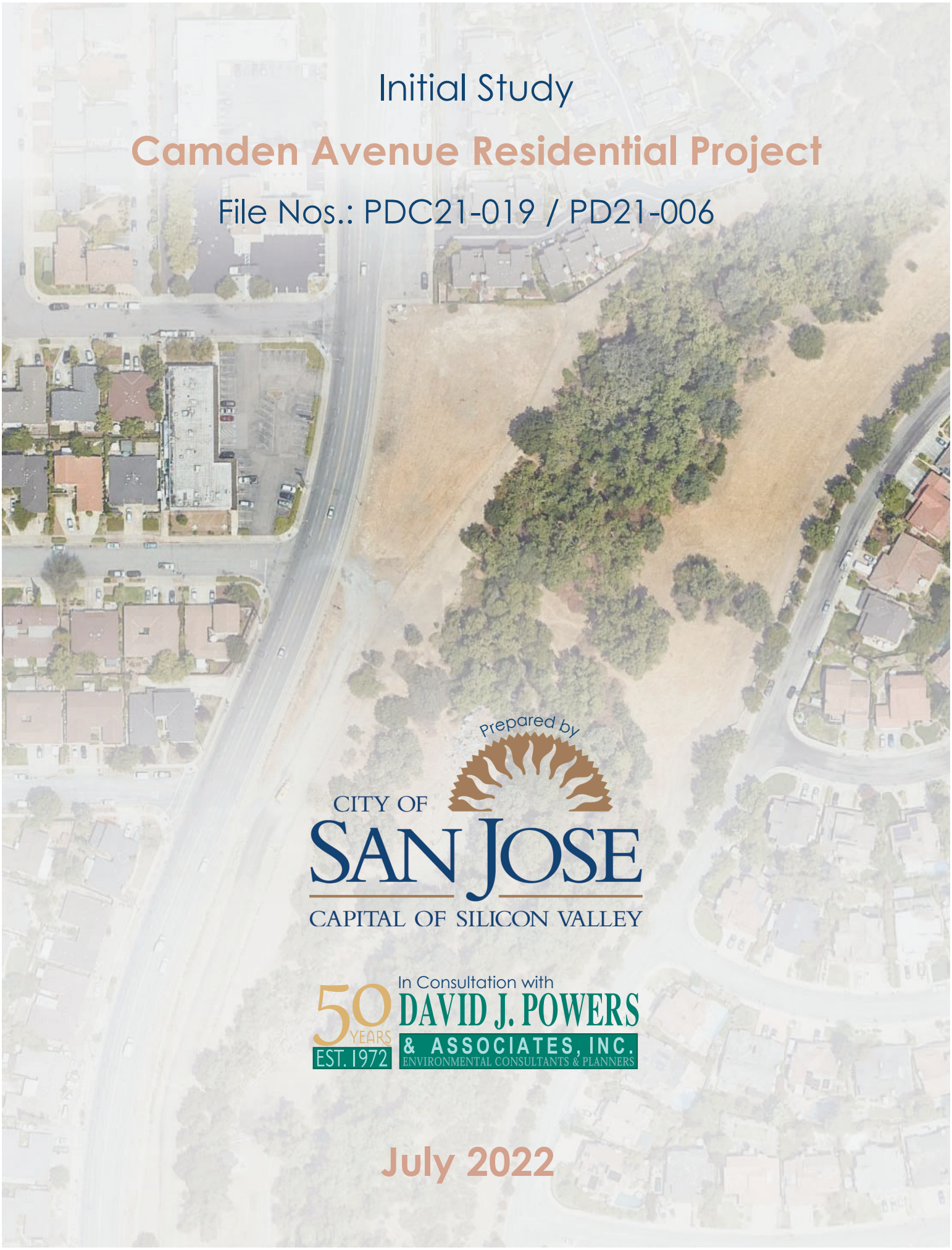
Initial Study

Camden Avenue Residential Project

File Nos.: PDC21-019 / PD21-006



Prepared by

CITY OF SAN JOSE

CAPITAL OF SILICON VALLEY

In Consultation with

50 YEARS EST. 1972 DAVID J. POWERS & ASSOCIATES, INC.

ENVIRONMENTAL CONSULTANTS & PLANNERS

July 2022

TABLE OF CONTENTS

Figures

Tables

Appendices

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

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

The project proposes to develop the parcel located at the east side of Camden Avenue between Canna Lane and Malpas Drive (Assessor's Parcel Number 567-26-014) with seven single-family residential homes. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

City of San José
Department of Planning, Building, and Code Enforcement
Attn: Cort Hitchens, Planner II
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
(408) 794-7386
cort.hitchens@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Camden Avenue Residential Project

2.2 LEAD AGENCY CONTACT

Cort Hitchens, Planner II
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
(408) 794-7386
cort.hitchens@sanjoseca.gov

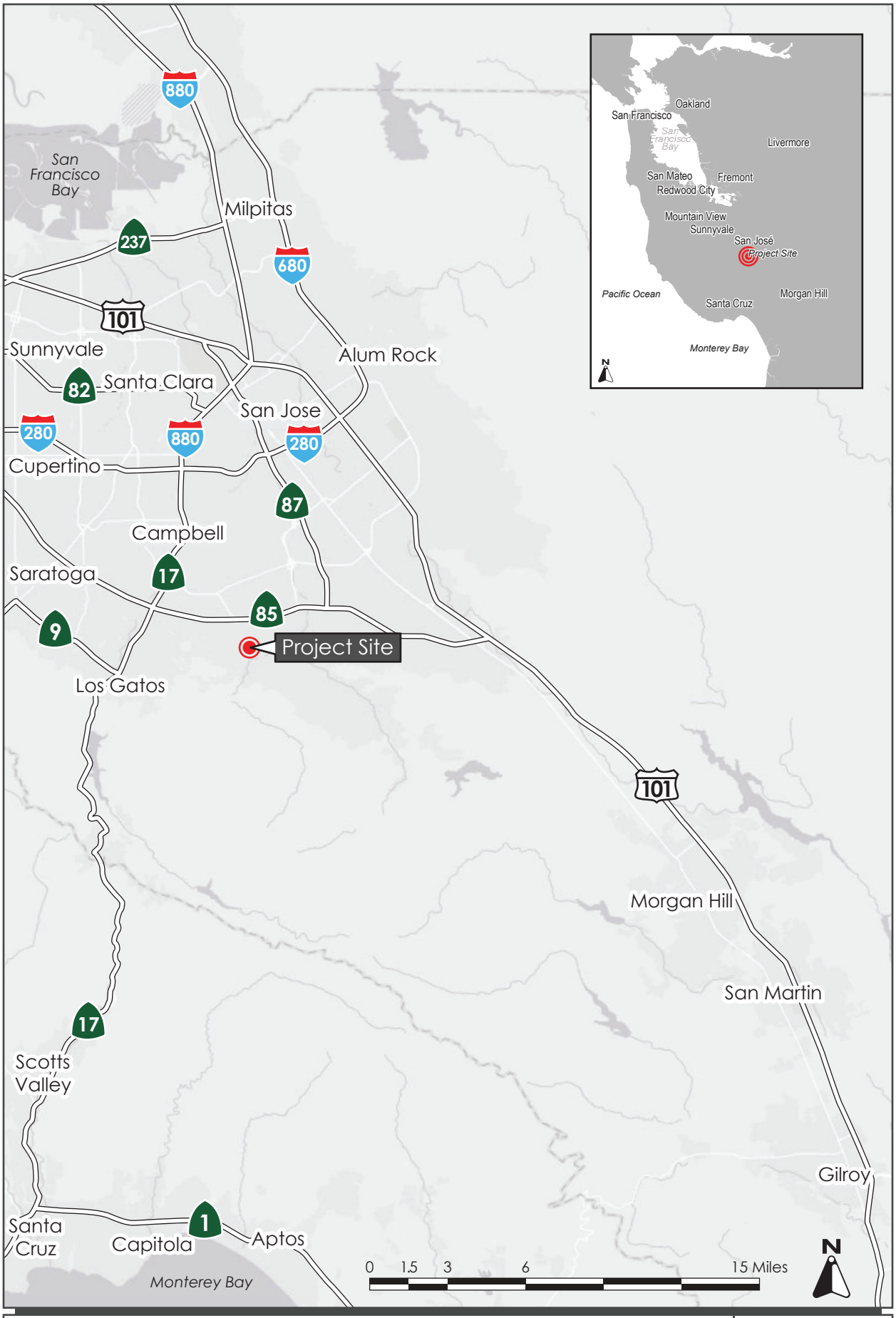
2.3 PROJECT APPLICANT

Mark Lazzarini
DAL Properties, LLC
255 W Julian Street #502
San José, CA 95110

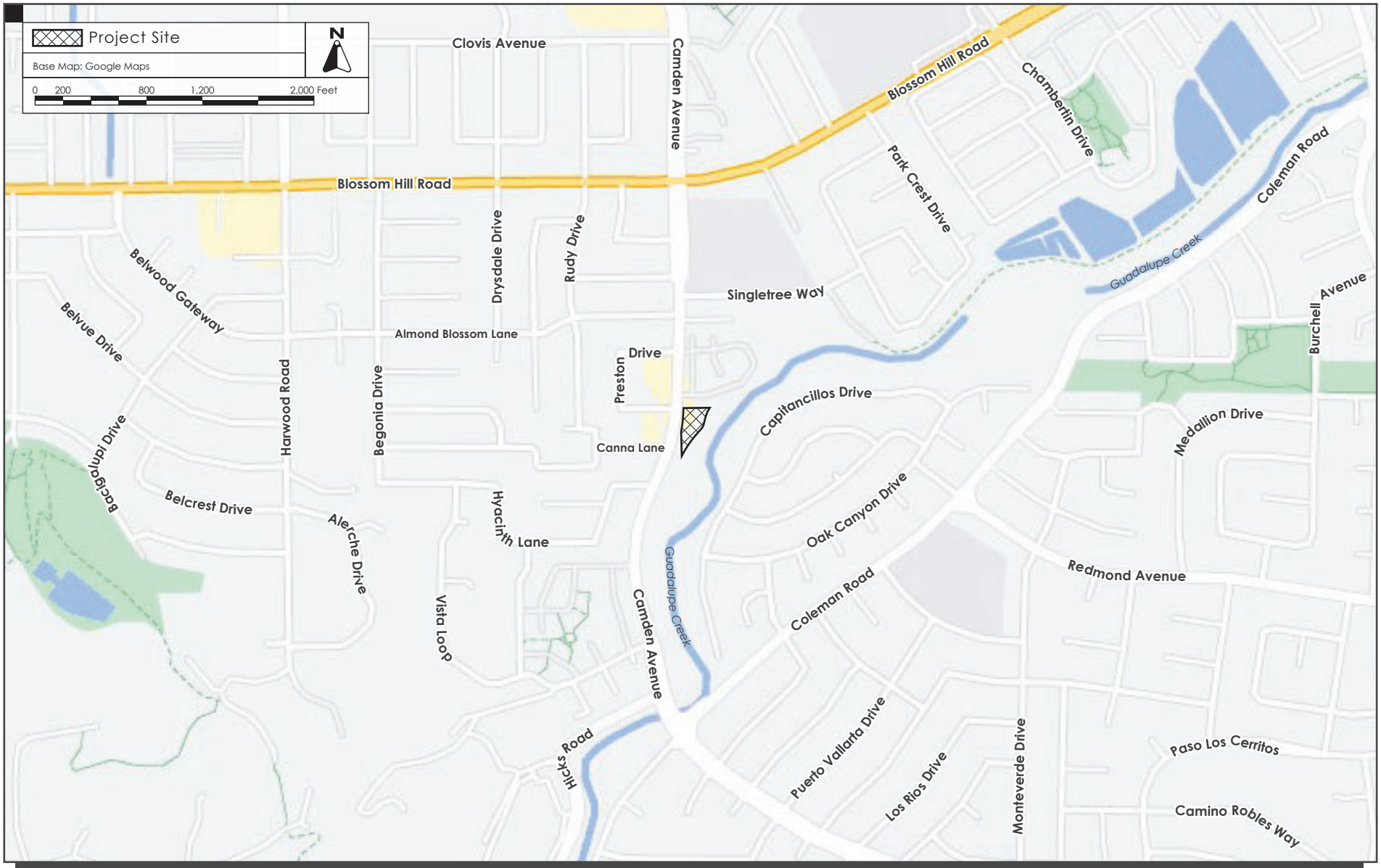
2.4 PROJECT LOCATION

The project site consists of a triangle-shaped parcel located on the east side of Camden Avenue between Canna Lane and Malpas Drive in the Oak Canyon district of the City of San José. Adjacent east of the project site is Guadalupe Creek.

Regional, vicinity, and aerial maps of the project site are shown on Figures 2.4-1, 2.4-2, and 2.4-3, respectively.



REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.5 ASSESSOR'S PARCEL NUMBER

The Assessor's Parcel Number (APN) for the project site is 567-26-014.

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan) and is zoned R-2, Two-Family Residence District.

2.7 HABITAT PLAN DESIGNATION

The project site is within the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) area and is designated as Urban-Suburban land cover.

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planning, Building, and Code Enforcement
    - Planned Development Rezoning and Permit
    - Tentative Map
    - Tree Removal Permit
    - Building Permit(s)
    - Condition 11 Exception Request
- Public Works
    - Construction Agreement
    - Grading Permit
    - Haul Route Permit
- Department of Transportation
    - Street Tree Planting Permit
- Santa Clara Valley Water District
    - Streamside Resource Protection Permit

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

3.1.1 Existing Setting

The approximately one-acre project site is located on the east side of Camden Avenue between Canna Lane and Malpas Drive in the Oak Canyon district of the City of San José. The triangle-shaped site is bounded by Camden Avenue to the west, existing residential development to the north, and a Santa Clara Valley Water District (Valley Water) maintenance road easement and the Guadalupe Creek (and associated riparian corridor) to the east. The site is currently vacant and consists of undeveloped open space, a gravel Valley Water maintenance road, and a chain-link fence.

As shown on Figure 2.4-3, land uses within the vicinity of the project site include commercial developments to the west across Camden Avenue, and single-family residential developments to the north, east (across Guadalupe Creek), and west.

3.1.2 General Plan and Zoning

The project site's General Plan designation is Residential Neighborhood (RN), which permits residential developments with densities ranging from five to 16 dwelling units per acre with a floor area ratio (FAR) of 0.7 and heights between one and 2.5 stories.

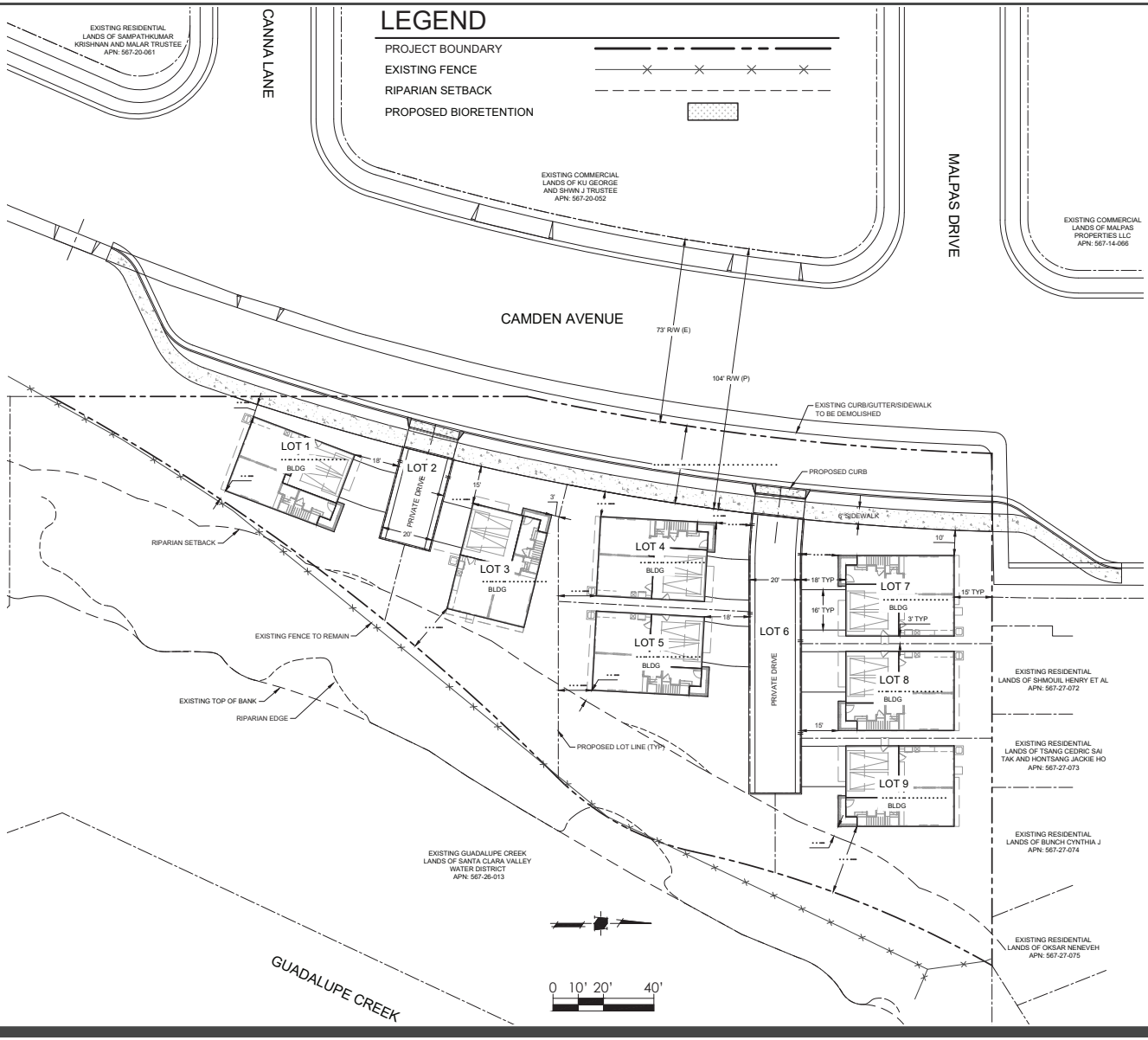
The project site is zoned R-2 Two-Family Residence District, which permits a residential density of eight to 16 units per acre, and a maximum height of 35 feet. The purpose of this zoning district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions.

3.2 PROPOSED DEVELOPMENT

The project proposes to construct seven single-family residences ranging between 2,274 and 2,292 square feet in size, equivalent to 8.5 dwelling units per acre.[1] The residences would range from two to 2.5 stories, with a maximum height of 35 feet. In total, the FAR of the proposed development would be 0.26.[2] Access to and from the proposed residences would be provided via two 20-foot-wide private driveways accessible from Camden Avenue. Each residence would provide two parking garage spaces and a driveway apron capable of providing parking for up two vehicles (28 off-street parking spaces total). No additional street parking would be provided within the project site. Additionally, the project would provide a 31-foot-wide dedication of public street right-of-way to allow for the widening of Camden Avenue (an approximately 0.18-acre area). Construction of the roadway widening would be conducted by the San José Department of Public Works under the City's Capital Improvement Program and is not a part of the project.

The conceptual site plan and renderings of the proposed development are shown on Figures 3.2-1 and 3.2-2, respectively.

[1] Seven dwelling units (proposed number of residences) divided by 0.82 acres (area of the site) equals 8.5 dwelling units per acre. Calculations exclude the .18-acre public right-of-way dedication area.
[2] 9,406 square feet (footprint of proposed residences) divided by 35,719 (area of the site) equals 0.26 FAR. Calculations exclude the .18-acre public right-of-way dedication area.



Source: HMH, May 18, 2021.

CONCEPTUAL SITE PLAN

FIGURE 3.2-1

PLAN 1 FRONT ELEVATION A PLAN 1 FRONT ELEVATION B PLAN 1 FRONT ELEVATION A PLAN 1 FRONT ELEVATION B

PLAN 2 RIGHT ELEVATION B PLAN 1 RIGHT ELEVATION A PLAN 1 FRONT ELEVATION B SIDE GARAGE PLAN 1 LOT 7 LEFT ELEVATION B

Source: DAHLIN, October 13, 2021.

