Senter Road Residential Project

Initial Study – Mitigated Negative Declaration

File Nos. H21-014, T21-013, and ER21-050

prepared by

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113

prepared with the assistance of

Rincon Consultants, Inc.
99 South Almaden Boulevard
San José, California 95113

February 2023

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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Initial Study

1. Project Title

Senter Road Residential Project

2. Lead Agency Name and Contact

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Contact:

Reema Mahamood, Planner III, Environmental Review
Phone: 408-535-6872

Email: Reema.Mahamood@sanjoseca.gov

3. Project Applicant

AMG & Associates, LLC
16633 Ventura Boulevard
Encino, California 91436

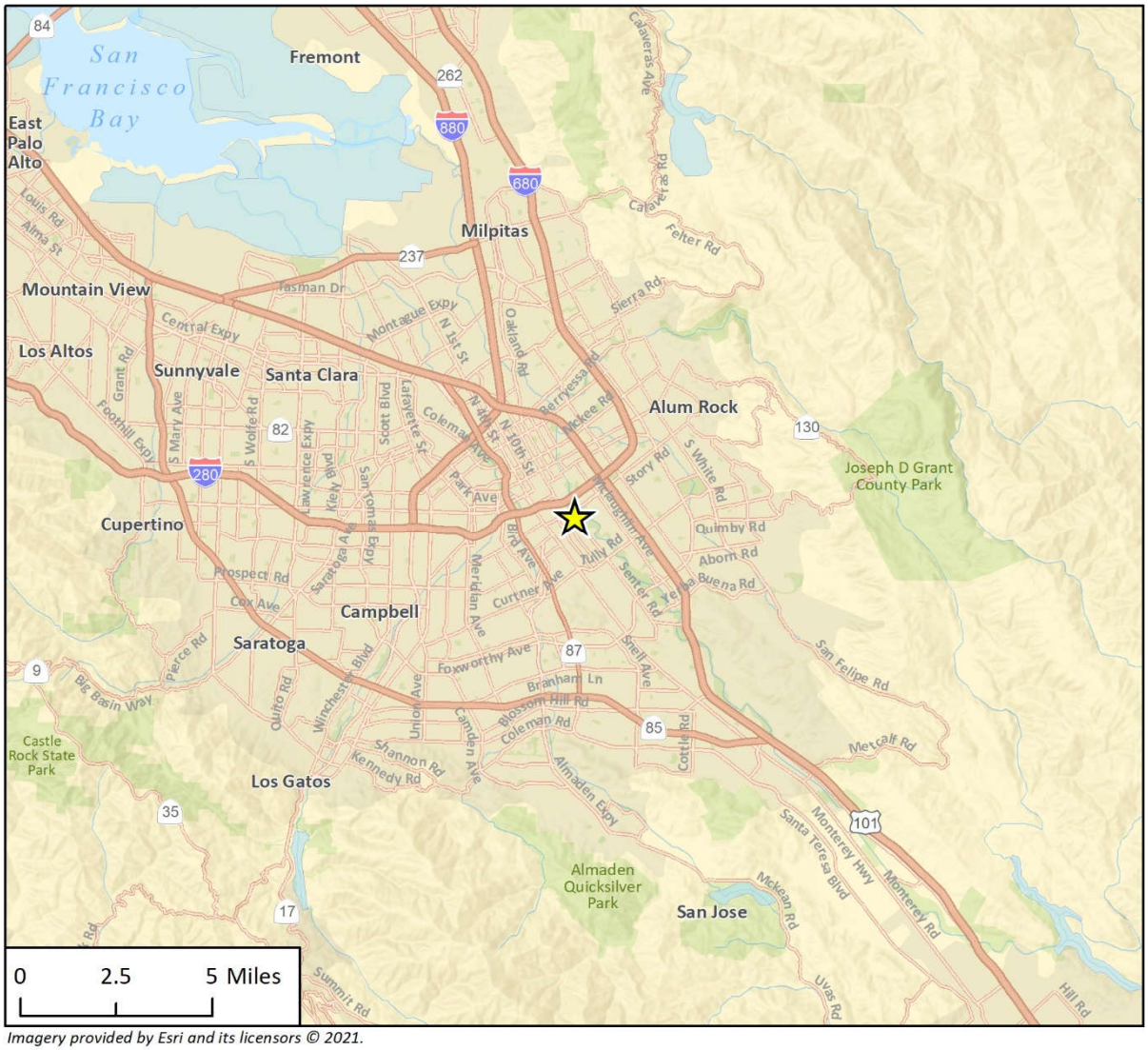
4. Project Location

The project site is located on Senter Road between Keyes Street and East Alma Avenue in San José and consists of a long and narrow single parcel that measures approximately 2.23 acres. The assessor's parcel number is 477-05-005. The project site is located south of downtown San José, along the west side of Senter Road. The project site also includes the location of proposed off-site circulation improvements within the existing right-of-way for Senter Road adjacent to the project site, between East Alma Avenue and Keyes Street. Figure 1 shows the site location in a regional context. Figure 2 shows the location of the site relative to the surrounding area.

5. General Plan Designation and Zoning District

The project site is designated as Open Space, Parklands, and Habitat under the City's Envision San José 2040 General Plan. The project site is in the Two-Family Residential (R-2) Zoning District. The off-site circulation improvements would occur within the public right-of-way for Senter Road.

Figure 1 Regional Map



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Project Location

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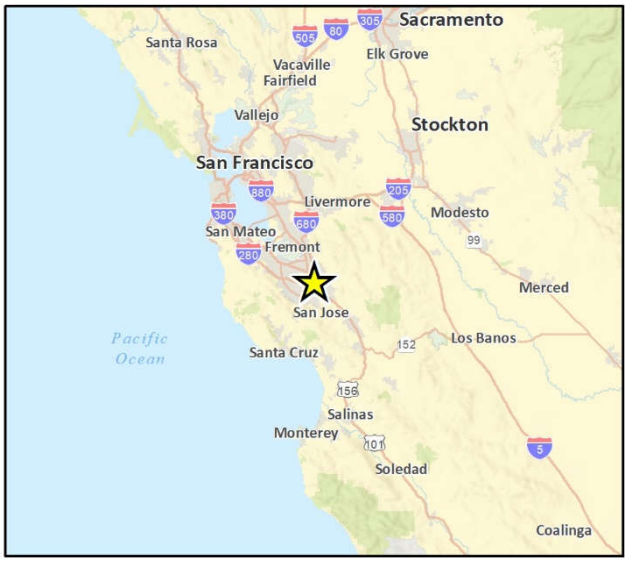


Figure 2 Project Location

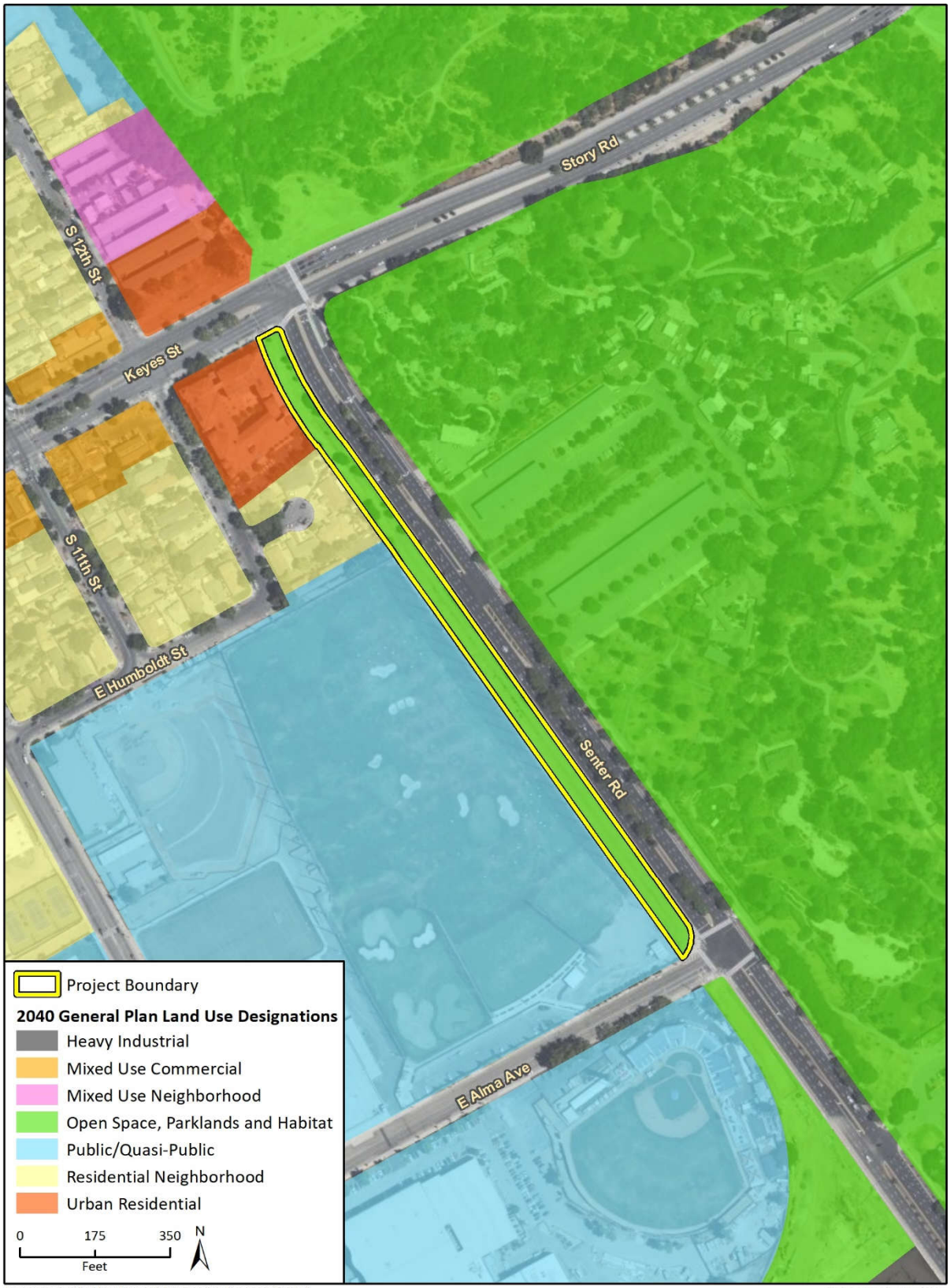
Imagery provided by Microsoft Bing and its licensors © 2021.

6. Existing and Surrounding Land Uses

The project site comprises approximately 2.23 acres and is currently vacant and enclosed within a chain-link fence. The project site is nearly flat with no discernible sloping topography. Vegetation cover is sparse consisting of ruderal weedy species. The site also contains approximately 25 trees, which consist mostly of an invasive non-native species called tree-of-heaven (*Ailanthus altissima*). Surrounding land uses consist of open space and parks, public and quasi-public land, residential, and mixed-use commercial. Happy Hollow Park and Zoo as well as the Leininger Community Center and Kelley Park Amphitheatre are located directly to the east and southeast of Senter Road, across from the project site. Public and quasi-public land uses exist to the west and southwest of the site, including the San José State University (SJSU) Spartan Golf Complex which borders the eastern boundary of the project site and Excite Ballpark to the south. Residential uses are located directly west of the site. Abutting the northwest portion of the site is a multifamily residential building which is designated as urban residential in the City's General Plan. There are also several commercial and retail uses located west of but not adjacent to the site, such as a convenience store and retail shops. An aerial photograph of the site and surrounding land uses is shown in Figure 3.

At the project site, Senter Road is six lanes with a median dividing the three southbound lanes from the three northbound lanes. The southbound side has a narrow buffer of asphalt road surface between the travel lanes and the curb and gutter before the roadway right-of-way/project site boundary. Currently the southbound side of Senter Road has a Class II bicycle lane but no sidewalk.

Figure 3 Aerial Photograph of the Project Site and Surrounding Land Use Designations



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Additional data provided by City of San Jose, 2021.

7. Description of Project

The project site is currently undeveloped. The proposed project would involve subdividing the existing approximately 2.23-acre project site into 44 residential lots and three open space parcels. Forty-two of the lots would be developed with a three-story duplex[1] on each lot. The remaining two lots would be developed with a three-story single-family residence on each lot. The lots developed with a single-family residence would be interspersed with the lots developed with duplex units. The lots would range in size between approximately 1,838 square feet and 2,015 square feet. The proposed overall residential density is 19.7 dwelling units per acre. Table 1 provides the approximate size of each proposed lot and each of the three open space parcels. Figure 4 shows the preliminary plan of subdivision. A conceptual site plan identifying the lots and parcels is shown on Figure 5. Eleven of the 44 dwelling units are planned to be affordable housing units.

The proposed three open space parcels would be common space for either residents or the public depending on the specific open space parcel. Parcel 'A', at the north end of the project site would be a public space with an off-street sitting area with benches and decorative landscaping consisting of small evergreen trees and succulent planters. Open space parcel 'B' would be located between two of the residential lots and would be where the mailboxes for the new residences are located. In addition to landscaping, Parcel 'B' would also have a driveway designated for use by the U.S. Postal Service for delivering mail. Parcel 'C' would be located at the southern end of the project site and landscaped with a mix of trees and succulent planters.

Table 1 Preliminary Plan of Subdivision

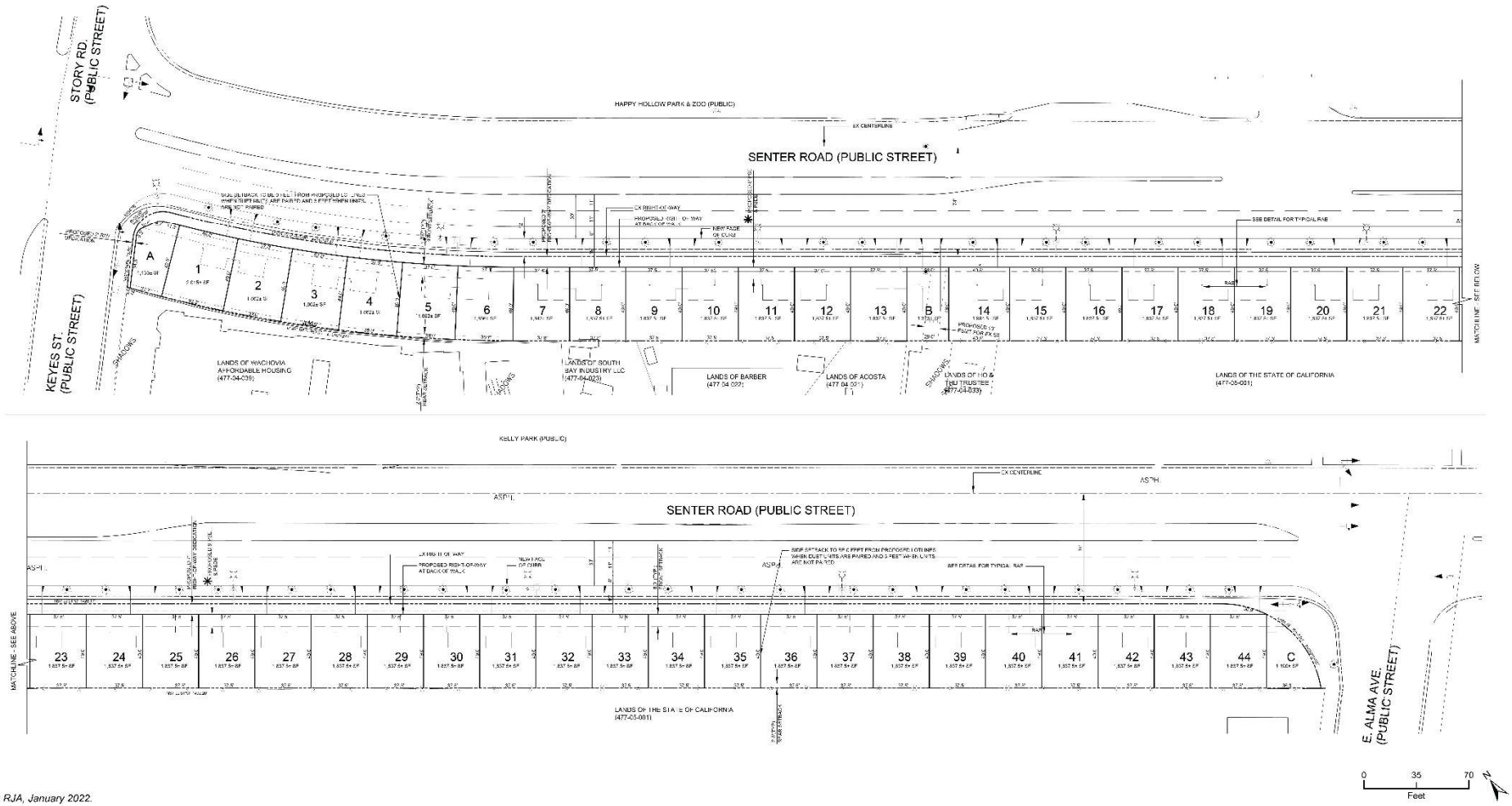
Lot/Parcel No.	Approximate Size (s.f.)	Proposed Use
1	2,015	Residential
2 through 5	1,862 (each lot)	Residential
6	1,856	Residential
7	1,843	Residential
8 through 13	1,838 (each lot)	Residential
14	1,985	Residential
15 through 44	1,838 (each lot)	Residential
'A'	1,135	Open Space
'B'	1,373	Open Space/Mail
'C'	1,190	Open Space

Notes: s.f.=square feet

Source: Preliminary Site Plan provided by project applicant dated February 2022.

