access and on-site circulation would be

provided. Any access or circulation issues that should be improved were identified. The two alternatives proposed would place buildings in the same locations on-site and would be essentially the same regarding site access and circulation.

The proposed project would be served by two entrances along Union Avenue and two entrances along Camden Avenue. Both entrances along Union Avenue would be signalized. Along Camden Avenue, one of the project driveways is proposed to be signalized while the other driveway would provide right-in and out access only.

The project driveways along Union Avenue are shown to be 30 and 50 feet wide at Chelsea Drive and Main Street, respectively. Similarly, the unsignalized project driveway along Camden Avenue is shown to be 30 feet wide. The City's minimum width for a two-way driveway is 26 feet. Therefore, each of the Union Avenue project driveways and the unsignalized Camden Avenue driveway will meet the City's minimum width requirement. However, the project driveway at the Camden Avenue and Taper Avenue intersection is shown to be only 20 feet wide. The 20-foot roadway along with on-street parking may serve as a traffic calming measure for potential use of the new street as a cut-through route between Camden Avenue and Union Avenue. It is recommended that the project work with the City to determine if the proposed 20-foot driveway width would be acceptable.

The Chelsea Drive entrance would feed a new public street which would run between Chelsea Drive and Taper Avenue. The street would narrow to 20 feet wide (below the typical 26 feet wide standard for roadways in the City), starting just east of Union Avenue to its connection at Camden Avenue. However, the proposed 20-foot roadway along with the on-street parking may serve as a traffic calming measure for the potential use of the new street as a cut-through route between Camden Avenue and Union Avenue.

On-site vehicular circulation was reviewed in accordance with the City of San José Zoning Code and generally accepted traffic engineering standards. The project provides internal access roadways connecting to each of the site driveways and providing access to each of the proposed buildings, residential units, and parking areas. There are no dead-end aisles, except for those located within the townhouse area, and continuous circulation is provided throughout the entirety of the site. It is recommended that signage be placed at the entrances to the townhouse drive aisles restricting access to residents only.

The proposed layout of the site would provide direct access to the each of the uses proposed. The two driveways on Camden Avenue and the Union Avenue/Woodard Road driveway would provide primary access to the hotel, retail, assisted living facility, and apartment uses. The Camden Avenue/Taper Avenue driveway and the Union Avenue/Chelsea Drive driveway would provide primary access to the townhomes and single-family residential uses. Thus, the layout of the site limits unnecessary circulation patterns.

The site plan indicates a drop-off area along the south side of Main Street, approximately 100 feet east of Union Avenue. The drop-off area drive aisle should be restricted to one-way operations (eastbound) due to its close spacing to the signalized project driveway. A drop-off area is also proposed adjacent to the hotel via a small roundabout. There are no circulation issues with the proposed hotel drop-off location.

A new public street is proposed to extend through the project site to provide access to the proposed single-family houses and provide a connection between Union Avenue and Camden Avenue. The new street could be used as a cut-through route to bypass congestion at the Union Avenue/Camden Avenue intersection. The project will include raised crosswalks along the public street (as shown on the site plan at the community park and garden. The raised crosswalks will serve as a primary traffic calming measure by promoting vehicle drivers to slow down.

To provide adequate on-site circulation for all vehicle types, including larger emergency vehicles and garbage trucks, the design of all internal roadways should adhere to City of San José design standards and guidelines. The design of the site must include adequate corner radii along all internal roadways/drive aisles, as well as driveway width, drive aisle width, parking dimensions, and signage that satisfies City of San José design standards. Recommendations to ensure adequate on-site circulation is provided are summarized below:

- To reduce the projected queue and the potential for blockage of garage entrances and drive aisle on site, each of the signalized project driveway approaches shall provide protected phasing and allow for a pedestrian phase across Camden and Union avenues.
- At the unsignalized project driveway on Camden Avenue, it is recommended that a minimum of 50 feet of throat length (or the distance from the driveway to the first parking stall or parking aisle) be provided.
- The drop-off area drive aisle should be restricted to one-way operations (eastbound) due to its close spacing to the signalized project driveway.
- The design of the site must include adequate corner radii along all internal roadways/drive aisles, as well as driveway width, drive aisle width, parking dimensions, and signage that satisfies City of San José design standards.
- The right-turn only project driveway along Camden Avenue should be free and clear of obstructions and red curbs should be implemented adjacent to the driveway ensuring clear sight distance so that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicyclists traveling on Camden Avenue.
- Loading areas should be provided adjacent, or in close proximity, to all proposed buildings in order to facilitate deliveries without obstructing other traffic. All curb returns along the on-site roadways should be a minimum of 30-feet to accommodate service and emergency (such as a garbage truck or fire truck) vehicle circulation.
- Signage should be placed at the entrances to the townhouse drive aisles restricting access to residents only.
- A low posted speed limit (25 miles per hour) shall be implemented along the new public street to deter its use as a cut-through route. Implementation of speed humps may be possible as a secondary traffic calming measure but would require further coordination with the City of San José's Department of Transportation.

Queuing Analysis

A queueing analysis was completed for intersections where the project would add a substantial number of trips to the left-turn movement. The results of the queuing analysis are described in detail in the traffic study. The traffic study described various recommendations to reduce queues and

minimize the potential for blockage of project driveways or parking garage entrances. These recommendations are summarized below.

- The westbound approach to the Union Avenue and Woodard Avenue/Project Driveway intersection should provide a minimum of 175 feet of queue storage capacity to serve the project maximum vehicle queue length. The site plan shows entrances to the parking garages located approximately 150 feet east of Union Avenue along Main Street. To reduce the projected queue and minimize the potential for blockage of the garage entrances, it is recommended that a second outbound lane be provided on the project driveway approach to provide a separate right-turn lane.
- The southbound left-turn lane on Union Avenue at the Union Avenue and Chelsea Drive/Project Driveway intersection should provide a minimum of 25 feet of queue storage capacity to serve the project maximum vehicle queue length.
- The westbound approach to the Union Avenue and Chelsea Drive/Project Driveway intersection should provide a minimum of 50 feet of queue storage capacity to serve the projected maximum vehicle queue length. The site plan shows a drive aisle that will serve the proposed townhomes located approximately 40 feet east of Union Avenue. To reduce the project queue and minimize the potential for blockage of the townhome drive aisle, it is recommended that a second outbound lane be provided on the project driveway approach to provide a separate right-turn lane.
- The westbound left turn lane on Camden Avenue at Taper Avenue/Project Driveway intersection should provide a minimum of 50 feet of queue storage capacity to serve the projected maximum vehicle queue length.
- The northbound approach to the Camden Avenue and Taper Avenue/Project Driveway intersection should provide a minimum of 75 feet of queue storage capacity to serve the projected maximum vehicle queue length. The site plan shows an intersection with an east-west drive aisle (serving the proposed hotel) located approximately 60 feet south of Camden Avenue. To reduce the projected queue and minimize the potential for blockage of the hotel drive aisle, it is recommended that a second outbound lane be provided on the project driveway approach to provide a separate right-turn lane.