PROJECT RENDERINGS

FIGURE 3.2-2

3.2.1 Landscaping, Stormwater Controls, and Riparian Setback

Currently, the project site consists of 100 percent pervious surface. Post-construction, the project site would be developed with approximately 21,390 square feet of impervious surface and approximately 14,329 square feet of pervious surface, equivalent to 60 percent impervious and 40 percent pervious.[3] The project includes five landscaping hydrozones; hydrozones one through three and five would be within the developed area of the site, while hydrozone four would be within the riparian setback area (discussed below). The landscaped areas within the developed zone (refer to Figure 3.2-3) would feature a mix of low- to medium-water use plants and trees. Hydrozone three would include ten bioretention areas planted with shrubs that would treat 100 percent of stormwater runoff. The hydrozones in the developed area would utilize drip irrigation controlled by smart weather irrigation controllers that adjust their daily water schedule programming based upon the local climatic conditions at the project site. Water use and irrigation systems would conform to current State and local Model Water Efficient Landscape Ordinances (MWELO).[4]

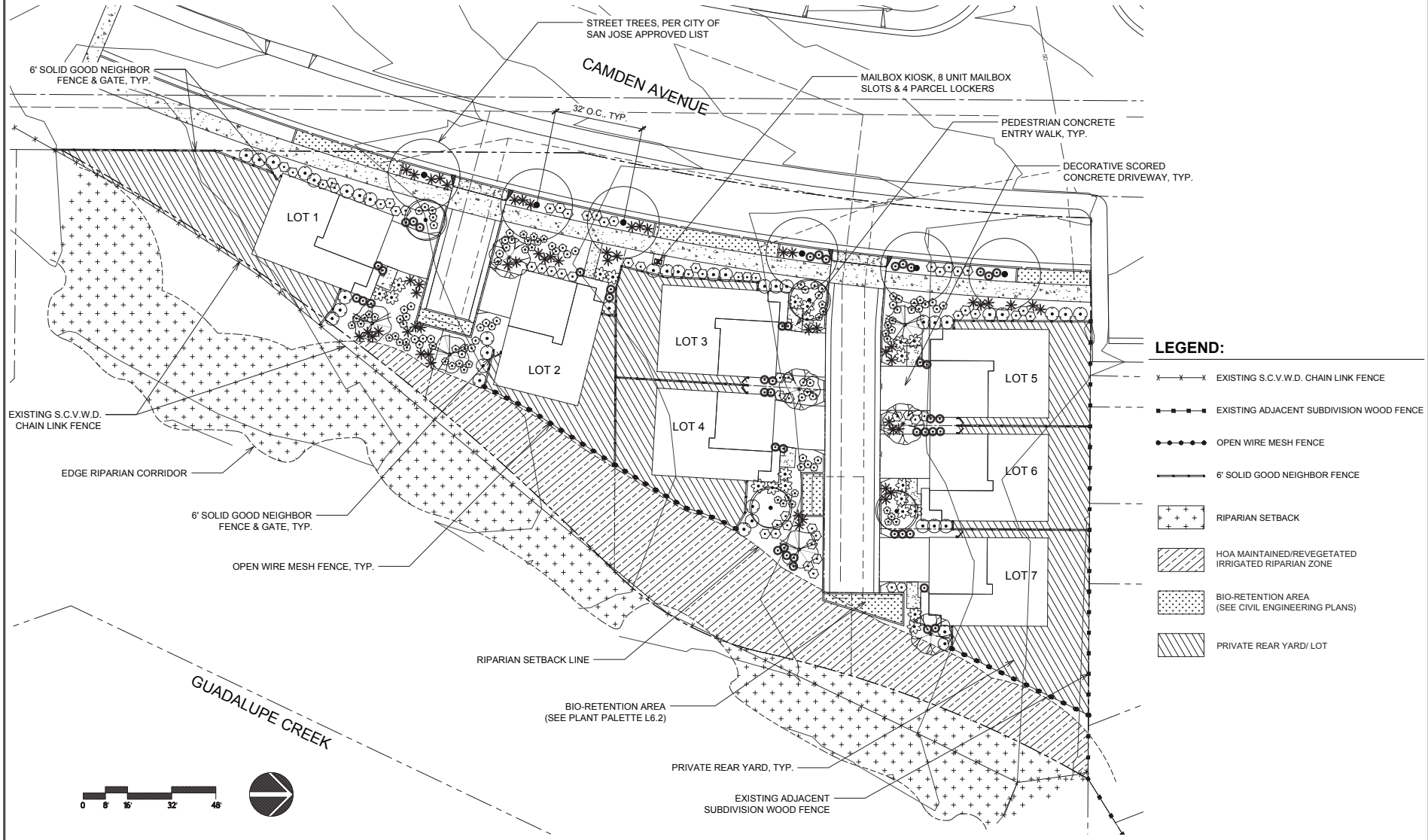
As shown in Figure 3.2-3, the proposed development and associated impervious surfaces would be set back a minimum of 50 feet from the Guadalupe Creek top of bank, and at least 35 feet from the outer dripline of riparian vegetation. This riparian setback area would be approximately 0.25 acres in size. The project proposes to remove invasive species present within the riparian setback area. The project also proposes to replant the riparian setback area with native vegetation, install supportive irrigation in the setback area, and to implement a five-year monitoring plan funded by homeowners association (HOA) fees in accordance with the Habitat Mitigation and Monitoring Plan (HMMP) prepared for the project that is summarized below (refer to Appendix B for a copy of the complete HMMP).[5]

The preliminary landscape plan for the proposed development is shown on Figure 3.2-3.

3.2.1.1 *Habitat Mitigation and Monitoring Plan*

The proposed HMMP prepared for the project would improve a 9,885 square foot (equivalent to 0.2-acre) portion ("HMMP area") of the 0.25-acre riparian setback by converting it from ruderal, non-native open space to native oak woodland habitat (consistent with surrounding native habitat). Invasive, non-native species within the HMMP area include tree-of-heaven trees and Russian thistle, which the HMMP would remove before replanting the area with container-grown, native vegetation (as described in Appendix B).

[3] 14,329 square feet (amount of pervious surface) divided by 35,719 (area of the site) equals 40 percent. The remainder (60 percent) is impervious surface. Calculations exclude the .18-acre public right-of-way dedication area.
[4] New development and retrofitted landscape water efficiency standards are governed by the Model Water Efficient Landscape Ordinance (MWELO) codified in California Code of Regulations Chapter 2.7. The MWELO is also referenced by Title 24, Part 11, Chapters 4 and 5 CalGreen Building Code. All local agencies must adopt, implement, and enforce the MWELO or a local Water Efficient Landscape Ordinance (WELO) that is at least as effective as the MWELO.
[5] HOA fees would be collected from future homeowners of the proposed development.



Source: Van Dorn Abed Landscape Architects, Inc., May 24, 2021.

CONCEPTUAL LANDSCAPE PLAN

FIGURE 3.2-3

Following replanting of the HMMP area with native vegetation, the project would actively maintain the new native oak woodland habitat through supplemental watering, weed control, removal of non-native vegetation, and trash removal for a period of five years or until vegetation meets the survivorship, health, and vigor performance criteria identified in Appendix B. A monitoring report shall be submitted to the City of San José's Environmental Services Department and the Santa Clara Valley Habitat Agency on an annual basis that documents the maintenance activities and results, including observed mortality and health of planted species, the persistence of non-native species, any other condition that may affect the sustainability of the native oak woodland habitat, and adaptive management strategies should the habitat not be meeting the performance criteria identified in the HMMP.

If the annual monitoring report indicates that a large constituent of the plantings are struggling to survive or achieve the aforementioned performance criteria, the HMMP would implement adapting management strategies that may include, but are not limited to, the following:

- Evaluation of the irrigation system for repairs
- Evaluation and amendment of soils in the HMMP area
- Adjustment of the supplemental watering schedule
- Modifications to weed control measures
- Installation of new plantings during the autumn or winter immediately following the end of the previous monitoring period

3.2.2 Utility Improvements

Utility services to the proposed project would be provided by the City of San José Sewers and Storm Drains Section, the San José Water Company, San José Clean Energy, and Pacific Gas & Electric (PG&E) via existing sewers, storm drains, and electrical and telecommunication lines in Camden Avenue. The project proposes to construct six-inch sewer and 12-inch storm drain laterals to connect to existing utilities that would be accessible via new manholes and catch basins installed on-site.

3.2.3 Green Building Features

The proposed project would be built to meet California Green Building Standards Code (CALGreen) standards including design provisions intended to minimize wasteful energy consumption. The proposed project would also be designed to be consistent with San José Council Policy 6-32 (GreenPoint Rated).

3.2.4 Construction

Construction of the proposed project is estimated to last ten months, with construction beginning in Winter 2022 and ending in Fall 2023. Construction activities associated with the project includes site preparation, grading and excavation, trenching and foundation work, building framing and interior construction, and paving. No importing of soil is anticipated. As is further discussed in Section 4.9, a

small amount of contaminated soil on-site (less than 0.7 milligram per kilogram of soil) may need to be exported from the site to a Class I Landfill.[6] All construction staging would occur on-site.

[6] For purposes of the air quality analysis, construction was modeled assuming a construction start date of March 2022 and 20 miles of soil hauling in order to provide a conservative assessment of construction-related emissions.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in the City of San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in the City of San José, is an eligible, but not officially designated, State Scenic Highway.[7]

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

Local

Envision San José 2040 General Plan

The General Plan identifies Gateways and Urban Throughways on its Scenic Corridors Diagram. Gateways and Urban Throughways are locations which announce to a visitor or resident that they are entering the city and contribute greatly to the overall image and quality of life in San José.

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

Policy	Description
CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades

[7] California Department of Transportation. "Scenic Highways.". Accessed April 8, 2022. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Policy	Description
	using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
CD-1.17	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.
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.
CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate though sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
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).
CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including U.S. 101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
CD-10.3	Require that development visible from freeways (including U.S. 101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) is designed to preserve and enhance attractive natural and man-made vistas.

City of San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls)

regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the city.

City of San José Design Review Process and Citywide Design Standards and Guidelines

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances.

To assist those involved with the design, construction, review, and approval of development in San José, the City developed the San José Citywide Design Standard Guidelines, which were adopted in February 2021. Guidelines are provided for specific development types, including single-family residential buildings.

City of San José Council Policy 4-3: Outdoor Lighting on Private Developments

City Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done, and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow. The downtown area is exempt from this policy.

City of San José Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

City Council Policy 6-34 requires all development and activity within 300 feet of the top of bank of a riparian corridor to comply with specific measures designed to reduce impacts to waterways and riparian corridors, including impacts associated with light and glare.

4.1.1.2 *Existing Conditions*

Project Site

The project site is currently vacant, and consists of undeveloped open space, a Valley Water maintenance road, and a chain-link fence. The site is on level ground with the surrounding area and is visible from adjacent parcels and roadways. No ordinance-sized trees, rock outcroppings, or historic buildings are present on-site.[8] The only trees present on-site are sapling-sized tree-of-heaven individuals ranging from approximately two to six feet in height, none of which meet the definition of a heritage or ordinance-size tree, and are not important visual resources on the site.

Surrounding Uses

As shown in Figure 2.4-3, the project site is located in a predominantly urbanized area in south San José, with commercial developments to the west across Camden Avenue, and single-family residential developments to the north, east (across the Guadalupe Creek), and west. To the east of the site is an undeveloped riparian corridor along the Guadalupe Creek that extends from the intersection

[88] An "ordinance-size tree" is defined in Chapter 13.32 of the City Municipal Code as any native or non-native tree with a circumference of 38 inches (diameter of 12 inches) at 54 inches (4.5 feet) above the natural grade of slope.

of Shannon Road and Hicks Road approximately 1.15 miles to the south and Meridian Avenue and Coleman Road one mile to the east.

The residential uses adjacent to the site's northern border are two-story structures of conventional design, painted bluish-grey with white accents and bonnet roofs. The commercial uses across Camden Avenue to the west are single-story structures of basic utilitarian design, with mansard-esque roofs, dark brown wooden shingles, and simple white painted frontages.

Scenic Views

The City of San José 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.

Scenic Corridors

The City's General Plan identifies Gateways, Urban Throughways (urban corridors), and Rural Scenic Corridors where preservation and enhancement of views of the natural and man-made environment are crucial. The nearest Gateway segment to the project site is Camden Avenue from Highway 17 to South Bascom Avenue, approximately 3.25 miles northwest of the site. The City has designated SR 87, from the U.S. 101 interchange to SR 85, and Interstate 280 from the Interstate 880 intersection to Fair Oaks Avenue in Sunnyvale, as Urban Throughways. The nearest Urban Throughway segment to the project site is SR 87, approximately three miles northeast of the project site. The nearest Rural Scenic Corridor is Hicks Road, approximately 0.45 miles south of the project site.

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 four miles west of the site. Interstate 280 from the San Mateo County line to SR 17, which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is approximately 6.25 miles south of the nearest State Scenic Highway-eligible segment.

Light and Glare

The project site is currently undeveloped and does not generate any light and glare. Sources of light and glare in the surrounding area are those typical of developed urban areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[9] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

The project site is located in a predominantly urbanized area developed with residential and commercial uses. The site is not located within or adjacent to any of the scenic vistas or corridors identified in Section 4.1.1.2. Views from these scenic vistas and corridors would not be adversely affected since the proposed houses would be virtually indistinguishable due to the distance between these vistas and the project site and surrounding development.

The project site is visible from Camden Avenue and surrounding development. The proposed project would construct seven single-family residences, none of which would exceed 35 feet in height. The only scenic features visible from the project site are the foothills of the Santa Cruz Mountains. Views of the foothills, at most, would only be partially obstructed for residents of the single-family houses located immediately north of the project site, and private views are not protected scenic resources under CEQA.

Conclusion for checklist question a): The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

[9] 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?

As discussed in Section 4.1.1.2, the nearest officially designated state scenic highway to the project site is SR 9, located approximately four miles west of the site. The site is not adjacent to or visible from SR 9 which is the closest designated state scenic highway, and therefore the project would not damage scenic resources within a state scenic highway.

Conclusion for checklist question b): The project would not damage scenic resources within a state scenic highway. **(No Impact)**

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

As discussed in Section 4.1.1.2, the project site is located in a predominantly urbanized area, and has a Residential Neighborhood (RN) land use designation and is zoned R-2 Two-Family Residence District. The site's land use designation and zoning district permit densities between five to 16 dwelling units, an FAR of 0.7, and maximum heights of 35 feet. As discussed in Section 4.11 Land Use and Planning checklist question b), the proposed project is consistent with the site's land use designation and zoning district. Further, the final design of the proposed residences would be subject to the City's design review process, which would ensure that the project is consistent with the Citywide Design Guidelines (refer to Section 4.1.1.1), which require new single-family developments to be consistent in character and quality with adjacent residential uses. As discussed in Section 4.4 Biological Resources checklist question e), the only trees present on-site are sapling-sized tree-of-heaven individuals ranging from approximately two to six feet in height, none of which meet the definition of a heritage or ordinance-size tree, and are not important visual resources. All trees would be removed in accordance with the City of San José Tree Protection Ordinance, San José Municipal Code Section 13.28, and General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

In addition to the urbanized areas to the north, west, and south, the project site is bordered by the Guadalupe Creek and the associated undeveloped riparian corridor to the east. The project proposes to preserve and improve a 50-foot-wide, 0.25-acre portion of the riparian corridor that forms the eastern portion of the project site by removing invasive species and replanting it with native vegetation and installing supportive irrigation. The project also proposes to implement a five-year monitoring plan funded by HOA fees in accordance with the HMMP prepared for the project (refer to Appendix B). Further, the proposed residences would be no taller than 35 feet in height and would be constructed in accordance with the Citywide Design Guidelines, ensuring that views of the Guadalupe Creek and riparian corridor are not significantly obstructed or degraded.

Conclusion for checklist question c): The project would not substantially degrade the existing visual character or quality of public views of the site and surroundings or conflict with applicable zoning and other regulations governing scenic quality. **(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?

Light and glare within the vicinity of the project site is typical for urbanized areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows. As required by City Council Policy 4-3, all project lighting would be fully shielded and not directed skyward. Further, the project would be subject to the light and glare related measures identified in City Council Policy 6-34, which requires all lighting be directed away from riparian corridors and prohibits the use of reflective materials on building exteriors or large areas of reflective glass.

Conclusion for checklist question d): The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (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 identified as 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]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[11]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[12] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[13]

4.2.1.2 *Existing Conditions*

The project site was used for agricultural purposes from 1947 until 1982. Since that time, the project site has not been used for agricultural or timberland purposes. The project site is located within an urbanized area of Santa Clara County, and the project site is designated as Urban and Built-Up Land

[10] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed February 23, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[11] California Department of Conservation. "Williamson Act.". Accessed April 8, 2022 http://www.conservation.ca.gov/dlrp/lca.
[12] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[13] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed February 23, 2022. http://frap.fire.ca.gov/.

by the California Department of Conservation.[14] Common examples of Urban and Built-Up Land include urban residential, industrial, and commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[15] No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

[14] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed February 23, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[15] County of Santa Clara. *Williamson Act Properties*. Accessed February 23, 2022. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

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

As discussed above in Section 3.2.1.2, there is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the site.

Conclusion for checklist question a): The project would not convert farmland to non-agricultural use. **(No Impact)**

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

The project site is neither zoned for agricultural use or under a Williamson Act contract.

Conclusion for checklist question b): The project would not conflict with existing zoning for 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 and surrounding parcels are not zoned, or adjacent to any zoning, for forest land or timberland.

Conclusion for checklist question c): The project would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland production. **(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 located within an urbanized area that is designated for residential and commercial uses. No forest land would be lost as a result of the project, nor would forest land be converted to non-forest use.

Conclusion for checklist question d): The project would not result in a loss of forest land or conversion of forest land to a non-forest use. **(No Impact)**

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

The project proposes to develop a vacant, underutilized parcel that contains no farm or forest land with seven single-family residences in an urbanized portion of San José that is surrounded by residential and commercial uses. Development of the project would be confined to the project site and thus no indirect impacts to agricultural or forest land would occur.

Conclusion for checklist question e): The project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on a Construction Community Risk Assessment prepared for the project by Illingworth & Rodkin, Inc. The report, dated February 8, 2022, is attached to this Initial Study as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[16] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

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

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

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

reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[17] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

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

[17] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed March 9, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

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

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[18]

CEQA Air Quality Guidelines

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

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

Local

Envision San José 2040 General Plan

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

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-10.3	Promote the expansion and improvement of public transportation services and facilities, where appropriate, to both encourage energy conservation and reduce air pollution.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-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.
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.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.3	Require subdivision designs and site planning to minimize grading and use landform grading in hillside areas.

4.3.1.3 *Existing Conditions*

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The portion of Santa Clara Valley in which the project site is located within is bounded by the San Francisco Bay to the north, the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

The Bay Area is considered a nonattainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act (refer to Appendix A for additional information about the nearest pollutant monitoring station to the project site and data of days exceeding standards). The area is also considered in nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors[19] that apply to both construction and operational period emissions.

The closest sensitive receptors to the project site are the single-family residences located on Camden Village Circle, immediately north of the project site, the nearest located approximately 20-feet from the project site. As shown in Figure 4.3-2, the only stationary source of TAC emissions present within 1,000 feet of the project site is a gas dispensing facility located approximately 120 feet to the east of the site across Camden Avenue.

4.3.2 Impact Discussion

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

[19] ROG and NO_x are O3 precursor pollutants.

4.3.2.1 *Thresholds of Significance*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

Notes:
m3 = micrograms per cubic meter.

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

The proposed project would not conflict with the 2017 CAP because construction and operational emissions would be less than the BAAQMD CEQA Air Quality Guidelines impact thresholds shown in Table 4.3-3 above. Because the project would not exceed the BAAQMD impact thresholds (described further below), it would not result in significant impacts due to the generation of

operational-related criteria air pollutants and/or precursors. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, the project is considered urban infill and would be located near bicycle facilities and transit with regional connections. Implementation of the project would not prevent BAAQMD or partner agencies from continuing progress toward attaining State and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. For these reasons, the project would not result in a significant impact related to consistency with the 2017 CAP.

Construction Period Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from project construction. Construction emissions were modeled based on equipment list and schedule information provided by the applicant. Details about the equipment list, construction schedule, modeling, data inputs, and assumptions are included in Appendix A. Table 4.3-3 below summarizes the annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 4.3-3: Project Construction Period Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Construction Emissions (tons)	0.30	1.37	0.06	0.06
Average Daily Emissions (pounds)[1]	2.76	12.63	0.60	0.57
BAAQMD Thresholds (pounds/day)	*54 lbs.*	*54 lbs.*	*82 lbs.*	*54 lbs.*
Exceed Threshold?	No	No	No	No

Notes:

[1] Assumes 217 construction workdays

Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Community Risk Assessment*. February 8, 2022.

As shown in Table 4.3-3, the project's construction criteria pollutant emissions would not exceed BAAQMD thresholds. Additionally, implementation of the City's standard permit conditions (refer to checklist question c) would further reduce construction-related emissions. Therefore, the project's construction period emissions would have a less than significant impact.

Operational Period Emissions

According to the BAAQMD thresholds, a project that generates more than 54 pounds per day of ROG (reactive organic gases), NOx, or $PM_{2.5}$, or 82 pounds per day of PM_{10} would be considered to have a significant impact on regional air quality. The BAAQMD developed screening criteria to provide lead agencies with an indication of whether a project could result in significant operational air quality impacts (e.g., daily or annual emissions above stated thresholds). Screening criteria are

used to determine the extent of additional analysis required for a specific project. If a project is determined to be below the BAAQMD's screening criteria for a specific pollutant, then the project is said to have less than significant operational air quality impacts and no further analysis is required under CEQA.

Operational period criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by future residents, and to a lesser extent by waste disposal and daily energy and water usage. The proposed project falls below the BAAQMD operational criteria air pollutants screening threshold of 325 dwelling units for a "Single-family" land use type. Therefore, the project would result in a less than significant air quality impact due to operational-related criteria air pollutant emissions.

Conclusion for checklist question a): The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As described in Section 4.3.1.3, the Bay Area is considered a non-attainment area for ground-level O^3 and $PM_{2.5}$ under both the Federal Clean Air Act and 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}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O^3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. As described under checklist question a, the project would not result in an exceedance of BAAQMD thresholds for these air pollutants during construction or operation.

Conclusion for checklist question b): The project would not result in a cumulatively considerable increase of any criteria pollutant for which the region is in nonattainment. **(Less than Significant Impact)**

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

Fugitive Dust

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$.

Standard Permit Condition:

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

Consistent with the BAAQMD CEQA Air Quality Guidelines, these impacts are considered to be less than significant if the above standard permit conditions are implemented to reduce the emissions.

Community Health Risk Assessment

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. The 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 emissions associated with traffic consisting of mostly light-duty vehicles.

Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions, as discussed below. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TACs were also assessed in terms of the cumulative risk which includes the project contribution.

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 are the combination of risks from construction and operation 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), with the residential sensitive receptors being exposed to both project construction and operation emissions during this timeframe.[20]

The project's increased cancer risk is computed by summing the project construction cancer risk and operation cancer risk contributions. Unlike the increased maximum cancer risk, the annual $PM_{2.5}$ 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. Other sensitive receptors would be exposed to a lower health risk than identified for the MEI. Additional explanation of the methodology for computing community risk impacts is provided in Appendix A.

Community Health Risk from Project Construction

The maximum annual $PM_{2.5}$ concentration and the maximum cancer risk as a result of the project would occur on the second floor at the adjacent single-family residences north of the project site. Figure 4.3-1 below shows the location of sensitive receptors and the MEI near the project site.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Although construction exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations (see Impact AQ-1), construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. Diesel exhaust particulate matter (DPM) 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 quantitative health risk assessment of the project construction activities was conducted to evaluate the potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$, pursuant to the BAAQMD CEQA Air Quality Guidelines using CalEEMod and the U.S. EPA AERMOD dispersion model. Details about the community health risk modeling, data inputs, and assumptions are included in Appendix A.