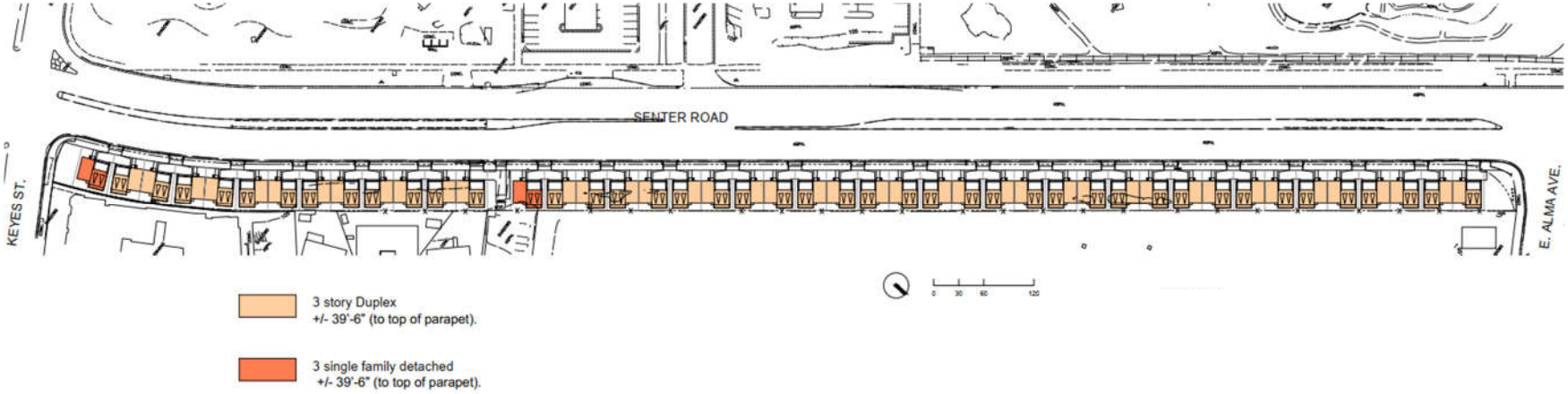
1 A duplex is a multi-family residence that has two units in the same building. These two units share a common wall, but the floor plan can vary. Units can be arranged either side by side or stacked on top of one another, each occupying an entire floor or two of the building. In the case of the proposed project, units would be arranged side by side.

Figure 4 Preliminary Plan of Subdivision



Source: RJA, January 2022.

Figure 5 Proposed Site Plan



Source: AMG Associates, 2021

Building Architecture

The maximum height of both the duplexes and the single-family residences would be up to approximately 40 feet. The proposed units would include a variety of floor plans based on varying configurations of several design styles. Both the duplexes and single-family residences would have a balcony on the second story facing Senter Road and a patio in the rear yard. The dominant elements of the front facades of the units would be entrances, windows, and other architectural detailing and features. Corner facing units would be constructed so that both exposed facades of the structure enhance the street view. The building facades would primarily consist of stucco material, but other materials would also be used as decorative accents, such as fiber cement lap siding and metal. The roof of each residential unit would be "solar ready," meaning that occupants could choose to install solar panels at a later date. Each duplex would have approximately 395 to 885 square feet of solar ready space on the roof. Each unit would include a small patio area and rear yard that provide private open space for the resident or residents of each unit. Figure 6 shows examples of the architectural styling and appearance of the proposed residential buildings.

Parking, Access, and Circulation

Each residential unit would have an attached garage on the ground floor with capacity for two vehicles, providing a total of 88 parking spaces. Parking is currently not allowed on Senter Road at the project site and no new on-street parking would be provided. Approximately 24 access driveways would be provided on the site with vehicle access directly to Senter Road. Each access driveway would split into two individual driveways of approximately 16 feet in width to provide access to residence garages. Parking would not be allowed in the driveways because the driveways would be used to maneuver cars in or out of the garages without the need to reverse into Senter Road travel lanes. Driveways would be constructed of pervious pavement to allow infiltration of precipitation. Emergency access to the residences or the property would also be provided directly from Senter Road.

The proposed project also includes modifying the existing right-of-way and lane configuration of the southbound side (i.e., west half) of Senter Road between Keyes Street and East Alma Avenue in a concept commonly referred to as a "road diet." Currently the southbound side of Senter Road has a Class II bicycle lane but no sidewalk. The road diet component of the proposed project would reduce the southbound side of Senter Road to two travel lanes. The third lane (outer lane closest to the project site boundary) would be eliminated as part of the road diet. The removal of the existing third lane would provide room for a new pedestrian sidewalk and small trip of landscaping and street trees. The existing Class II bicycle lane would be converted into a Class IV bicycle lane within the road diet. The bicycle lane and the sidewalk would each be seven feet wide and constructed to City standards and requirements. The landscape planter would be approximately five feet wide and located between the back of curb and the pedestrian sidewalk. The road diet includes a seven-foot-wide right-of-way dedication from the project site, which would effectively widen the existing right-of-way by seven feet to accommodate the road diet. Figure 7 shows a cross-section of the proposed road diet. Figure 8 shows the proposed right-of-way dedication for the road diet. The northbound side of Senter Road would not be modified or altered as a part of the project. The proposed road diet would also require modifications to existing traffic signals at two roadway intersection corners: southwest corner of Senter Road/Keyes Street and northwest corner of Senter Road/Alma Avenue.

Figure 6 Conceptual Architectural Details

Source: RJA, January 2022.

Figure 7 Proposed Senter Road Cross-Section

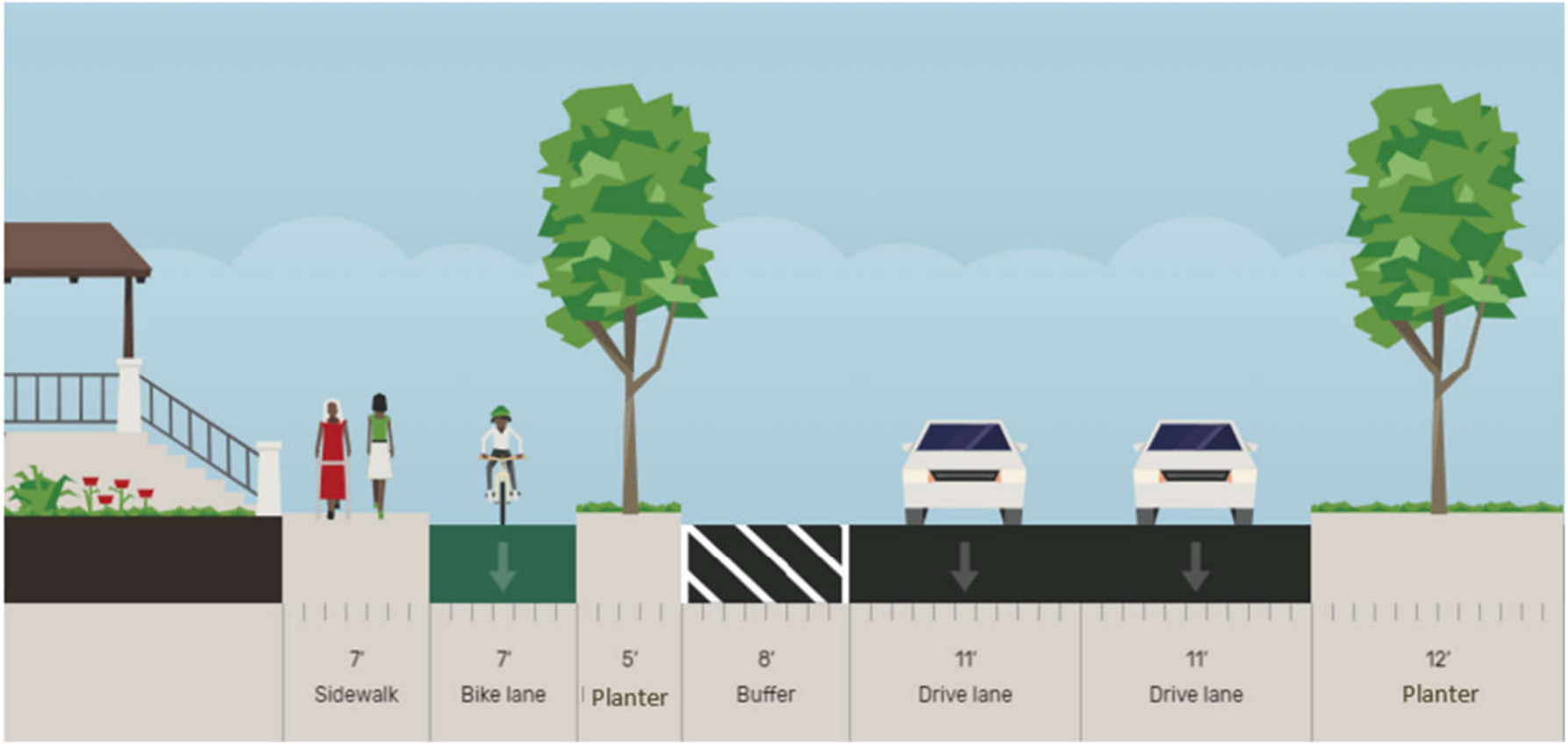
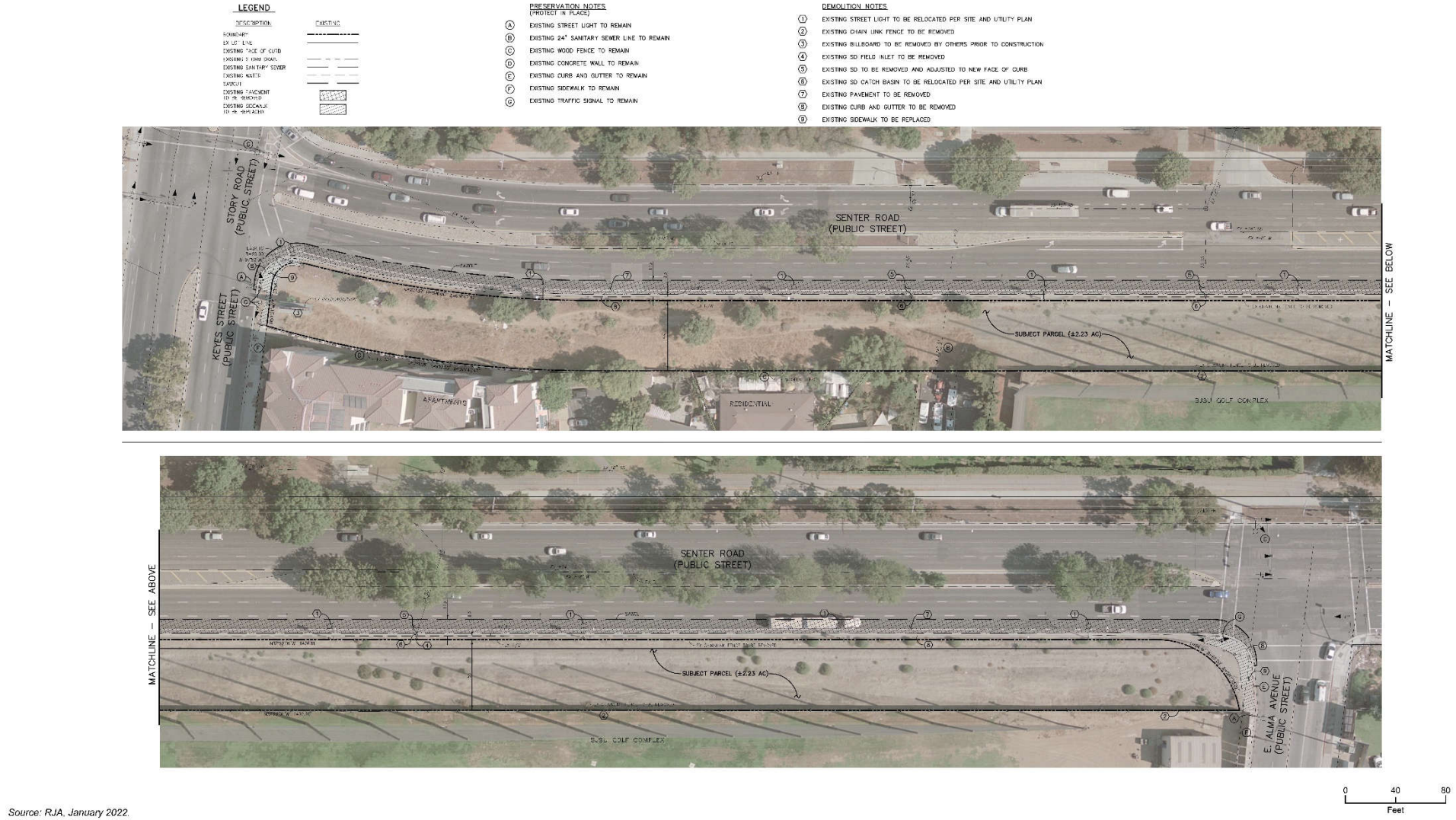


Figure 8 Proposed Senter Road Right-of-Way Dedication and Demolition Details



Source: RJA, January 2022.