The proposed project would remove the existing project driveway at the frontage road parallel to Union Avenue. With the removal of this driveway, maintaining outbound turn movements from the northern end of the frontage road should not be problematic. However, the removal of the existing driveway will eliminate adequate turn radii for right-turns from northbound Union Avenue to the frontage road. Northbound traffic flow along Union Avenue could be inhibited if adequate turn radii for right-turns to the frontage road are not provided. Traffic counts indicate approximately 40 outbound vehicles during the AM peak hour and 40 inbound vehicles during the PM peak hour to the frontage road. The following measures could alleviate operational issues at the frontage road:

- Widen the northern termini to provide turn radii for right-turns from northbound Union Avenue. This will require removal of on-street parking, landscaping, and trees along the east side of the frontage at its northern end, or

- Restrict inbound access from Union Avenue to the frontage road at its northern end. Access to the frontage road is currently provided via Charmeran Avenue. Outbound turn movements from the frontage road to Union Avenue would be maintained. The restriction of right-turns will require signage and a median to physically restrict the right-turn movement.

Parking Supply

Vehicle Parking

The required number of parking spaces for each of the proposed development alternatives, based on the City of San José Municipal Code (Chapter 20.90.060), is 1,252 parking spaces for the Assisted Living Variant and 1,741 spaces for the Office Variant. The project site is located within an Urban Village and is eligible for up to a 20 percent reduction in required off-street vehicle parking spaces, as long as bicycle parking spaces are provided in conformance with the City's Zoning Code requirements. Thus, the minimum required vehicle parking for both project variants is 1,250 spaces and 1,392 spaces, respectively (assuming that the City's bicycle parking requirements are met). The project is proposing to provide a total of 1,469 on-site parking spaces (per site plans based on the Assisted Living Variant), which would exceed the City's parking requirements for both project variants. Although the actual proposed parking for the office uses of the Office Variant is not known at this time since an actual development plan is not yet available, the parking proposed on-site would meet the City's off-street parking requirements for both alternatives. Therefore, the project would provide adequate parking based on the City's off-street parking requirements.

Bicycle Parking

Based on the City of San José bicycle parking requirements, the proposed project is required to provide 184 and 151 bicycle parking spaces to serve the Assisted Living and Office Variants, respectively. The project proposes to provide 209 bicycle parking spaces on-site, which would exceed the City's minimum bicycle parking requirements.

3.17 TRIBAL CULTURAL RESOURCES

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal resource, consultation is required untied the parties agree to measures to mitigate or avoid a significant effect on a tribal or cultural resource or when 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[105]
    - 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 Envision San José 2040 General Plan contains the following policies which are specific to tribal cultural resources and applicable to the proposed project:

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

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

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

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.

3.17.1.2 *Existing Conditions*

The project site is entirely developed, consisting of five retail buildings and surface parking areas. In the general area of northern Santa Clara County where the project site is located, Native American archaeological sites have been recorded on the wide valley terraces within a half mile of major rivers and creeks, especially near confluences. Other sites have been identified near the interface of valley and hills near a major water source. Since the project site is part of the gently sloping valley floor and over a mile from Los Gatos Creek to the west, and three quarters of a mile to Ross Creek to the south and east, there is a low potential for archaeological resources to be deposited within the project site. There are no recorded archaeological sites identified within the project site or the surrounding quarter mile.

Pursuant to AB 52, the City of San José sent notification to the Ohlone Tribe and other California Native American Heritage Commission identified tribal contacts in October 2020 and Tamien Nation in July 2021. Tamien Nation requested consultation with the City on August 19, 2021, and City staff met virtually with Chairwoman Geary of Tamien Nation on October 14th, 2021.Chairwoman Geary provided recommendations for the site which included providing Cultural Awareness Training to construction personnel prior to ground disturbing activities. Following this communication, the City considers the AB 52 consultation process concluded for the project.

3.17.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on tribal cultural resources, 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:

1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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)?

The project site is not known to contain any tribal cultural resources, however, there is the possibility that tribal cultural resources are uncovered during project construction. As described in Section 3.5 Cultural Resources, the project would implement standard permit conditions to avoid impacts to unknown subsurface cultural resources. These conditions would be applicable to tribal cultural resources and would function to avoid impacts to such resources if they are discovered on-site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed on local or state registers. **(Less than Significant Impact)**

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

As discussed above under checklist question a), there are no known tribal cultural resources on the project site, but implementation of the project could disturb unknown subsurface resources. These resources may not be eligible for listing in the CRHR, but the City or its consultant could determine resources uncovered during construction to be significant. The proposed project includes standard permit conditions which address accidental disturbance of cultural resources and set forth the appropriate procedure to be followed in the event of discovery. As noted above, the City concluded AB 52 consultation with the Tamien Tribe in October 2021. The outcome of the consultation was a recommendation from Chairwoman Geary of Tamien Nation for the following measure that has been incorporated as a condition of the permit:

- Prior to issuance of a Grading Permit, the project applicant shall be required to submit evidence to the Director of Planning, Building, and Code Enforcement, or Director's designee, that a Cultural Awareness Training will be provided to construction personnel prior to ground-disturbing activities. The training shall be facilitated by the project archeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

Implementation of these conditions would ensure the project does not cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be significant by the City. Therefore, the impact would be less than significant. **(Less than Significant Impact)**

3.17.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative tribal cultural resources impact?

Cumulatively, other projects in San José may require excavation and grading or other activities that have the potential to affect tribal cultural resources. No tribal cultural resources were identified within the project area, although San José contains numerous Native American archaeological sites.

Cumulative projects would be required to implement standard permit conditions or mitigation measures that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. However, projects developed prior to the passage of CEQA and prior to the passage of AB 52 did not necessarily account for impacts to tribal cultural resources. However, the proposed project would not make a cumulatively considerable contribution to significant cumulative impacts to tribal cultural resources from past development in San Jose. **(Less than Significant Cumulative Impact)**

3.18 UTILITIES AND SERVICE SYSTEMS

The following discussion is based, in part, on a Water Supply Assessment prepared for the project by San José Water Company (SJWC). The assessment, dated January 2018, is included in this DEIR as Appendix I. Notification of the revised project was provided to SJWC in September 2020 and SJWC determined that the new project, did not represent a material difference in water supply and therefore a new Water Supply Assessment was not needed. The net difference in the various land uses between the original project assessed in the WSA and the new project are shown in Table 3.18-1 below. A copy of SJWC's correspondence with City staff is included in Appendix I.