[20] Bay Area Air Quality Management District. *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines.* December 2016.

Source: Illingworth & Rodkin, Inc., February 8, 2022.

OFF-SITE RECEPTORS AND MAXIMALLY EXPOSED INDIVIDUAL | FIGURE 4.3-1

Table 4.3-4 below summarizes maximum cancer risks, $PM_{2.5}$ concentrations, and hazard index from project construction activities at the off-site residential MEI.

Table 4.3-4: Project Construction Impact At Off-Site MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Construction[1]	**23.75 (infant)**	0.15	0.03
BAAQMD Single-Source Threshold	*10.0*	*0.3*	*1.0*
Exceed Threshold?	**Yes**	No	No
Notes: Emissions in excess of BAAQMD thresholds are shown in **bold**. Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Community Risk Assessment*. February 8, 2022.			

As shown in Table 4.3-4, the project's unmitigated cancer risk would exceed BAAQMD's single-source threshold of 10 cancer cases per million.

Impact AIR-1: Construction activities involving diesel particulate matter (DPM) exhaust emissions at the project site would result in significant cancer risk (significant cancer risk threshold is greater than 10.0 chances per million) at the maximally exposed individual located 20 feet north of the project site (23.75 chances per million).

Mitigation Measures:

MM AIR-1.1: Prior to issuance of any tree removal, grading, and/or building permits (whichever occurs first), the project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 60 percent reduction in diesel particulate matter exhaust emissions or greater. The plan shall be signed and verified by an air quality specialist. The plan shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee. Construction equipment measures shall be printed on all construction documents, contracts, and project plans. Feasible plans to achieve this reduction would include one of the two following options:

- All 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 for PM , if feasible, otherwise:
    - 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 a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). The use of Tier 3 equipment shall not exceed five percent of all equipment usage (described in terms of total horsepower hours during a phase).

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

- Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:
    - Implementation of Item 1a above to use Tier 4 or alternatively fueled equipment,
    - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
    - Use of electrically-powered equipment,
    - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
    - Change in construction build-out plans to lengthen phases, and
    - Implementation of different building techniques that result in less diesel equipment usage.

Implementation of MM AIR-1.1 would reduce DPM emissions by 60 percent, which would reduce the cancer risk associated with project construction from 23.75 cases per million to 9.5 cases per million, which would be below BAAQMD's single-source threshold of 10 cases per million. Accordingly, with implementation of MM AIR-1.1, project construction would not expose sensitive receptors to substantial pollutant concentrations.

Community Health Risk from Project Operation

The project does not propose any stationary equipment (e.g., emergency generators) that could generate substantial pollutant concentrations. Operation of the project would generate long-term emissions from mobile sources (i.e., project-generated traffic). Per BAAQMD, roadways with less than 10,000 total vehicles per day are considered a low-impact source of TACs. The project would generate 66 daily trips (equivalent to less than one percent of 10,000 trips) that would be dispersed over the surrounding roadway network, and the vast majority of project trips would be light-duty vehicles (i.e., passenger automobiles). Therefore, emissions associated with project-generated traffic would not expose sensitive receptors to substantial pollutant concentrations.

Cumulative Community Health Risk from All TAC Sources

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within one-quarter mile of the project site. These sources include busy surface streets (i.e., roadways that exceed 10,000 vehicles per day) and existing stationary sources identified by BAAQMD. Figure 4.3-2 shows the existing, substantial TAC and $PM_{2.5}$ sources with the potential to affect the off-site MEI.

Source: Illingworth & Rodkin, Inc., February 8, 2022.

PROJECT SITE AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 4.3-2

Modeling was completed to calculate the community health risk from the cumulative sources at the project MEI. Refer to Appendix A for details about the cumulative health risk modeling, including the models used (CT-EMFAC2021, EMFAC, and U.S. EPA AERMOD models), model inputs, and assumptions. Table 4.3-5 reports the cumulative community risk impacts from project construction and operation and other cumulative sources at the MEI.

Table 4.3-5: Cumulative Community Risk Impacts at Off-Site MEI

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction/ Operation	Unmitigated	23.75	0.15	0.03
	Mitigated[1]	9.5	0.04	0.01
Camden Avenue		5.23	0.28	<0.01
ARCO Facility #02155 (Facility ID #110679)		4.30	–	0.02
Total Cumulative Risk	Unmitigated	33.28	0.43	<0.06
	Mitigated[1]	15.72	0.32	<0.04
BAAQMD Cumulative Source Threshold		*100*	*0.8*	*10.0*
Exceed Threshold?		No	No	No

Notes:

[1] Mitigation includes BAAQMD fugitive dust controls and MM AIR-1.1.

Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Community Risk Assessment*. February 8, 2022.

As shown in Table 4.3-5, the unmitigated and mitigated cumulative cancer risks, annual $PM_{2.5}$ concentrations, and hazard index for non-cancer health risks would not exceed BAAQMD's cumulative-source thresholds; therefore, the project would not contribute to a cumulative increase in TAC emissions within the project vicinity.

Health Effects from Criteria Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute 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. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be

cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

Conclusion for checklist question c): With implementation of standard permit conditions and MM AIR-1.1, the project would not expose sensitive receptors to substantial pollutant concentrations. **(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?

According to the BAAQMD CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact.[21] BAAQMD has identified a variety of land uses that produce emissions that may lead to odors and generate complaints including, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities.

Residential uses do not typically generate objectionable odors, nor do they fall under any of the land uses identified by BAAQMD to cause objectionable odors. 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. Odors associated with the application of paints and coatings may also be noticeable on occasion by adjacent receptors. Painting and coating of the project would occur during daytime hours only, would be localized, and would be generally confined to the project site. These odors would also be temporary. Operation and maintenance of the project would require the use of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance. Any odors generated by the use of these materials would be both temporary and highly localized.

Conclusion for checklist question d): The project would not result in other emissions, such as odors, that would adversely affect a substantial number of people. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies (i.e., General Plan policies MS-10.1, MS-11.1, and MS-11.2) that address existing air quality conditions affecting a proposed project.

Accordingly, a health risk assessment was completed to assess the impact of existing TAC sources on future sensitive receptors (i.e., residents) that would be present on-site. Consistent with the methodology used to determine health risks at the off-site MEI (refer to checklist question c)) the health risk assessment of future project residents from TAC sources were from the same TAC

[21] Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 2-1.

sources shown on Figure 4.3-2. Details about the health risk modeling, data inputs, and assumptions are provided in Appendix A. The health risk assessment concluded that the future MEI at the project would not be exposed to cancer risks, annual $PM_{2.5}$ concentrations, and hazard index for non-cancer health risks that would exceed both the BAAQMD single-source and cumulative source thresholds. Therefore, future residents of the project would not be exposed to substantial pollutant concentrations consistent with the General Plan policies noted above.

4.4 BIOLOGICAL RESOURCES

The discussion in this section is based, in part, on a Biological Evaluation Technical Report prepared for the project by Live Oak Associates, Inc. A copy of the report dated September 15, 2021 is attached to this Initial Study as Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[22] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

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

[22] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed March 18, 2022. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

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

Fish and Game Code Section 1602

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

Regional

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), the United States Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Local

Envision San José 2040 General Plan

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

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

ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species

City of San José Municipal Code

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

City of San José Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

Council Policy 6-34 provides design guidance for development projects proposed within 300 feet of stream banks, including measures designed to reduce impacts to streams. All riparian projects are

required to implement a standard minimum setback of 100 feet, with potential exceptions granted to projects that meet a specific set of circumstances and would not cause a significant environmental impact. Policy 6-34 also addresses potential impacts to riparian systems as it relates to construction materials and lighting design of the building. Policy 6-34 encourages restoration or rehabilitation of riparian corridors to be included in project designs.

4.4.1.2 *Existing Conditions*

The approximately one-acre project site, which is divided by a north-south Valley Water maintenance road and chain-link fence, consists of an approximately 0.75-acre area and a 0.25-acre area to the west and east of the maintenance road and chain-link fence, respectively. These two areas have distinct natural communities, which are discussed in greater detail below.

Natural Communities

Russian Thistle Ruderal Annual Forb Alliance

The approximately 0.75-acre portion of the project site west of the Valley Water maintenance road is heavily dominated by Russian Thistle (Salsola tragus), which makes up 70 to 80 percent of the land cover. Co-dominant species include lamb's quarters (Chenopodium album), horseweed (Erigeron canadensis), and seedlings and saplings of the tree-of-heaven (Ailanthus altissima), a highly invasive non-native tree. Other species that were present included common sow-thistle (Sonchus oleraceus), serrated lettuce (Lactuca serriola), and filarees (Erodium spp.). Non-native annual grasses, such as ripgut brome (Bromus diandris), represent a very small component of the relative vegetation of the site. The northern boundary of the site includes a backyard fence that is covered in a Mexican blood-trumpet vine (Amphilophium buccinatorium). The only trees present on-site are sapling-sized tree-of-heaven individuals ranging from approximately two to six feet in height, none of which meet the definition of a heritage or ordinance-size tree or provide any substantial habitat value on the site.

This portion of the project site has previously been used for the placement of fill material, including gravels and chipped wood, and vegetation removal and grading of the site has previously occurred. Soils types on-site include Urbanland-Flaskan and Urbanland-Landelspark, both of which are well-drained and are not hydric or supportive of serpentine plant communities.

Russian Thistle Ruderal Annual Forb Alliance is not identified as a sensitive natural community in any local or regional plans, policies, regulations, or by the CDFW or USFWS.

Sycamore Oak Riparian Forest Habitat

The approximately 0.25-acre portion of the project site east of the Valley Water maintenance road is vegetated with a mature oak-sycamore riparian forest including a dense tree layer and an understory shrub, grass, and forb layer. The riparian area is a mostly contiguous native habitat dominated by California sycamore trees (Platanus racemosa) and coast live oaks. Sub-dominant tree species include the California buckeye (Aesculus californica), valley oak (Quercus lobata), blue oak (Q. douglasii), sandbar willow (Salix exigua), and blue elderberry (Sambucus nigra ssp. cerulea). Other trees observed in the canopy include the Persian silk tree (Albizia julibrissia), tree-of-heaven saplings, California black walnut (Juglans hindsii), almond trees (Prunus dulcis), and red willow (Salix laevigata). Understory plants included sagebrush (Artemisia californica), oat grass (Avena fatua),

Italian thistle (Carduus pycnocephalus), elegant clarkia (Clarkia unguiculata), fennel (Foeniculum vulgare), bedstraw (Galium aparine), prickly-pear (Opuntia sp.), bee plant (Scrophularia californica), poison oak (Toxicodendron diversilobum), and California wild grape (Vitis californicus). With a few exceptions, this mix of species is largely native in composition.

Sycamore Oak Riparian Forest Habitat is identified as a sensitive natural community by the City of San José, the Santa Clara Valley Habitat Plan, and the CDFW and USFWS.

Special-Status Species

Special-status species are plants and animals that are legally protected under the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), or other regulations, and species that are considered sufficiently rare by the scientific community to qualify for such listing. For purposes of this analysis, special-status plant species include the following:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under CESA as threatened, endangered, rare, or a candidate species.
- Listed by the CNPS as California Rare Plant Rank (CRPR) 1A, 1B, 2, 3, or 4.

For purposes of this analysis, special-status wildlife species include the following:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under CESA as threatened, endangered, or a candidate threatened or endangered species.
- Designated by the CDFW as a California species of special concern.
- Listed in the California Fish and Game Code as fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).

The potential for special-status species to occur on-site was evaluated by Live Oak Associates, Inc. based on a site visit conducted in June 2020, aerial imagery, and a review of the information available in the California Natural Diversity Data Base, the California Rare Plant Rank, manuals and references related to plants and animals of the Santa Clara Valley Region, the Envision San José 2040 General Plan, City of San José policies and ordinances, and the Santa Clara Valley Habitat Conservation Plan.[23]

Special-Status Plants

No special-status plants were observed at the site during the June 2020 site visit. Based on the low diversity of vegetation, soil disturbance, and lack of native species, Live Oak Associates determined that no special-status plants occur or have the potential to occur within the proposed area of disturbance (i.e., the 0.75-acre portion of the site).

[23] Live Oak Associates, Inc. *Camden Avenue Site Biological Evaluation Technical Report San José, California*. September 15, 2021.

Special-Status Wildlife

No special-status wildlife species were observed during the June 2020 site visit. Based on the low diversity of vegetation, soil disturbance, and lack of native species, the proposed area of disturbance on the approximately 0.75-acre portion of the project site is unlikely to provide habitat for special-status wildlife. Live Oak identified seven special-status wildlife species (all birds or bats) that have the potential to occur in the riparian forest habitat, including:

- Tri-colored blackbird (Agelaius tricolor)
- Northern harrier (Circus cyaneus)
- White-tailed Kite (Elanus leucurus)
- Purple martin (Progne subis)
- California yellow warbler (Dendroica petechia brewster)
- Pallid bat (Antrozous pallidus)
- Townsend's big eared bat (Corynorhimus townsendii)

General Wildlife

In addition to the special-status wildlife identified above, a number of other common animals (birds, mammals, amphibians, reptiles, and fish) have the potential to occur on the project site and surrounding area. These animals are listed below.

Birds

- California gull (Larus californicus)
- House finch (Haemorhous mexicanus)
- House sparrow (Passer domesticus)
- Rock pigeon (Columbia livia)
- Mourning dove (Zenaida macroura)
- American crow (Corvus brachrhynchos)
- Brewer's blackbird (Euphagus cyanocephalus)

Mammals

- Rats (Rattus spp.)
- Virginia opossum (Didelphus virginiana)
- Northern raccoon (Procyon lotor)

Amphibians and Reptiles

- Western fence lizards (Sceloporus occidentalis)

State and Federally Protected Wetlands

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. No jurisdictional waters or wetlands are present within the proposed area of disturbance, and the project does not propose any activities that extend into the top of bank or bed of the Guadalupe Creek adjacent east of the site.

Migratory Wildlife Corridors and Native Wildlife Nursery Sites

As previously described, the approximately 0.75-acre western portion of the site is segregated from the riparian corridor adjacent to the Guadalupe Creek by a Valley Water maintenance road and chain-link fence; this portion of the site does not function as a migratory wildlife corridor or native wildlife nursery site.

The riparian corridor east of the Valley Water maintenance road provides high habitat value to regional wildlife in the form of forage, cover, and breeding/roosting habitat, and it also serves as an important regional habitat linkage for many species. Several fish species may use the Guadalupe River, which the Guadalupe Creek flows into approximately two miles downstream or east of the site, including the Sacramento sucker juveniles (Catostomus occidentalis occidentalis), rifle sculpin (Cottus gulosus), California roach (Hesperoleucus symmetricus), Central California Coast steelhead (Oncorhynchus mykiss), chinook salmon (O. tshawytscha), and Sacramento blackfish (Orthodon microlepidotus). The watershed is also known to support several non-native fish species including the common carp (Cyprinus carpio), green sunfish (Lepomis cyanellus), bluegill (Lepomis macrochirus), and golden shiner (Notemigonus crysoleucas). Many bird species use the Guadalupe River for movement and foraging habitat. In general, the Guadalupe Creek is expected to act as a movement corridor for many common local species.

Santa Clara Valley Habitat Plan

As mapped in the Santa Clara Valley Habitat Agency's Geobrowser, the approximately 0.75-acre portion of the project site west of the Valley Water maintenance road and chain-link fence is mapped as "Urban-Suburban" land.[24] Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures. The eastern portion of the project site is mapped as "Willow Riparian Forest and Scrub".

[24] Santa Clara Valley Habitat Agency. "Geobrowser". Accessed March 18, 2022. http://www.hcpmaps.com/habitat/

4.4.2 Impact Discussion

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

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

Candidate, Sensitive, and Special Status Species

As discussed in Section 4.1.1.2, no special-status plant or wildlife species are present or have the potential to occur within the proposed area of disturbance on the approximately 0.75-acre portion of the project site. However, there are seven special-status species with the potential to occur within the riparian forest habitat east of the Valley Water maintenance road, including five bird species and two

bat species. Special-status birds and bats that may be present in the riparian forest habitat are not expected to use the approximately 0.75-acre portion of the project site proposed for development due to the associated lack of tree cover and foraging habitat. Conversion of the project site from a degraded vacant lot to a single-family residential development would constitute a negligible change in habitat value. Implementation of the proposed HMMP (refer to Appendix B) would improve the riparian forest habitat on the approximately 0.25-acre portion of the project site not proposed for development by removing invasive species and replanting native vegetation and installing supportive irrigation. Implementation of the mitigation measures outlined below under checklist question b) would ensure that the residential project would not cause an indirect substantial adverse effect on the riparian forest habitat. For these reasons, the project would not cause a substantial adverse effect on any candidate, sensitive, or special status species.

Nesting Birds

As discussed in Section 4.1.1.2, the only trees present within the proposed area of disturbance are sapling-sized tree-of-heaven individuals that range from two to six feet in height, which would not provide nesting habitat for birds. Areas of the project site may be used by ground nesting birds, and trees and structures adjacent to the site may support nesting birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturb a nesting bird adjacent to the construction zone would constitute a significant impact.

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

Mitigation Measures:

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

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

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

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

Construction of the project would either occur outside of nesting season with implementation of MM BIO-1.1, or would ensure that any active nests present prior to construction of the proposed project are identified and protected through the use of buffer zones that would protect nests from being disturbed by construction activities with implementation of mitigation measures BIO-1.2 through 1.4. Accordingly, implementation of mitigation measures BIO-1.1 through 1.4 would ensure that the project has a less than significant impact on nesting birds.

Conclusion for checklist question a): With mitigation incorporated, the project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. **(Less than Significant Impact with Mitigation Incorporated)**

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

As documented in Section 4.4.1.2, the project site consists of two distinct natural communities, including a 0.75-acre area of Russian Thistle Ruderal Annual Forb Alliance ("Russian thistle") and a 0.25-acre area of Sycamore Oak Riparian Forest Habitat ("riparian forest") that runs along the Guadalupe Creek.

Within the Russian thistle community, the project proposes to dedicate a 0.18-acre portion of the project site adjacent to Camden Avenue to the public right-of-way, which would enable the City to widen Camden Avenue and implement the Class IV bicycle facility proposed under the City's Better Bike Plan 2025. The remaining 0.57-acre portion would be developed with seven single-family residences and a mix of hardscape and landscaped surfaces. Within the riparian forest area, the project proposes to implement an HMMP that would improve the riparian forest habitat by removing invasive species and replanting native vegetation and installing supportive irrigation (refer to Section 3.2.1.1).

Based on the above, the project would not directly cause a substantial adverse effect on any riparian habitat or other sensitive natural community. However, the project does have the potential to indirectly cause substantial adverse effects to the riparian forest area. During construction, debris could travel by wind, scavenging bird, or storm water from the Russian thistle area into the riparian forest area. Light and glare generated by the proposed single-family houses could discourage nocturnal animals from using the adjacent riparian corridor or expose them to unsafe conditions.

Light and glare may also expose nesting birds to increased predation. Additionally, if any of the landscaping proposed by the project included non-native invasive species, these species could migrate into riparian habitat upstream and downstream of the project site and displace native species. Landscaping may also utilize chemicals such as pesticides and fertilizers that could runoff into the riparian forest area and harm the environment. Accordingly, the project would be required to implement the following mitigation measures.

Impact BIO-2: Without mitigation, debris generated during project construction, light and glare generated by windows and surfaces, and landscaping plants and chemicals could cause a substantial adverse effect to the Riparian Forest portion of the project site.

Mitigation Measures:

MM BIO-2.1: Prior to the issuance of any tree removal, grading, or building permits (whichever occurs first), the project applicant shall submit a final site plan to the Director of Planning, Building, and Code Enforcement or the Director's designee that shows that the project shall observe a 50-foot development-free setback from the top-of-bank of the Guadalupe Creek and a 35-foot setback from riparian vegetation, which is the minimum setback allowed by the Santa Clara Valley Habitat Plan.

MM BIO-2.2: Prior to the issuance of any building permits, the project applicant shall submit a final lighting plan set to the Director of Planning, Building, and Code Enforcement or the Director's designee that shows that all lighting is designed such that the throw of light is low to the ground and not directed toward the riparian corridor. Lighting shall also be in compliance with the City's Council Policy 6-34 Riparian Corridor Protection and Bird-Safe Design, including that lighting shall not be directed into riparian corridors.

MM BIO-2.3: Prior to the issuance of any building permits, the project applicant shall submit a final construction plan set to the Director of Planning, Building and Code Enforcement or the Director's designee that shows all windows that directly face the riparian habitat are constructed with un-mirrored surfaces and are comprised of bird-friendly glass, such as glass products that are etched or textured to be observable to birds (e.g., glass products certified as Bird Smart by the American Bird Conservancy). The project shall be in compliance with the City's Council Policy 6-34 Riparian Corridor Protection and Bird-Safe Design, including that large mirrors and large areas of reflective glass shall be avoided, freestanding glass walls and transparent building corners shall be avoided, open space shall not be funneled into a building façade, landscaping shall be strategically placed to reduce reflection and views of foliage inside of and through glass, up-lighting and spotlights shall be avoided, and that non-emergency lighting shall be turned off or shielded at night to minimize light from buildings that is visible to birds, especially during the nesting season (February – May and August – November).

MM BIO-2.4: Prior to the issuance of any grading permits, the project applicant shall submit a landscape plan to the Director of Planning, Building, and Code Enforcement or the Director's designee showing that all landscaping within 100 feet of the

riparian edge is comprised of locally native and/or non-invasive species that are not featured on the California Invasive Plant Council's Invasive Plant Inventory of invasive plant species (www.cal-ipc.org/ip/nventory).

MM BIO-2.5: During construction, the project applicant shall implement trash control measures to ensure that the riparian habitat is protected from litter or construction debris moving into the riparian habitat from the development site due to wind or storm water. This shall include placement of lidded trash cans near construction area parking, near portable toilets, and near actively constructed houses. The project applicant shall place tight-fitting lids on all trash cans at the site at the end of each day and they shall be emptied before they are overflowing. Prior to issuance of any construction permits, the project applicant shall provide verification that all trash control measures are listed on the final construction plan sets and construction contractors are contractually obligated to implement them.