Tree Removal and Landscaping

Construction of the proposed project would require the removal of 25 trees. Twenty-four of the trees that would be removed are tree of heaven (*Ailanthus altissima*), an invasive species. The other tree that would be removed is a privet (*Ligustrum lucidum*) and is the largest tree that would be removed measured by trunk diameter (approximately 21.5 inches). The proposed project includes planting 33 trees on-site and an additional 42 street trees within the public right-of-way of Senter Road, for a total of 65 new trees. Valley oak (*Quercus lobata*) would comprise most of the planted trees, but maples and other species would also be used. The project would also include landscaping consisting of shrubs, grasses, and other groundcover and small plants, such as succulents. Landscaping used for the project would be species native to California and would be drought-tolerant species that conform to the State Model Water Efficient Landscape Ordinance.

Much of the hardscape features on the project, such as sitting and walking areas on proposed open space parcel 'A' and driveways for the residential units, would be constructed of pervious pavers or other pervious materials. Following completion of construction, approximately 10,392 square feet of the project site (or 12.2 percent) would be landscaping and approximately 10,594 square feet (or 12.5 percent) would be pervious paving. Approximately 62,325 square feet of the site (or 73.3 percent) would be impervious surface, consisting primarily of the proposed residential units.

Utilities

The proposed project would connect to the existing 24-inch sanitary sewer system and existing 18-inch water system located in Senter Road. The proposed project would also connect to the existing power and gas lines.

New three-inch landscape drainpipe would be installed on each of the proposed residential lots to collect precipitation and stormwater runoff. The landscape drainpipe would convey the runoff to new flow-through planters at the front of each lot, which would serve as bioretention areas for the treatment of stormwater runoff. New 12-inch storm drainpipe would be installed beneath the flow-through planters in order to convey treated water toward proposed parcel 'B' in the central area of the project site. At parcel 'B' new 15-inch storm drain would be installed to convey water beneath and across Senter Road, where it would then connect to an 18-inch storm drain system. Additionally, new flat grate inlets would be installed along the new curb and gutter constructed as part of the road diet component of the project. The grate inlets would capture runoff flowing within the gutter of Senter Road and runoff from within the road right-of-way, such as the proposed new pedestrian sidewalk. The grate inlets would convey captured stormwater to the existing storm drain system beneath Senter Road.

Electricity at the project site would be provided by Pacific Gas & Electric. The project would not involve the use of natural gas, pursuant to San José Municipal Code Chapter 17.845 which prohibits the use of natural gas in new single-family and multi-family residences.

Project Construction

Construction activities would occur over approximately 15 months, and pending receipt of project approval and necessary permits, would begin in late 2022. Because the site is nearly flat, project construction would require only limited grading or export of fill material. However, a new retaining wall would be constructed along much of the western boundary of the site. The maximum height of the retaining wall would be 2.7 feet. Soil excavated during construction, such as soil excavated from

utility trenches, would be stored on-site and used for backfill. The project would require the import of approximately 3,580 cubic yards of soil from off-site sources.

Because the project site is currently vacant, very little demolition on-site would be required, and would generally consist of removing non-permanent landscape features, such as an existing chain-link fence that encloses the project site and an existing billboard on the site. The proposed road diet component of the project would require the demolition of asphalt pavement on Senter Road. Approximately 1,500 cubic yards of road material (e.g., asphalt pavement, concrete curb, etc.) would be demolished and removed. The road diet would also require the relocation of street features on Senter Road, such as streetlights.

The proposed modifications to Senter Road would involve temporary southbound lane closures. Clear signage (e.g., closure and detour signs) would be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. Consistent with City standard practice, the project applicant would submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes.

Given the temporary and short-term duration of construction, local workforce would be expected to fill the temporary construction jobs for the project. Construction workforce would park either on-site or potentially across Senter Road in the Kelley Park parking lot. Construction equipment staging would occur on-site. Construction hours would be 7:00 a.m. to 7:00 p.m., Monday through Friday, pursuant to San José Municipal Code Section 20.100.450.

8. Project Related Approvals, Permits, and Agreements

The proposed project would require the following entitlements, permits, and/or approvals:

- Site Development Permit
- Tentative Map
- Grading Permit

Implementation of the project may also require clearances from the City's Public Works Department other than the grading permit, such as encroachment permit for driveway reconstruction and the proposed road diet within public right-of-way.

Residential development is not a specified use for the current General Plan land use designation of the site, which is Open Space, Parklands, and Habitat to Residential Neighborhood; however, the project would not require a General Plan amendment or approval of such an amendment. This is because the applicant has proposed the project under the State's Housing Accountability Act (Senate Bill 167). Under the Housing Accountability Act, a housing project that meets certain affordability requirements only has to be consistent with either the general plan or zoning code. In this scenario, the project would not require a General Plan amendment as the project is consistent with the zoning code.

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Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	■ Air Quality
■ Biological Resources	■ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	■ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	■ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	■ Mandatory Findings of Significance

Determination

Based on this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "less than significant with mitigation incorporated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: _____

Christopher Burton, Director
Planning, Building and Code Enforcement
City of San José

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Environmental Checklist

1 Aesthetics

	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? (Public views are those that are experienced from a publicly accessible vantage point). 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 that would adversely affect daytime or nighttime views in the area?	☐	☐	■	☐

Existing Setting

The project site is currently undeveloped and primarily flat and in an urbanized area of San José. Vegetation cover is sparse consisting of ruderal weedy species with approximately 25 trees sporadically located across the site. Views from Senter Road through the project site and to the east include City parks and open space, the Spartan Golf Complex and other SJSU athletic facilities, and residential uses similar to the appearance of the proposed project, consisting of multi-family apartment complexes and single-family residences.

Scenic Views

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. The project site is approximately four miles southwest of the Diablo foothills, eight miles northeast of the Santa Cruz Mountains, and six miles north of the Santa Teresa Hills. Limited views of the Santa Cruz Mountains are available through the site from Senter Road over the opaque fence along the Spartan Golf Course's boundary with the site.

State Scenic Highways

There are no State scenic highways as designated by the California Department of Transportation (Caltrans) in the City of San José. The only designated state scenic highway in Santa Clara County is State Route (SR) 9, which is located between the Town of Los Gatos and the Santa Clara-Santa Cruz County line, west of Los Gatos (Caltrans 2022). The distance between the designated segment of SR 9 and the project site is approximately 9.4 miles.

Other highways in Santa Clara County that are eligible for designation but not yet designated as scenic include: SR 17 from SR 9 to the Santa Cruz County line, SR 35 from SR 9 to the Santa Cruz County line, Interstate 280 from SR 17 to the San Mateo County line, and the entire length of SR 152 within the County (Caltrans 2022). These roadways are generally located in the Santa Cruz Mountains, and the project site is approximately five miles from the nearest of these roadway segments.

Lighting and Glare

Sources of light on the project site include lighting on an existing billboard sign at the north end of the project site. Light is also present on and around the project site due to adjacent and nearby sources, such as the existing residential buildings adjacent to the project site, streetlights on Senter Road and Keyes Street, vehicle headlights, and athletic venue lights at the SJSU property to the west of the project site.

Regulatory Setting

California State Scenic Highway Program

The California State Scenic Highway Program requires a local governing body to enact a Corridor Protection Program that protects and enhances the resources along highways of State importance. The State scenic highway designation serves to protect scenic corridors, mitigate activities within scenic corridors, make development more compatible with the environment and preserve views of hillsides.

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. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Council Outdoor Lighting Policy 4-3

City Council Policy 4-3 contains guidelines for the use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included below are applicable to the project (City of San José 2011a).

Goal CD-1: Attractive City. Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

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

Policy CD-1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

Impacts Assessment

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

The proposed project consists of the construction of 44 residential units on a vacant parcel located along the west side of Senter Road between Keyes Street and E Alma Avenue in San José. The proposed project would also involve a road diet and the reconfiguration of Senter Road between Story Road/Keyes Street and East Alma Avenue. The height of the proposed structures would be similar to the surrounding development, such as the existing multi-family residential building adjacent to the west, which is a four-story building. Views of scenic vistas, such as the Santa Cruz Mountains or Diablo foothills, are already limited from the project site due to existing buildings, landscaping, and infrastructure which obstruct distant vistas at the north end of the project site. The southern areas of the site afford limited views of the Santa Cruz Mountains, but these views are seen through existing safety fencing that prevents stray golf balls from leaving the Spartan Golf Complex. The safety netting is approximately two to three stories in height. Views from the project site and across the project site consists of existing development such as apartments, a golf course, parking lots, and these views are not scenic vistas. The project would block the limited glimpses of the mountains currently available from Senter Road through the golf course fencing, but the project would not result in a substantial effect on a scenic vista because the view of the mountains from this segment of Senter Road is not a scenic vista. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

As described above in *Existing Setting*, there are no State-designated scenic highways in San José. SR 9, the nearest State-designated scenic highway in Santa Clara County is approximately 9.4 miles southwest of the project site. The site is not within the scenic highway corridor or visible from SR 9. The project site is at least five miles from the nearest roadway segment eligible for State designation. Because the project site is not within a State scenic highway or visible from such a highway, there would be no impact. **NO IMPACT**

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is in an urbanized area characterized by existing development such as multi-family residential buildings, a golf course, a baseball field, roads, and parking lots. The proposed development would be consistent with the visual character and quality of the surrounding area. Additionally, the proposed project would involve landscaping and planting strips in proposed medians along Senter Road. The proposed project does not include rezoning, special use permits, or exceptions to the zoning code. The proposed building, as well as proposed parking and landscaping areas, would and must be in conformance with the City's zoning code. The proposed residential buildings would be consistent with City design guidelines and massing would be consistent with the zoning ordinance. Tree planting would be pursuant to the City's Tree Ordinance and would help the project blend in with the surroundings. The proposed road diet on Senter Road would not substantially alter the appearance of existing Senter Road because the roadway would continue to exist of similar materials and appearance, such as asphalt pavement and road striping. Additionally, the street planting strips would improve the visual quality of Senter Road. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

As described above, the site is currently vacant and existing light sources specifically on the project site consist of a lighted billboard sign. The proposed project would commence with site preparation and grading, at which time the existing billboard would be removed. Following completion of construction, the project would include new lighting for the proposed development in the form of exterior building lighting, interior lighting visible through windows, car headlights and driveway lights. Although the project would introduce new sources of light, the proposed lighting would be similar to surrounding land uses that already contribute to ambient light levels at night in the project area. Additionally, San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Exterior lighting would be provided for the project in accordance with City Council Policy 4-3 for outdoor lighting on private developments to ensure that the project would not create a new substantial source of light. The proposed road diet would require relocation of streetlights, but the relocation would be on the scale of feet, thereby not substantially changing the location or number of light sources associated with streetlights. The project would not generate major sources of glare beyond current conditions. As described above in the Project Description, the facades of the proposed residential units would primarily consist of stucco material. Stucco is typically a matte surface that does not generate substantial glare. Therefore, impacts associated with light and glare would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

2 Agriculture and Forestry Resources

	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 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 the 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?	☐	☐	☐	■

Existing Setting

The California Department of Conservation designates the project site as Urban and Built-Up Land (California Department of Conservation 2020a). Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Urban and Built-Up Land is not Important Farmland. The project site is zoned as Two-Family Residential (R-2). The project site is not zoned or used for agriculture.

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in a developed urban area. The site does not contain forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Regulatory Setting

Williamson Act

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private land owners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, land owners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

Farmland Mapping and Monitoring Program

The California Natural Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to decision makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

Forest Land and Timberland

Public Resources Code Section 12220(g) identifies forest land as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefit.

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. Those included below are applicable to agriculture and forestry (City of San José 2011a).

Policy LU-12.3: Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

- Limit residential uses in agricultural areas to those which are incidental to agriculture.
- Restrict and discourage subdivision of agricultural lands.
- Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
- Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
- Strictly maintain the Urban Growth Boundary in accordance with other goals and
policies in this Plan.

Impacts Assessment

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

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

c. Would the project 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. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

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

The project site is in an urbanized and developed area. Neither farmland nor forested lands occur on or adjacent to the project site. The site is not zoned for agriculture, forest land, nor timberland production. The site contains no mapped Important Farmland and the site is not subject to a Williamson Act contract. Senter Road is an existing roadway, and the proposed road diet component of the project would also not occur within agricultural or forest areas. Accordingly, the proposed project would have no impact on agriculture and forestry resources. **NO IMPACT**

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3 Air Quality

	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?	☐	☐	■	☐

Existing Setting

The project is in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The San Francisco Bay Area Air Basin does not meet State or federal ambient air quality standards for ground-level ozone and fine particulate matter ($PM_{2.5}$) and State standards for respirable particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency with jurisdiction over the San Francisco Bay Area Air Basin. BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects (BAAQMD 2017a).

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the BAAQMD's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter 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 or cumulative emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, 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). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about threequarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution and toxic air contaminants or TACs. General Plan policies applicable to the proposed project are listed below in the *Regulatory Setting* discussion.

Sensitive Receptors

There are groups of people more affected by air pollution than others. BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of uses with these types of populations include schools, hospitals and residential areas (BAAQMD 2017a). The closest sensitive receptors to the project site are existing multi-family residences approximately seven feet west of the project site boundary.

Odors

Substantial sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The site is currently undeveloped and vacant and does not produce substantial odors. The road diet component of the project would occur within existing Senter Road. The road itself generates no odors; however, vehicle travel on Senter Road does generate vehicle exhaust, which has an odor until it dissipates in the air.

Regulatory Setting

Federal

CLEAN AIR ACT

The Clean Air Act (CAA) of 1970 is the comprehensive federal law that regulates air emissions from stationary and mobile sources. The CAA authorizes the USEPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 federal CAA amendments represent the latest in a series of federal efforts to regulate air quality in the United States. The federal CAA allows states to adopt more stringent standards or to include additional pollution species.

TITLE III OF THE FEDERAL CLEAN AIR ACT

The CAA was amended in 1990 to better address hazardous air pollutants (HAPs) (Title III). Title III offers a comprehensive plan for achieving significant reductions in emissions of HAPs from major sources. It includes a list of 189 toxic air pollutants of which emissions must be reduced. The USEPA maintains and updates a list of source categories including (1) major sources emitting 10 tons per year of a single pollutant, or 25 tons per year of a combination of those pollutants; and (2) area sources (smaller sources, such as dry cleaners). As required by Title III, the USEPA developed Maximum Achievable Control Technology (MACT) standards. MACT standards use the HAP emissions of the best-performing industry sources to set the "MACT floor", which becomes the minimum standard that an industry must at least meet in order to comply with the CAA.

State

CALIFORNIA CLEAN AIR ACT AND CALIFORNIA AMBIENT AIR QUALITY STANDARDS

As a part of the California Environmental Protection Agency, CARB is responsible for the coordination and administration of both federal and state air pollution control programs in California. The federal CAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. The California Clean Air Act became effective in 1989 and requires all areas of the state to attain the state ambient air quality standards at the earliest practicable date. To that end, California has adopted the California Ambient Air Quality Standards that are equal to or stricter than the federal standards for six criteria air pollutants. The California Ambient Air Quality Standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. Similar to the federal CAA, areas have been designated as attainment, nonattainment, or unclassified with respect to the state ambient air quality standards.

RISK REDUCTION PLAN TO REDUCE PARTICULATE MATTER EMISSIONS FROM DIESEL-FUELED ENGINES AND VEHICLES

In September 2000, CARB approved the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (CARB 2000). The plan outlines a comprehensive and ambitious program that includes the development of numerous control measures aimed at substantially reducing emissions from new and existing on-road vehicles (e.g., heavy-duty trucks and

buses), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps), and stationary engines (e.g., stand-by power generators). CARB has adopted several regulations that will reduce diesel emissions from in-use vehicles and engines throughout California. In some cases, the particulate matter reduction strategies also reduce smog-forming emissions such as NO_X. As an ongoing process, CARB reviews air contaminants and identifies those that are classified as TACs. CARB also continues to establish new programs and regulations for the control of TACs, including diesel particulate matter, as appropriate.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease 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.