Table 3.18-1: Total and Net Development

Uses	Previous Project	New Project	Net Difference
Residential	280 apartment units 84 townhomes =364 total	305 apartment units 25 townhomes 49 single family homes =379 total	+15 units
Hotel	238 rooms	229 rooms	-9 rooms
Retail	115,000 s.f..	58,360 s.f.	-56,640 s.f..
Office	150,000 s.f.	154,680 s.f..	+4,680 s.f.
Assisted Living	130,000 s.f.	154,680 s.f.	+24,680 s.f.

3.18.1 Environmental Setting

3.18.1.1 *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.

NPDES General Permit for Construction Activity

The State Water Resources Control Board has implemented a National Pollution Discharge Elimination System (NPDES) Construction General Permit for the State of California. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit – Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. In order to obtain coverage under the Construction General Permit, a Notice of Intent

(NOI) must be filed with the RWQCB, and Storm Water Pollution Prevention Plan (SWPPP) must be developed by a certified Qualified SWPPP Developer (QSD) prior to commencement of construction. Once grading begins, the SWPPP must be kept on-site and updated as needed while construction progresses. The SWPPP details the site-specific Best Management Practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction phase. The SWPPP also contains a summary of the structural and non-structural BMPs to be implemented during the post-construction period, pursuant to the stormwater control practices and procedures encouraged by the City of San Jose and the RWQCB.

Senate Bill 610

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

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

Senate Bill 1383

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 Compliance for Construction, Waste Reduction, Disposal and Recycling

In January 2010, the State of California adopted the California Green Building Standards Code ("CALGreen"), 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 resources 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 65 percent of nonhazardous construction and demolition debris
- Providing readily accessible areas for recycling by occupants

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

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

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

Policy MS-1.6: Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.

Policy MS-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. For example, promote the use

of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plant s and landscaping materials for non-residential and residential uses.

Policy MS-3.4: Promote the use of greenroofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Policy MS-3.5: Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

Policy IN-1.5: Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

Policy IN-5.1: Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private MRF and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.

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

Policy IN-5.4: Support the expansion of infrastructure to provide increased capacity for Materials Recovery Facilities (MRF)/transfer, composting, and Construction and Demolition materials processing (C&D) at privately operated facilities and on lands under City control to provide increased long-term flexibility and certainty.

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 Jose 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 Jose goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San Jose also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

City of San José Construction & Demolition Diversion Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2000 for an alteration-renovation residential project and $5000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

Private Sector Green Building Policy

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.

3.18.1.2 *Existing Conditions*

Water

Water service to the site is supplied by the SJWC, which gets its water from groundwater, surface water, and recycled water sources. Based on actual pre-drought 2013 calendar year water usage at the site, the existing commercial buildings on-site use approximately 8,115 gallons of water per day.[106] Water is delivered to the site via existing water lines in Union Avenue and Camden Avenue.

Wastewater

Sanitary sewer lines in the area are owned and maintained by the City of San José. The Envision San José 2040 General Plan FPEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). The site is used for retail purposes, and it is estimated that 85 percent of the water utilized at the site is discharged to the sewer system. Based on this estimated discharge rate, the existing retail use generates 6,898 gallons of wastewater per day. Wastewater is conveyed from the retail buildings to sanitary sewer lines in Union Avenue and Camden Avenue. There is an existing

[106] San José Water Company. *Cambrian Park Plaza Project – Water Supply Assessment.* January 2018.

10-inch sanitary sewer main along Union Avenue from Chelsea Drive to Woodard Road, and an 18-inch
sanitary sewer main along Union Ave from Woodard Road to Camden Avenue. Additionally, there is an existing 12-inch sanitary sewer main along Camden Avenue from Taper Avenue to Bercaw Lane and a 6-inch sanitary sewer main at Wyrick Avenue, all of which may serve the proposed project site.

Based on the General Plan FEIR, the City's average dry weather flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José Santa Clara Regional Wastewater Facility (RWF) is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

Stormwater Drainage

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain ultimately into Los Gatos Creek. Los Gatos Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 98 percent of the project site (735,484 square feet) is covered with impervious surfaces. The site is served by a 21-inch storm drain line in Camden Avenue and a 24-inch storm drain line in Union Avenue. There is also a 10-inch storm drain main on Camden Avenue, east of Taper Avenue. These three storms drain mains may serve the proposed project site.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and reviewed in 2004 and 2007. According to the IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. It is estimated that the existing retail buildings on-site generate approximately 0.49 tons of solid waste per day.[107]

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

[107] California Emissions Estimator Model. Table 10.1 Solid Waste Disposal Rates – Strip Mall Land Use Sub Type. September 2016.

3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
5) Be noncompliant with federal, state, and 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?

Water Facilities

The proposed project is in an urbanized area and water would be conveyed to the site via existing water lines in Camden Avenue and Union Avenue. Lateral connections to existing water lines in adjacent streets would occur during grading at the site and would result in minimal environmental impacts. As described below under checklist question b, there are adequate water supplies available to serve the project and no major upgrades to existing water conveyance infrastructure would be required. Thus, the project would not result in significant environmental effects related to the relocation or construction of water facilities. **(Less than Significant Impact)**

Wastewater Facilities

The proposed project would convey wastewater from the site via existing sanitary sewer lines in Camden Avenue and Union Avenue. Lateral connections to existing sewer lines in adjacent streets would occur during grading at the site and would result in minimal environmental impacts. As described below under checklist question c, there is adequate wastewater treatment capacity at the RWF to accommodate the increased wastewater flows resulting from the project. Therefore, the project would not result in significant environmental effects related to the relocation or construction of wastewater facilities. **(Less than Significant Impact)**

Stormwater Facilities

The project would result in a reduction in stormwater runoff compared to the existing use of the site, as the proposed development would replace existing impervious surfaces with more pervious surfaces and landscaping, resulting in a reduction in impervious surface coverage by approximately 16 percent over the project site. Thus, the demand placed on the City's stormwater drainage system would be reduced. The project would comply with all applicable regulations to manage stormwater runoff, including the Construction General Permit, Provision C.3 of the MRP, and applicable City policies (refer to Section 3.10 Hydrology and Water Quality). New storm drain lines would be constructed in the proposed streets; however, construction of new on-site storm drain lines and lateral connections to the existing lines in Camden Avenue and Union Avenue would occur during grading and would be subject to provisions of the Construction General Permit that require the installation of erosion and sediment control BMPs, resulting in minimal water quality impacts. Installation of the

new lines would be conducted within existing developed areas (on-site streets, public street rights of way, etc.) and would not be expected to result in any atypical construction impacts to surrounding properties. For these reasons, the project would not require relocation or construction of drainage facilities that could cause significant environmental effects. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

As described previously, the project would be located in an urban area with utility services readily available. The project would connect to existing utilities for electric power, natural gas, and telecommunications services. There is an existing 10-foot-wide PG&E and PT&T (fiber optic network) easement at the southwest corner of the site and five-foot wide PG&E easement along the site's eastern boundary. The project would not interfere with or require modification of the adjacent utility easements. Therefore, the project would not result in significant impacts due to the construction or relocation of electric power, natural gas, and telecommunications 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?