MM BIO-2.6: Prior to the issuance of any occupancy permits, the project applicant shall submit a copy of the homeowners association (HOA) bylaws to the Director of Planning, Building, and Code Enforcement or the Director's designee for verification that the HOA bylaws do not allow any activities that would violate MM BIO-2.2, MM BIO-2.3, and MM BIO-2.4. The HOA bylaws shall include mandatory provisions prohibiting the installation of any lighting, reflective surfaces, or landscaping by future residents that would violate the provisions of MM BIO-2.2, MM BIO-2.3, and MM BIO-2.4.

Implementation of MM BIO-2.1 would ensure that the project design would observe a 50-foot development-free setback from the top-of-bank of the Guadalupe Creek and a 35-foot setback from riparian vegetation, thus reducing the potential for interactions that could cause adverse effects. MM BIO-2.2 and MM BIO-2.3 would ensure that light and glare is not cast into the riparian habitat that could adversely affect nocturnal species and nesting birds. Implementation of MM BIO-2.4 would prohibit the planting of invasive species that could migrate into nearby riparian habitat and displace native species. Implementation of MM BIO-2.5 would ensure that debris and trash does not migrate during project construction or operation into nearby riparian habitat through the use of trash control measures. Lastly, implementation of MM BIO-2.6 would ensure that all lighting, reflective surfaces, and landscaping installed by future residents would comply with the provisions set forth in MM BIO-2.2 through MM BIO-2.4.

Conclusion for checklist question b): With implementation of mitigation measures MM BIO-2.1 through MM BIO-2.6, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed in Section 4.1.1.2, there are no state or federally protected wetlands located within the proposed area of disturbance or riparian forest habitat, and the project does not propose any activities that would extend into the top of bank or bed of the Guadalupe Creek located adjacent east of the project site.

Conclusion for checklist question c): The project would not impact any wetlands. **(No Impact)**

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

As discussed in Section 4.4.1.2, the project site is divided into two distinct natural communities, Russian thistle and riparian forest. Due to the degraded nature of the Russian thistle area and lack of tree cover, plant and wildlife diversity, or high-quality habitat to the north, west, and south, native resident or migratory wildlife in the project's vicinity are expected to primarily to move through the riparian forest habitat along the Guadalupe Creek. As discussed under checklist question b), the project would not directly cause substantial adverse effects on the riparian forest habitat, and with implementation of mitigation measures MM BIO-2.1 through MM BIO-2.6, indirect impacts to the riparian forest area would be less than significant. Further, implementation of MM BIO 2.2 and BIO-2.3 would ensure that light and glare from the proposed development that could affect the movement and safety of nocturnal animals and birds would not be cast into the riparian forest habitat and would require the project to use bird-friendly glass that would reduce the potential for bird strikes. Therefore, the project would not substantially interfere with the use of the riparian forest habitat as a movement corridor or as a wildlife nursery site.

Conclusion for checklist question d): With implementation of MM BIO-2.1 through 2.6, the project would not substantially interfere with the movement or migration of fish or wildlife species, established wildlife corridors, or impede the use of wildlife nursery sites. **(Less than Significant Impact with Mitigation Incorporated)**

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

The City of San José maintains the urban forest by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). As discussed in Section 4.4.1.2, no heritage or ordinance-sized trees are present within the Russian thistle area proposed for development, there are only sapling-sized tree-of-heaven individuals, none of which meet the definition of a heritage or ordinance-size tree. Implementation of the HMMP in the riparian forest area (refer to Appendix B) would only involve the removal of invasive species and would not remove any heritage or ordinance-sized trees. All trees removed would be replaced in accordance with the following standard permit condition.

Standard Permit Conditions:

- Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 4.4-1 below.

Table 4.4-1: City of San José Tree Replacement Ratios				
Circumference of Tree to be Removed	**Replacement Ratios Based on Type of Tree to be Removed**			**Minimum Size of Each Replacement Tree****
	Native	**Non-Native**	**Orchard**	
38 inches or more	5:1*	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
*X:X = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inches in circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. **A 24-inch box replacement tree = two 15-gallon replacement trees Single Family and Two-dwelling properties may replace trees at a ratio of 1:1				

- Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. Changes to an approved landscape plan require the issuances of a Permit Adjustment or Permit Amendment
    - 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.
    - 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, in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With incorporation of the above standard permit condition, the project would not involve the removal of any protected trees, and the project would not conflict with any local policies or ordinances protecting biological resources.

Conclusion for checklist question e): The project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(No Impact)**

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

The project would be subject to the conditions and fees identified in the Habitat Plan (refer to Section 4.4.1.1), which are discussed in greater detail below.

Conditions on Covered Activities

Chapter Six of the Santa Clara Valley Habitat Plan includes project- and site-specific conditions that must be followed, including Conditions One, Three, and 11 which are considered applicable to the proposed project.

Condition One, "Avoid Direct Impacts on Legally Protected Plant and Wildlife Species", applies to all projects covered under the Habitat Plan and helps to protect species for which environmental permits cannot be granted: Contra Costa goldfields, bald eagle, American peregrine falcon, southern bald eagle, white-tailed kite, California condor, and Ring-tailed cat; this condition also requires compliance with the MBTA and Bald and Golden Eagle Protection Act. As documented in Section 4.4.1.2, none of the aforementioned species have the potential occur on or near the project site. As discussed under checklist question a), with implementation of mitigation measures MM BIO-1.1 through MM BIO-1.5, the project would result in less than significant impacts to birds protected by the MBTA.

Condition Three, "Maintain Hydrologic Conditions and Protect Water Quality", applies to all projects covered by the Habitat Plan and helps protect watershed health, primarily through reducing stormwater discharge and pollutant runoff from project sites. As discussed in Section 4.10 Hydrology and Water Quality, stormwater discharge and pollutant runoff would be treated through the use of bioretention areas and would not result in any significant water quality, erosion, siltation, flooding, or pollution related impacts.

Condition 11, "Stream and Riparian Setbacks", requires that new covered projects adhere to setbacks from creeks and streams and associated riparian vegetation in the Plan Area to minimize and avoid impacts from covered projects on aquatic and riparian land cover types, covered species, and wildlife corridors within these areas. As the project site is within the City of San José's Urban Service Area (USA), the project site's slope does not exceed 30 percent, and the Guadalupe Creek is a Category One stream, the required stream setback is 100 feet without an exception request. With a riparian setback exception and in accordance with MM BIO-2.1 (refer to checklist question b)), the project could have a stream setback of 35 feet. Therefore, the project would be required to obtain a Class 11 Exception for a 35-foot stream setback, which requires projects to demonstrate the following:

1) The existence of legal uses within the setback;

2) The extent to which meeting the required setback would result in a demonstrable hardship (i.e., denies an owner any economically viable use of his land or adversely affects recognized real property interests) for the applicant;
3) The extent to which meeting the required setback would require deviation from, exceptions to, or variances from other established policies, ordinances or standards regarding grading, access, water supply, wastewater treatment, disposal systems, geologic hazards, zoning, or other established code standards.
4) The stream setback exception does not preclude achieving the biological goals and objectives of the Habitat Plan or conflict with other applicable requirements of the Habitat Plan and local policies.

As documented in Appendix B (refer to "Condition 11 Exception Request", pages 81-92), the proposed residential development and associated HMMP is a legal use, enforcement of the standard 100-foot stream setback would render the site economically infeasible and would be inconsistent with the intended density under the site's General Plan land use designation and zoning district (and therefore would require a GPA and downzoning), and implementation of the HMMP would advance the biological goals and objectives of the Habitat Plan. Therefore, the project would qualify for a Condition 11 Exception Request and be consistent with all applicable conditions on covered activities within the Habitat Plan area.

Nitrogen Deposition Impacts on Serpentine Habitat

All development covered by the Habitat Plan is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the Habitat Plan area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge (approximately eight miles east of the project site) in central Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the Habitat Plan for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement the following Standard Permit Condition.

Standard Permit Conditions:

1. The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit

the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-SCreening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://www.scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Conclusion for checklist question f): The project would not conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. **(No Impact)**

4.5 CULTURAL RESOURCES

The discussion in this section is based, in part, on a Cultural Resources Survey Report prepared for the project by Archaeological/Historical Consultants. A copy of the report, dated March 11, 2022 is on file with the City of San José Planning, Building, and Code Enforcement Department.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

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

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

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

[25] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed April 8, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Envision San José 2040 General Plan

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

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

Policy	Description
	and relocation on-site. If 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.
LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
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.
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

San José Municipal Code Chapter 13.48 – Historic Preservation Ordinance

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

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

4.5.1.2 *Existing Conditions*

Archaeological Resources

The City of San José is located in the Santa Clara Valley, which was originally inhabited by a Native American group known as the "Costanoan" or Ohlone over a period of 5,000 to 8,000 years prior to

Spanish exploration and colonization of the region. Prehistoric sites recorded in the Santa Clara Valley include villages, temporary campsites, and non-habitation sites including stone tool and other manufacturing areas, quarries for tool stone procurement, cemeteries usually associated with large villages, isolated burial locations, rock art sites, bedrock mortars or other milling feature sites, and Native American trails.

Two Native American archaeological sites have been identified within a quarter-mile of the project site, including CA-ALA-179 (P-43-000190) and CA-ALA-845 (P-43-001398). Based on the presence of two archaeological sites within a quarter-mile of the project site, and the site's proximity to the Guadalupe Creek, presence of recent Holocene-era soils and gentle slope, the Cultural Resources Survey Report determined that the project site is highly sensitive for subsurface archaeological resources.

Due to the project site's sensitivity for subsurface archaeological resources, presence/absence surveys were conducted in February 2022 using a tracked excavator, which dug 10 excavation trenches. No archaeological or historic resources were discovered during the presence/absence surveys.[26]

Historic Resources

Based on historic aerial imagery and archival research, the project site remained undeveloped until 1940, at which time it was planted with orchards up until 1968. Since then, the site has remained undeveloped. Due to the lack of historic development of the project site, the potential to encounter subsurface historic artifacts is extremely low.[27] Further, as discussed above in Archaeological Resources, the presence/absence surveys did not encounter any historic resources. According to the NRHP[28], CRHP[29], and City of San José Historic Resources Inventory, there are no historic buildings located within 200 feet of the project site.[30]

4.5.2 Impact Discussion

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

[26] Archaeological/Historical Consultants. *Cultural Resources Investigation Report for Camden Avenue and Canna Lane, San José, CA*. March 2022.
[27] Ibid.
[28] National Register of Historic Places. "National Register Database and Research. Accessed April 8, 2022. https://www.nps.gov/subjects/nationalregister/database-research.htm
[29] California Register of Historic Places. "California Historical Resources". Accessed April 8, 2022. https://ohp.parks.ca.gov/listedresources/
[30] City of San José. "City of San José Historic Resources Inventory." Accessed April 8, 2022. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

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

A historic resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the NRHP, CRHR, or as a Candidate City Landmark on the City's HRI.

As documented in Section 4.5.1.2, there are no buildings present on-site or historic buildings within 200 feet of the project site, and the potential to encounter undiscovered subsurface historic artifacts is extremely low. Implementation of the standard permit condition identified in checklist question b) below would ensure that any historic artifacts encountered during construction would be identified and preserved, thus ensuring that the project would not cause a substantial adverse change in the significance of a historical resource.

Conclusion for checklist question a): The project would not cause a substantial adverse change in the significance of a historical resource. **(Less than Significant Impact)**

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

As discussed in Section 4.5.1.2, presence/absence surveys of the project site did not encounter any subsurface archaeological resources. Therefore, the potential to encounter subsurface archaeological resources during project construction is extremely low. Additionally, in accordance with General Plan policy ER-10.3, the proposed project would implement the following standard permit condition in the event that any potential prehistoric or historic resources are encountered.

Standard Permit Condition:

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is

traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials.

Based on the unlikelihood of encountering subsurface archaeological resources during construction and the project's compliance with the standard permit condition identified above, the project would not cause a substantial adverse change in the significance of an archaeological resource.

Conclusion for checklist question b): The project with implementation of standard permit conditions would not cause a substantial adverse change in the significance of an archaeological resource. **(Less than Significant Impact)**

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

Human graves are often associated with prehistoric occupation sites. Although unlikely, it is possible that project construction activities could disturb as-yet undiscovered human remains at the project site. The City has standard permit conditions which ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction.

Standard Permit Condition: Implementation of the following conditions would reduce impacts to human remains.

- **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized 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:

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

By following the process set forth in the above standard permit conditions, the project would ensure that any human remains encountered during ground-disturbing activities are appropriately identified and treated.

Conclusion for checklist question c): The project with implementation of standard permit condition would not result in a significant impact to human remains if encountered. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO 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.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[31] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[32]

[31] California Building Standards Commission. "California Building Standards Code." Accessed April 8, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[32] California Energy Commission. "2019 Building Energy Efficiency Standards." Accessed April 8, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[33]

Regional and Local

Envision San José 2040 General Plan

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

Policy	Description
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

[33] California Air Resources Board. "The Advanced Clean Cars Program." Accessed April 8, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

Policy	Description
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, 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 & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

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

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

2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's previously adopted 2011 GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies (including

the policies identified in in the above table) and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. These seven strategies include:

1. San José Clean Energy – The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.
2. Zero Net Carbon Residential Construction – The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.
3. Renewable Energy Development – The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.
4. Natural Gas Building Retrofits – The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.
5. Zero Waste Goal – As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.
6. Caltrain Modernization Project – The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.
7. Water Conservation – The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

San José Reach 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 José, and it requires new residential construction to be outfitted with entirely electric fixtures.

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

In October 2008, the City adopted City Council Policy 6-32, which 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.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.[34] Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,456 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 23 percent (1,805 trillion Btu) for industrial uses, and 39 percent (3,073 trillion Btu) for transportation.[35] 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 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[36]

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

Natural Gas

PG&E provides natural gas services within the City of 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.[37] In 2018, California used approximately 2,210 trillion Btu of natural gas.[38] In 2019, Santa Clara County used approximately 46 trillion Btu of natural gas, approximately two percent of the state's total consumption of natural gas in 2018.[39]

Fuel for Motor Vehicles

In 2018, approximately 15.6 billion gallons of gasoline were sold in California.[40] 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 25.5 mpg in

[34] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed September 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[35] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed September 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[36] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed September 2, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[37] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed September 2, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[38] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed September 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[39] California Energy Commission. "Natural Gas Consumption by County." Accessed September 2, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[40] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed September 2, 2021. https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.

2019.[41] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020. [42,43]

4.6.2 Impact Discussion

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

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

Energy would be consumed during the construction and operational phases of the project, as discussed below.

Energy Use During Construction

The construction phase would require energy for the manufacture and transportation of building materials, preparation of the project site for grading, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

Construction of the project would require preparation of the site, grading, trenching, building construction, paving, and finishing of the building interiors. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the project site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Further, construction of the project would occur in an urbanized area in proximity to roadways, construction supplies, and workers, making it more

[41] United States Environmental Protection Agency. "The 2019 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." Accessed September 2, 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100YVFS.pdf

[42] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed September 2, 2021. http://www.afdc.energy.gov/laws/eisa.

[43] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed September 2, 2021. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

efficient than construction occurring in outlying, undeveloped areas. For these reasons, the construction process for the project is efficient.

In addition, energy would not be wasted or used inefficiently by construction equipment as the proposed project shall implement MM AIR-1.1, which would require the project to select equipment during construction that would minimize emissions. The project would also participate in the City's CDD program, which requires 75 percent of waste is recovered and recycled, thereby minimizing energy impacts from the creation of waste. For these reasons, the construction of the project would not use energy in a wasteful manner.

Energy Use During Project Operation

Operation of the project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. As noted in Section 4.6.1.1, the City's Reach Code prohibits natural gas infrastructure in new construction projects. Accordingly, the project's estimated natural gas use was converted to electricity. Additionally, operational energy would also be consumed by employee vehicle use to and from the project site. The net increase in energy use of the project is summarized in Table 4.6-1 below.

Table 4.6-1: Estimated Annual Energy Use of Project

Electricity	Gasoline[1]
54,888 kWh/year	6,056 gallons

Notes:

[1] For gasoline use, an average fuel economy of 24.9 mpg and estimated annual VMT of 150,794 was assumed.

Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Community Risk Assessment.* February 8, 2022.

As the project site is currently undeveloped, the proposed project would increase demand for electricity and gasoline in comparison with existing conditions. The project, however, would not represent a wasteful or inefficient use of energy resources because the project would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption. As required by the City's Private Sector Green Building Policy and the Green Building Ordinance, the project would be GreenPoint certified. The project would also meet the energy efficiency performance requirements of the San José Reach Code. The project would have a less than significant VMT impact (refer to Section 4.17 Transportation) and the project's consumption of gasoline would represent less than 1/10,000th of a percent of California's total gasoline consumption.[44] Finally, as the project involves the construction and operation of conventional building types, there is nothing atypical or unusual about the project's construction or operations that would result in wasteful, inefficient, or unnecessary consumption of energy.

Conclusion for checklist question a): The project would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

[44] 6,056 gallons divided by 15.6 billion gallons equals 0.00004 percent.

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

The project would comply with the current energy efficiency standards set forth in Title 24, Climate Smart San José, the City's Reach Code and Private Sector Green Building Policy, and the City's Municipal Code chapters identified in Section 3.6.1.1 Regulatory Framework pertaining to energy, water, and construction efficiencies. In addition, the project would be required by Climate Smart San José and the City's Reach Code to enroll in SJCE's TotalGreen program, which provides 100 percent carbon-free energy, consistent with the state's Renewables Portfolio Standard Program and SB 350. For these reasons, the project would comply with state and local plans for renewable energy and energy efficiency.

Conclusion for checklist question b): The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.
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.

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

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2019 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located in the northern Santa Clara Valley, an alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. These alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area. Soil types in this region include clay in the low-lying central areas, loam and gravelly loan in the upper portions of the valley and eroded rocky clay loam in the foothills.

On-Site Geologic Conditions

Soils and Topography

The project site is located in a relatively flat area on the floor of the Santa Clara Valley. The soils on-site consist of well-drained Urbanland-Flaskan and Urbanland-Landelspark soils with slopes between zero and two percent. Urbanland-Flaskan soils are Pleistocene-era alluvial fan deposits, while Urbanland-Landelspark soils are Holocene-era alluvial fan deposits. Soils on-site have a Plasticity Index (PI) ranging from 13.5 to 14.4.[45] Pursuant to the CBC, soils with a PI of 15 or less are not considered expansive.

Seismicity and Seismic Hazards

The San Francisco Bay Area is considered to be the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The nearest active fault is the San Andreas, located approximately 6.5 miles southwest of the project site.

[45] United States Department of Agriculture, Natural Resources Conservation Service. "Web Soil Survey". Accessed April 8, 2022. https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

The project site is not within an Alquist-Priolo Earthquake Fault Zone.[46] There are no faults present on the project site, and the site is not in a Santa Clara County Fault Rupture Hazard Zone.[47] However, due to the overall high seismic activity of the Bay Area, structures present on the project site would likely experience strong ground shaking during their occupation.

Liquefaction and Lateral Shearing

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. As discussed in Section 3.2, the project site is divided by a Valley Water maintenance road and chain-link fence. The 0.75-acre portion of the site to the west of the maintenance road and fence is not mapped within a state-designated Liquefaction Hazard Zone; however, the 0.25-acre portion of the site to the east of the maintenance road and fence is within a Liquefaction Hazard Zone.[48]

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or "free" face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spread presents a significant hazard to the integrity of buildings and other structures.

Landslides

As noted above, the project site is relatively flat (slopes on site range from zero to two percent) and the project site is not mapped within a state-designated Liquefaction Hazard Zone.[49]

Groundwater

Based on available groundwater monitoring reports, groundwater depths in the project vicinity range between 20 to 40 feet below ground surface (bgs).[50]

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. According to the City's Paleontological Sensitivity Map, the project site is

[46] California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)". Accessed March 23, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/
[47] Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones.* October 2012.
[48] California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP).* Accessed April 8, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/
[49] Ibid.
[50] Cornerstone Earth Group. *Phase I Environmental Site Assessment, Camden Avenue and Malpas Drive (APN 567-26-014) San Jose, California*. June 5, 2020.

located in an area of high paleontological sensitivity at surface for mammal, bird, and reptile fossils.[51]

4.7.2 Impact Discussion

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

[51] C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults are located in the region, the proposed project is outside of the fault zone for any regional fault systems, and loss, injury, or death from fault ruptures would not occur at the project site.

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

With implementation of the above standard permit condition, the project would not result in seismic hazards as it would be constructed in accordance with current design and engineering standards. The Geotechnical Report would also include, but not limited to foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation would be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). Therefore, the existing seismic hazards at the project site would not be exacerbated by the project such that it would impact (or worsen) on- or off-site conditions.

Liquefaction and Lateral Spreading

The project proposes to construct seven single-family residences within a 0.57-acre portion of the project site west of the Valley Water maintenance road and chain-link fence that is not mapped within a Liquefaction Hazard Zone. The 0.25-acre portion of the project site east of the maintenance road and chain-link fence is mapped within a Liquefaction Hazard Zone.[52]

The project does not propose any activities within the Liquefaction Hazard Zone beyond the implementation of the HMMP discussed in Section 4.4 of this Initial Study and in Appendix B. Implementation of the HMMP would be limited to removal of invasive species and the planting and irrigation of native species, which would improve subsurface soil conditions. According to the City's Municipal Code, a Certificate of Geologic Hazard Clearance is required for the project due to its location within a Liquefaction Hazard Zone. By subjecting the proposed project to review by the City of San Jose's geologist and requiring geologic hazard clearance from the Director of Public Works, and adhering to the standard permit conditions described above, adverse effects posed by seismically-induced liquefaction would be reduced to a less than significant level.