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. As discussed in the CEQA Air Quality Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful 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 and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the BAAQMD. The CEQA Air Quality Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

BAAQMD SIGNIFICANCE THRESHOLDS

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the BAAQMD's 2011 CEQA Air Quality Guidelines. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds underwent a series of court challenges and were mostly upheld. BAAQMD updated the CEQA Air Quality Guidelines in 2017 to include the latest significance thresholds, which were used in this analysis and are summarized in Table 2.

Table 2 Air Quality Thresholds of Significance

Pollutant/ Precursor	Construction Average Daily Emissions (lbs/day)	Operational Average Daily Emissions (lbs/day)	Operational Annual Average Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	85 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.

Source: Tables 2-2 and 2-4, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the 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 fine particulate matter (i.e., PM_{10} and $PM_{2.5}$).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, outlines the City's air quality goals and policies (below) that are applicable to the project (City of San José 2011a).

Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy MS-2.11: 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).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative

to state and federal standards. Identify and implement feasible air emission reduction measures.

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

Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-11: Toxic Air Contaminants. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

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

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

Impacts Assessment

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

BAAQMD's most recent adopted air quality plan is the 2017 Clean Air Plan (CAP). Emissions projections are based on population, vehicles, and land use trends developed by the BAAQMD, Metropolitan Transportation Commission (MTC), and Association of Bay Area Governments (ABAG). Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented and whether a project would alter the population and/or employment estimates in the CAP. Implementation of control measures improves air quality and protects health, according to the 2017 CAP. These control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and short-lived climate pollutants (BAAQMD 2017b).

Given that the project is residential development, the 2017 CAP control measure categories relevant to the project would include those related to buildings, waste management and water control. The project would be required to comply with the Title 24 Energy Efficiency Standards and CALGreen standards, consistent with Building Control Measure BL1 (Green Buildings). Compliance with CALGreen standards would also include measures for water use and wastewater reduction and recycling non-hazardous construction debris, as further described in Section 19, *Utilities and Service Systems*, consistent with Waste Management Control Measure WA4 (Recycling and Waste Reduction) and Water Control Measure WR2 (Support Water Conservation).

A project would conflict with or obstruct implementation of the CAP if it would be inconsistent with the regional growth assumptions in terms of population, employment, or regional growth in vehicle miles traveled (VMT). The emission strategies in the CAP were developed, in part, on regional population, housing, and employment projections prepared by ABAG. The project site is within the Central South Santa Clara County Superdistrict, which ABAG has developed population growth projections for. ABAG's Plan Bay Area 2050 estimates that approximately 18,000 households will be added to this Superdistrict by 2050 (ABAG 2021). The 44 residential units that would be constructed in the Superdistrict as a result of the project would represent approximately 0.8 percent of the household growth projected through 2050 by ABAG.[2] Therefore, by correlation, the 138 people residing in the 44 project residences would be a similar negligible percentage of the population growth that would result from 18,000 new households in the Superdistrict forecasted by ABAG. The road diet component of the project would occur on Senter Road, which is an existing road and would not generate growth. As described in Section 17, *Transportation*, the project would not result in substantial increases in VMT and VMT impacts would be less than significant. Development of the project would not conflict with population and VMT projections used to develop the 2017 CAP projections. In addition, the project would not exceed BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. The project would not conflict with or obstruct implementation of the 2017 CAP, and the impact would therefore be less than significant. **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?

2 138 households/18,000 households X 100 percent = 0.8 percent (rounded to nearest tenth decimal)

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction and operation of the site assuming full build-out of the project, as well as construction of the proposed road diet component of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in Appendix A.

Construction-Period Emissions

CalEEMod provided annual emissions for construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. Detailed CalEEMod inputs are provided in Appendix A. The inputs are based on a combination of CalEEMod defaults and project-specific details provided by the applicant. Examples of project-specific inputs used in the analysis include the tentative construction period and duration and the expected about of material that would be hauled on-site during construction.

Table 3 shows maximum daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 3, predicted construction-period average daily emissions would not exceed the BAAQMD significance thresholds.

Table 3 Construction Emissions (pounds/day)

Pollutant	Maximum Daily Emissions (lbs/day)	Significance Threshold (lbs/day)	Significant Impact?
ROG	23	54	No
NO_x	23	54	No
CO	16	n/a	No
SO_x	<0.1	n/a	No
PM_{10}	<1	85 (exhaust)	No
$PM_{2.5}$	<1	54 (exhaust)	No

See Appendix A for CalEEMod worksheets, Table 2.1 (maximum daily emissions provided per summer and winter estimates).

Additionally, construction of the proposed project would be subject to the following City of San José Standard Permit Conditions.

Standard Permit Condition

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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

j. Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

k. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Operation-Period Emissions

Operational air emissions from the project would be generated primarily from the vehicle trips generated by residents of the proposed residences and their visitors. Other less substantial sources of operational emissions include lawn care equipment, such as lawn mowers, and evaporative emissions from architectural coatings and maintenance products (classified as consumer products). CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out. The road diet component of the project would not generate new operational emissions because the road diet component would not generate new vehicle trips compared to existing conditions.

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. See Appendix A for a detailed description of CalEEMod inputs, including trip generation rates, off-road equipment, energy, and other inputs. The trip generation used for the project is based on a Traffic Impact Study (TIS) prepared for the project by RK Engineering Group, Inc., which is provided as Appendix B to this Initial Study. Table 4 and Table 5 provide the project's estimated operational emissions.

Table 4 Operational Average Daily Emissions

Pollutant	Estimated Project Emissions (pounds/day)	Significance Threshold (pounds/day)	Significant Impact?
ROG	2	54	No
NO_x	<1	54	No
CO	11	n/a	No
SO_x	<0.1	n/a	No

PM_{10}	<1	85	No
$PM_{2.5}$	<1	54	No

See Appendix A for CalEEMod worksheets.
Note: Table values rounded to the nearest tenth decimal.

Table 5 Operational Annual Average Emissions

Pollutant	Proposed Project Emissions	Significance Threshold	Significant Impact?
ROG	<0.1	10	No
NO_x	0.1	10	No
CO	<1	n/a	No
SO_x	<0.1	n/a	No
PM_{10}	0.2	15	No
$PM_{2.5}$	<0.1	10	No

See Appendix A for CalEEMod worksheets.
Note: Table values rounded to the nearest tenth decimal.

As shown in Table 4 and Table 5, operational emissions would not exceed the BAAQMD significance thresholds; as such, operational emissions of the project would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Rincon Consultants prepared a health risk assessment (HRA, Appendix C) to address project construction impacts on the surrounding off-site sensitive receptors. The closest sensitive receptors to the project site are the multi-family residences approximately seven feet west of the project site boundary. The impact of existing sources of TACs combined with project construction TACs on sensitive receptors is also addressed in the HRA.

Construction Community Health Risk Impacts

The primary health risk impact issues associated with construction emissions are cancer risk and exposer to $PM_{2.5}$. Construction risk impacts were addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index for non-cancer health risks. The impacts of construction emissions on health are presented in Appendix C. As described therein, construction would temporarily increase $PM_{2.5}$ concentrations at nearby sensitive receptors, such as the existing residential building immediately west of the project site on Keyes Street. The additional PM2.5 emissions resulting from and during project construction would not exceed BAAQMD thresholds at most receptors, including when the project emissions are combined with existing nearby emissions. However, thresholds would be exceeded at two receptor sites.

Impacts would be potentially significant, and implementation of mitigation measure MM AQ-1 is required.

Impact AQ-1: Project construction activities would have the potential to expose sensitive receptors to substantial pollutant concentrations of $PM_{2.5}$.

Mitigation Measure

MM AQ-1: Prior to the issuance of any grading, demolition, or other ground disturbance permits, the project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. The construction management plan shall demonstrate that the off-road equipment used on site to construct the project would include the following:

- The project applicant shall select equipment during construction to minimize $PM_{2.5}$ emissions by at least approximately 44 percent and excess cancer risk by at least approximately 79 percent at the Maximally Exposed Individual Receptor.
- All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent, or else be alternatively fueled (i.e., electric, natural gas, propane, gasoline).

With implementation of MM AQ-1, impacts would be reduced to less than significant. Please see Appendix C for calculations demonstrating the effectiveness of MM AQ-1 for reducing project construction emissions to below BAAQMD thresholds.

Operational Health Risk Impacts

The proposed project would generate new vehicle trips. Because the project driveways would be on Senter Road, the trips generated by the project would begin (or end) on Senter Road before being distributed onto other area roadways, depending on the specific trip destination. According to the Traffic Impact Study prepared for the project, approximately 3,035 new vehicle trips would be added to Senter Road because of the project. This is below the 10,000 annual average daily trip rate, which is the BAAQMD screening criteria of significance. Additionally, given that the project is residential, most trips generated by the project would be in traditionally gasoline-powered engines and not diesel engines, which typically have more adverse health effects that exhaust from gasoline engines. Therefore, impacts would be less than significant. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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

The proposed project would not create new sources of odors. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The proposed project would result in the development of new residential units along Senter Road and would not include activities, such as wastewater treatment, waste disposal, or food processing, that are typically associated with the generation of operational odors. The road diet component of the project would not generate operational odors even though vehicles would travel and generate exhaust on the roadway because vehicle trips already occur on Senter Road as an existing condition. Therefore, impacts related to odors would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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4 Biological Resources

	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 or U.S. Fish and Wildlife Service?	☐	■	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	■
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?	☐	☐	■	☐

Existing Setting

The project site is located within an urbanized area of San José. Within the City, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas.

According to the Envision San José 2040 General Plan EIR, 13 special-status plants (p. 427) and over 50 special-status animals (p. 436) have the potential to occur in the City. However, due to the disturbed/developed nature of the project site and because it is surrounded in all directions by densely developed properties, it has very low habitat value and is not expected to support special-status species, other than nesting birds.

The project site is vacant and consists primarily of gravel and dirt surfaces with some ruderal weedy vegetation cover. The site also contains approximately 25 trees. According to the EIR prepared and certified for the City's General Plan, 13 special-status plants (EIR p. 427) and over 50 special-status animals (EIR p. 436) have the potential to occur in San José. However, due to the disturbed condition of the site and the lack of continuous or contiguous vegetation cover on-site, the project site has a relatively low habitat value. The project site also has low habitat value because the properties adjacent to the project site are developed with residential uses, roadways with more than 19,000 daily vehicle trips (Appendix B) and maintained athletic facilities. The portion of Senter Road that would be reconfigured as part of the road diet is also a highly disturbed, hardscaped area that provides no habitat value. Accordingly, due to the lack of native, sensitive, and wetland habitats on the project site and within the right-of-way for Senter Road, special-status plant and animal species and sensitive habitats do not occur on the project site other than the trees which could be used by nesting migratory birds. The Coyote Creek riparian corridor, which contains riparian woodland vegetation, is located approximately 750 feet east of the site on the opposite side of Senter Road. This is the nearest area that would support some of the special-status plants and wildlife described in the General Plan EIR as potentially occurring within San José. The project site does not adjoin the riparian corridor Coyote Creek or other natural or open space areas.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that was developed through a partnership between Santa Clara County; the cities of San José, Morgan Hill, and Gilroy; Santa Clara Valley Water District; Santa Clara Valley Transportation Authority; U.S. Fish and Wildlife Service (USFWS); and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on covered species and natural communities (Santa Clara Valley Habitat Agency 2013).

Private development activities that require ground disturbance are subject to the SCVHP if the activity is equal to or greater than two acres and located in an area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." As shown on Figure 2-5 (Private Development Areas Subject to the Plan) of the SCVHP, the project site is located in an area subject to the SCVHP, as it is mapped within the area identified as "Urban Development Equal to or Greater

than 2 Acres is Covered." The project site is previously disturbed, and no natural communities are located on the site, as shown on Figure 3-9 (Santa Clara Valley Habitat Plan Natural Communities) of the SCVHP. The SCVHP's land cover classification for the site, shown on Figure 3-10 (Santa Clara Valley Habitat Plan Land Cover) of the SCVHP, is Urban-Suburban and the project is within the City's urban growth boundary. The SCVHP defines Urban-Suburban land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, with one or more structures per 2.5 acres (Santa Clara County 2012). The project site is in the "Urban Areas" land cover fee zone. As such, the project site is subject to the SCVHP, despite being developed and having an Urban-Suburban land cover type.

The SCVHP additionally addresses nitrogen deposition, requiring payment of nitrogen deposition fees for all covered projects that generate net new vehicle trips. Nitrogen deposition is known to adversely affect many of the native serpentine plants in the SCVHP study area, including the host plants that support the federally threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). All major remaining populations of the Bay checkerspot 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 are nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species, resulting in the displacement of native species. This decline of native species, including the Bay checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (approximately 10 miles southeast of the project site). 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. Mitigation for 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 SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net daily vehicle trips; fees collected under the SCVHP for new daily vehicle trips are used to purchase and manage conservation land for the Bay checkerspot butterfly (Santa Clara County 2012).

Regulatory Setting

Federal and State

SPECIAL-STATUS SPECIES

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 USFWS and the 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" said 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, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These

may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, a migratory bird or migratory birds, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal permit (USFWS 2017).

SENSITIVE HABITATS

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. 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. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Local

Regulatory authority over biological resources is shared by state and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions, in this case the City of San José.

CITY OF SAN JOSÉ MUNICIPAL CODE

The City of San José Municipal Code (Title 13) regulates the removal of trees, including live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is a tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove, or destroy heritage trees.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, and Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included (below) are applicable to biological resources and to the project (City of San José 2011a).

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

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

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

Policy CD-1.22: Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.

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

SANTA CLARA VALLEY HABITAT PLAN

As discussed above in *Existing Setting*, the project site is within the boundaries of the SCVHP, which is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the Plan provides a more efficient process for protecting natural resources by creating new large-scale habitat reserves that are more ecologically valuable and easier to manage than the individual mitigation sites created under the current approach (Santa Clara Valley Habitat Agency 2013).

Impacts Assessment

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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project site is in a developed, urban area and does not contain special-status species habitat (USFWS 2021). The segment of Senter Road that would be modified by the road diet component of the project also contains no habitat for special-status species. Accordingly, construction of the project would not impact special-status plants or wildlife, with the exception of potential effects on nesting migratory birds. Project construction would require the removal of existing trees, which migratory birds could use for nest sites. The damage or destruction of active nest sites of migratory birds and to the migratory birds themselves would be a potentially significant impact. Implementation of Mitigation Measure BIO-1 would reduce impacts to less than significant levels.

Impact BIO-1: Tree removal during the nesting season could impact migratory birds, in violation of the federal Migratory Bird Treaty Act.

Mitigation Measure

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

MM BIO-1(b): Nesting Bird Surveys. If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be

completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/ biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

MM BIO-1 (c): Buffer Zones. If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1(d): Reporting. Prior to tree removal, or issuance of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. **LESS THAN SIGNIFICANT 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, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Would the project 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?

The project site is in an urban area and is has been previously disturbed, as evident by the general absence of vegetation cover. The project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located on or adjacent to the site, including the Senter Road right-of-way adjacent to the project site. Therefore, the project would have no impact on riparian habitats, other sensitive natural communities, or protected 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?