A Water Supply Assessment (WSA) was prepared for the proposed project in January 2018, which estimated the project water demand and compared it to the projected SJWC system-wide supply and demand. Notification of the revised project was provided to the San Jose Water Company in September 2020 and SJWC determined that the new project did not represent a material difference in water supply and therefore a new Water Supply Assessment was not needed (refer to email correspondence contained in Appendix I). The water use demands of the project (as modified to reflect the updated project plans) are shown in Table 3.18-2 below.[108]

Table 3.18-2: Estimated Project Water Demand (GPD)

Assisted Living Variant						
Existing Demand	Hotel	Residential*	Retail	Assisted Living Facility	Public Park	Net Project Demand
8,115	23,000	164,800	15,000	120,000[a]	4,520	**319,205**
Office Variant						
Existing Demand	Hotel	Residential*	Retail	Office	Public Park	Net Project Demand
8,115	23,000	164,800	15,000	16,000	4,520	**215,205**

[108] Based on the following water demand factors included in the WSA: 100 gallons per day per hotel room, 400 gallons per day per residential unit, 0.1 gallons per day per square foot of office space, 0.25 gallons per day per square foot for retail uses, 0.75 gallons per day per square feet of convalescent space, and 2,000 gallons per day per acre of public park and town square space.

Table 3.18-2: Estimated Project Water Demand (GPD)
Notes: The 2018 Water Supply Assessment assumed 238-room hotel, 115,000 square feet of retail, 130,000 square foot assisted living facility (assisted living facility variant), and 150,000 square feet of office (office variant). The project proposes a 229-room hotel, 50,990 square feet of retail/restaurant, 125,740 square feet of assisted living space and 50 independent senior living units (within the same building), and 160,000 square feet of office (office variant). Based Personal Communications with Walsh, Jake, San Jose Water Company on October 29, 2021, the changes to the project does not represent a material difference in water demand.

As shown in Table 3.18-1, the proposed project would result in net increase in water demand of approximately 312,000 gpd under the Assisted Living Variant and 208,000 gpd under the Office Variant. This difference is primarily due to the higher estimated water use rates for the assisted living facility (0.75 gpd per square foot) as opposed to the office uses (0.1 gpd per square foot).

The WSA found that the projected water demand for the project is within normal growth projections for water demand in the SJWC system. These growth projections, and corresponding water usage, were analyzed in SJWC's most recent Urban Water Management Plan (UWMP) in 2016. The water supply sources available to SJWC include groundwater from the Santa Clara Valley Subbasin, imported surface water from Valley Water, local surface water from Los Gatos Creek, Saratoga Creek, and local watersheds, and recycled water from South Bay Water Recycling. SJWC anticipates adequate supplies through 2040 to meet system demand under average year conditions, while water use reductions and voluntary and mandatory conservation would be needed to meet water demands during single- and multiple-dry year scenarios. When accounting for existing water conservation programs, efficiency measures, and contingency plans to account for any water supply reductions, there would be sufficient water supplies to meet the water demand of the project and reasonably foreseeable development during normal, dry and multiple dry years. Therefore, the project would not result in significant impacts related to water supplies to accommodate the project. **(Less than Significant Impact)**

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

As stated previously, the City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The project is estimated to generate a net increase of approximately 271,324 gpd of wastewater under the Assisted Living Variant and 182,924 gpd of wastewater under the Office Variant. Development allowed under the Envision San José 2040 General Plan (including the proposed project) would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **(Less Than Significant Impact)**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The estimated solid waste generation rate of the proposed project is shown in Table 3.18-3.

Table 3.18-3: Estimated Solid Waste Generation (Tons/Day)

Assisted Living Variant						
Existing Rate	Hotel	Residential	Retail	Assisted Living Facility	Public Park	Net Project Demand
0.49	0.35	0.50	1.42	0.46	0.21	**2.45**
Office Variant						
Existing Rate	Hotel	Residential	Retail	Office	Public Park	Net Project Demand
0.49	0.35	0.50	1.42	0.41	0.21	**2.40**

As seen in the table above, the proposed project would generate a net increase of approximately 2.45 tons per day under the Assisted Living Variant and 2.40 tons per day under the Office variant, when compared to the existing use.[109] The General Plan FEIR concluded that the increase in waste generated by full build out of the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from developments allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not exceed the capacity of landfills serving the City's expected population through 2040.

The proposed project is consistent with the development assumptions in the General Plan; therefore, implementation of the proposed project would have a less than significant impact on solid waste disposal capacity. **(Less than Significant Impact)**

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

The proposed project would be required to 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. Additionally, 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. For these reasons, the project would not conflict with applicable statutes and regulations related to solid waste, including

[109] California Emissions Estimator Model. Table 10.1 Solid Waste Disposal Rates. September 2016.

CALGreen, AB 939, AB 341, and local waste diversion requirements. **(Less than Significant Impact)**

3.18.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative utilities and service systems impact?

As discussed in their respective sections, the City's stormwater, water, wastewater, solid waste, and other utility service systems are adequately prepared to serve General Plan buildout through 2040 upon adherence to existing policies, plans and regulations. Cumulative projects in the City will be evaluated at a project-level to ensure compliance with level of service standards for the utilities discussed above; necessary improvement to utility service systems will be made to ensure that the combined effects of growth do not impact overall system.

The program-level mitigation measures and conditions set forth in the 2040 General Plan FEIR would address impacts to utilities and service systems from cumulative development and reduce these impacts to a less than significant level. The proposed project is consistent with development expected upon General Plan build out and would not conflict or interfere with implementation of impact reduction measures; therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative utilities and service systems impact. **(Less than Significant Cumulative Impact)**

3.19 WILDFIRE

3.19.1 Environmental Setting

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.[110]

3.19.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

3.19.3 Cumulative Impacts

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 combine with other projects (past and reasonably foreseeable future projects) to result in cumulative wildfire impacts. **(No Cumulative Impact)**

[110] Sources: 1) State of California Department of Forestry and Fire Protection. *Santa Clara County Fire Hazard Severity Zones in SRA.* Adopted November 7, 2007. and 2) State of California Department of Forestry and Fire Protection. *San José City Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE.* Adopted October 8, 2008.