Since the proposed residential development would be located adjacent to a Liquefaction Hazard Zone, there is a potential that the proposed development could be subject to lateral spreading. In accordance with City policy and the standard permit conditions discussed above, the proposed project would be designed in accordance with a site-specific geotechnical investigation to reduce the risk of geologic hazards at the site, including lateral spreading. By constructing the project in accordance with standard engineering practices and the recommendations of the geotechnical investigation, adverse effects associated with lateral spreading would be reduced to a less than significant level.

Landslides

As discussed under Section 4.7.1.2, the project site is located on the relatively flat valley floor with slopes ranging from zero to two percent. The project site is not within a state-designated Landslide Hazard Zone, and there are no hillsides or areas of differential elevation within the vicinity of the project site. The project would not change the topography of the site and surrounding area such that the likelihood of seismically-induced landsliding occurring would increase.

Conclusion for checklist question a): With implementation of standard permit conditions, the project would not directly or indirectly cause substantial adverse effects, including loss, injury, or death from fault rupture, seismic-related ground shaking or ground failure, or landsliding. **(Less than Significant Impact)**

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

The project site is developed and is located on flat terrain with slopes between zero and two percent, which limits the potential for substantial soil erosion. Ground disturbance of the project site is expected to occur during grading, site preparation activities, and construction of the proposed project.

[52] California Geological Service. "Earthquake Zones of Required Investigation". Accessed May 9, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/

These activities could increase the exposure of on-site soils to wind and water erosion. The City's National Pollutant Discharge Elimination System (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. General Plan Action EC-4.5 requires an Erosion Control Plan for private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. The proposed project is adjacent to the Guadalupe Creek; accordingly, an Erosion Control Plan would be prepared for the project. In addition, the City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion, including the following standard permit conditions.

Standard Permit Conditions:

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

The 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.[53] Because the project would comply with the regulations identified in the General Plan FEIR and adhere to the standard permit conditions above, the project would not result in substantial soil erosion.

Conclusion for checklist question b): With implementation of standard permit conditions, the project would not result in substantial soil erosion or loss of topsoil. **(Less than Significant Impact)**

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

As documented in Section 4.7.1.2, the project site is not located on expansive soils or mapped within a Landslide Hazard Zone. The project proposes to construct seven single-family residences within a 0.57-acre portion of the project site west of the Valley Water maintenance road and chain-link fence that is not mapped within a Liquefaction Hazard Zone. The 0.25-acre portion of the project site east of the maintenance road and chain-link fence is mapped within a Liquefaction Hazard Zone; however, the project does not propose any activities within this area beyond the implementation of the HMMP discussed in Section 4.4 of this Initial Study and in Appendix B. Implementation of the HMMP would be limited to removal of invasive species and the planting and irrigation of native species, which would improve subsurface soil conditions. Additionally, the project would implement the following standard permit condition.

[53] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.

Standard Permit Condition:

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

Based on the fact that the proposed project would not destabilize the project site and would implement the above standard permit condition design to ensure the project is designed to address any soil-related hazards, the project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Conclusion for checklist question c): With implementation of standard permit conditions, the project would not result in the project site becoming unstable. **(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?

Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may result over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

As documented in Section 4.7.1.2, soils on-site have a PI between 13.5 to 14.4. Pursuant to the 2019 CBC, soils with a PI of 15 or less are not considered expansive. Therefore, the project would not be located on expansive soils that could create substantial direct or indirect risks to life or property.

Conclusion for checklist question d): The project would not create substantial direct or indirect risks to life or property as a result of being located on expansive soil. **(No Impact)**

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

The proposed project would dispose of wastewater via lateral connections to the City's sewer system and would not require the use of septic tanks or alternative wastewater disposal systems.

Conclusion for checklist question e): Sewers are available for the disposal of wastewater and, therefore, the use of septic tanks or alternative wastewater disposal systems is not required for the project. **(No Impact)**

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

As discussed in Section 4.7.1.2, the project site is located in an area of high paleontological sensitivity at surface for mammal, bird, and reptile fossils. No paleontological or unique geologic features were encountered during the presence/absence surveys (refer to Section 4.5.1.2).

The General Plan EIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level. As such, the following standard permit condition would be applied to the proposed project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

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

Consistent with the conclusions of the General Plan FEIR, implementation of the standard permit conditions described above would enable the identification and preservation of any undiscovered paleontological resources encountered during project construction, and ensure that impacts to paleontological resources would be less than significant.

Conclusion for checklist question f): With implementation of standard permit conditions, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on a 2030 Greenhouse Gas Reduction Strategy Compliance Checklist completed by the applicant. A copy of this checklist is attached to this Initial Study as Appendix C.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

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

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

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

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050. Plan Bay Area 2050 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional

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.

Local

Envision San José 2040 General Plan

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

Policy	Description
CD-2.1	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. 1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. 2. 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. 3. 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 decoupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.
CD-2.5	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.
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.
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.
CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with

Policy	Description
	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.
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.
LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
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.
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation (i.e. building placement), landscaping, design and construction techniques for new construction to minimize energy consumption.
MS-2.7	Encourage the installation of solar panels or other clean energy power generation sources over parking areas.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote the use of green building technology or techniques that can help 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.
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 system, 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	Description
MS-16.2	Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
MS-21.3	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.
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.
TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-7.1	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.
TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

City of San José Municipal Code

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

- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.11)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- Green Building Regulations for Private Development (Chapter 17.84)

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings. Approved in February 2018, Climate Smart San José ensures the City can substantially reduce GHG emissions through achieving the following goals and milestones:

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

2030 Greenhouse Gas Reduction Strategy

The 2030 GHGRS is the latest update to the City's previously adopted 2011 GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies (including the policies identified in in the above table) and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. These seven strategies include:

1. San José Clean Energy – The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.
2. Zero Net Carbon Residential Construction – The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.
3. Renewable Energy Development – The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.
4. Natural Gas Building Retrofits – The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.
5. Zero Waste Goal – As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.
6. Caltrain Modernization Project – The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.

7. Water Conservation – The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

Projects that comply with the policies and strategies outlined in the 2030 GHGRS, and are constructed and operational prior to 2030, would have less than significant GHG impacts under CEQA.[54]

San José Reach 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 José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

City of San José 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.

4.8.1.3 *Existing Conditions*

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

The project site is undeveloped, and therefore does not emit any GHG emissions.

[54] City of San José. *2030 Greenhouse Gas Reduction Strategy.* November 2020.

4.8.2 Impact Discussion

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

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

As discussed in Section 4.8.1.2 Regulatory Framework, projects that comply with the policies and strategies outlined in the 2030 GHGRS would have a less than significant GHG impact and are assumed to have less than significant (direct or indirect) GHG emissions. The City has developed a consistency checklist to determine if a project is consistent with the 2030 GHGRS. Compliance with these mandatory policies and strategies by the project ensure a project's consistency with the 2030 GHGRS. As documented in Appendix C, the project would be consistent with the mandatory policies and strategies of the 2030 GHGRS, including those requiring the installation and use of solar panels, compliance with the City's Green Building Ordinance and the Model Water Efficient Landscape Ordinance, and improvement of pedestrian and bicycle facilities.

As noted above, projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA. Therefore, since the project would be consistent with 2030 GHGRS, GHG emissions generated by the project would not conflict with AB 32 or SB 32.

Conclusion for checklist question a): The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(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?

AB 32, SB 32, BAAQMD CEQA Air Quality Guidelines, Envision San José 2040 General Plan, San José Greenhouse Gas Reduction Strategy

The City's original GHGRS adopted in 2011 was designed to meet the statewide GHG reduction targets for 2020 set by AB 32 and the City's latest update to the GHGRS is designed to meet the statewide GHG reduction targets for 2030 set by SB 32. As discussed under checklist question a), the project would not generate GHG emissions, either directly or indirectly, that may have a significant

impact on the environment, and therefore would not conflict with AB 32, SB 32, the BAAQMD CEQA Air Quality Guidelines, the San José Greenhouse Gas Reduction Strategy, or any policy or regulation in the Envision San José 2040 General Plan adopted for the purpose of reducing the emissions of GHGs.

2017 Clean Air Plan

As discussed in detail in Section 3.3 Air Quality under checklist question a), the project is consistent with the 2017 CAP.

City of San José Municipal Code

The project is consistent with the chapters of the Municipal Code identified in Section 4.8.1.2, including:

- Chapter 9.10, which requires new development to participate in the City's CDD program. As discussed in Section 4.6 Energy, the project would participate in the CDD program and recover and recycle 75 percent of construction waste.
- Chapter 9.11, which only permits the installation of wood burning appliances that comply with the Environmental Protection Agency's requirements. The project does not propose the installation of wood burning appliances.
- Chapter 11.105, which requires employers with more than 100 employees to implement a TDM program; the proposed residential project would not generate any employees.
- Chapter 15.11, which requires new construction projects with a total landscape area equal to or greater than five hundred square feet to meet the City's landscape installation requirements. As discussed under Section 4.10 Hydrology and Water Quality checklist question a), the project would comply with Municipal Code Chapter 15.11 Part 3 and install water-efficient irrigation systems.
- Chapter 17.84, which requires new developments to meet the City's green building regulations for private development. The project is designed to achieve Greenpoint certification, as required by the City's Private Sector Green Building Policy and the Green Building Ordinance.

Climate Smart San José

As discussed in Section 4.6 Energy, the project would be subject to the energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. Further, the project would achieve GreenPoint certification as required by the City's Private Sector Green Building Policy and the Green Building Ordinance. The project would participate in the SJCE program at the Total Green level (i.e., 100% carbon-free electricity), and therefore would be considered zero net energy. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José.

San José Reach Code

The Reach Code applies to new construction projects in San José. As discussed in Section 4.6 Energy, the project does not include natural gas infrastructure. The project would comply with the Reach Code by meeting the energy efficiency standards set forth in Title 24, CALGreen, and the

California Building Energy Efficiency Standards. Electricity for the proposed project would be provided by SJCE and the project proposes to enroll in SJCE's Total Green program, which provides electricity from 100 percent carbon-free sources. For these reasons, the project is consistent with the City's goal to reduce energy-related GHG emissions as set forth in the Reach Code.

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

City Council Policy 6-32 requires new residential developments of less than 10 units to be GreenPoint or LEED Checklist certified. As discussed in Section 4.6, the project would achieve GreenPoint certification, and therefore the project would be consistent with City Council Policy 6-32.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) and a Phase II Soil and Soil Vapor Quality Evaluation prepared for the project site by Cornerstone Earth Group. Copies of these reports, dated June 2020 and June 2021, respectively, are attached to this Initial Study as Appendix D and Appendix E, respectively.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Federal and State

Federal Aviation Regulations Part 77

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

Resource Conservation and Recovery Act

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

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[55]

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).[56]

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.

[55] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed April 8, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[56] California Environmental Protection Agency. "Cortese List Data Resources." Accessed April 8, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

Policy	Description
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	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.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy	Description
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as condition of approval of development in the vicinity of airports.

City of San José Emergency Operations Plan

The City of San José Emergency Operations Plan (EOP) provides an overview of the jurisdiction's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners.

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

The Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA). The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.9.1.2 *Existing Conditions*

Site History

The project site was undeveloped prior to 1940, at which time the site was developed with orchards. Agricultural use of the site continued until 1968. Since then, the site has remained undeveloped.[57]

[57] Archaeological/Historical Consultants. *Cultural Resources Investigation Report for Camden Avenue and Canna Lane, San José, CA*. March 2022.

Hazardous Materials

Phase I Environmental Site Assessment

The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As part of the Phase I ESA, a review of databases and files from federal, state, and local environmental regulatory agencies that was completed to identify use, generation, storage, treatment, or disposal of hazardous substances and chemicals, or release incidents of such materials at the project site and surrounding facilities that may have impacted the site. Based on the historical use of the site for agricultural purposes and the presence of a dry-cleaning operation at 5837 Camden Avenue (located immediately west of the project site opposite Camden Avenue), the Phase I ESA identified two environmental concerns. During use of the site for agricultural purposes, pesticides may have been applied to crops that may have contaminated the subsurface soils with organochlorine pesticides (OCPs) and pesticide-based metals (e.g., arsenic, lead, mercury). Additionally, since 5837 Camden Avenue is located upgradient of the project site, any leaks or spills of chemicals used by dry cleaning operations (e.g., chlorinated solvents) that occurred in the past could have contaminated the project site's subsurface soil.

Phase II Soil and Soil Vapor Quality Evaluation

Based on these findings, a Phase II Soil and Soil Vapor Quality Evaluation was conducted that included soil and soil vapor sampling to determine if any contaminants were present in concentrations that could expose construction workers, future residents, or the environment to adverse effects. More information on the methodology used to conduct soil and soil vapor sampling and testing can be found in Appendix E.

Soil testing detected OCPs, specifically dichlorodiphenyltrichloroethane (DDT) and dichlorodiphenyldichloroethylene (DDE), in concentrations exceeding the total threshold limit concentration (TTLC) and Tier 1 Environmental Screening Levels (ESL) (but not the direct exposure ESL) in the top 0.5 feet of soil.[58] Soil vapor testing detected chlorinated solvents, specifically tetrachloroethene (PCE) and trichloroethene (TCE), in concentrations exceeding their respective Tier 1 ESLs.

Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 8.25 miles north of the project site. As previously mentioned, FAA Part 77 requires that the 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 ground. For the project site, any structure exceeding approximately 200 feet in height above mean sea level (AMSL) would require submittal to the FAA for airspace safety review.

[58] The TTLC represents the total concentration at which a solid waste is considered hazardous per Title 22 of the California Code of Regulations. The Tier 1 ESLs are conservative screening levels used to evaluate if shallow soils are subject to unrestricted reuse or require landfill disposal. The direct exposure ESL concerns the effects on construction workers and future residents associated with exposure via one or a combination of the three exposure routes (ingestion, inhalation, and dermal contact) via groundwater, soil, or indoor air.

As noted in Section 4.9.1.1 Regulatory Framework, the Norman Y. Mineta San José International Airport CLUP identifies areas where airport operations may pose noise and safety hazards. The project site is located beyond the outer boundary of the noise contours and safety zones identified in the CLUP.

Wildfires

The proposed project is located in an urbanized area of San José which is not located in state responsibility areas or near lands classified as very high fire hazard severity zones.[59] According to maps prepared by the Santa Clara County FireSafe Council, the project site is not located within a wildland-urban interface area.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

[59] California Department of Forestry and Fire Protection. "California Fire Hazard Severity Zone Map Update Project". Accessed March 3, 2022. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

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

Construction of the proposed project does not involve the routine transport, use, or disposal of reportable quantities of hazardous materials besides gas and diesel fuel used by construction vehicles.

Once operational, small quantities of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance would be routinely stored and used by the project. No other hazardous materials would be used or stored on the project site. These materials would be managed in accordance with federal and state laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment.

Conclusion for checklist question a): The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(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?

As documented in Section 4.9.1.2, subsurface soils and soil vapor at the project site are contaminated with residual OCPs and chlorinated solvents associated with nearby dry-cleaning operations. Exposure to OCPs can cause adverse effects on the human nervous system and result in acute sweating, headache, nausea, vomiting, and dizziness.[60] When inhaled, chlorinated solvents can cause both acute (e.g. dizziness, headaches, confusion, etc.) or chronic health effects (e.g. cancer or liver, kidney, immunological, endocrine, and developmental effects).[61] Contaminated soil disturbed during grading of the project site could become airborne and adversely affect construction workers, nearby sensitive receptors, and the environment if appropriate control measures are not implemented.

Impact HAZ-1.1: Development of the project could result in an impact to construction workers and nearby sensitive receptors from exposure to soil and soil vapor contaminated with organochloride pesticides from past agricultural uses and chlorinated solvents from upgradient dry cleaning operations.

[60] Agency for Toxic Substances and Disease Registry. Public Health Statement for DDT, DDE, and DDD. September 2002.
[61] United States Environmental Protection Agency. *Trichloroethylene Fact Sheet*. January 2000.

Mitigation Measures:

MM HAZ-1.1: Due to detections of volatile organic compounds (VOCs) above regulatory environmental screening levels in soil vapor, prior to issuance of any grading permit, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. The applicant shall meet with the appropriate regulating agency and perform additional soil and soil vapor sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared under regulatory oversight and approval by a qualified environmental consultant that identifies remedial measures and/or soil management practices to ensure construction worker safety and protect the health of nearby sensitive receptors. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

With implementation of the above mitigation measure, contaminated soil on-site would be properly identified, characterized, removed and disposed of prior to ground-disturbing activities, thus preventing exposure of construction workers, nearby sensitive receptors, and the environment to contaminated soil.

Conclusion for checklist question b): With implementation of MM HAZ-1, the project would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment. **(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 closest school to the project site is the Delight Montessori/Beacon School campus at 5670 Camden Avenue, located approximately 900 feet (0.17 miles) north of the project site. Residential uses do not emit hazardous emissions, and as noted under checklist question a), all potentially hazardous materials present on-site (cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance) would be managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment. As discussed under checklist question b), any contaminated soils would be identified, characterized, removed and disposed of properly prior to ground-disturbing activities, thus preventing exposure of nearby sensitive receptors (including school users) to hazardous emissions or acutely hazardous materials, substances, or waste.

Conclusion for checklist question c): The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

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

As discussed in Section 4.9.1.2, the project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Conclusion for checklist question d): The project is not on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(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?

As documented in Section 4.9.1.2, the project site is 8.25 miles from the nearest public airport (Norman Y. Mineta San José International Airport), and is outside of the airport's AIA, including the noise contours and safety hazard zones identified in the airport's CLUP. Since the project would not result in any buildings with heights in excess of 200 feet in height, no airspace safety review is required to determine if the project would create an aviation hazard that could impact people residing or working in the project area.

Conclusion for checklist question e): The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

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

The City's EOP (refer to Section 4.9.1.1) principally is designed to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. This includes assigning City departmental roles and responsibilities during disaster response and recovery activities, establishing communication and coordination procedures, and the logistics for disseminating information and resources, among other similar items. Construction and operation of the project, which would be done in accordance with City building and fire codes and regulations, would not impair implementation of or physically interfere with the City's adopted EOP. Additionally, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards. Further, as discussed under Transportation checklist question d), construction and operation of the project would not result in inadequate emergency vehicle access.

Conclusion for checklist question f): The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

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

As discussed in Section 4.9.1.2, the project site is located in an urbanized area of San José and is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, or within a wildland-urban interface area. Further, as described above under checklist question f), the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety and the final site design would be reviewed by SJFD for consistency with applicable fire department standards.

Conclusion for checklist question g): The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

4.9.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing hazards and hazardous materials conditions affecting a proposed project (refer to Section 4.9.1.1).

As discussed in Section 4.9.1.2, soils on-site may be contaminated with OCPs and chlorinated solvents in excess of regulatory environmental screening levels. Future residents could be adversely affected by intrusion of contaminated soil vapor. The following condition of approval would be required for project implementation to reduce risks to future occupants of the site.

Condition of Approval:

- To eliminate vapor intrusion concerns, the applicant shall install a sub-slab depressurization (SSD) system overlain by a spray-applied vapor barrier membrane. The spray-applied membrane or seal shall be placed between the foundation of the buildings and base materials.

SSD systems function by creating a lower pressure directly underneath the building slab relative to the pressure within the buildings. The resulting sub-slab negative pressure inhibits soil gases from flowing into the building, essentially eliminating the potential for volatile chemical entry into the buildings. If present, volatile chemicals caught in this negative pressure field are collected and piped to ambient air discharge points. The spray-applied membrane or seal creates an additional barrier against vapor penetration. Implementation of the above condition of approval would prevent future residents from being adversely affected by intrusion of contaminated soil vapor.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[62]

[62] California Department of Water Resources, Division of Safety of Dams. Accessed September 2, 2021. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Regional

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo.[63] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan

[63] MRP Number CAS612008

by March 2030.[64] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Santa Clara and Llagas Subbasin Groundwater Management Plan

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

National Flood Insurance Program

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review

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

Policy	Description
	new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to: • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.

Policy	Description
	• Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

Post-Construction Urban Runoff Management (City Council Policy 6-29)

City Council Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy 8-14)

City Council Policy 8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement. Policy 8-14 requires post-construction runoff to be managed such 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.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The project site is located in the Guadalupe River Watershed, as identified in the General Plan. The Guadalupe River Watershed drains approximately 170 square miles extending from the confluence of Guadalupe River and Alamitos Creek to the San Francisco Bay. [65] The project site is located in a subwatershed with less than 65 percent impervious surfaces.[66]

[65] City of San José. *Envision San José 2040 General Plan, Appendix G.* December 2010.
[66] City of San José, Spatial Team. "Public GIS Viewer". Accessed February 24, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f

The project site is currently undeveloped and is covered entirely by pervious surfaces. All stormwater water percolates into soils on-site. Existing 12- and 15-inch storm drains and storm drain catch basins and manholes are present in Camden Avenue. The existing storm drain system conveys stormwater runoff from surrounding parcels on Camden Avenue to an outlet into Guadalupe Creek off of Boone Drive, northeast of the project site.[67] Flows from the Guadalupe Creek are ultimately discharged into the San Francisco Bay.

Surface Water Quality

As noted above, stormwater runoff from the project vicinity drains into the Guadalupe Creek via the storm drain system in Camden Avenue. The Guadalupe Creek is currently listed on the California 303(d) list for mercury, diazinon, and trash.[68]

Groundwater

Based on available groundwater monitoring reports, reported groundwater depths within the project vicinity range between 20 and 40 feet below ground surface (bgs) (refer to Appendix D). Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Flooding

As discussed in Section 3.2.1, the project's residential component would be setback 50 feet from the Guadalupe Creek. The proposed location of the residential component is within Flood Zone D, which is used for areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted.[69] A portion of the riparian setback would be located in Flood Zone A, which are areas subject to inundation by the one-percent-annual-chance flood event (i.e., a one hundred year flood event).

Seiche, Tsunami, and Mudflows

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The nearest enclosed water body capable of generating a seiche is the San Francisco Bay, located approximately 17 miles to the north of the project site.