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urban development and roadways. The project site is vacant and disturbed, surrounded by development, and does not connect areas of natural open space. The project site is not part of a wildlife movement corridor, and the project would not impede the use of native wildlife nursery sites. Therefore, the project would have no impact on wildlife movement or native wildlife nursery sites. **NO IMPACT**

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

The project site includes approximately 25 trees, which are regulated by the City's Tree Ordinance pursuant to San José Municipal Code Chapter 13.32. Construction of the project would require

removal of the 25 trees, which are non-native but subject to the ordinance due to their size. Implementation of the following Standard Permit Conditions to replant the removed trees is mandatory and would be required for the proposed project.

Standard Permit Condition

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 6 below.

Table 6 City of San José Replacement Guidelines for Trees to be Removed

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

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for removal of trees.

A 38-inch tree equals 12.1 inches in diameter.

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

Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

The project applicant intends to plant 33 trees on-site and 42 street trees within the right-of-way on Senter Road, which would be compliant with the City's tree replacement guidelines outlined above in Table 6. With implementation of the Standard Permit Condition listed above, development of the proposed project would result in a less than significant impact with relation to local policies and ordinances protecting biological resources, such as trees. **LESS THAN SIGNIFICANT IMPACT**

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

The project would be a covered activity under the SCVHP. The project site is greater than two acres and mapped as "Urban Development Equal to or Greater than 2 Acres is Covered" In the SCVHP. According to the SCVHP, the project site is located within the "Urban Areas" land cover fee zone, which is a land cover fee zone that has no applicable land cover fee (Santa Clara Valley Habitat Agency 2013). As such, while the site is covered by the SCVHP, there is no applicable land cover fee. However, the project would be subject to the nitrogen deposition fee, as it is a covered project and would generate nitrogen. The site is not located within a riparian setback area.

Because the project is a SCVHCP covered project,[3] it would be subject to the following City Standard Permit Condition:

[3] Covered activities are those projects or ongoing activities that receive incidental take authorization by the Endangered Species Act and Natural Community Conservation Plan permits. Covered activities in the SCVHCP fall into seven general categories. The proposed project would be covered as an urban development project within the Plan Area (Santa Clara Valley Habitat Agency 2012).

Standard Permit Condition

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

With implementation of the Standard Permit Condition listed above, development of the proposed project would not conflict with the Santa Clara Valley Habitat Plan. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

5 Cultural Resources

	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 §15064.5?	☐	☐	☐	■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐

Existing Setting

Rincon Consultants conducted a search of the California Historical Resources Information System (CHRIS) of the Northwest Information Center located at Sonoma State University on September 30, 2021. The records search was conducted for the project site and a 0.5-mile radius of the site, including the segment of Senter Road adjacent to the project site. The search did not identify known cultural resources within the project site. Additionally, Rincon Consultants completed a search of the Native American Heritage Commission (NAHC) Sacred Lands File for the project. The NAHC Sacred Lands File search was returned with negative findings for cultural resources within the project site.

The Envision San José 2040 General Plan EIR reports that most archaeological resources occur near water bodies such as creeks and springs, in valleys and near freshwater marshes, at the base of hills, and along historic north-south Native American trails. The South Planning Area, in which the project site is located, is considered to have high archaeological sensitivity at depth, which varies geographically (City of San José 2011b). Archaeological sensitivity at depth is considered high despite negative CHRIS and NAHC search results for the site.

The City of San José has identified over 160 City Landmarks in its Historic Resource Inventory. Of these landmarks, 25 are included on the National Register of Historic Places, nine are a State of California Landmark, and four are State Points of Historical Interest (City of San José 2021a). Several City Landmarks are located in History Park, a 14-acre area approximately 700 feet southeast of the project site's southern boundary, that contains 32 original and reproduction homes, businesses, and other landmarks. The closest City Landmark to the project site is the Greenawalt House, an Italianate style farmhouse built in 1877 and relocated to History Park in 1991. The Greenawalt House is approximately 850 feet southeast of the project site, on the opposite side of Senter Road.

Regulatory Setting

Federal

NATIONAL REGISTER OF HISTORIC PLACES

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's National Park Service (NPS) to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

CALIFORNIA REGISTER OF HISTORIC PLACES

The California Register of Historic Places, under the Office of Historic Preservation (OHP), is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act (OHP 2019).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's land use goals and policies as they pertain to the preservation and conservation of archaeological, paleontological, historical, and cultural resources. Those included (below) are applicable to the project (City of San José 2011a).

Goal ER-10: Archaeology and Paleontology. Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

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

Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological, and cultural resources.

Impacts Assessment

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

The project site is currently undeveloped and does not contain historic resources or structures. According to maps prepared by the City of San José, the project site is not adjacent to historic resources (City of San José 2021a). The closest historic resource is the Greenawalt House, a historical residence located approximately 850 feet to the southeast on the opposite side of Senter Road, where no project activities are proposed. Indirect vibration resulting from project construction equipment would not damage the foundation of this historic resource, as discussed in Section 12, *Noise*, of this Initial Study. Additionally, due to intervening vegetation and structures, the Greenawalt House is not visible from the project site. The project site is also not visible from the Greenawalt House. Accordingly, the proposed project would have no impact on historic resources pursuant to *CEQA Guidelines* §15064.5.

NO IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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

As described above in the *Existing Setting*, although there are no known records of cultural resources at the site, the project site is considered highly sensitive for archaeological resources. While the potential to encounter human remains on-site would also be low due to past disturbance of soil layers and because grading and excavation would be limited in depth to that necessary for building foundations and utility trenching, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities.

Construction of the proposed project and reconfiguration of Senter Road under the proposed road diet would require ground disturbance, such as grading and excavation. Construction activities would have the potential to encounter buried or subsurface pre-historic resources, as well as human remains. Damage or destruction of archaeological resources and human remains, if present, would be a potentially significant impact. Mitigation Measures CUL-1(a) through CUL-1(e) would be required to ensure no impacts occur to buried archaeological resources and human remains during construction.

> **Impact CUL-1:** Construction activities would have the potential to encounter buried or subsurface pre-historic resources, or human remains.

Mitigation Measure

MM CUL-1(a): Prior to the issuance of any demolition or grading permits, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee a contract for Contractor Awareness Training which would be held prior to ground disturbance, and archaeological monitoring during ground disturbance activities. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, and the Tribe is registered with the Native

American Heritage Commission (NAHC) 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.

MM CUL-1(b): Prior to the issuance of any demolition or grading permits, the project applicant shall retain a qualified archaeologist in collaboration with the consulting tribe to prepare a research design treatment and monitoring plan to address how any inadvertent discovery of resources shall be treated. The research design and treatment plan shall be approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of any ground disturbing permits.

MM CUL-1(c): Prior to the issuance of any grading permits, the project applicant shall retain an archaeological monitor and a Native American Tribe registered with the NAHC and that has consulted on the project to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building and Code Enforcement or the Director's designee.

MM CUL-1(d): 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 in consultation with a consulting Native American Tribe 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 to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

MM CUL-1(e): 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.

Compliance with the mitigation measures above would ensure that potential project impacts to cultural resources would be less than significant. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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6 Energy

	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?	☐	☐	■	☐

Existing Setting

In 2020, California's total statewide electricity consumption was approximately 274,484 gigawatt-hours (GWh). Approximately 16,435 gigawatt-hours (GWh) of electricity were consumed in Santa Clara County, of which approximately 12,619 GWh (76 percent) were consumed by the non-residential sector (CEC 2020a). Total natural gas consumption in 2020 was approximately 13.158 billion therms statewide, and 419 million therms in Santa Clara County. Natural gas consumption for the non-residential sector in Santa Clara County comprised approximately 173 million therms (approximately 41D percent of the County's gas consumption; CEC 2020b).

The California Energy Commission (CEC) provides full forecasts for electricity, natural gas, and fuel every two years as part of the Integrated Energy Policy Report Process. In 2030, it is estimated that Californians will consume up to 321,300 GWh of electricity and 13.241 billion therms of natural gas (CEC 2019). Gasoline demand is projected to decline each year through 2030 due to greater numbers of zero-emission vehicles and increasing fuel economy, with forecasted 2030 gasoline demand of up to 12.6 billion gallons; diesel demand is projected to increase modestly, following economic growth, to approximately 4.0 billion gallons in 2030 (CEC 2018a).

California's electric grid relies increasingly on clean sources of energy such as solar, wind, geothermal, hydroelectricity, and biomass. As this transition advances, the grid is also expanding to serve new sectors including electric vehicles, rail, and space and water heating. California has installed more renewable energy than any other U.S. state with 22,250 megawatts (MW) of utility-scale systems operational today (CEC 2018b). California's Renewables Portfolio Standard (RPS) is among the most ambitious energy policies in the nation, requiring utilities to produce 33 percent of their retail electricity from clean, renewable sources by 2020 and 50 percent by 2030. Increasing California's renewable supplies will diminish the state's dependence on fossil fuels for electric power generation.

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San José, including the project site. The San José City Council created San José Clean Energy (SJCE), which provides clean electricity to the city; however, residents

and businesses may opt out and continue to receive electricity from PG&E. PG&E's 2018 power mix included 39 percent from renewable sources, 34 percent from nuclear, 15 percent from natural gas and other fuels, and 13 percent from large hydropower plants (PG&E 2020). Existing energy consumption on the project site includes consumption of fossil fuels in operation of the existing building and fuel use associated with vehicles traveling to and from the site.

Regulatory Setting

State

CALIFORNIA CODE OF REGULATIONS

At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (CCR), promote efficient energy use in new buildings constructed in California. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

THE CALIFORNIA GREEN BUILDING STANDARDS CODE

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for new construction (new buildings and expansions) in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. Building Energy Efficiency Standards and CALGreen standards are enforced through the local building permit process.

CALIFORNIA PUBLIC UTILITIES COMMISSION'S CALIFORNIA LONG TERM ENERGY EFFICIENCY STRATEGIC PLAN

The California Public Utilities Commission's (CPUC's) Long Term Energy Efficiency Strategic Plan presents a single roadmap to achieve maximum energy savings across all major groups and sectors in California. This comprehensive Plan for 2009 to 2020 is the state's first integrated framework of goals and strategies for saving energy, covering government, utility, and private sector actions, and holds energy efficiency to its role as the highest priority resource in meeting California's energy needs (CPUC 2011).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the project (City of San José 2011a).

Goal MS-2: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

Policy MS-2.3: Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4: Promote energy efficient construction industry practices.

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

Policy MS-3.2: Promote 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.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Goal MS-14: Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Policy MS-14.3: Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

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

Policy CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

CITY OF SAN JOSÉ MUNICIPAL CODE

The San José Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water, and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), and a Construction

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

CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater. For commercial/industrial buildings greater than or equal to 25,000 square feet, Council Policy 6-32 requires a deposit fee that is refunded to the project applicant or developer if LEED Silver certification is obtained (City of San José 2020a).

CLIMATE SMART SAN JOSÉ

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018). The Climate Smart San José plan includes three "pillars" or goals:

Create a sustainable and climate smart city by:

- Transitioning to renewable energy
- Embracing the Californian climate

Create a vibrant city of connected and focused growth by:

- Densifying the City to accommodate growth
- Making homes more efficient and affordable for families
- Creating clean, personalized mobility choices
- Developing integrated, accessible public transportation infrastructure

Create an economically inclusive city of opportunity by:

- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

Impacts Assessment

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

Construction

Construction of the project would require consumption of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil, natural gas, and gasoline) for automobiles and construction equipment, and other resources including, but not limited to, lumber, sand, gravel, asphalt, metals, and water. Construction would include energy used by construction equipment and other activities at the project site (e.g., grading, building construction, paving), in addition to the

energy used to manufacture the equipment, materials, and supplies and transport them to the project site.

Total project consumption of gasoline and diesel fuel during project construction was estimated using the assumptions and factors from CalEEMod (Appendix A). Table 7 summarizes the estimated construction energy consumption for the project. Project construction, including construction equipment operation, hauling trips, and vendor trips, would consume an estimated 40,255 gallons of diesel over the project construction period. Worker trips would consume an estimated 6,465 gallons of petroleum fuel during project construction. Energy consumption calculations are provided in Appendix D.

Table 7 Estimated Fuel Consumption during Construction

Fuel Type	Gallons of Fuel	MMBtu[4]
Diesel Fuel (Construction Equipment)[1]	36,503	4,653
Diesel Fuel (Hauling & Vendor Trips)[2]	2,058	262
Other Petroleum Fuel (Worker Trips)[3]	6,465	708
Total	**--**	**5,623**

[1] Fuel demand rate for construction equipment is derived from the total hours of operation, the equipment's horse power, the equipment's load factor, and the equipment's fuel usage per horse power per hour of operation, which are all taken from CalEEMod outputs (see Appendix A), and from compression-ignition engine brake-specific fuel consumptions factors for engines between 0 to 100 horsepower and greater than 100 horsepower (USEPA 2018). Fuel consumed for all construction equipment is assumed to be diesel fuel.

[2] Fuel demand rate for hauling and vendor trips (cut material imports) is derived from hauling and vendor trip number, hauling and vendor trip length, and hauling and vendor vehicle class from "Trips and VMT" Table contained in Section 3.0, *Construction Detail*, of the CalEEMod results (see Appendix A). The fuel economy for hauling and vendor trip vehicles is derived from the United States Department of Transportation (USDOT 2018). Fuel consumed for all hauling trucks is assumed to be diesel fuel.

[3] The fuel economy for worker trip vehicles is derived from USDOT National Transportation Statistics (24.4 miles per gallon) (USDOT 2018). Fuel consumed for all worker trips is assumed to be gasoline fuel.

[4] CaRFG CA-GREET 2.0 fuel specification of 109,786 British thermal units per gallon used to identify conversion rate for fuel energy consumption for worker trips specified above (CARB 2015). Low-sulfur Diesel CA-GREET 2.0 fuel specification of 127,464 British thermal units per gallon used to identify conversion rate for fuel energy consumption for construction equipment specified above (CARB 2015). Totals may not add up due to rounding.

Source: Appendix D

Construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. It is also reasonable to assume that contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. In addition, energy demand associated with project construction would be temporary and typical of similar residential and road construction projects. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and construction-related energy impacts would be less than significant.

Operation

Project operation would increase energy demand in the form of gasoline consumption and electricity. The project would not increase demand for natural gas, as the City of San José prohibits the use of natural gas in new single-family and low-rise multi-family residences. Increased gasoline consumption would be associated with new vehicle trips generated from the project. The estimated of number of daily trips that would be generated by the project is based on the Traffic Impact Study

for the project (Appendix B) and was used to calculate operational gasoline consumption. In addition, there would be indirect electricity usage associated with the conveyance of water supplied to the project and wastewater produced by the project. Table 8 shows the estimated total annual energy consumption associated with operation of the project.

Table 8 Estimated Annual Operational Energy Consumption

Energy Source	Consumption	Consumption in MMBtu
Gasoline Fuel	22,108 gallons	2,427
Diesel Fuel	3,437 gallons	437
Natural Gas	759,423 kBtu	759
Electricity	222,383 kilowatt-hours	759
Total	--	**4,382**

Notes: Totals may not add up due to rounding.
Source: Appendix D

As shown in Table 8, vehicles associated with the operation of the project would consume approximately 22,108 gallons of gasoline and 3,437 gallons of diesel fuel, or approximately 2,864 MMBtu, each year. The fuel consumed by the project would be typical of residential projects.