SECTION 4.0 GROWTH-INDUCING IMPACTS

Impact GRO-1:	The project would not foster or stimulate significant economic or population growth in the surrounding environment. **(Less than Significant Impact)**

The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Section 15126.2[d]). This section of the Draft EIR is intended to evaluate the impacts of such growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include removing obstacles to population growth, for example by extending or expanding infrastructure beyond what is needed to serve the project. Other examples of growth inducement include increases in population that may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

The proposed project would change the land use on the subject site from an existing under-utilized retail center and surface parking to a mixed-use urban village consisting of retail shops, a hotel, apartments, single-family homes, assisted living facilities (or office), townhouses, park/community open space, and surface and below-grade parking. Although the proposed development would result in an increase in economic and population growth locally, the project would be consistent with the Urban Village General Plan Land Use designation for the site and would not be expected to foster additional growth beyond what is officially planned and anticipated for the project area. **(Less than Significant Impact)**

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources.

5.1 USE OF NONRENEWABLE RESOURCES

During construction and operation of the project, nonrenewable resources would be consumed. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals. Renewable resources, such as lumber and other wood byproducts, could also be used.

Energy, as discussed in more detail in Section 3.6, would be consumed during both the construction and operational phases of the project. The construction phase would require the use of nonrenewable construction material, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, site preparation, and construction of the buildings. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the project site.

Development of the project would result in an increase in demand for nonrenewable resources. Green building, however, is a key City strategy to achieve long-term sustainability and reach its GHG reduction goals. The project would be subject to CALGreen energy-efficiency requirements and the City's Reach Code. Electricity for the project would be provided by SJCE which provides 80 percent GHG emission-free electricity automatically, with the option to receive 100 percent GHG emission-free electricity from entirely renewable sources. The project would substantially reduce the heat island effect of the site and the adjacent areas by redeveloping the predominantly paved 17.2-acre site with energy-efficient buildings, a community park, and extensive landscaping. The project landscaping would include low water use plants to reduce operational energy demands related to irrigation. For these reasons, the proposed project would minimize the use of nonrenewable energy resources.

5.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

The project would be developed on a site that is already fully developed for urban uses. Development of the project would commit a substantial amount of resources to demolish existing buildings, prepare the site, construct the buildings and site improvements, and operate the buildings. However, the proposed project would not result in development of a previously undeveloped area or permanent land use changes throughout the project area. The proposed project would limit development to within the project boundaries and minor off-site multimodal improvements. Therefore, the proposed project would not commit future generations to similar use.

5.3 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

The project does not propose new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. As discussed in Section 3.9 Hazards and Hazardous Materials, there are no significant unmitigable hazards and hazardous materials conditions on-site or off-site that would substantially affect the public and surrounding environment. There are no significant unmitigable geology and soils impacts from implementation of future projects. For these reasons, the proposed project would not result in irreversible damage that may result from environmental accidents.

5.4 IRRETRIEVABLE COMMITMENT OF RESOURCES

As discussed above under Section 5.1, the project would consume nonrenewable resources during construction and operation. With implementation of the CALGreen Code, the City's Green Building Policies, Reach Code, and Greenhouse Gas Reduction Strategy, the project would minimize its consumption of nonrenewable resources.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The proposed project, with implementation of identified mitigation measures, would not result in any significant and unavoidable impacts. Significant and mitigatable impacts are summarized previously in the Executive Summary**.**

SECTION 7.0 ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The purpose of this section is to determine whether there are alternative design, scope, or location factors which would substantially lessen the significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives" or are more expensive (Section 15126.6).

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts which are anticipated to occur if the project is implemented, but to try to meet as many of the project's objectives as possible. The Guidelines emphasize a common-sense approach – the alternatives should be reasonable, "foster informed decision making and public participation," and focus on alternatives that avoid or substantially lessen the significant impacts. The range of alternatives selected for analysis is governed by the "rule of reason" which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: 1) the significant impacts from the proposed project which could be reduced or avoided by an alternative, 2) the project's objectives, and 3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.1 SIGNIFCANT IMPACTS OF THE PROJECT

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives.

The proposed project would not result in any significant, unavoidable environmental impacts. For information purposes, this EIR therefore analyzes alternatives that would further reduce impacts of the proposed project that are already less than significant because the project includes mitigation measures. Impacts that would be significant, but for which the project includes mitigation to reduce them to less than significant levels include impacts to air quality (construction-related emissions), nesting birds, cultural resources, hazards and hazardous materials, and operational and construction-related noise. The alternatives discussion does not focus on project impacts that are less than significant without mitigation.

CEQA encourages consideration of an alternative site when impacts of the project might be avoided or substantially lessened. Only feasible locations that would avoid or substantially lessen any of the significant impacts of the project and meet most of the project objectives need to be considered for inclusion in the EIR.

7.2 OBJECTIVES OF THE PROJECT

While CEQA does not require that alternatives must be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. As identified in *Section 2.3*, the applicant's objectives for the project are as follows:

1. Further the Envision San José 2040 General Plan Land Use Element Goal LU-2 to "Focus new growth into identified Growth Areas to preserve and protect the quality of existing neighborhoods, including mobile home parks, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City's projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use."

2. Annex, rezone and redevelop the 17.2-acre project site to allow for the creation of a mixed-use Urban Village and Signature Project, through Planned Development Zoning and Planned Development Permit processes.

3. Further the Envision San José 2040 General Plan Major Strategy #5 and Implementation Policy IP-5.10 by promoting the development of a Signature Project in an Urban Village, providing an active, walkable, bicycle-friendly, mixed-use setting for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.

4. Redevelop an existing predominately surface parking site containing aging commercial buildings to accomplish the following goals: (1) provide a location within close proximity to the available housing, parks and schools for future employees and close proximity to the multiple food and retail services provided by the retail locations along the Camden Avenue/Hillsdale Avenue corridor; and (2) situate the mixed use village near, or adjacent to, existing traffic arterials (such as Highway 17), and bus connection services in order to allow for multi-modal transit mechanisms for site accessibility.

5. Meet high sustainability and green building standards by designing the development to meet US Green Building Code LEED and Cal-Green standards for new construction.

6. Provide publicly accessible open space, including approximately 1.6 acres of land for a central community park and plaza.

7. Locate the majority of parking underground in order to minimize the visual impact of above-ground parking, maximize on-site open space, and foster compatibility with the surrounding community.

8. Provide on-site services to residents and support growth in employment and commercial activity by locating retail and other commercial uses within the project.