A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from off-shore earthquakes within the Bay Area. The project site is

[67] City of San José, Spatial Team. "Public GIS Viewer". Accessed February 24, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f
[68] State Water Resources Control Board. *2018 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. June 9, 2021.
[69] Federal Emergency Management Agency. *Unmapped Areas on Flood Hazard Maps: Understanding Zone D.* August 2011.

approximately 17 miles south from the shoreline of the San Francisco Bay Area and is not located in a Tsunami Hazard Area.[70]

A mudflow is a large rapid (up to approximately 50 miles per hour) mass of mud formed by loose earth and water. Hillsides and slopes of unconsolidated material could be at risk to mudflows if these areas become saturated. The project site is not within a Landslide Zone per the EZRI maps prepared by CGS.[71]

4.10.2 Impact Discussion

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

[70] California Department of Conservation. "Santa Clara County Tsunami Hazard Area". Accessed February 24, 2022. https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

[71] California Geological Survey. "Earthquake Zones of Required Investigation". Accessed February 24, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

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

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

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Construction

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in local waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system after surface runoff flows across the site. The project would disturb less than one acre of soil; therefore, the project would not be required to obtain a NPDES General Permit for Construction Activities. The proposed project would however be required to comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project applicant is required to submit an Erosion Control Plan for the project. The Erosion Control Plan would detail the BMPs to be implemented during the construction phase to prevent the discard of stormwater pollutants and minimize erosion (refer to Section 4.7 Geology and Soils for more information regarding the implementation and requirements of the City's Grading Ordinance and Erosion Control Plan).

Pursuant to City requirements, the following standard permit conditions are required of the project to reduce potential construction-related water quality impacts.

Standard Permit Conditions:

1. Construction-related Water Quality. Consistent with the General Plan, measures shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction including, but not limited to, the following:

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

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

Compliance with the requirements of the City's Grading Ordinance and the City's standard permit conditions would ensure that non-significant quantities of soil and construction byproducts enters the storm drain system and local waterways as a result of the project.

Post-Construction

The project would replace or create more than 10,000 square feet of pervious surface (21,390 square feet of impervious surface); therefore, it would be subject to Provision C.3 of the MRP. This requires the project to incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project. The project would reduce and treat surface runoff through the bioretention areas described in Section 3.2.1.

In addition to the requirements of Provision C.3, the project would be subject to the San José Public Works Department standard permit conditions identified above, which mandates compliance with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), and would comply with the City's Post-Construction Hydromodification Management Policy (Policy 8-14), since the project site is located in a subwatershed that is less than 65 percent impervious (refer to the discussion under Checklist question c)).

Conclusion for checklist question a): With implementation of the City's standard permit conditions, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

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

As documented in Section 4.9.1.2, groundwater depths in the project vicinity range between 20 to 40 feet bgs. Construction of the project would not require any subsurface excavation activities or exporting of soil beyond what is necessary to grade existing surfaces, install utilities, or remove contaminated soil (refer to Section 4.9 Hazards and Hazardous Materials), all of which would occur at relatively shallow depths well above the highest recorded groundwater elevations. Therefore, the project would not encounter groundwater or require dewatering of subsurface groundwater.

The project would rely on existing sources of water and the City's existing water delivery system. Although the project would increase the demand for water within the City, this increase would not result in a substantial depletion of aquifers relied upon for local water supplies (see discussion under checklist question b) in Section 4.19 Utilities and Service Systems).

The project site is located adjacent to the Guadalupe Recharge System identified in the SCVWD's Groundwater Management Plan.[72] All stormwater runoff generated by the project site would be treated via the bioretention areas described in Section 4.2.1 before entering the Camden Avenue storm drain system. Additionally, the project would maintain a 0.25-acre riparian setback area adjacent to the Guadalupe Creek, and replant it with native plant species and irrigation support that ensures the groundwater recharge area continues to operate as intended in the SCVWD Groundwater Management Plan.

For these reasons, the project would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge.

Conclusion for checklist question b): The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(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?

As discussed in Section 4.10.1.2, the 0.75-acre portion of the project site to be developed west of the Valley Water maintenance road is currently 100 percent pervious; post-construction, the site would be developed with 21,390 square feet of impervious surface and 14,329 square feet of pervious

[72] Santa Clara Valley Water District. *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

surface, equivalent to 60 percent impervious and 40 percent pervious. The project would not alter the course of any stream or river, including the Guadalupe Creek adjacent to the project site. However, the project would increase the amount of impervious surface present on-site, resulting in an incremental increase in the amount of surface runoff that enters the City's storm drain system.

Compliance with the City's Grading Ordinance and implementation of the required Erosion Control Plan (refer to Section 4.7 Geology and Soils, Hydrology checklist question a)), would ensure that the addition of impervious surfaces does not result in substantial erosion or siltation on- or off-site. As discussed in Section 3.2.1, 100 percent of surface runoff would be treated by bioretention areas prior to entering the storm drain system, which would capture stormwater during rainfall events and would prevent surface runoff from resulting in flooding on- and off-site by retaining and releasing water into the existing stormwater infrastructure slowly over time. As required by Provision C.3.c.iii.(3) of the Municipal Regional Stormwater Permit, these bioretention areas would accommodate runoff of five inches per hour or greater. Additionally, the proposed project would utilize source control and site design measures to direct runoff into proper drainage areas. Since the runoff on the project site would be contained on-site and delivered to existing stormwater infrastructure at a rate than can be accommodated, the project's storm water runoff would not result in overflow leading to erosion or flooding. Therefore, the project would be in compliance with Policy 8-14, which requires post-construction runoff to be managed such that it does not cause increased potential for erosion of stream beds and banks, silt pollution generation, or other adverse impacts.

As discussed in Section 4.9 Hazards and Hazardous Materials checklist question a), no hazardous materials besides cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance would be present on-site, and these would be stored in accordance with federal and state regulations. Adherence with the City's standard permit conditions and Provision C.3 of the MRP would further ensure the project does not result in impacts associated with polluted stormwater runoff.

Lastly, as the project site proposes to establish and maintain a 50-foot riparian buffer between the proposed location of the residential development and the top of the Guadalupe Creek bank and associated Flood Zone A, the project would not impede or redirect flood flows.

Conclusion for checklist question c): With implementation of the City's standard permit conditions, the project would not substantially alter the drainage pattern of the project site or area in a manner which would result in on- or off-site erosion, flooding, or runoff impacts. **(Less than Significant Impact)**

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

As discussed in Section 4.10.1.2, the proposed location of the residential component is within Flood Zone D, while a portion of the riparian setback would be located in Flood Zone A. Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.

As discussed under checklist question a) in Section 4.9 Hazards and Hazardous Materials, no hazardous materials besides cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance would be routinely stored or used by the project. Additionally, the project would be required to comply with Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements to reduce the impacts of stormwater runoff on post-construction water quality (refer to checklist question a). For these reasons, the project would result in a less than significant risk for releasing pollutants due to inundation.

Conclusion for checklist question d): With implementation of the City's standard permit conditions, the project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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

Water Quality Control

As discussed in checklist question a), the project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements, and would implement the City's standard permit conditions addressing construction- and operational-related surface runoff quality. Thus, the project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan.

Santa Clara Plain and Llagas Subbasin Groundwater Management Plan

As discussed in Section 4.10.1.1, the project site is within the Santa Clara Plain groundwater subbasin, and this subbasin has not been identified in the GMP as being overdrafted. Implementation of the project would not interfere with any actions set forth by Valley Water in its GMP in regard to groundwater recharge, transport of groundwater, and/or groundwater quality. In addition, as discussed under checklist question b), the project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge.

Conclusion for checklist question e): With implementation of the City's standard permit conditions, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(No Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional and Local

Envision San José 2040 General Plan

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

Policy	Description
IP-1.8	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
IP-1.9	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

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

The Norman Y. Mineta San José International Airport CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the AIA. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.11.1.2 *Existing Conditions*

The project site's General Plan designation is Residential Neighborhood (RN), which permits residential developments with densities ranging from five to 16 dwelling units per acre with a floor area ratio (FAR) of 0.7 and heights between one and 2.5 stories.

The project site is zoned R-2 Two-Family Residence District, which permits a residential density of eight to 16 units per acre, a minimum lot area of 5,445 square feet, and a maximum height of 35 feet.

The purpose of this zoning district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions.

As documented in Section 4.4 Biological Resources, the project site is within the SCVHP study area, and is designated as Urban-Suburban land. As documented under checklist question e) in Section 4.9 Hazards and Hazardous Materials, the project site is outside the AIA for the Norman Y. Mineta San José International Airport and associated noise contours and safety hazard zones.

As shown on Figure 2.4-3, land uses within the vicinity of the project site include commercial developments to the west across Camden Avenue, and single-family residential developments to the north, east across the Guadalupe Creek, and west.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities.

The project proposes to develop a vacant one-acre site with seven single-family residences. A 0.18-acre portion of the site would be a public right-of-way dedication area that would enable the widening of Camden Avenue. As shown in Figure 2.4-3, the project site is not situated between any communities. Due to the undeveloped nature of the project site and the natural barrier formed by the Guadalupe Creek, the site does not allow pass-through travel. As discussed under checklist question a) in Section 4.17 Transportation, the widening of Camden Avenue would improve the flow of vehicle, bicycle, and pedestrian traffic. For these reasons, the project would not physically divide an established community.

Conclusion for checklist question a): The project would not physically divide and 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?

General Plan and Municipal Code

As described in Sections 3.1.2 and 4.11.1.2, the project site has a Residential Neighborhood (RN) General Plan designation and is zoned R-2 Two-Family Residence District. Parcels with Residential Neighborhood (RN) land use designations within R-2 Two-Family Residence zoning districts are intended for single-family residential developments. The site's land use designation and zoning district corresponds to a permitted density of eight to 16 dwelling units per acre, a FAR of 0.7, and heights between one and 2.5 stories (equivalent to 35 feet).

The project proposes to construct seven single-family residences ranging between 2,274 and 2,292 square feet in size, equivalent to 8.5 dwelling units per acre.[73] The residences would range from two to 2.5 stories, with a maximum height of 35 feet. In total, the FAR of the proposed development would be 0.26.[74] Accordingly, the project would be consistent with the buildout of the General Plan as analyzed in the General Plan FEIR.

Additionally, as discussed under Section 4.9 Hazards and Hazardous Materials checklist question e), no airspace safety review is required to determine if the project would create an aviation hazard that could impact people residing or working in the project area. The project is consistent with General Plan Policy IP-1.8 of ensuring there is adequate infrastructure to support the proposed uses. As documented under Section 4.17 Transportation, transit, roadway, bicycle, and pedestrian facilities can serve the proposed project. As discussed under Section 4.19 Utilities and Service Systems, the project would connect to the existing utility service system, which has sufficient capacity to serve the proposed project while continuing to serve existing development. The project is also consistent with General Plan Policy TR-14.3, since as documented under checklist question e) in Section 4.9 Hazards and Hazardous Materials, the project would not conflict with the Norman Y. Mineta San José International CLUP.

The project's consistency with other General Plan policies and Municipal Code requirements pertaining to specific environmental impacts are discussed throughout this Initial Study in the relevant resource areas. For these reasons, the proposed project would not result in environmental impacts due to a conflict with the General Plan or Zoning Code.

Santa Clara Valley Habitat Plan

As documented under checklist question f) in Section 4.4 Biological Resources, the proposed project is considered a covered activity under the Habitat Plan, and with implementation of the standard permit condition (i.e., conformance with applicable Habitat Plan conditions and fees), the project would not conflict with provisions of the Habitat Plan.

[73] Seven dwelling units (proposed number of residences) divided by 0.82 acres (area of the site) equals 8.5 dwelling units per acre. Calculations exclude the .18-acre public right-of-way dedication area.
[74] 9,406 square feet (footprint of proposed residences) divided by 35,719 (area of the site) equals 0.26 FAR. Calculations exclude the .18-acre public right-of-way dedication area.

Conclusion for checklist question b): With implementation of SCVHP standard permit conditions, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.12.1.2 *Existing Conditions*

As discussed above, the Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill, which is located approximately 4.25 miles northeast of the project site.

4.12.2 Impact Discussion

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

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

As discussed above in Section 4.12.1.2, the Communications Hill area is the only area within the City of San José that is designated as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill.

Conclusion for checklist question a): 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)**

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

The project site is not in an area of San José or Santa Clara County with known mineral resources.

Conclusion for checklist question b): The project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

4.13 NOISE

The discussion in this section is based, in part, on a Construction Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc. A copy of the report, dated March 8, 2022 is attached to this Initial Study as Appendix F.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[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}.

4.13.1.2 *Regulatory Framework*

State

California Building Standards Code

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

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the project. The City's noise and land use compatibility guidelines are shown in Table 3.13-1, below.

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 3.13-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or

Table 4.13-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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

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

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.

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.

EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. 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 a historical building, 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.

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

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

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.

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

City of San José Municipal Code

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

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

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

The Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the AIA. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.13.1.3 *Existing Conditions*

The primary noise sources in the vicinity of the project site include vehicular traffic noise along Camden Avenue and, to a lesser extent, traffic along other local roadways and operation of surrounding properties. The nearest noise-sensitive receptors (i.e., residential uses) to the project site are located along Camden Village Circle, approximately 100 feet north of the geometric center of the project site.[76] Based on the 2040 General Plan noise contours, the existing ambient noise level in the vicinity of the project site ranges from 65 to 70 dBA DNL.

The Norman Y. Mineta San José International Airport is located approximately 8.25 miles north of the project site. As noted in Section 4.9.1.1 Regulatory Framework, the Norman Y. Mineta San José International Airport CLUP identifies areas where airport operations may pose noise and safety hazards. The project site is located beyond the outer boundary of the noise contours and safety zones identified in the CLUP.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

[76] Since surrounding land uses would be subject to the collective noise generated by all equipment operating on-site, distances and noise levels are calculated from the geometric center of the project site.

4.13.2.1 *Thresholds of Significance*

The CEQA Guidelines state that a project would 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. 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. For the purposes of this analysis, the City of San José relies on the following as CEQA thresholds of significance:

- Construction Noise – For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels at residential uses within 500 feet or commercial uses within 200 feet of the project site for a period of more than 12 months.
- Operational Noise – Based on General Plan Policy EC-1.2, a significant noise impact would 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," as shown previously in Table 4.13-1.
- Construction Vibration – Based on General Plan Policy EC-2.3, significant vibration impacts would occur if the project generates a continuous vibration limit of 0.2 inches/sec (5.0 mm/sec) PPV for buildings of normal conventional construction, and a continuous vibration limit of 0.08 inches/sec (2.0 mm/sec) PPV for buildings that are historic or documented to be structurally weakened.

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

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

Construction activities would generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. 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.

As discussed in Section 3.2.4, construction of the project is planned to occur over a period of ten months between the hours of 7:00 a.m. and 7:00 p.m., with construction beginning in Winter 2022

and ending in Fall 2023. Construction of the proposed project would involve site preparation, grading and excavation, trenching and foundation work, construction of building exteriors and interiors, and paving.

The Federal Highway Administration's Roadway Construction Noise Model was used to calculate the hourly average noise levels for each stage of construction, assuming every piece of equipment would operate simultaneously, which would represent the worst-case scenario. Table 4.13-2 below shows the calculated construction noise levels during each phase of construction at the nearest sensitive receptor. Additional information on the methodology and assumptions used to estimate the project's construction noise levels is available in Appendix F.

Table 4.13-2: Calculated Construction Noise Levels

Construction Phase	Total Calculated Noise Level (dBA Leq)	
	At 50 feet	At 100 feet (Closest receptor)
Site Preparation	85	79
Grading/Excavation	86	80
Trenching/Foundation	82	76
Building Exterior	83	77
Building Interior	75	69
Paving	83	77

Notes:

Since surrounding land uses would be subject to the collective noise generated by all equipment operating on-site, distances and noise levels are calculated from the geometrical center of the project site.

Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Noise and Vibration Assessment*. March 8, 2022.

As shown in Table 4.13-2, noise generated during project construction would exceed existing ambient noise levels (65 to 70 dBA) at the nearest sensitive receptor. However, project construction would not exceed 12 months, and therefore construction of the project would not generate a substantial noise increase at the residential uses to the north or the commercial land uses to the west across Camden Avenue. Additionally, General Plan Policy EC-1.7 and the City's Municipal Code require all projects to implement the following conditions during construction.

Standard Permit Condition:

1. Construction-related Noise. Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
    - Pile driving is prohibited.
    - Limit construction hours to between 7:00 a.m. and 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of

Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

- Construct solid plywood fences around ground level construction sites adjacent to operational business, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" are compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

The City considers construction-related noise impacts to be less than significant with implementation of the Standard Permit Conditions outlined above. Accordingly, with implementation of these permit conditions, the proposed project would not result in a significant temporary increase in ambient noise levels.

Operational Noise

As documented in Section 4.13.1.3, the existing ambient noise level within the vicinity of the project site is 65 to 70 dBA DNL. Pursuant to General Plan Policy EC-1.2, a significant operational noise impact would occur where existing noise sensitive land uses would be subject to permanent noise

level increases of three dBA DNL or more. A project that generates substantial daily trips could increase ambient noise levels in the project vicinity by increasing traffic volumes along Camden Avenue.

Based on the trip generation rate for a "Single Family Detached Housing" land use provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition 2021*, the proposed seven single-family residences would generate 66 trips per day. The average daily traffic volume (ADT) along Camden Avenue is more than 10,000 vehicles per day. The project would not double existing traffic volumes (which is the threshold where traffic would result in a three dBA noise increase), and therefore would not result in a significant permanent increase in ambient noise levels.

Conclusion for checklist question a): With implementation of the City's standard permit conditions, the project would not result in a temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

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

Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses. As discussed under checklist question a), construction activities would include site preparation, grading and excavation, trenching and foundation work, construction of building exteriors and interiors, and paving. Impact pile driving (which generates substantial vibration) is not proposed as a method of construction.

According to the NRHP[77], CRHP[78], and City of San José Historic Resources Inventory, there are no historic buildings located within 200 feet of the project site.[79] There would be no risk of damage to any historic buildings resulting from project construction.

Based on typical vibration levels generated by construction equipment at a distance of 25 feet, the vibration levels from project construction were estimated from the boundary of the project site, which would represent the nearest location for use of vibration generating equipment, at the nearest building facades (refer to Appendix F). Table 4.13-3 below summarizes the vibration levels from construction levels at the nearest surrounding off-site buildings, which are located 20 feet to the north of the project site's property line and are of normal conventional construction.[80]

[77] National Register of Historic Places. "National Register Database and Research. Accessed April 8, 2022. https://www.nps.gov/subjects/nationalregister/database-research.htm
[78] California Register of Historic Places. "California Historical Resources". Accessed April 8, 2022. https://ohp.parks.ca.gov/listedresources/
[79] City of San José. "City of San José Historic Resources Inventory." Accessed April 8, 2022. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory.
[80] Unlike construction noise, construction vibration is measured from the edge of the project's area of effect to conservatively estimate the maximum amount of vibration exposure of nearby buildings.

Table 4.13-3: Vibration Source Levels for Construction Equipment			
Equipment		PPV (in/sec)	
		Source Level (25 feet)	Residential Uses (20 feet north)
Clam shovel drop		0.202	**0.258**
Hydromill (slurry wall)	In soil	0.008	0.010
	In rock	0.017	0.022
Vibratory roller		0.210	**0.268**
Hoe ram		0.089	0.114
Large bulldozer		0.089	0.114
Caisson drilling		0.089	0.114
Loaded trucks		0.076	0.097
Jackhammer		0.035	0.045
Small bulldozer		0.003	0.004
Notes: Numbers in excess of the City of San José vibration limit of 0.2 PPV in/sec for buildings of normal conventional construction are shown in **bolded** text. Source: Illingworth & Rodkin, Inc. *Camden Avenue Residential Development Construction Noise and Vibration Assessment*. March 8, 2022.			

As shown in Table 4.13-3, project construction activities involving the use of clam shovels and vibratory rollers would exceed the City of San José's vibration limit of 0.2 PPV in/sec at the residential uses located 20 feet from the northern property line of the project site.

Impact NOI-1: Construction-related vibration levels would be 0.268 in/sec PPV in/sec at the nearest residential uses located approximately 20 feet north of the project site.

Mitigation Measures:

MM NOI-1.1: Prior to the issuance of any tree removal, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction vibration monitoring plan to reduce construction impacts at the buildings where vibration level would exceed 0.2 in/sec PPV. The plan shall include, but is not limited to, the following:

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Vibratory rollers (if necessary) that are used within 30 feet of the adjacent residences to the north shall be equivalent in size to a Caterpillar model CP433E vibratory compactor or smaller such that vibration levels would

not exceed 0.2 in/sec PPV. Only use the static compaction mode when compacting materials within 15 feet of adjacent buildings.

- Avoid dropping equipment (such as a clam shovel) within 30 feet of adjacent residences to the north. Use alternative methods for breaking up existing pavement, such as a pavement grinder within 30 feet of adjacent buildings.
- The project applicant shall designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Prior to the issuance of any demolition or grading permits, the project applicant shall submit a copy of the vibration construction plan to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.

Modeling of the vibration levels generated during project construction showed that vibration levels from clam shovel drops and vibratory rollers would be less than 0.2 PPV in/sec at a distance of 26 feet or greater. Implementation of MM NOI-2.1 would place controls on the use of vibratory rollers within 30 feet of the residential buildings located north of the project site that would ensure that construction of the project would not generate vibration levels in excess of 0.2 PPV in/sec at these buildings. Vibration generated during project construction would be further limited by placement of operating equipment as far from the nearest buildings as possible and prohibiting the dropping of equipment within 30 feet of the nearest buildings.

Conclusion for checklist question b): With implementation of MM NOI-2.1, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within the vicinity of a private airstrip or an airport land use area, or within two miles of an airport. The nearest airport is Norman Y. Mineta San José International Airport, located approximately 8.25 miles north of the project site. The project site is located outside the City's Airport Master Plan 2037 60 dBA CNEL noise contours for the Mineta San José International Airport, and therefore noise associated with aircraft operations would be below the City's 60 dBA exterior noise standard. Noise insulation associated with the use of standard construction materials would ensure interior noise levels are below the 45 dBA DNL interior noise standard established in the City's General Plan.