In addition to transportation energy use, project operation would require permanent grid connections for electricity. Approximately 222,383 kilowatt-hours of electricity per year would be required from SJCE and PG&E and would be used for lighting, appliance usage, and heating. As discussed under Existing Setting, annual electricity use in Santa Clara County in 2020 was approximately 16,435 GWh. The approximately 222,383 kilowatt hours per year of electricity consumed by the proposed project would be less than 0.01 percent of the total energy use in Santa Clara County. Therefore, the electricity use of the proposed project would not be excessive or wasteful and would be typical of new residential development in San José.

The project would be required to comply with standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation**.** California's Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. These standards ensure new construction does not result in wasteful, inefficient, or unnecessary consumption of energy.

Overall, project operation would result in consumption of fuels from primarily from vehicle trips and electricity. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, but the project would be required to implement energy-efficient components to reduce energy demand consistent with the San José Municipal Code and Green Building Policy. Therefore, operational energy impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

Climate Smart San José, the City's climate action plan adopted in 2018, outlines the City's plan to transition to a renewable energy future through community choice energy programs and local

generation of renewable energy. Further, the Envision San José 2040 General Plan contains goals and policies related to energy conservation and efficiently. Table 9 and Table 10 include applicable goals and policies and describes project consistency with Climate Smart San José and the General Plan.

Table 9 Project Consistency with Climate Smart San José

Goal/Policy	Consistency
Transition to renewable energy.	**Consistent.** Residences would be constructed to be solar-ready, facilitating the future installation of solar panels. Each duplex roof would have approximately 395 to 885 square feet of solar-ready space.
Densifying the City to accommodate growth.	**Consistent**. The project would involve construction of 42 duplex-style residential units and two single-family residential units, adding a total of 44 residential units to a parcel that is not currently developed or utilized.
Making homes more efficient and affordable for families.	**Consistent.** The project is designed and would be constructed in compliance with State and local Green Building Codes, and would include energy efficient appliances, low-flow water fixtures, and other green features to meet applicable requirements. 11 of the 44 dwelling units are planned to be affordable housing units.

Source: City of San José 2018

Table 10 Project Consistency with the Envision San José 2040 General Plan

Goal/Policy	Consistency
Policy MS-14.1. 1 Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.	**Consistent.** The project site is served by bus Routes 73 and 26 operated by Valley Transit Authority (VTA) at several bus stops along Senter Road. The site is also served by Route 42 at stops within a 20-minute walk. The project site is within 0.5 mile of several commercial and retail centers. See Section 17, *Transportation,* for further information.
Policy MS-14.2. Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.	**Consistent**. The proposed road diet for Senter Road would reconfigure the roadway to have a pedestrian sidewalk and a protected Class IV bicycle lane, which would encourage future project residents to bike and walk. The project would also be located near several bus stops served by VTA bus routes, which would encourage transit ridership. Additionally, there are several commercial centers, community centers, and gathering places within 0.5 mile of the project site, primarily to the northwest along Senter Road, such as Kelley Park across Senter Road from the project site.
Policy MS-14.4. Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.	**Consistent**. The project is designed and would be constructed in compliance with State and local Green Building Codes, and would include energy efficient appliances, low-flow water fixtures, and other green features to meet applicable requirements. Residences would also be constructed to be solar-ready, facilitating the future installation of solar panels.
Policy MS-16.5. Establish minimum requirements for energy efficiency measures and onsite renewable	**Consistent.** Pursuant to State and local Green Building Codes, the project would include the installation of energy efficient appliances, low-flow water fixtures, and would be solar-ready to facilitate future installation of solar panels.

Goal/Policy	Consistency
energy generation capacity on all new housing developments.	

Source: City of San José 2011a

As shown in Table 9 and Table 10, the proposed project would not conflict with the energy-related policies of the City's 2040 General Plan. The proposed project would also be required to comply with the energy standards in the California Building Energy Efficiency Standards. Measures included in the proposed project to meet these energy standards include low-flow plumbing fixtures and water-efficient irrigation systems. Compliance with these regulations would avoid potential conflicts with adopted energy conservation plans. Therefore, the project would have a less than significant impact. **LESS THAN SIGNIFICANT IMPACT**

7 Geology and Soils

	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:				
1. 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?	☐	☐	☐	■
2. Strong seismic ground shaking?	☐	☐	■	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
4. 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 Table 1-B of the Uniform Building Code (1994), 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 geologic feature?	☐	☐	■	☐

Existing Setting

The following discussion is primarily based on a geotechnical engineering investigation prepared for the project by Krazan & Associates, Inc. (see Appendix E). The scope for this study included field and laboratory programs to evaluate soil and groundwater conditions at the site and an engineering analysis to provide recommendations for use in project design and preparation of construction specifications.

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin in the Coast Ranges geomorphic province between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Coast Ranges are comprised of northwesterly trending mountain ranges and structural valleys formed by tectonic processes commonly found around the Circum-Pacific belt. The rocks that underlie the basins and form the surrounding mountains are primarily marine sediments and metamorphic and igneous rocks, all of which are Mesozoic age but locally include rocks of the Cenozoic age.

The project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The four nearest faults to the project site are the Hayward fault, Calaveras fault, southeast extension Hayward fault, and San Andreas fault. The nearest fault to the project site, the Calaveras fault, is approximately 3.5 miles east of the project site.

On-Site Soils and Geology

Based on information obtained from the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey online database (USDA 2021), the project site is mapped as Urban land-Still series, 0 to 2 percent slopes, and Urban land-series complex, 0 to 2 percent slopes. The Urban land series consists of disturbed and human-transported material. The Still series and the Elpaloalto series both consist of very deep, well-drained soils formed in alluvium from mixed rock sources (United States Department of Agriculture [USDA] 2015).

The surface of the site is covered by sparse to moderate weed growth, and surface soils have a loose consistency. The site is relatively level, with no major changes in grade. Upper soils consisted of approximately 6 to 12 inches of very loose clayey sand, sandy clayey silt, and sandy clay, followed by 3 to 6 feet of fill material that consists of clayey sand, sandy clayey silt, and sandy clay. Underneath the fill material is approximately 3.5 to 9 feet of medium dense silty sand and sandy silt or firm to very stiff silty clay and sandy clay, and then below 6.5 to 15 feet, predominately firm to very stiff silty clay, sandy clay/sandy silt and sandy clay or loose to medium dense silty sand/sandy silt, clayey sandy silt and sandy silt were all encountered. Groundwater was encountered approximately 17 feet below the existing site grade during preparation of the geotechnical engineering investigation (Appendix E).

Liquefaction occurs when loose sand and silt behaves like a liquid and loses its ability to support structures; it is caused by a complete loss of strength when the effective stress of soil particles drops to zero. The project site is located within an area identified as having moderate susceptibility to liquefaction (Appendix E). The geotechnical report indicated that within the project site, soils above a depth of 2 feet are non-liquefiable due to the absence of groundwater, and some soils below a depth of 6 feet have a slight to moderate potential for liquefaction under seismic shaking.

The project site is not near earthquake-induced landslide zones (California Department of Conservation 2021).

Regulatory Setting

State

CALIFORNIA BUILDING CODE

The California Building Code (CBC) provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety. The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT

The main purpose of the Alquist-Priolo Earthquake Fault Zoning Act's is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Regulation of development projects within the zones is the responsibility of the local agencies (California Department of Conservation 2019a).

SEISMIC HAZARDS MAPPING ACT

The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones are identified and mapped in order to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes (California Department of Conservation 2019b).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project's geology and soils (City of San José 2011a).

Goal EC-3: Seismic Hazards. Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

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

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

Goal EC-4: Geologic and Soil Hazards. Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.

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

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

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

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

Policy EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

Impacts Assessment

a.1. 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?

The project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no faults are known to pass through the site. As discussed above in Existing Setting, the nearest mapped Alquist-Priolo Earthquake Fault Zone to the project site is the Hayward Fault Zone, approximately 3.5 miles to the east of the project site. Therefore, no impact related to fault rupture would occur as a result of the project. **NO IMPACT**

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Due to its location in a seismically active region, the project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. Strong ground shaking poses a risk to the proposed development. Furthermore, the project site is located within a State of California liquefaction hazard zone. The geotechnical investigation evaluated liquefaction hazard based on a design groundwater level of two feet (below ground surface) and a seismic event producing a peak horizontal ground surface elevation of 0.692 gravity, resulting in a magnitude 6.91 earthquake on the Richter scale (Appendix E). Results of the liquefaction analysis indicated that soils above a depth of two feet are non-liquefiable, whereas soils under a depth of six feet are potentially liquefiable. Estimated total seismic induced settlement ranges from two to six inches, and differential settlement caused by a seismic event is estimated to be less than four inches at the project site. The differential settlement could weaken the structural integrity of the proposed project, thereby creating risk of loss, injury, or death; however, the proposed project would be subject to the following City of San José Standard Permit Condition, which would serve to minimize this risk.

Standard Permit Condition

i. 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.

ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

v. 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.

vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Appendix E provides engineering recommendations, including foundation design techniques to minimize differential settlement during potential seismic events. These recommendations would be incorporated into project design and construction, pursuant to the above standard permit conditions, and would reduce the risk of loss, injury, or death involving strong seismic ground shaking or seismic-related ground failure. The road diet component of the project would be constructed in compliance with all requirements of the City for safety and durability. Additionally, the road diet would not increase the potential for risk of loss or injury or death from a seismic event because Senter Road is an existing road. Therefore, impacts involving risk of loss, injury, or death from strong seismic ground shaking or seismic-related ground failure would be less than significant.
LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site is not located within a State of California landslide hazard zone. The topography of the project site is relatively flat, and no steep slopes are located on or near the site. Thus, the project site is not susceptible to landslides and no impact would occur.

NO IMPACT

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

Project construction would include ground disturbance, which would potentially result in short-term soil erosion. However, because construction disturbance would exceed one acre, the project would be subject to the NPDES permit requirements for construction site stormwater discharges and would comply with those requirements. The NPDES permits mandates the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) specific to the project, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. The City's NPDES Municipal Permit, urban runoff policies, and the San José Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process.

Implementation of the SWPPP for the project would minimize short-term erosion impacts. Long-term impacts of the project would not result in substantial erosion, as the soils would be covered by buildings, pavement, vegetation, and landscaping. Additionally, the project would be required to implement the following conditions, consistent with the regulations identified in the City's General Plan EIR, for avoiding and reducing construction-related erosion impacts.

Standard Permit Condition

i. 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.

ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

v. 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.

vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

With implementation of the Standard Permit Condition project impacts related to erosion would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

The project site is not located near steep slopes which would be susceptible to landslides. Based on liquefaction analysis and soils testing conducted for the geotechnical engineering investigation, the project site contains liquefiable soils (Appendix E). Standard permit conditions would ensure the proposed residences, road diet, and related infrastructure are constructed in a way that would not be substantially affected by potential liquefaction of project site soils, as described under checklist item a.3. Lateral spreading is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face. Lateral spreading would not be expected to occur due to the site's relatively flat topography and due to the less than significant liquefaction-related impacts. Thus, the project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the project. Moreover, compliance with the CBC and applicable City ordinances, as well as adherence to the recommendations provided in the geotechnical engineering investigation, would further reduce potential risks related to soil stability. Therefore, associated impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils can undergo substantial volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. Soils underlying the proposed project site are moderately expansive (see Appendix E) and construction of the proposed project atop these soils could result in reduced structural integrity, leading to risks to life or property. However, the proposed project would be required to comply with engineering recommendations pursuant to the standard permit condition listed below:

Standard Permit Condition

i. 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.

ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

v. 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.

vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Implementation of this standard permit condition would minimize impacts associated with expansive soils, as the permit condition would require proper grading and construction, in combination with the permit condition for impacts a.2 and a.3. The standard permit conditions for impacts a.2 and a.3 requires building design and construction to be completed in conformance with the recommendations of an approved geotechnical investigation, which provides measures to address expansive soils. With compliance of standard permit conditions, including incorporating the recommendations of a geotechnical engineering investigation into the project design and construction, impacts regarding expansive soils would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

Sanitary discharges on the project site would be directed into the municipal sanitary sewer system operated by the City of San José. The road diet component of the project would not generate wastewater. The project would not include septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur. **NO IMPACT**

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. According to Appendix J of the Envision San José General Plan EIR, the project site is located in an area with high paleontological sensitivity at depth; thus, geologic formations known to contain fossils are not found close to the ground surface on the site. Nevertheless, there always exists a possibility of encountering paleontological resources when conducting subsurface earthwork activities for the project, such as excavation for installation of utilities. Adherence to the standard permit condition below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a less than significant level.

Standard Permit Conditions

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

LESS THAN SIGNIFICANT IMPACT

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8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas 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 greenhouse gases?	☐	☐	■	☐

Existing Setting

Various gases in the atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The project site is currently undeveloped and has no existing GHG emissions sources except for minimal electric consumption used in associated with a lit billboard.

Regulatory Setting

Federal and State

Clean Air Act

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al. ruled that carbon dioxide (CO_2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

EXECUTIVE ORDER S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (CARB 2017). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions.

These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

ASSEMBLY BILL 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO_2e. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures.

Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 statewide goals. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

SENATE BILL 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing

technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

EXECUTIVE ORDER B-55-18

On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease 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.

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. As discussed in the CEQA Air Quality Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful 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 and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by BAAQMD. The CEQA Air Quality Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

Local

CITY OF SAN JOSÉ GREENHOUSE GAS REDUCTION STRATEGY

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The City updated its GHG Reduced Strategy and adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy* in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHG Reduction Strategy) is a comprehensive update to the city's original GHG Reduction Strategy and reflects the plans, policies, and codes as approved by the City Council. The 2030 GHG Reduction Strategy provides a set of strategies and additional actions for achieving the 2030 target established by SB 32. The 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions (City of San José 2011a). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

Policy MS-2.11: 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).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.

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

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

Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in

packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

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

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

CITY OF SAN JOSÉ MUNICIPAL CODE

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

Significance Thresholds

According to CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, Climate Smart San José (discussed in the Regulatory Setting discussion in Section 6, *Energy,* above), that serves to support the City's General Plan. Climate Smart San José was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, Climate Smart San José only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, Climate Smart San José is not in compliance with CEQA Guidelines 15183.5(b) and it does not serve as a qualified GHG reduction plan.

Additionally, the City of San José's current 2030 GHG Reduction Strategy aligns with SB 32 (2030 emission target.

The 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established SB 32.

Impacts Assessment

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

Project construction would generate temporary short-term GHG emissions through travel to and from the worksite and from the operation of construction equipment such as graders, backhoes, and generators. Excavation, grading, and trenching typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. Construction activity would generate approximately 408 MT CO_2e over the entire construction period. As there is no applicable construction GHG threshold, this calculation is included for informational purposes. The project developer would be required to comply with all BAAQMD rules and regulations regarding emission control measures, including the Basic Construction Measures, which include reducing idling time and imposing speed limit for construction equipment, and Regulation 8, Rule 3, which requires the use of low volatile organic compound containing paints, which reduces GHG emissions during the architectural coating phase. In addition, the construction contractor would be required to use of off-road construction equipment with CARB compliant engines and emissions systems.

As described above in *Regulatory Setting*, the City's 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established by SB 32. The Development Compliance Checklist completed for the proposed project is included as Appendix F to the Initial Study and also provided below in Table 11.