9. Provide an economically sustainable number of units to allow enhancement of the character of the neighborhood by providing common open space areas including a town square and a community park.

10. Locate higher density housing with easy access to transportation corridors, bus corridor stops, commercial services, and jobs.

11. Contribute to the City of San Jose's efforts in satisfying its Regional Housing Needs Allocation for market rate housing units.

Additionally, as a Signature Project, the proposed project will be reviewed for substantial conformance with the following objectives:

1. Include public parklands and/or privately maintained, publicly accessible plazas or open space areas.
2. Achieve the pedestrian friendly design guideline objectives identified within this General Plan.
3. Be planned and designed through a process that provided a substantive opportunity for input by interested community members.
4. Demonstrate high-quality architectural, landscape and site design features.
5. Be consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

7.3 FEASIBILITY OF ALTERNATIVES

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines advise that such factors *can* include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can "reasonably acquire, control or otherwise have access to the alternative site (Section 15126.6[f][1])."

7.4 SELECTION OF ALTERNATIVES

7.4.1 Alternatives Considered but Rejected

Location Alternative

The City considered a location alternative for the proposed project that would lessen or avoid the project's construction-related air quality, nesting bird, cultural resources, hazards and hazardous materials, and/or noise impacts. Ideally, an alternative location would be of similar size to the project site, within the urban service area of the City, near existing transit, and have the appropriate General Plan land use designation(s). Although such sites may exist in the City, there is no alternative site within the Camden Avenue/Hillsdale Avenue Urban Village/Growth Area of sufficient size to accommodate a Signature Project consistent with the City's General Plan goals and objectives. In

addition, the project applicant, a private company, does not control any other suitable site. The location alternative, therefore, was considered but rejected for the reasons stated above.

Under CEQA, consideration of a location alternative is not required in every case. It is a relevant topic for analysis for public agencies who can use eminent domain to acquire an alternative location. However, for a private applicant, they are limited to what they control. For these reasons, an alternative location to the project was considered but rejected as infeasible, as previously indicated.

Existing Santa Clara County Zoning Alternative

The Existing Santa Clara County Zoning Alternative assumes the site would be developed with a 'modernization' project replacing the current development with new buildings and uses consistent with the existing Santa Clara County zoning district of CG – General Commercial.

Under this Alternative scenario, build-out of the site with residential, commercial and assisted living facility (community care facility) uses would occur within the development standards and regulations outlined in the Santa Clara County Zoning Ordinance. Although there are no minimum Floor Area Ratio requirements for this location under the Ordinance, the building height and setback requirements are comparable to those being proposed with the Cambrian Park Mixed-Use Village project. The relative proportions of these land uses may not be the same as the proposed project, however, it would be reasonable to expect that the development intensity would be greater than the current commercial development on the site, which is considered underutilized.

Development under the existing County zoning that exceeds the intensity of the existing development on the site would not likely be allowed, however, as such intensification on a County pocket site would typically only be allowed to occur following incorporation into the City (by long-standing agreement between the City and County). Thus, a development alternative that incudes a higher intensity would require annexation to the City. In contrast, a development alternative that would demolish the existing shopping center and replace it with development of the same intensity would not be economically viable. For this reason, the Existing Santa Clara County Zoning Alternative was considered but rejected as infeasible.

7.4.2 Alternatives Selected

In addition to "No Project," the CEQA Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that "would avoid or substantially lessen any of the significant effects of the project" (Section 15126.6[f]). As noted above, the proposed project would not result in any significant, unavoidable impacts. For informational purposes, the discussion below addresses alternatives that could reduce significant project impacts that would be less than significant with mitigation and that are feasible from a physical land use and infrastructure perspective.
Given the factors discussed above, the following evaluation of reasonable alternatives to the project as proposed includes: 1) No Project Alternative as required by CEQA, 2) an Existing Plans Alternative, and 3) a Reduced Grading and Excavation Alternative. The components of these alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project. A summary of the environmental impacts of the proposed project and the project alternatives is provided in Table 7.5-2 at the end of this section. The project itself includes two variants, with the Assisted Living Variant including a 185-bed assisted living facility,

and the Office Variant replacing that use with a 160,000 square foot office use within the same building space devoted to the assisted living facility in the first alternative. The differing environmental effects resulting from the implementation of these two variants are presented throughout this EIR.

7.5 PROJECT ALTERNATIVES

7.5.1 No Project Alternative

The CEQA Guidelines specifically require consideration of a "No Project" Alternative. The purpose of including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that the No Project Alternative is "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The Guidelines emphasize that an EIR should take a practical approach, and not "…create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment (Section 15126.6[e][3][B])."

The project site is currently developed with a commercial/retail shopping center and surface parking lots. The No Project Alternative assumes that the project site would remain as it currently exists.

Comparison of Environmental Impacts

The No Project Alternative would avoid all of the project's environmental impacts.

Relationship to Project Objectives

The No Project Alternative would not meet any of the project objectives.

Conclusion

Because the No Project Alternative would not result in any development on the site, this Alternative would avoid all of the environmental impacts of the project. However, this Alternative would not meet any of the applicant or City's project objectives, as the existing site conditions would remain the same.

7.5.2 Existing Plans Alternative

The Existing Plans Alternative would consist of annexation of the site and buildout under a City zoning district that would be consistent with the existing City General Plan designation, such as an all-commercial non-Signature project. There are four City commercial zoning districts that would conform to the current Neighborhood Community Commercial (NCC) General Plan designation on the site – CO Commercial Office, CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General. All four would allow general or professional office uses, such as the office use proposed in the office variant of the proposed project, as a permitted use. The NCC designation has a maximum FAR of 3.5 (1-5 story buildings), which would allow up to approximately 2.6 million square feet of office use on the 17.2-acre site. However, typical office development in the area would

be two stories in height (as in the existing office park located at Union Avenue and Logic Drive, approximately 1/3-mile south of the site), with the resulting FAR of approximately 0.35. Using an FAR of 0.35, a reasonable design for the Existing Plans Alternative project on the site could consist of approximately 262,230 square feet of office development, configured in two-story buildings with surface parking.

Comparison of Environmental Impacts

As previously stated, the proposed mixed-use project complying with the City's Signature Project goals and requirements would result in significant impacts to air quality (construction-related emissions), nesting birds, cultural resources, hazards and hazardous materials, and operational and construction-related noise.

Construction Criteria Air Quality Pollutants

As discussed in Section 3.3 Air Quality of this EIR, the proposed project, without mitigation, would result in project construction emissions that would exceed the BAAQMD significance thresholds for NO_x during the first two years of construction. The Existing Plans Alternative would substantially decrease the overall building square footage compared to the original project (262,230 square feet versus the proposed Signature Project total of 905,278 square feet), resulting in a substantial reduction of construction activity and consequently a reduction in construction-related criteria pollutant emissions. Although not CEQA impacts, impacts to on-site sensitive receptors from off-site TAC sources would be eliminated as this Alternative does not include any residential uses.