Conclusion for checklist question c): The project would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft. **(No Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project (General Plan Policy EC-1.1.

Pursuant to General Plan Policy EC-1.1, the City's "normally acceptable" exterior noise level standard is 60 dBA DNL or less and the "conditionally acceptable" exterior noise level standard is 75 dBA DNL or less for residential uses. The California Building Code and General Plan Policy EC-1.1 requires residential interior noise levels attributable to exterior environmental noise sources be limited to 45 dBA DNL/CNEL in any habitable room.

As discussed in Section 4.12.1.3, the existing ambient noise level in the vicinity of the project site ranges from 65 to 70 dBA DNL, which is within the conditionally acceptable range. Additionally, the project would be required to implement the following standard permit condition.

Standard Permit Condition:

1. The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State and Regional

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[81] The City of San José Housing Element and related land use policies were last updated in 2014.

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[82]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be 1,029,782 in January 2021 with an average of 3.14 persons per household.[83] Full build out of the General Plan includes 120,000 new dwelling units and

[81] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed September 2, 2021. http://hcd.ca.gov/community-development/housing-element/index.shtml.

[82] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021.

[83] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021." Accessed March 1, 2022. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

382,200 new jobs by 2040.[84] Development approved under the General Plan is projected to increase the City's residential population to 1,313,811.

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. The City currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.[85] The General Plan assumes a Jobs/Employee Resident ratio of 1.1/1 or 382,200 new jobs by 2040.[86] To meet the current and projected housing needs in the City, the 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 vacant and undeveloped and does not provide any housing.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

[84] City of San Jose. *Envision San José 2040 General Plan*. November 2011.
[85] City of San José. "Economy: Jobs per Employed Resident". Accessed March 1, 2022. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/climate-smart-data-dashboard/economy-jobs-per-employed-resident
[86] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016.

The project proposes to construct seven single-family residences, which would increase the City's population by an estimated 22 residents.[87] As discussed under checklist question b) in Section 4.11 Land Use and Planning, the proposed project is consistent with the site's land use designation and zoning district, and therefore is consistent with the buildout analyzed in the General Plan FEIR. Additionally, the project does not include any employment-generating uses (e.g., retail, commercial, office, etc.) or the extension of roads or other infrastructure that could indirectly induce unplanned population growth.

Conclusion for checklist question a): The project does not propose new housing beyond projected developments levels, extend roads or other infrastructure to previously undeveloped areas, or remove obstacles to population growth. **(Less than Significant Impact)**

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

The project site is currently vacant and undeveloped and does not provide housing. For this reason, implementation of the project would not displace existing residents from the project site that would necessitate the construction of housing elsewhere.

Conclusion for checklist question b): The project would not displace existing residents, necessitating construction of replacement housing. **(No Impact)**

[87] Seven residential units multiplied by 3.14 (the City's average residents per household) equals 22 residents.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State and Regional

Government Code Section 66477

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

Government Code Section 65995 through 65998

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

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

Countywide Trails Master Plan

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

Local

Envision San José 2040 General Plan

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

Policy	Description
PR-1.1	Provide 3.5 acres of per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
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.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.

Policy	Description
ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan was developed by the City of San José's as a replacement to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the 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 34fire 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. [88]

The closest fire station to the project site is Fire Department Station 17, located approximately 1.5 miles northeast of the project site. According to Google Maps, the fire station is approximately four minutes driving distance from the site.

Police Protection Services

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 eight miles north of the project site (14 minute drive time per Google Maps). SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Southern Division. The Southern Division includes four patrol districts totaling approximately 123 square miles.[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

[88] City of San José. *Annual Report on City Services 2018-2019*. December 2019.
[89] San José Police Department. "SJPD Central Division". Accessed March 1, 2022. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division

(involving injury or property damage, or the potential for either 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]

Schools

The project site is located within the attendance boundaries of the Union School District (which serves students from pre-kindergarten through eighth grade) and the Campbell Union High School District (which serves students from grades nine through 12).[91] The project site is serviced by Guadalupe Elementary (located at 6044 Vera Cruz Drive, approximately 0.3 miles to the southeast from the project site), Dartmouth Middle (located at 5575 Dartmouth Drive, approximately 0.5 miles to the northeast), and Leigh High (located at 5210 Leigh Avenue, approximately 1.15 miles to the northwest).

Parks

The Cities of San José and Los Gatos provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest park to the project site is TJ Martin Park, operated by the City of San José, located approximately 0.5 miles east of the site. Belgatos Park, operated by the City of Los Gatos, is located approximately 0.75 miles west of the project site.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 23 branch libraries.[92] The nearest library is the Vineland Branch Library, located approximately 0.8 miles northeast of the site. The City is currently meeting its service level objective of providing at least 0.59 square feet of library space per capita.

The City of San José operates 51 community centers within the City limits. The nearest community center to the site is the Almaden Winery Community Center, approximately 0.55 miles northeast of the site. The City is currently meeting its service level objective of providing 500 square feet of community center space per 1,000 population.

[90] City of San José. *Annual Report on City Services 2018-2019*. December 2019.
[91] City of San José, Spatial Team. "Public GIS Viewer". Accessed March 1, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f
[92] City of San José Public Library. "Facts and Awards". Accessed March 1, 2022. https://www.sjpl.org/facts.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☒	☐

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

The project proposes to construct seven single-family residences on a currently vacant undeveloped site; accordingly, the project would intensify development at the project site, thus increasing the demand for fire protection services.

Although the site would increase demand for fire protection services in comparison with the existing development, the proposed development is consistent with the planned build-out analyzed in the General Plan FEIR, which concluded would not have a significant impact on fire department services. The General Plan also includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of implementation of the General Plan. Therefore, the project would not require the construction of new or expanded fire facilities.

In addition, Fire Department Station 17 is within four minutes driving distance from the project site, and therefore fire protection services can be provided to the project site without affecting response times. As discussed under checklist question d) in Section 4.17 Transportation, the project would meet the SJFD requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of six feet clearance from the property line to all sides of the buildings is provided. As required by General Plan Policy ES-3.11, the project would provide adequate fire suppression infrastructure. Further, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards.

Conclusion for checklist question a): The project would not result in a significant impact on fire protection facilities and 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?

As discussed under checklist question a), the project would intensify development at the project site; therefore, the project would increase the demand for police protection services. This increase in demand would be diminished with compliance with applicable City policies, such as General Plan Policy ES-3.9, that promote public and property safety. Furthermore, as the proposed development is consistent with the build-out analyzed in the City's General Plan FEIR, which concluded would not have a significant impact on police protection services, the project would not warrant new or expanded police facilities. The project's incremental increase in police protection services compared to existing conditions would not require new or expanded police protection 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. In addition, SJPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures.

Conclusion for checklist question b): The project would not result in a significant impact on police protection facilities or services. **(Less than Significant Impact)**

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

The project proposes to construct seven single-family residential units which is estimated to increase the City's population by 22 residents. Based on the student generation rate of 0.39 elementary and 0.23 middle school students per single-family residence from the Union School District, the project would generate approximately three elementary and two middle school students that would attend Guadalupe Elementary and Dartmouth Middle.[93] The current enrollment at Guadalupe Elementary is 571 students with a total capacity for 618 students, and the current enrollment at Dartmouth Middle is 853 students with a total capacity for 1,000 students, which equates to a remaining capacity of 47 and 147 students, respectively.[94]

Based on the student generation rate of 0.39 students per single-family residence from the Campbell Union High School District, the project would generate approximately three high school students that

[93] Thompson, Colleen. Business Services Representative, Union School District. Personal Communication. April 15, 2022.
[94] Sohal, Rita. Assistant Superintendent, Union School District. Personal Communication. May 6, 2022.

would attend Leigh High. The current enrollment at Leigh High 1,800 students with a total capacity for 1,850 students, which equates to a remaining capacity of 50 students.[95]

As documented above, the existing capacity at Guadalupe Elementary, Dartmouth Middle, and Leigh High can accommodate the students generated by the proposed project. Additionally, the project would be subject to the following standard permit condition.

Standard Permit Condition:

- In accordance with California Government Code Section 65996, the project shall pay a school impact fee to the affected school district to offset the increased demands on school facilities caused by the proposed project.

Pursuant to state law, with implementation of the above standard permit condition, the project would have a less than significant impact on school facilities or services.

Conclusion for checklist question c): The project would not result in a significant impact on schools. **(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?

As mentioned under checklist question a), the project would intensify development at the project site, which would increase the number of residents within the City of San José. While residents may elect to use local parks and trails, this increase in usage would be minimal considering the incremental increase in the City's population (22 new residents) and the fact that residents would have access to backyards and landscaped areas that could be used for recreational activities. Further, the project is consistent with the type and level of growth assessed in the General Plan FEIR, which concluded that full build-out would not significantly impact park facilities.

In addition, the project would be required to implement the following standard permit condition.

Standard Permit Condition:

- The project shall pay the applicable PDO/PIO fees. The project's PDO/PIO fees 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 of the project site, consistent with General Plan Policies PR-1.1 and PR-1.2.

[95] Adams, Crystal. Director of Student Services, Campbell Union High School District. Personal Communication. May 10, 2022.

With the implementation of the above standard permit condition, implementation of the project would not result in significant impacts to park and recreational facilities by paying in-lieu fees for parkland dedication.

Conclusion for checklist question d): The project with the implementation of the above standard permit condition would not result in a significant impact on park and recreational 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?

Development approved under the General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita.[96] As discussed above in Section 4.14 Population and Housing, the growth resulting from the project is consistent with the buildout scenario analyzed in the General Plan FEIR. Accordingly, while the project would increase the use of local libraries including the Vineland Branch Library, the project would not require the construction of new library facilities beyond what was analyzed in the General Plan FEIR.

As of 2021, San José had 558,000 square feet of community space.[97] Assuming a population of 1,029,804, the City would provide approximately 541 square feet for every 1,000 people.[98] The City has a service goal of 500 square feet of community center space for every 1,000 people. Accordingly, the project would not result in the City failing to meet its service goal for community space and the construction of new community facilities.

Conclusion for checklist question e): The project would not result in a significant impact on library or community facilities. **(Less than Significant Impact)**

[96] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.
[97] City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.
[98] Existing community space (558,000) divided by the existing population (1,029,782) plus projected residents added by project (22) equals 541 square feet per 1,000 residents.

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Regional

Countywide Trails Master Plan

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

Local

Envision San José 2040 General Plan Policies

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

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

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan was developed by the City of San José's as a replacement to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.16.1.2 *Existing Conditions*

The Cities of San José and Los Gatos provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest park to the project site is TJ

Martin Park, operated by the City of San José, located approximately 0.5 miles east of the site. Belgatos Park, operated by the City of Los Gatos, is located approximately 0.75 miles west of the project site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As discussed under checklist question d) in Section 4.15 Public Services, the project would result in new residents on the project site that would increase demand on park and other recreational facilities. The project would include open space on the project site and comply with the City's PDO/PIO (identified as a standard permit condition) to offset its impact on parks and recreational facilities to a less than significant level.

Conclusion for checklist question a): The project would not result in a significant impact on recreational facilities. **(Less than Significant Impact)**

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

As discussed under checklist question d) in Section 4.15 Public Services, while future residents might use nearby parks and recreational facilities, this increase in use would be negligible and would not require the construction or expansion of parks and recreational facilities. The project does not include recreational facilities. Therefore, no recreational facilities would be constructed that might have an adverse physical effect on the environment.

Conclusion for checklist question b): The project would not require the construction or expansion of recreational facilities. **(Less than Significant Impact)**

4.17 TRANSPORTATION

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State and Regional

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

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

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.

Local

Envision San José 2040 General Plan

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

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in

Policy	Description
	proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
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.
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.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee or the existing average citywide VMT per capita, respectively. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

City of San José Better Bike Plan 2025

In 2020, the City completed build-out of the 400-mile basic bike network identified in its previous bike plan, Bike Plan 2020, which was approved by the city Council in 2009. In October 2020, the San José City Council approved the Better Bike Plan 2025. The plan seeks to make bicycling safe and convenient for all ages and abilities in all parts of the city. This will be accomplished by building new bikeways, enhancing existing bikeways, and implementing supportive programs and policies. The Better Bike Plan 2025 focuses on three goals:

- Safety – Increase safety for all people biking in San José and align with Vision Zero San José
- Mode Shift – Increase the number of trips made by bike in San José
- Equity – Apply the plan in a way that serves historically underserved communities

Under the Better Bike Plan 2025, a Class IV bicycle route will be constructed on the segment of Camden Avenue that provides access to the project site.[99] Additionally, a Class IV facility will be constructed along Blossom Hill Road to the north, and a Class III facility will be constructed on Hyacinth Lane to the south.[100]

4.17.1.2 *Existing Conditions*

Regional access to the project site is provided by Highway 17 and Highway 85, which are connected to the project site via Blossom Hill Road and Almaden Expressway. These roadways provide direct access to the project site via Camden Avenue. Regional access to the project site is also provided by VTA bus route 27, which provides weekday service with approximately 30-minute headways. The nearest bus stops to the project site are located at the intersection of Blossom Hill Road and Camden Avenue, approximately 1,575 feet to the north.

Sidewalks are present adjacent to all roadways within the vicinity of the project site, including the portion of Camden Avenue that extends between the Camden Avenue/Blossom Hill Road intersection and the Camden Avenue/Hick Road intersection, which are the two nearest signalized intersections. There are currently no bicycle lanes provided on this segment of Camden Avenue; the nearest existing bicycle routes are Class II facilities located on Kooser Road to the north and Camden Avenue/Coleman Road located south of the Camden Avenue/Hicks Road intersection.[101]

[99] Class IV facilities provide a right-of-way designated exclusively for bicycle travel within a roadway and which are protected from other vehicle traffic with devices, including, but not limited to, grade separation, flexible posts, inflexible physical barriers, or parked cars.
[100] Class III facilities are shared lanes designated by signs or pavement markings for shared use with pedestrians or motor vehicles, but have no separated bike right-of-way or lane striping. Bike routes serve either to: a) provide continuity to other bicycle facilities, or b) designate preferred routes through high demand corridors. Shared lanes can also be incorporated into Bicycle Boulevards, which are streets that are made comfortable for cyclists by incorporating traffic calming elements that prioritize bicycle traffic.
[101] Class II facilities are lanes for bicyclists adjacent to the outer vehicle travel lanes. These lanes have special lane markings, pavement legends, and signage. Bicycle lanes are generally five (5) feet wide. Bike lanes can be enhanced with green paint or a buffer. Adjacent vehicle parking and vehicle/pedestrian cross-flow are permitted.

4.17.2 Impact Discussion

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

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

The project proposes to construct seven single-family residences and establish a 50-foot-wide riparian buffer zone on an approximately one-acre site located between Camden Avenue to the west and the Guadalupe Creek to the east. The project does not propose any changes to the existing transit, roadway, bicycle, or pedestrian networks with the exception of two private driveways that would extend perpendicularly from Camden Avenue to the proposed residences. As discussed under checklist question c), these would be constructed in accordance with City of San José design standards and would undergo review by the City's Public Works Department.

As discussed under checklist question b), the project would have a less than significant VMT impact, consistent with City Council Policy 5-1 and General Plan Policy TR-1.1. The design process for the proposed project frontage and driveways would ensure that vehicles, bicycles, and pedestrians have safe access to the project site, consistent with General Plan Policy TR-1.6. Consistent with General Plan policies TR-2.8, TR-5.3, and CD-3.3, the project proposes to dedicate a .18-acre portion of the project site adjacent to Camden Avenue to the public right-of-way, which would enable the City to widen Camden Avenue and implement the Class IV bicycle facility proposed under the City's Better Bike Plan 2025. Consistent with General Plan Policy TR-8.4, the project would provide two covered parking spaces per residence as required by Municipal Code Section 20.90.060.

Based on the above, the project would be consistent with all City programs, plans, ordinances, and policies addressing the circulation system.

Conclusion for checklist question a): The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and 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 4.17.1.1 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. City Council Policy 5-1 also established screening criteria used to determine if projects require a detailed VMT analysis or can be presumed to have a less than significant VMT impact.

Under City Council Policy 5-1, small infill projects are presumed to have a less than significant VMT impact. The definition of small infill projects includes all single-family detached residential projects of 15 dwelling units or less. The project proposes to construct seven single-family residential units; accordingly, the project would have a less than significant VMT impact.

Conclusion for checklist question b): The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(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)?

Geometric Design

The project proposes to construct seven single-family residences which would be accessible via vehicles, bicycles, and pedestrians via Camden Avenue. Two private driveways extend into the project site from Camden Avenue that would allow future residents to access and park in their individual driveways and garages. All internal drive aisles would adhere to the City of San José design standards and guidelines. The design of the site would include adequate corner radii along all internal drive aisles, as well as driveway width, drive aisle width, parking dimensions, and signage that satisfies the City of San José design standards, and the design of the site would be subject to review by the City's Department of Public Works. Based on a review of the plan sets, no signage, landscaping, or other potential obstructions to sight distances from these private driveways would be present that could increase hazards. The project does not propose any physical changes beyond the boundary of the project site, including Camden Avenue and nearby intersections.[102] Based on the above discussion, the project would have less than significant impacts related to hazards due to geometric design.

Incompatible Uses

As shown on Figure 2.4-3, land uses within the vicinity of the project site include single-family residential developments to the north, east across the Guadalupe Creek, and west. In addition, as

[102] The project would dedicate a .18-acre portion of the site off of Camden Avenue to the public right-of-way, which would be used by the City to widen Camden Avenue. This action would be completed as part of the City's Capital Improvement Program and is separate from the project.

discussed under Section 4.11 Land Use and Planning, the project is consistent with the site's General Plan land use designation and Municipal Code zoning district and, therefore, has been found programmatically compatible by the General Plan FEIR.[103] The project does not propose a use that is incompatible with the existing mix of uses in the project area or propose a use that would bring unusual equipment on the roadways (e.g., farm equipment). Thus, the project would not result in a significant impact due to incompatible uses.

Conclusion for checklist question c): The project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

As discussed under checklist question f) in Section 4.9 Hazards and Hazardous Materials, the project would not impair or interfere with an adopted emergency response or evacuation plan. During construction and operation of the proposed project, roadways and trails would not be permanently blocked such that emergency vehicles would be unable to access the site or surrounding sites. The SJFD requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line to all sides of the buildings. Based on a review of the plan sets, the project would meet the SJFD 150-foot fire access requirement and six-foot clearance requirement. For these reasons, adequate emergency access would be provided by the project.

Conclusion for checklist question d): The project would not result in inadequate emergency access. **(Less than Significant Impact)**

[103] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

4.18.1.2

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

4.18.1.3 *Existing Conditions*

There are no known TCRs on the project site. The Tamien Nation and the Indian Canyon Band of Costanoan Ohlone People were contacted about the project as required by AB 52 on December 3, 2021 electronically and via mail. No response for consultation was received from the Indian Canyon Band of Costanoan People. The Tamien Nation submitted a formal consultation request on January 4, 2022. A consultation meeting between the Tamien Nation and the City of San José was held on January 13, 2022. The consultation meeting resulted in requests for a qualified tribal monitor to be present on the site during all ground disturbing activities, and incorporation of the accidental discovery and human remains standard permit conditions as included in Section 4.5 Cultural Resources. At the request of the Tamien Nation, a Native American Tribal monitor was present during the presence/absence surveys conducted in February 2022, which did not discover any subsurface archaeological or historic resources that could constitute a TCR.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

On January 4, 2022, the Tamien Nation submitted a formal AB 52 consultation request in connection with the project. No TCRs in connection with the project site were identified by the Tamien Nation. Additionally, as requested by the Tamien Nation, a Native American Tribal Monitor was present during the presence/absence surveys conducted in February 2022, which did not encounter any indication of archaeological or historic (including tribal cultural) resources (refer to the discussion in Section 4.5.1.2). Accordingly, the project's potential to encounter undiscovered subsurface resources that may be a tribal cultural resource eligible for listing in a state or local register of historic resources is extremely unlikely. In the event that any potential subsurface TCRs are encountered during project construction, these finds would be identified and protected with implementation of the City's standard permit conditions identified in Section 4.5 Cultural Resources, checklist questions b) and c).

Conclusion for checklist question a): With implementation of the City's standard permit conditions, the project would not cause a substantial adverse change in the significance of a TCR. **(Less than Significant Impact)**

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

As discussed under Section 4.18.1.2 Existing Conditions, the project site does not contain any known tribal cultural resources. Refer to the discussion under checklist question a).

Conclusion for checklist question b): With implementation of standard permit conditions, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Assembly Bill 341

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

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the

evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Senate Bill 1383

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

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and 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 ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent; and

Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

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

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
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.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
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.
IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require mitigation for development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
IN-5.1	Monitor the continued availability of long-term collection, transfer, recycling and

Policy	Description
	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.
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.
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.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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).

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10) and a Construction & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10).

Construction and Demolition Diversion Deposit 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 $2,000 for an alteration-renovation residential project and $5,000 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.

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.

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

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.

4.19.1.2 *Existing Conditions*

Water Service

Water service to the project site is provided by SJWC. The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water, and local surface water. SJWC estimates that total system demand was 121,504 acre-feet per year (AFY) in 2020 and is projected to increase to 134,918 AFY by 2040. The project site, which is vacant and undeveloped, does not generate any water demand.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site would be treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity. The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 mgd of excess treatment capacity at the RWF for the City's wastewater treatment demands.[104] Existing sanitary

[104] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.

sewer facilities in the project area include six- and eight-inch vitrified clay pipes (VCP) sewer mains in Camden Avenue.

The project site does not currently generate any wastewater.