Table 11 City of San José Development Compliance Checklist

Checklist Item	Consistent?	Explanation
Consistency with the Land Use/Transportation Diagram (Land Use and Density)		
Is the proposed project consistent with the Land Use/Transportation Diagram?	No	The project site is designated Open Space, Parklands and Habitat (OSPH) in the City's General Plan. Under the Housing Accountability Act, a housing project that meets certain affordability requirements only has to be consistent with either the general plan or zoning code. In this scenario, the project would not require a General Plan amendment as the project is consistent with the zoning code. Additionally, the project is vested using SB 330 which prohibits jurisdiction from downzoning a property that would prevent or reduce housing development. Residential development would generate more GHG emissions than an open space or parks use. However, the project would provide residential development, including affordable units, within proximity to transit and the downtown area of San José. Additionally, as discussed in Section 17, Transportation, the daily VMT per capita of the project would be below the existing average daily VMT per capita in San José, In other words, the project would contribute toward lowering the average daily VMT per capita in the City, which would have a correlated decrease in GHG emissions. Accordingly, the project would reduce mobile-source GHG emissions compared to existing conditions.
If not, and the proposed project includes a General Plan Amendment, does the proposed amendment decrease GHG emissions (in absolute terms or per capita, per employee, per service population) below the level assumed in the GHG Reduction Strategy based on the existing planned land use? (The project could have a higher density, mix of uses, or other features that would reduce GHG emissions compared to the planned land use).	No	
If not, would the proposed project and the General Plan Amendment increase GHG emissions (in absolute terms or per capita, per employee, per service population)? Project is not consistent with GHG Reduction Strategy and further modeling will be required to determine if additional mitigation measures are necessary.	Yes	
Implementation of Green Building Measures		
MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	Yes	Each of the residential units would have solar-ready roofs that facilitate the installation of solar panels at the discretion of the unit owner or resident. Duplex structures would have approximately 395 to 885 square feet of roof space that is solar ready. The (2) single-family residential units would have approximately 307 square feet of roof space that is solar ready.
MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	Yes	See explanation for MS-2.2, above.
MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	Not applicable	The proposed project does not include parking lots of expansive surface parking. The project is a residential project and parking would be provided in garages attached to each unit. It is not practical to install solar panels over small private driveways.
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	Yes	The project would be required to comply with the City's Green Building Code.

Checklist Item	Consistent?	Explanation
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-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.	Not applicable	The project is a private residential development in an urbanized area of San José where electricity utility exists and would be provided for the project.
Pedestrian, Bicycle, and Transit Site Design Measures		
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: Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. 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. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate And business transactions.	Yes Yes Yes	The project is a private residential project. Each residential unit would be accessed directly from existing Senter Road. Improvements to Senter Road include a road diet to accommodate a 5-footwide park strip, 7-foot-wide pedestrian sidewalk, and conversion of the existing Class II bicycle lane into a Class IV bicycle lane and relocating it to be behind the park strip. The project would include a new sidewalk along the project site frontage of Senter Road. The sidewalk would tie into the existing sidewalk at the corner of Senter Road and Keyes Street, which also has an existing crosswalk to cross either street. Landscaping, such as street trees would be provided along the new sidewalk. The proposed project does not include parking lots of expansive surface parking. The project is a residential project and parking would be provided in garages attached to each unit. Therefore, reduced parking requirements are not applicable.
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.	Yes	The project would include a new sidewalk along the project site frontage of Senter Road. The sidewalk would tie into the existing sidewalk at the corner of Senter Road and Keyes Street, which also has an existing crosswalk to cross either street. Landscaping, such as street trees would be provided along the new sidewalk. Stormwater runoff would be treated onsite before discharge into the existing storm drain system.
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	Not applicable	This measure is not applicable because the project is not located within the Downtown and Urban Village Overlay Areas.

Checklist Item	Consistent?	Explanation
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.	Yes	The project would include a new sidewalk along the project site frontage of Senter Road. The sidewalk would tie into the existing sidewalk at the corner of Senter Road and Keyes Street, which also has an existing crosswalk to cross either street. Existing sidewalks along Keyes are connected to the larger pedestrian network in the area, including sidewalks into the downtown commercial areas of San José. Similarly, the project is at the intersection of Senter Road and Keyes Street. Keyes Street has an existing bicycle lane that connects to other existing bike lanes in the area, including bicycle lanes leading into the downtown commercial area of San José and the Class II bicycle lanes on Senter Road. The proposed project would add a Class IV bicycle lane on Senter Road adjacent to the project site, where currently there is Class II bicycle lane.
CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	Yes	The project would include a new sidewalk along the project site frontage of Senter Road. The sidewalk would tie into the existing sidewalk at the corner of Senter Road and Keyes Street, which also has an existing crosswalk to cross either street. Existing sidewalks along Keyes are connected to the larger pedestrian network in the area, including sidewalks into the downtown commercial areas of San José. Transit is near the project site, such as bus stops on Keyes Avenue, approximately 150 feet from the project site.
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.	Not applicable	This measure is not applicable because the project is not located in the downtown area of San José.
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.	Yes	The project would include new facilities including a new pedestrian sidewalk and replacement of a Class II bicycle lane with a new Class IV bicycle lane.
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,	Not applicable	The proposed project consists of a residential development and would not be a large employer, such as a new office tower or employment campus.

Checklist Item	Consistent?	Explanation
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.	Not applicable	The project is a private residential project. The project is not an employment project with opportunity for car share or carpooling. However, the project site is served by Uber, Lyft, and other rideshares.
Water Conservation and Urban Forestry Measures		
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.	Yes	The project includes landscaping that would be drought tolerant and conforms to the State's Model Water Efficient Landscape Ordinance.
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.	Yes	The proposed project includes drought tolerant landscaping that would not require substantial irrigation. The project must and would be constructed to comply with the City's Green Building Code.
MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	Yes	The proposed project would include the utility infrastructure to connect to recycled water service if the service becomes available to the area in the future.
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.	Yes	The proposed project includes native, drought-tolerant plant species.
MS-26.1: 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.	Yes	The proposed project would include landscaping, including trees. Tree coverage would and must meet all City requirements and regulations.
ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	Yes	The project would involve minimal landscaping that would require irrigation. Additionally, the project includes features that allow for infiltration of runoff, such as pervious pavers for driveways. The use of pervious pavers would allow precipitation to infiltrate the ground surface, thereby preventing the recapture into cisterns or other containers for reuse.

Source: Appendix F

As shown in Table 11, the proposed project would be consistent with the applicable and relevant General Plan and 2030 GHG Reduction Strategy policies. Accordingly, impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

In California, GHG emissions are regulated primarily through AB 32 and SB 375. AB 32, also known as the Global Warming Solutions Act, established a goal to reduce GHG emissions in the State to 1990 levels by 2020. SB 375 builds on AB 32 by requiring the California Air Resources Board to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions.

The State of California also has stated longer term GHG reduction targets. Under Executive Order S-3-05 issued by Governor Schwarzenegger in June 2005, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. On May 29, 2015, Governor Brown issued Executive Order B-30-15, which furthers the goal of Executive Order S-3-05 by setting a mid-term target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The Order also directs the California Air Resources Board to update the Climate Change Scoping Plan to include the 2030 target.

As shown in Table 11, the project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs, as it would not substantially increase GHG emissions and is consistent with the City's 2030 GHG Reduction Strategy, the Climate Smart San José Plan and General Plan policies to reduce GHG emissions. Therefore, the impact would be less than significant. The full Development Compliance Checklist is provided in Appendix F. **LESS THAN SIGNIFICANT IMPACT**

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9 Hazards and Hazardous Materials

	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 0.25 mile of an existing or proposed school?	☐	☐	☐	■
d. Be located on a site that is included on a list of hazardous material 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 in 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?	☐	☐	☐	■
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	■

Existing Setting

The site does not contain existing structures that could contain hazardous materials in building materials. The project site is an undeveloped parcel in an urban area and is not known to contain or be contaminated with hazardous materials or hazardous waste. The determination that the site is not known to contain hazardous materials or hazardous contamination is based on a review of federal and state records and databases. Specifically, the project site was queried on March 29, 2022, in the following record sets and databases compiled pursuant to Government Code Section 65962.5:

- Department of Toxic Substances Control (DTSC) Online Cortese List of Hazardous Waste and Substances Sites (DTSC 2022; CalEPA 2021a, 2021b)
- California State Water Resources Control Board (SWRCB) GeoTracker (SWRCB 2022c)
- Geologic Energy Management Division (CalGEM) Well Finder online Map Viewer (CalGEM 2022)
- US Department of Transportation (USDOT) National Pipeline Mapping System (NPMS) online Public Map Viewer (USDOT 2022)
- California Department of Resources Recycling and Recovery (CalRecycle)
- Solid Waste Information System (SWIS) (CalRecycle 2019a)

A search of the above listed government databases and environmental records compiled pursuant to Government Code Section 65962.5 did not reveal known hazardous materials sites on or adjacent to the project site. However, the property is a former railroad line corridor where chemicals were likely applied for vegetation control and as preservatives in rail ties and ballast. Arsenic exceedances above regulatory screening levels have been reported consistently across the site at various locations. The site is also within a 1000-feet radius of a closed municipal solid waste landfill (Story Road Landfill). Based on the historic aerials, the site appears to be located just along and outside the edge of orchard lands and there is a potential for contamination from the application of organochlorine pesticides (OCPs) in addition to the pesticide-based metals. This potential contamination is not recognized on a list compiled pursuant to Government Code Section 65962.5.

The closest airports to the project site are the Reid-Hillview County Airport and the Norman Y. Mineta San José International Airport. The Reid-Hillview County Airport is approximately 2.2 miles northeast of the project site, and the Norman Y. Mineta San José International Airport is about 3.2 miles to the northwest. The project site is not located within the airport influence area nor the safety zones designated by the Comprehensive Land Use Plan for either airport (Santa Clara County Airport Land Use Commission 2007; 2011). According to the Comprehensive Land Use Plans, the project site is also not within an area subject to Federal Aviation Regulations, Part 77, surfaces, which pertains to building height limitations.

Regulatory Setting

Federal

THE FEDERAL TOXIC SUBSTANCES CONTROL ACT AND THE RESOURCE CONSERVATION RECOVERY ACT

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA) were administered by the United States Environmental Protection Agency (EPA) in 1976 to streamline regulations pertaining to the generation, transportation, treatment, storage, and disposal of hazardous waste (EPA 2020a).

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for release and assure their cooperation in the cleanup. The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country (EPA 2020b).

HAZARDOUS MATERIALS TRANSPORTATION ACT

Under the Hazardous Materials Transportation Act the transportation of hazardous materials is regulated by the Secretary of the Department of Transportation (DOT). In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act to clarify the maze of conflicting state, local, and federal regulations. Like the Hazardous Materials Transportation Act, the Hazardous Materials Transportation Uniform Safety Act requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property.

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials (OSHA 2020).

State

THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control (DTSC) is a department operating under the EPA that is responsible for regulating hazardous waste in California. Management and staff of the DTSC protect Californians and their environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The department takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products (DTSC 2013).

REGIONAL WATER QUALITY CONTROL BOARD

The San Francisco Bay RWQCB oversees cases involving groundwater contamination within the Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most leaking underground storage tank (LUST) cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

GOVERNMENT CODE §65962.5 (CORTESE LIST)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually 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 DTSC and the State Water Resources Control Board (SWRCB).

Local

CITY OF SAN JOSÉ EMERGENCY OPERATIONS PLAN

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime (City of San José 2019).

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project (City of San José 2011a).

Policy 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.

Policy 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.

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

Policy EC-7.1: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

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

Policy EC-7.5: On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental

screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.

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

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

Impacts Assessment

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

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?

Construction

Project construction would include the temporary transport, storage, use, or disposal of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, or soils assumed to be contaminated from pesticides due to wide-spread agricultural practices in San José. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials is subject to various federal, state, and local regulations designed to reduce risks associated with hazardous materials, including potential risks associated with upset or accident conditions. Hazardous materials would be required to be transported under U.S. Department of Transportation (DOT) regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations), which stipulate the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways. In addition, the use, storage, and disposal of hazardous materials are regulated through the Resources Conservation and Recovery Act (RCRA). The California Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program, as well as California's own hazardous waste laws. DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California. It does this primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations, Divisions 4 and 4.5). DTSC also oversees permitting, inspection, compliance, and corrective action programs to ensure that hazardous waste managers follow federal and state requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Compliance with existing regulations would reduce the risk of potential release of hazardous materials from spills and transport during construction.

Since the proposed project would disturb more than one acre of land, the applicant would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ) to comply with Clean Water Act National Pollutant Discharge Elimination System (NPDES) requirements. Compliance with these requirements would include preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would specify BMPs for rapid containment and cleanup of accidental hazardous materials spills or leaks, such as minor spills when refueling equipment on-site or within the right-of-way of Senter Road while constructing the road diet component of the project.

Although the SWPPP requires soil stockpiles be covered or otherwise protected from wind and water erosion, active operation of construction equipment would generate airborne dust. Construction equipment would create airborne dust because equipment would actively excavate and move soil on the project site. Additionally, some construction activities could require construction workers to directly handle soils. Because of historic industrial and agricultural land uses in the City of San José, industrial and railroad contaminants and pesticides may be unearthed during ground disturbing activities within the project site. Breathing these contaminants in airborne dust or otherwise handling the contaminated soils would be a potentially significant impact due to the potential for adverse health impacts or deposition of contaminated material elsewhere in the environment. Accordingly, implementation of Mitigation Measure HAZ-1 is required. Implementation of Mitigation Measure HAZ-1 would ensure that impacts related to potential hazardous materials are mitigated to less than significant.

> **Impact HAZ-1:** Construction activities would have potential to release or expose people to hazardous materials from historic industrial and agricultural uses in potentially contaminated soils.

Mitigation Measure

MM HAZ-1 Soil Remediation

Prior to issuance of any grading permits, the project applicant shall 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 project applicant shall meet with the appropriate regulating agency and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past use as a railroad spur 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 future occupants. 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.