Community Risk

The proposed project, without mitigation, would result in increased cancer risks from project activities at the increased cancer risk MEI location (i.e., Early Discoveries CDC – Cambrian Park daycare center) that would exceed the BAAQMD single-source significance thresholds. The annual maximum $PM_{2.5}$ concentration from project activities at the most impacted residential location would also exceed the single-source threshold. This would constitute a significant impact. According to the Air Quality Assessment prepared by *Illingworth & Rodkin, Inc.*, any feasible project construction, regardless of size, would cause significant health impacts due to the close proximity of these receptors. Therefore, there is no meaningful alternative to be discussed regarding construction health risk impacts, and mitigation measures must be employed for any construction to avoid elevated health risks.

Nesting Birds

The Existing Plans Alternative assumes that all of the existing trees would be removed, and that construction-related impacts to nearby off-site trees would remain the same as with the proposed project. Therefore, the impacts to nesting birds would remain the same as with the proposed Signature Project.

Cultural Resources

The Existing Plans Alternative would involve demolition of the existing buildings on the site, grading, and subsurface excavation for utility trenching. Impacts to archaeological resources would potentially be reduced by using above-ground parking (vs. excavating for below-ground parking) and historic resources such as the carousel sign would remain the same as the proposed project.

Hazards and Hazardous Materials

Impacts to construction workers related to soil and groundwater contamination could potentially be less, due to the shallower depths of excavation, however, potential impacts to future occupants of the site would be the same as with the original project, and the same mitigation measures would be required to reduce impacts to a less than significant level.

Noise

Because the Existing Plans Alternative would consist solely of office uses with no residential, restaurant or entertainment uses, the potential operational noise impacts, including traffic noise, would be reduced from the proposed project. Office uses tend to operate during the weekday daytime hours and are contained within the building, limiting the exposure of noise sources to off-site receptors in the area. The reduced amount of construction compared to the original project would also result in a shorter construction period duration, which would reduce long-term construction noise and vibration impacts to surrounding areas.

Relationship to Project Objectives

The Existing Plans Alternative would not meet the intent of the first three project objectives, which seek to further the Envision San José 2040 General Plan Land Use Element Goal LU-2, Major Strategy #5 and Implementation Policy IP-5.10 by establishing new mixed-use neighborhoods and promoting the development of a Signature Project in an Urban Village that provides an active, walkable, bicycle-friendly, mixed-use setting for new housing and job growth.

The fourth objective establishes the goals of providing a location for future employees within close proximity to available housing, parks, schools and multiple food and retail services along the Camden Avenue/Hillsdale Avenue corridor and situating the mixed-use village near, or adjacent to, existing traffic arterials (such as Highway 17), and bus connection services in order to allow for multi-modal transit mechanisms for site accessibility. The Existing Plans Alternative would be consistent, to some degree, with these goals. In addition, the Alternative would be consistent with the fifth objective, which is to meet high sustainability and green building standards by designing the development to meet US Green Building Code LEED and Cal-Green standards for new construction.

The Existing Plans Alternative would be inconsistent with the objective of providing mostly subsurface parking to reduce the impact of above-ground parking and provide more open space for the benefit of the community. The Existing Plans Alternative, which consists of office uses only, would be inconsistent with the project objectives that seek to provide housing for the purpose of enhancing of the character of the neighborhood by providing common open space areas (town square and community park), increase residential density in close proximity to transportation corridors,

commercial centers and jobs, and assist the City in satisfying its Regional Housing Needs Allocation for market rate housing units.

Conclusion

The Existing Plans Alternative would result in reductions in construction-related air quality emissions, and operational and construction noise and vibration impacts. However, this Alternative would not meet the most critical of the applicant or City's project objectives, which are to redevelop the site as an Urban Village with a mixed-use signature project that provides a mix of residential, commercial, and employment uses, consistent with the General Plan.

7.5.3 Reduced Grading and Excavation Alternative

The Reduced Grading and Excavation Alternative would consist of a mixed-use urban village development but having a reduced amount of grading and excavation than the proposed project in order to reduce construction air quality impacts. Because of the inherent difficulty in defining this alternative based on reduced construction emissions (a 45% reduction in construction activity, as discussed in the following paragraph, does not necessarily translate into an equivalent percentage reduction in building square footage), this analysis is based on a project alternative that substantially reduces the amount of grading and excavation by replacing the proposed below-ground parking structures with an above-ground structure(s). The new parking structure(s) would contain five stories, and their placement above-ground on the site would result in a reduced amount of public park area and reduced sizes of the hotel and assisted living/office buildings. The Reduced Grading and Excavation Alternative project would consist of the same amount of retail space (55,600 square feet), and same number of apartment units (305), single-family homes (48) and townhomes (25) as the proposed project. However, it would have a 0.77-acre community park, 135,740 gross square feet of hotel space (193 rooms), and 144,060 gross square feet of assisted living/office space. The community park area would be reduced by approximately 0.83 acres, or approximately 48 percent, from the proposed project. The hotel square footage represents a reduction of approximately 16 percent from the proposed project, and the assisted living/office space represents a reduction of approximately 22 percent from the proposed project. Taken together, this reflects an overall reduction in the mixed-use development program of about six percent but would entail a substantial reduction in construction activity by not excavating substantial below-grade parking areas, which entail soil export volumes of approximately 400,000 cubic yards (CY). The proposed project would require approximately 50,000 truckloads/trips to remove the soil from the site, which would be avoided by instead providing parking in above-grade structure(s).

Comparison of Environmental Impacts

Construction Criteria Air Pollutants

As discussed in Section 3.3 Air Quality of this EIR, the proposed Signature Project would result in project construction emissions that would exceed the BAAQMD significance thresholds for NOx during the first two years of construction. It is estimated that a reduction of at least 45 percent in the amount of construction activity would be required to avoid significant NOx emissions under this Alternative scenario, otherwise the most intense construction would have to be made less intense and

occur over a longer time period, as the NOx emissions are a function of the construction schedule. The significance criteria are based on the average daily emissions, so the intensity of construction (amount of work per day over the averaging period) is the critical factor. One reason that the project's construction emissions were significant is that the most intense emissions occur during the first year, where only grading is conducted. Subsequent years have a mix of grading and less intensive activities, so the average daily emissions become much lower. A 45 percent reduction in construction activity, while effectively reducing the significance of construction period criteria pollutant emissions, would by necessity require a substantial reduction in the amount of grading. Eliminating excavation and off-haul activities for the construction of below-ground parking garages in favor of constructing above-ground structured parking as proposed with this Alternative would constitute a substantial reduction in the amount of grading for the project, and related reduction in the significance of construction emissions.