Storm Drainage

The project site is located in the Guadalupe River Watershed, as identified in the General Plan. The Guadalupe River Watershed drains approximately 170 square miles extending from the confluence of Guadalupe River and Alamitos Creek to the San Francisco Bay. [105] The project site is located in a subwatershed with less than 65 percent impervious surfaces.[106]

The project site is currently undeveloped and is covered entirely by pervious surfaces. All stormwater water percolates into soils on-site. Existing 12- and 15-inch storm drains and storm drain catch basins and manholes are present in Camden Avenue. The existing storm drain system conveys stormwater runoff from surrounding parcels on Camden Avenue to an outlet into Guadalupe Creek off of Boone Drive, northeast of the project site.[107] Flows from the Guadalupe Creek are ultimately discharged into the San Francisco Bay.

Solid Waste

The City has an existing contract with Newby Island Sanitary Landfill (NISL). The NISL has approximately 12.7 million tons of capacity remaining and an estimated closure date of 2041.[108] The City has an annual disposal allocation at NISL for 395,000 tons per year.[109]

In addition to NISL, other landfills within Santa Clara County include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to CIWMP, the County has adequate disposal capacity beyond 2030.[110] The total permitted landfill capacity of the five operating landfills in the County is approximately 5.3 million tons per year.[111]

In 2019, there were approximately 600,000 tons of material generated in San José that was disposed of in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage.[112]

---

[105] City of San José. *Envision San José 2040 General Plan, Appendix G.* December 2010.
[106] City of San José, Spatial Team. "Public GIS Viewer". Accessed February 24, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f
[107] City of San José, Spatial Team. "Public GIS Viewer". Accessed February 24, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f
[108] North, Daniel. General Manager. Republic Services. Personal Communication. April 19, 2021.
[109] San Jose Environmental Services Department. Memorandum on the Amendment to the Agreement with International Disposal Corporation of California, Inc. for Disposal of Municipal Solid Waste and Related Services. June 2, 2009.
[110] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[111] City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. November 3, 2008.
[112] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.

4.19.2 Impact Discussion

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

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

Water Facilities

The water demands of the project would be met by SJWC, as is discussed under checklist question b) below. The project would connect to the existing water lines in Camden Avenue. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Wastewater Treatment Facilities

The project would be served by the City's existing sanitary sewer system and connect to the existing sanitary sewer lines in Camden Avenue. In order to connect to the existing sanitary sewer system, the

project would install six-inch sanitary sewer laterals during grading of the site, which would result in minimal impacts. It is estimated that the project, which would have a water demand of 2,038 gpd (refer to checklist question b), would generate approximately 1,732 gpd of wastewater.[113] The City has confirmed there is sufficient capacity in the existing sewer lines serving the site and downstream to accommodate project wastewater flows. Therefore, the project would not require the construction of any additional sewer mains or sewer lines that could cause significant environmental effects. Refer to checklist question c) for a discussion of the availability of treatment capacity at the RWF for the project.

Stormwater Drainage Facilities

As discussed in Section 4.10 Hydrology and Water Quality, the project would increase impervious surfaces at the project site, resulting in a corresponding increase in the amount of stormwater runoff entering the storm drain system. While the overall amount of stormwater runoff would increase, compliance with Provision C.3 and the treatment of 100 percent of surface runoff via bioretention areas during the design storm would ensure that the rate of stormwater runoff entering the storm drain system can be accommodated by existing facilities. The project would also install 12- and 15-inch storm drain laterals that would connect to existing storm drains in Camden Avenue during grading of the site, which would result in minimal impacts.

Electric Power, Natural Gas, and Telecommunication Facilities

Existing utility lines would be utilized by the project for electric power, natural gas, and telecommunications services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and would result in minimal impacts. The project would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. The project would coordinate with the appropriate electric power, natural gas, and telecommunication providers, including PG&E, on providing service to the site. Therefore, the proposed project would not result in significant impacts from construction or relocation of new or expanded electric power, natural gas, or telecommunications utilities.

Conclusion for checklist question a): The project would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

The project would have a water demand of 743,603 gallons per year, equivalent to 2.3 AFY. In comparison with SJWC's overall water demand of 121,504 AFY, the project would increase demand within normal growth projections for the system and would not require new or expanded water facilities.

[113] 2,038 gpd (the project's daily water demand) multiplied by the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85 percent of total water usage equals 1,732 gpd.

During a single-dry year event, SJWC anticipates that system-wide demand can be met without the use of conservation measures through 2035, assuming reserves are at healthy levels at the start of a year. While SJWC anticipates a water shortage for the year 2040 under the single dry-year scenario, it is also anticipated that the shortage could be met through water conservation efforts. SJWC has conservation measures identified that would go into effect during a drought.

Under the multiple dry-year scenario, water shortages are anticipated for each year evaluated during the second and third years of drought. During multiple dry-year droughts, voluntary and mandatory conservation would be needed. Valley Water, who serves as water wholesaler to the several local water retailers such as SJWC, will reduce multiple dry-year water shortages by securing more reliable and diverse water supplies and increasing the use of recycled water and other strategies for increasing water supply reliability.[114]

The project would not impede implementation of SJW's water conservation measures to be used during drought years and would not conflict with Valley Water's ongoing efforts to secure greater water supply reliability.

Conclusion for checklist question b): The project would have sufficient water supplies available during normal, dry, and multiple-dry years. **(Less than Significant Impact)**

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

As discussed under checklist question a), the project would generate 1,732 gpd of wastewater, which is equivalent to 0.001 mgd.[115] Since the RWF can accommodate an additional 38.8 mgd of wastewater, the wastewater demands of the proposed project would not result in an exceedance of wastewater treatment capacity at the RWF. Further, increased demand at the RWF created by planned development under the General Plan is expected and accounted for in long-term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the General Plan FEIR (refer to Section 3.11 Land Use and Planning); therefore, the proposed project would not result in an unanticipated increase in wastewater treatment requirements at the RWF.

Conclusion for checklist question c): The project would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project's projected demand. **(Less than Significant Impact)**

[114] Valley Water influences over 90 percent of SJW's annual water supply.
[115] 1,732 divided by 1,000,000 equals 0.001.

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?

Using the CalEEMod solid waste disposal rate for a "Single Family Housing" land use in Santa Clara County, the project is estimated to generate 9.24 tons of solid waste per year.[116]

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-5.1, IN-5.3, and IN-5.4. The project would be required to meet the City's current diversion goal of 75 percent waste reduction and zero waste goal post-2022 by complying with the policies and strategies mandated in the City's Zero Waste Strategic Plan. In addition, the project would include provide organic waste collection containers within waste collection areas as required by AB 1826. Given the City's annual disposal allocation at NISL (395,000 tons per year), NISL's remaining capacity (12.7 million tons), and the project's net increase in solid waste generation (9.24 tons), there is sufficient capacity at NISL to serve the project. In addition, according to the CIWMP, the County has adequate disposal capacity beyond 2030.[117] The General Plan FEIR determined that the increase in waste generated by build out of the General Plan (which includes the development of the project) would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.[118]

Conclusion for checklist question d): The project would not 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. **(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 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), providing readily accessible areas for recycling that serve all of the buildings on-site, and provide organic waste collection containers within waste collection areas. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements.

Conclusion for checklist question e): The project would be compliant with federal, state, or local management and reduction statues and regulations related to solid waste. **(Less than Significant Impact)**

[116] The CalEEMod solid waste disposal rate for single-family housing in Santa Clara County is 0.42 tons of solid waste per year per resident. 22 (the estimated number of new residents) multiplied by 0.42 is 9.24.
[117] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[118] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State and Regional

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs).

Wildland-Urban Interface

Transitional areas where structures and other human development meet or intermingle with undeveloped wildland is defined as the wildland-urban interface. The Santa Clara County FireSafe Council has mapped WUI areas across Santa Clara County.[119] New development located within wildland-urban interface areas are required to be constructed in accordance with ignition resistant standards developed by CAL FIRE.[120]

Local

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to wildfire.

Policy	Description
EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

[119] County of Santa Clara Department of Planning and Development. Santa Clara County Wildland Urban Interface. Accessed March 3, 2022. https://plandev.sccgov.org/how/research-property/santa-clara-county-wildland-urban-interface

[120] California Department of Forestry and Fire Protection. *Fact Sheet: Wildland-Urban Interface Building Codes*. May 2007.

4.20.1.2 *Existing Conditions*

The proposed project is located in an urbanized area of San José which is not located in or near SRAs or LRA lands classified as very high fire hazard severity zones.[121] According to maps prepared by the Santa Clara County FireSafe Council, the project site is not located within a wildland-urban interface area.[122]

4.20.2 Impact Discussion

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

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, or within a wildland-urban interface area; therefore, the project would not result in wildfire impacts. **(No Impact)**

[121] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed July 5, 2022. https://egis.fire.ca.gov/FHSZ/
[122] Santa Clara County FireSafe Council. "Wildland-Urban Interface". Accessed March 3, 2022. https://sccfiresafe.org/resources/do-you-reside-in-santa-clara-countys-wildland-urban-interface-wui/

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified standard conditions of approval and mitigation measures. As discussed in Section 4.4, implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4 would ensure that construction does not result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. The project would also implement MM BIO-2.1 through MM BIO-2.6 to ensure that debris generated during project construction, light and glare generated by windows and surfaces, and landscaping plants and chemicals do not have a substantial adverse effect on the riparian habitat present on-site. As discussed in Section 4.9, implementation of MM HAZ-2.1 would require the project to implement appropriate control measures during ground-disturbing activities to ensure that construction workers, nearby sensitive receptors, and the environment are not exposed to soil contaminated with organochloride pesticides and chlorinated solvents. Finally, as discussed in Sections 4.3 and 4.18, there are no known archaeological or historic resources (including tribal cultural resources) present

on-site, and the project would implement standard permit conditions in the event that undiscovered subsurface resources are encountered during construction.

Conclusion for checklist question a): With implementation of standard permit conditions and mitigation measures, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

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

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

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion of project criteria pollutant impacts presented in Section 4.3 also reflects cumulative conditions, and the project would not contribute to significant cumulative impacts. The project's contribution to cumulative climate change impacts was presented in Section 4.7 as less than cumulatively considerable. Similarly, the discussion of the project's energy impact also reflects cumulative conditions, since the project's consumption of electricity, natural gas, and gasoline was assessed in comparison with consumption at the state and county level. Therefore, the proposed project would not make a substantial contribution to cumulative air quality, energy use, or GHG emissions impacts.

The project would not impact agricultural or forestry resources or mineral resources, therefore there is no potential for cumulative impacts to these resources. Further, there are not any cumulative impacts associated with wildfire risk, as the project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, or within a wildland-urban interface area.

The project would result in less than significant impacts to aesthetics, cultural resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems without the imposition of mitigation measures. The geographic area for cumulative impacts to aesthetics, cultural

and tribal cultural resources, geology and soils, and hydrology and water quality includes the project site and surrounding parcels. As there are no proposed projects within the vicinity of the project site and future cumulative development would be subject to the same state, regional, and local laws and policies, the project would not contribute to a cumulatively significant impact on these resource areas. Impacts associated with land use and planning, population and housing, recreation, transportation, and utilities and service systems have already been accounted for in the Envision San José 2040 General Plan and associated EIR. Under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail. Regarding the project's transportation impacts specifically, as noted in Section 4.17 Transportation the project's VMT impacts are presumed to be less than significant as the project meets the definition of a small infill project, and therefore the project would not contribute to cumulative VMT impacts.

The proposed project would result in highly localized and temporary air quality, biological, hazards and hazardous materials, and noise impacts during construction. The timing of construction of the proposed development relative to other pending or approved development projects in the vicinity, which could contribute to cumulative air quality and noise impacts, is unknown. However, there are no pending or approved projects located within 1,000 feet of the project site, which is the effective area for localized air quality and noise impacts, and therefore the project would not contribute to a cumulatively considerable impact.[123] All planned or approved projects would be subject to the restrictions placed on the taking of protected birds by the Migratory Bird Treaty Act and California Fish and Game Code, and be required to comply with the City's policies protecting riparian corridors and streams, including those identified in the City's General Plan and in Council Policy 6-34. All cumulative projects would be subject to federal and state regulations regarding hazardous materials in addition to local regulations. Furthermore, in accordance with General Plan Policy EC-7.2, cumulative projects would be required to mitigate any potential impacts to the public and environment due to soil contamination. Accordingly, with implementation of the mitigation measures identified in this Initial Study, construction-level impacts would be mitigated to a less than significant level and would not be considered cumulatively considerable.

Conclusion for checklist question b): With implementation of standard permit conditions and mitigation measures, the project would not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes

[123] City of San José, Spatial Team. "Public GIS Viewer". Accessed March 24, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f

to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction-related air quality, hazards and hazardous materials, and construction noise impacts. Implementation of standard permit conditions and mitigation measures, and adherence to the City's General Plan and Municipal Code, and state and federal regulations described in this Initial Study, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified.

Conclusion for checklist question c): With implementation of standard permit conditions and mitigation measures, the project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

SECTION 5.0 REFERENCES

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

Agency for Toxic Substances and Disease Registry. Public Health Statement for DDT, DDE, and DDD. September 2002.

Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Bay Area Air Quality Management District. *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*. December 2016.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.

Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

"C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

CalFire. "California Fire Hazard Severity Zone Viewer". Accessed July 5, 2022. https://egis.fire.ca.gov/FHSZ/

California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed March 9, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

California Air Resources Board. "The Advanced Clean Cars Program." Accessed April 8, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

California Building Standards Commission. "California Building Standards Code." Accessed April 8, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed February 23, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

California Department of Conservation. "Santa Clara County Tsunami Hazard Area". Accessed February 24, 2022. https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

California Department of Conservation. "Williamson Act." Accessed April 8, 2022. http://www.conservation.ca.gov/dlrp/lca.

California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed February 23, 2022. http://frap.fire.ca.gov/.

California Department of Forestry and Fire Protection. *Fact Sheet: Wildland-Urban Interface Building Codes*. May 2007.

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed September 2, 2021. http://hcd.ca.gov/community-development/housing-element/index.shtml.

California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed September 2, 2021. https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.

California Department of Transportation. "Scenic Highways.". Accessed November 20, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

California Department of Water Resources, Division of Safety of Dams. Accessed September 2, 2021. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).

California Energy Commission. "2019 Building Energy Efficiency Standards." Accessed April 8, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Energy Commission. "Natural Gas Consumption by County." Accessed September 2, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.

California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed September 2, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.

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

California Gas and Electric Utilities. *2019 California Gas Report*. Accessed September 2, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)". Accessed March 23, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/

California Office of Historic Preservation. *CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6*. Accessed April 8, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Register of Historic Places. "California Historical Resources". Accessed September 2, 2021. https://ohp.parks.ca.gov/listedresources/

City of San José Public Library. "Facts and Awards". Accessed March 1, 2022. https://www.sjpl.org/facts.

City of San José, Spatial Team. "Public GIS Viewer". https://www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f

City of San José. "City of San José Historic Resources Inventory." Accessed September 2, 2021. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory.

City of San José. "Economy: Jobs per Employed Resident". Accessed March 1, 2022. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/climate-smart-data-dashboard/economy-jobs-per-employed-resident

City of San José. *2030 Greenhouse Gas Reduction Strategy*. November 2020.

City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.

City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016.

City of San José. *Annual Report on City Services 2018-2019*. December 2019.

City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development.* November 3, 2008.

City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

City of San José. *Envision San José 2040 General Plan, Appendix G*. December 2010.

City of San Jose. *Envision San José 2040 General Plan*. November 2011.

Cornerstone Earth Group. *Phase I Environmental Site Assessment, Camden Avenue and Malpas Drive (APN 567-26-014) San Jose, California*. June 5, 2020.

County of Santa Clara Department of Planning and Development. "Santa Clara County Wildland Urban Interface". Accessed March 3, 2022. https://plandev.sccgov.org/how/research-property/santa-clara-county-wildland-urban-interface

County of Santa Clara. Williamson Act Properties. Accessed February 23, 2022. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

Federal Emergency Management Agency. *Unmapped Areas on Flood Hazard Maps: Understanding Zone D*. August 2011.

National Register of Historic Places. "National Register Database and Research. Accessed September 2, 2021. https://www.nps.gov/subjects/nationalregister/database-research.htm

North, Daniel. General Manager. Republic Services. Personal Communication. April 19, 2021.

Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed September 2, 2021. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12*. November 19, 2015.

San Jose Environmental Services Department. *Memorandum on the Amendment to the Agreement with International Disposal Corporation of California, Inc. for Disposal of Municipal Solid Waste and Related Services*. June 2, 2009.

San José Police Department. "SJPD Central Division". Accessed March 1, 2022. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/central-division

Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. October 2012.

Santa Clara County FireSafe Council. "Wildland-Urban Interface". Accessed March 3, 2022. https://sccfiresafe.org/resources/do-you-reside-in-santa-clara-countys-wildland-urban-interface-wui/

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

Santa Clara Valley Habitat Agency. "Geobrowser". Accessed March 18, 2022. http://www.hcpmaps.com/habitat/

Santa Clara Valley Water District. *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021." Accessed March 1, 2022. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

State Water Resources Control Board. *2018 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. June 9, 2021.

United States Department of Agriculture, Natural Resources Conservation Service. "Web Soil Survey". Accessed March 23, 2022. https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed September 2, 2021. http://www.afdc.energy.gov/laws/eisa.

United States Department of the Interior. Memorandum M-37050. *The Migratory Bird Treaty Act Does Not Prohibit Incidental Take*. Accessed March 18, 2022. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed September 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.

United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed September 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.

United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed April 8, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

United States Environmental Protection Agency. *The 2019 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975*. Accessed September 2, 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100YVFS.pdf

United States Environmental Protection Agency. *Trichloroethylene Fact Sheet*. January 2000.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building and Code Enforcement

Christopher Burton, *Director*
Thai-Chau Le, *Supervising Planner*
Cort Hitchens, *Planner II*

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners

Akoni Danielsen, *President and Principal Project Manager*
Matthew Moore, *Associate Project Manager*
Ryan Osako, *Graphic Artist/Draftsperson*

Archaeological/Historical Consultants
Cultural Resources Consultant

Hexagon Transportation Consultants, Inc.
Transportation Consultant

Illingworth & Rodkin, Inc.
Air Quality and Noise/Vibration Consultant

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos containing material
ActivateSJ	Activate San José Strategic Plan
ADP	Area Development Policy
ADT	Average Daily Traffic
AFY	Acre-feet per year
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
AST	Aboveground storage tank
ATCM	Air toxic control measure
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan	Water Quality Control Plan for the San Francisco Bay Basin
BMP	Best management practice
BTU	British thermal unit
BUSD	Berryessa Union School District
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBC	California Building Standards Code
CCC	Central California Coast

CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CGS	California Geological Survey
CH4	Methane
CIWMB	California Integrated Waste Management Board
CLOMR	Conditional Letter of Map Revision
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon monoxide
CO2	Carbon dioxide
CO2e	Carbon dioxide equivalent
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted decibel
DEIR	Draft Environmental Impact Report
DNL	Day-Night Level
DPM	Diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMFAC	Emissions Factors
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	Environmental Screening Level

EV	Electric vehicle
EVA	Emergency vehicle access
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FAR	Floor area ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	Greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
gpd	Gallons per day
GWh	Gigawatt hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFC	Hydrofluorocarbon
HI	Hazard Index
HMP	Hydromodification Management Plan
HRI	Historic Resources Inventory
HSP	Health and safety plan
I	Interstate
IWMP	Integrated Waste Management Plan
kW	Kilowatt
kWh	Kilowatt-hour
Leq	Continuous noise level
LID	Low Impact Development
Lmax	Maximum noise level
LOMR	Letter of Map Revision
LOS	Level of service
LRT	Light rail transit
LSAA	Lake and Streambed Alteration Agreement

LUST	Leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally exposed individual
mgd	Million gallons per day
MLD	Most Likely Descendant
MMT	Million metric ton
mpg	Miles per gallon
mph	Miles per hour
MRP	Municipal Regional Permit
msl	Mean sea level
MT	Metric ton
MTC	Metropolitan Transportation Commission
MTIP	Multi-Modal Transportation Improvement Plan
N2O	Nitrous oxide
NAHC	Native American Heritage Commission
NAVD88	North American Vertical Datum of 1988
NESHAP	National Emission Standards for Air Pollution
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NO2	Nitrogen dioxide
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NOx	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O3	Ozone
OCP	Organochlorine pesticide
OHWM	Ordinary high water mark
OITC	Outdoor-Indoor Transmission Class
OPR	Governor's Office of Planning and Research
OSPH	Open Space, Parklands and Habitat
PCB	Polychlorinated biphenyl

PD	Planned Development
PDA	Priority Development Area
PDO	Parkland Dedication Ordinance
PFC	Perfluorocarbon
PG&E	Pacific Gas and Electric Company
PIO	Park Impact Ordinance
PM	Particulate matter
$PM_{2.5}$	Fine particulate matter
PM_{10}	Coarse particulate matter
ppm	Parts per million
PPV	Peak Particle Velocity
PRNS	City of San José Parks, Recreation, and Neighborhood Service Department
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Need Allocation
ROG	Reactive organic gas
RWF	San José-Santa Clara Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SEIR	Supplemental Environmental Impact Report
SF6	Sulfur hexafluoride
SFHA	Special Flood Hazard Area
SHMA	Seismic Hazards Mapping Act
SJC	Norman Y. Mineta San José International Airport
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJW	San José Water Company
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan

SOx	Sulfur oxide
SR	State Route
STC	Sound Transmission Class
Superfund	Comprehensive Environmental Response, Compensation, and Liability Act
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminant
TCM	Treatment Control Measure
TCR	Tribal Cultural Resource
TDF	Transportation Demand Forecasting
TDM	Transportation Demand Management
TDP	Transportation Development Policy
TOD	Transit Oriented Development
TPP	Tree Protection Plan
TPZ	Tree Protection Zone
µg/m3	Micrograms per cubic meter
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground storage tank
UWMP	Urban Water Management Plan
Valley Water	Santa Clara Valley Water District
V/C	Volume-to-capacity ratio
VdB	Vibration decibel
VMT	Vehicle miles traveled
VOC	Volatile organic compound
VTA	Santa Clara Valley Transportation Authority
WSA	Water Supply Assessment
ZNE	Zero Net Carbon Emissions