Community Risk

The proposed project, without mitigation, would result in increased cancer risks from project activities at the increased cancer risk Maximally Exposed Individual (MEI) location (i.e., Early Discoveries CDC – Cambrian Park daycare center) that would exceed the BAAQMD single-source significance thresholds. The annual maximum PM2.5 concentration from project activities at the most impacted residential location would also exceed the single-source threshold. This would constitute a significant impact. According to Illingworth & Rodkin, Inc., any feasible project construction, regardless of size, would cause significant health impacts due to the close proximity of these receptors. Therefore, there is no meaningful alternative to be discussed regarding construction health risk impacts, and mitigation measures must be employed for any construction to avoid elevated health risks.

Nesting Birds

The Reduced Grading and Excavation Alternative assumes that all of the existing trees would be removed, and that construction-related impacts to nearby off-site trees would remain the same as with the proposed project. Therefore, the impacts to nesting birds would remain the same as with the proposed project.

Cultural Resources

The Reduced Grading and Excavation Alternative would involve demolition of the existing buildings on the site, grading, and subsurface excavation for building foundations and utility trenching. Impacts to archaeological resources would potentially be reduced by using above-ground parking (vs. excavating for below-ground parking) and historic resources such as the carousel sign would remain the same as the proposed project.

Hazards and Hazardous Materials

The Reduced Grading and Excavation Alternative would involve demolition of the existing buildings on the site, grading, and subsurface excavation for building foundations and utility trenching. Impacts to construction workers related to soil and groundwater contamination could potentially be less, due to the shallower depths of excavation, however, potential impacts to future occupants of the

site would be the same as with the original project, and the same mitigation measures would be required to reduce impacts to a less than significant level.

Noise

As discussed under Construction Criteria Air Pollutants, a reduction of at least 45 percent in construction activity would be required to avoid significant criteria pollutant emissions. In addition to criteria pollutant emission impacts, reducing the amount of construction by replacing below-ground parking with above-ground structured parking as proposed would reduce some of the noise and a significant amount of the vibration impacts to surrounding areas by eliminating the excavation activities and reducing the number of truck trips off-hauling excavated material.

Project Design

The Reduced Grading and Excavation Alternative project would result in a minimal reduction in the overall square footage of the proposed project but would reduce the amount of construction air pollutant emissions and consequent reduction in air quality impacts. In addition, it would result in reduced noise and vibration impacts by eliminating the below-ground excavation activities and truck trips. This Alternative, however, would change the overall project design by including large above-ground parking structures to accommodate the project's parking requirements, which would be inconsistent with overall design concept of compact, integrated mixed use development that de-emphasizes the presence of automobiles, and would make the project inconsistent with the Signature Project objectives of demonstrating high-quality architectural, landscape and site design features.

Relationship to Project Objectives

Of the project proponent's twelve stated objectives, this Alternative could potentially meet all but the following:

> *1. Further the Envision San José 2040 General Plan Land Use Element Goal LU-2 to "Focus new growth into identified Growth Areas to preserve and protect the quality of existing neighborhoods, including mobile home parks, while establishing new mixed use neighborhoods with a compact and dense form that is attractive to the City's projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use."*

The Reduced Grading and Excavation Alternative would continue to provide a substantial amount of residential units, commercial (including retail and hotel square footage) and office space to effectively be consistent with the General Plan Land Use Goal of focusing new growth into this identified Growth Area. As noted above, the amount of retail space and number of residential units would remain the same as the proposed project, the proposed hotel space would be reduced by 16 percent, and the assisted living and office space would be reduced by 22 percent resulting from the replacement of underground parking with above-ground structured parking for the sake of reducing construction air quality impacts, reflecting an overall reduction in the development program by about six percent.

The tradeoff for reducing grading activity (excavation) by eliminating underground parking would be the construction of a large, unattractive parking structure(s) that could be considered to be inconsistent with existing neighborhood character, and thus making it inconsistent with this Objective's stated goal of preserving and protecting the quality of existing neighborhoods.

> *3. Further the Envision San José 2040 General Plan Major Strategy #5 and Implementation Policy IP-5.10 by promoting the development of a Signature Project in an Urban Village, providing an active, walkable, bicycle-friendly, mixed-use setting for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.*

The reduction in the amount of hotel, assisted living, and office space, the reduction of public park space would make the project less consistent with the intent of providing an active, walkable and bicycle-friendly mixed-use setting, as stated in this Objective. The construction of large, multi-story parking structures would also make this Alternative less consistent with the Objective's intent to develop a Signature Project, which by definition must demonstrate high-quality architectural, landscape and site design features.

> *6. Provide publicly accessible open space, including approximately 1.6 acres of land for a central community park and plaza.*

The Reduced Grading and Excavation Alternative would not meet Objective 6 to the same extent as the proposed project because the park would be reduced. It is estimated that under this Alternative, the amount of community park space would be reduced by approximately .83 acres, or 48 percent in order to accommodate new five-story, above-ground parking structures.

> *7. Locate the majority of parking underground in order to minimize the visual impact of above-ground parking, maximize on-site open space, and foster compatibility with the surrounding community.*

The Reduced Grading and excavation Alternative would include new five-story, above ground parking structure(s), resulting in a 48 percent reduction in the community park**.** These parking structures would be visible from the surrounding community and would not have the same beneficial impacts as the proposed project in reducing the impact of above-ground parking by placing the majority of parking underground, allowing for more public park space and pedestrian and bicycle accessibility.

Conclusion

The Reduced Grading and Excavation Alternative would not generate emissions of construction criteria air pollutants that exceed BAAQMD thresholds without mitigation. In addition, it would reduce construction noise and vibration impacts caused by extensive below-ground excavation activities and off-hauling of excavated material. However, this Alternative would represent a diminished opportunity to intensify job-creating commercial and office growth within the Camden Avenue/Hillsdale Avenue Urban Village growth area and would be inconsistent with the Signature Project objectives of demonstrating high-quality architectural, landscape and site design by adding large unsightly parking structures to the site. This would make the Alternative inconsistent with the

City's General Plan goals related to taking full advantage of infill development opportunities within Urban Village areas. This alternative also would be inconsistent with the goals of providing a 1.6-acre community park and plaza and placing a majority of parking underground to reduce visual impacts to the adjacent community and increase open space.

SECTION 8.0 REFERENCES

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

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SECTION 9.0 LEAD AGENCY AND CONSULTANTS

9.1 LEAD AGENCY

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