Operation

Residential buildings typically do not use or store large quantities of hazardous materials other than those typically used for household cleaning, maintenance, and landscaping. For example, households may contain one or several gallons of paint for touching up interior architectural features, such as baseboards along walls. Therefore, project operation would not involve the use, storage, transportation, or disposal of substantial quantities of hazardous materials and would not result in the release of such materials into the environment. The road component of the project would not change the type or mix of vehicles that travel on Senter Road. Therefore, the road diet component of the project would not change the potential for hazardous materials to be transported on Senter Road, or other existing roads. Impacts from project operation would be less than significant. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

There are no schools within 0.25 mile of the project site. Athletic facilities, such as tennis courts, a golf course, and baseball field, belonging to SJSU are adjacent to the project site. However, these are the athletic facilities of the university, and the academic buildings and dormitory buildings are on a separate campus just under a mile to the north of the project site. The close school to the project site is the Downtown College Preparatory El Primero High School, which is located approximately 0.72 mile southwest. Project operation would not involve the use or storage of hazardous materials other than minor household chemicals in household quantities. Though potentially hazardous materials such as fuels, lubricants, solvents, and oils could be used during project construction, the transport, use and storage of hazardous materials would be conducted in accordance with applicable State and federal laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the CCR, Title 22. Because there are no schools within 0.25 mile of the project site, there would be no impact. **NO IMPACT**

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

As described in the Existing Setting above, a review of regulatory agency databases revealed that the project site is not listed as a hazardous waste and substances site and is not within 1,000 feet of such a site. There are no active cleanup sites within 0.25 mile of the project site; three remediated and closed sites containing leaking underground storage tanks are within 0.25 mile of the project site and are inactive. There are no sites on or near the project site listed per Section 65962.5(c)(2), and no active CDO or CAO sites within 0.25 mile of the project site per Section 65962.5(c)(3) (CalEPA 2021a). Additionally, there are no sites listed per Section 65962.5(a) that are within 0.25 mile of the project site (CalEPA, 2021b). Accordingly, construction and operation of the project would not occur on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create no significant hazard to the public or the environment. The proposed project would have no impact. **NO IMPACT**

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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is located approximately 2.2 miles southwest of Reid-Hillview County Airport and 3.2 miles southeast of Norman Y. Mineta San José International Airport. The site is not within land use plan boundaries for either airport (Santa Clara County Airport Land Use Commission 2007; 2011). Therefore, the project would not result in a safety hazard or excessive noise due to proximity to an airport. There would be no impact. **NO IMPACT**

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

The proposed residential units would be constructed on private property that is not part of an emergency response plan or emergency evacuation plan. The proposed project would include the implementation of a road diet that would reconfigure Senter Road between Keyes Street and East Alma Avenue, as well as the construction of 24 driveways that would provide public and emergency access from Senter Road. Senter Road at the project site is a six-lane road that is a primary route into and out of the downtown area of San José. The project would involve intermittent and temporary closures of Senter Road during construction of proposed road diet and the driveways onto Senter Road. If improperly coordinated, the temporary closure of Senter Road could impact evacuation operations, particularly evacuation of the project area of southern parts of the downtown area of San José, closest to Keyes Street and Senter Road. However, construction of the road diet must be in conformance with all City requirements and regulations, which will include a road closure plan. The closure plan must indicate how traffic will navigate the area while the roadway is closed. The road diet component of the project would reduce the number of southbound travel lanes on Senter Road to two lanes. However, through access on two travel lanes would be provided during operation, which would allow Senter Road to be used for evacuation or emergency response. Accordingly, the City and City departments, such as the Fire Department, would be aware of the road closure and have ample arrangements planned in the event of an emergency evacuation or response during project construction. Accordingly, impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

The project site is in a developed, urbanized area surrounded by residential, state university land, commercial development, parks, and roadways. There are no adjacent wildlands or densely vegetated areas that would represent a significant fire hazard. Kelley Park is across Senter Road from the project site and has trees and vegetation, but the park is maintained and is surrounded by urban development on all sides, which would limit the potential for a fire in the park to spread and become a wildland fire. Additionally, the project site is not within a High Fire Hazard Severity Zone or Very High Fire Hazard Severity Zone fore wildland fires (CALFIRE 2007). Therefore, the project would not expose people or structures to significant hazards related to wildland fires and there would be no impacts. **NO IMPACT**

10 Hydrology and Water Quality

	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:				
(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	■	☐
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	■	☐
(iii) 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	☐	☐	■	☐
(iv) Impede or redirect flood flows?	☐	☐	■	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	■
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	■	☐

Existing Setting

There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2009). The site is not located within the 100-year floodplain. The City does not have floodplain restrictions for development in Zone D. The project site is generally flat with an elevation of approximately 120 feet above mean sea level.

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The project site is not located in a groundwater recharge area (SCVWD 2016). The project site is within the water service area of the San José Water Company (SJWC). Groundwater comprises approximately 40 percent of SJWC's water supply (SJWC 2020).

Over 100 wells pump water from the major water-bearing aquifers of the Santa Clara Subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and injection wells operated by the Santa Clara Valley Water District (SCVWD 2016). Groundwater levels have been steadily on the rise since the mid-1960s and overdraft of the groundwater basin is not projected.

The nearest surface water in the vicinity of the project site is Coyote Creek, located approximately 1,000 feet to the east at its closest point. Stormwater is removed from the site primarily by percolation into the ground and by overland flow into the City's existing stormwater management system within Senter Road.

Regulatory Setting

Federal

CLEAN WATER ACT

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge a pollutant or pollutants from a point source into navigable waters (see 33 CFR Part 329), unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters (EPA 2002).

State

STATE WATER RESOURCES CONTROL BOARD CONSTRUCTION GENERAL PERMIT

Any construction or demolition activity that results in land disturbance equal to or greater than 1 acre must comply with the Construction General Permit (CGP), administered by SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. The Santa Clara Valley Water

District is the GSA for the Santa Clara Subbasin. The 2016 Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The 2016 GWMP identifies the following sustainability goals:

- Groundwater supplies are managed to optimize water supply reliability and minimize land subsidence; and
- Groundwater is protected from contamination, including saltwater intrusion.

To achieve these goals, the 2016 GWMP includes four strategies:

- Manage groundwater in conjunction with surface water.
- Implement programs to protect and promote groundwater quality.
- Maintain and develop adequate groundwater models and monitoring networks.
- Work with regulatory and land use agencies to protect recharge areas, promote natural recharge, and prevent groundwater contamination.

Local and Regional

WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the San Francisco Bay RWQCB master water quality control planning document (San Francisco Bay RWQCB 2019). The Basin Plan designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. Chapter 2 of the Basin Plan identifies a range of beneficial uses for waters of the State, such as agricultural uses, uses for wildlife habitat, groundwater recharge, municipal water supply, and recreation, as examples. Chapter 3 of the Basin Plan identifies the water quality objectives for waters of the State, such as bacterial objectives, water-color objectives, dissolved oxygen objectives, pH, water temperature objectives, and salinity. The Basin Plan also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State Water Resources Control Board, U.S. EPA, and the Office of Administrative Law.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan contains goals, policies and actions pertaining to stormwater discharges into the City's storm drain system. The following policies are applicable to the project:

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

Policy IN-3.9: Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

Policy MS-3.4: Promote the use of green roofs (i.e., roofs with vegetated cover), landscape based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

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

Policy ER-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.

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

Policy 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.

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

Goal EC-5: Flooding Hazards. Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

Policy 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 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.

Policy 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.

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

Action EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

GRADING ORDINANCE

All development projects, regardless of whether they are subject to the CGP, must comply with the City of San José's Grading Ordinance per Section 17.04.310 of the City's Municipal Code, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project would submit an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants to the City Director of Public Works.

MUNICIPAL STORMWATER NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

The City of San José is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The MRP (NPDES Permit No. CAS612008) mandates

that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. The project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

POST CONSTRUCTION URBAN RUNOFF MANAGEMENT POLICY AND HYDROMODIFICATION MANAGEMENT POLICY

The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. Based on the project site's location in a subwatershed or catchment with greater than or equal to 65 percent impervious area (SCVURPPP 2009), the project would not be required to comply with the hydromodification requirements of Provision C.3.

Impacts Assessment

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

Construction of the project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation, which would decrease water quality and be a potential violation of water quality standards. However, the project would disturb more than one acre of land and therefore would have to comply with the NPDES Construction General Permit. A SWPPP would be required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures. Implementation of the SWPPP would prevent erosion and sedimentation during construction. Furthermore, construction of the project would also be subject to the City's standard permit condition, below.

Standard Permit Conditions

The following project-specific measures, based on RWQCB BMPs, must been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from truck tires prior to entering City streets. A tire wash system shall be employed 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.

As listed in the standard permit condition, compliance with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction, would be required. This would complement the BMPs implemented as part of the SWPPP and prevent project construction from adversely impacting water quality or violating water quality standards.

During project operation the potential for on-site erosion would be negligible because the project site would be developed with impervious surfaces such as residential buildings and sidewalk, or landscaped areas. Impervious surface and landscaping would cover soils and prevent erosion. Impervious surfaces prevent the infiltration of water and other fluids, such as motor oil that may collect on parking surface over time. During project operation, on-site vehicles would be stored or parked within garages attached to each dwelling unit. Driveways would be constructed of pervious materials that would allow infiltration of precipitation. However, because vehicles would be parked in garages and not on driveways, there would be little potential for small amounts of vehicle fluids, such as minor oil leaks, to infiltrate and impact groundwater quality, or to flow overland into surface water or storm drains.

The residential uses on-site during operation would not involve activities with potential for substantial impacts to water quality. Small quantities of household chemicals, such as cleaners or paint, could be stored on-site, but would be stored within the interior of the dwelling units. Existing law prohibits improper use and disposal of these substances, such as by pouring down sink drains or onto lawn areas. Additionally, the project would be subject to the MRP and City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Therefore, there would be no potential for these substances to be discharged to groundwater or surface water.

Maintenance of on-site landscaping would involve the use of lawnmowers, leaf blowers, and other similar equipment power by small engines. Governor Newsom signed Assembly Bill 1346 into law in October 2021, phasing out the sale of gasoline-powered small off-road engines, such as those found in lawnmowers and leaf blowers. However, because the project would be operational before these engines are likely to be fully phased out, lawn maintenance could involve brining gasoline to the project site. The quantity of gasoline would be minor, typically on the order of several gallons given the limited fuel capacity of lawn equipment. Additionally, gasoline and fuel must be stored in containers specifically manufactured for that purpose, which reduce the potential for spill if the container is upset. Therefore, maintenance of the landscaping on-site would not have potential for affecting water quality or violating water quality standards.

The road diet component of the project on Senter Road would not introduce new uses to Senter Road that have potential to impact water quality. For example, the addition of a sidewalk and Class IV bicycle lane to Senter Road would introduce people who walk or jog and potential more bicycle use. These activities do not involve substances or materials that would have potential to impact water quality.

In summary, compliance with the Construction General Permit, City's standard permit conditions, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during project construction and operation, such that impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

The project site is currently vacant and contains no impervious surfaces. Once project construction is complete, the project site would contain approximately 62,325 square feet of impervious surface, which is approximately 73.3 percent of the project site. Precipitation falling on the impervious surfaces of the project, such as the proposed residential buildings, would be unable to infiltrate the ground surface and instead flow overland. to adequately manage stormwater on the project site, project plans include a flow-through planter in front of each duplex that is below grade to catch and filter stormwater. Each of the 24 driveways would be installed with pervious pavement to allow for additional stormwater recharge. Stormwater not infiltrating the ground surface on the project site would flow onto Senter Road and into existing stormwater drains, which eventually outfall in the San Francisco Bay. Although the project would increase impervious surface on-site, as described above in the *Existing Setting*, the project site is not located in a groundwater recharge area (SCVWD 2016). Because the project site is not in a groundwater recharge area and also includes pervious materials, such as pervious pavers for driveways, the proposed project would not interfere substantially with groundwater recharge. The road diet component of the project site would not increase impervious surface because Senter Road is an existing road with impervious asphalt travel lanes. The proposed road diet would eliminate an asphalt travel lane; however, an impervious bicycle lane and sidewalk would be constructed in place of the travel lane. Therefore, the road diet would not substantially change existing stormwater runoff patterns.

The project would connect to the San José Water Company (SJWC) existing water supply system within Senter Road. The project would not involve new groundwater wells or extraction of groundwater. The project's incremental increase in water use would not result in substantial depletion of the aquifer. Therefore, the project's impacts on groundwater supplies and recharge would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

c.(i) 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?

c.(ii) 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

There are no natural drainage features on or near the project site. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns on-site and increase the potential for erosion and siltation. However, the project would be required to comply with the Construction General Permit and City Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the potential for construction activities to result in soil erosion and siltation of waters. During project operation the potential for on-site erosion would be negligible because the project site would be developed with impervious surfaces such as residential buildings and sidewalk, or landscaped areas. Impervious surface and landscaping would cover soils and prevent soil erosion and siltation of waters.

The project site currently undeveloped and contains no impervious surfaces. Once project construction is complete, the project site would contain approximately 62,325 square feet of impervious surface, which is approximately 73.3 percent of the project site. Therefore, the proposed project would result in an increase of impervious surface area on the site compared to existing conditions. As described above, the project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP. Further, to adequately manage stormwater on the project site, project plans include a flow-through planter in front of each duplex that is below grade to catch and filter stormwater. Each of the 24 driveways would be installed with pervious pavement to allow for additional stormwater infiltration. Stormwater not captured by these retention areas would flow onto Senter Road and into existing stormwater drains, which eventually outfall in the San Francisco Bay. These stormwater management features would adequately capture increased stormwater runoff from the project site and prevent flooding. The road diet component of the project site would not increase impervious surface because Senter Road is an existing road with impervious asphalt travel lanes. The proposed road diet would eliminate an asphalt travel lane; however, an impervious bicycle lane and sidewalk would be constructed in place of the travel lane. The road diet would not substantially change existing stormwater runoff patterns or result in flooding. Therefore, flooding and siltation impacts resulting from the project's effects on drainage patterns would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

c.(iii) 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 that would 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?

The site would contain approximately 62,325 square feet of impervious surfaces upon project completion. Because the project site is currently undeveloped, this would alter the existing drainage pattern of the site. However, the project would not create or contribute runoff water that would exceed the capacity of existing stormwater drainage systems. The project would be required to

implement LID treatment controls on site to treat and capture runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6-29 and 8-14. For this reason, the project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. Therefore, the project's impact on stormwater drainage systems would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

c.(iv) 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 impede or redirect flood flows?

The project site is located within Zone D of the Special Flood Hazard Areas (SFHA) map and is not located within a 100-year floodplain as mapped by FEMA. Therefore, no housing or structures or other project components would be placed within a 100-year flood hazard area. The project would increase impervious surface area on the project site compared to existing conditions. However, the project includes on-site stormwater management facilities, such as retention areas, where stormwater would collect and be treated before discharge. This treatment process involves infiltration of stormwater through soils, which slows the velocity of the stormwater runoff and releases treated stormwater into the existing storm drain system gradually. Consequently, impacts related to impeding or redirecting flood flows would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material.

Tsunamis and seiches do not pose hazards due to the inland location of the project site and lack of nearby bodies of standing water. No steep slopes that would be subject to mudflows are located on or near the project site. The project site is also not located within a dam failure inundation area (City of San José 2011b). The nearest levee is the Coyote Creek levee, approximately 3.5 miles from the site. Additionally, because the project is residential, it would not involve the use and storage of large quantities of pollutants on-site. For example, households may keep up to a few gallons of paint to touch up walls, baseboards and so forth, or household cleaning products, which typically come in containers of less than a gallon. Therefore, even if the site were to be inundated, there would be no risk of release of pollutants from the proposed residential units which have substantial effects on the environment. Therefore, no impact related to release of pollutants from inundation from tsunamis, seiches or otherwise would occur. **NO IMPACT**

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

As described above for item (b), the project site is not located in a groundwater recharge area and project water demand would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Furthermore, the project would be required to comply with the LID stormwater management requirements of

Provision C.3, the Construction General Permit, and applicable City ordinances and policies, including implementation of a SWPPP with BMPs, to control erosion and protect water quality. As discussed above for item (a), the project would not violate water quality standards. The project would also not conflict with beneficial uses of water described in the Basin Plan, such as agricultural uses or industrial uses. Therefore, the project would have a less than significant impact related to conflicts with water quality control plans or sustainable groundwater management plans. **LESS THAN SIGNIFICANT IMPACT**

11 Land Use and Planning

	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?	☐	☐	■	☐

Existing Setting

The project site is located at 8418 Senter Road in San José and consists of a single parcel that measures approximately 2.23 acres. The project site is designated as Open Space, Parklands, and Habitat under the City's General Plan, titled Envision San José 2040. The project site is zoned Two-Family Residential (R-2). The off-site circulation improvements would occur within the right-of-way for Senter Road, which has no land use designated and is not zoned.

The project site is currently vacant except for a single billboard and enclosed within a chain-link fence. Surrounding land uses consist of open space and parks, public and quasi-public land, residential, and mixed-use commercial. Happy Hollow Park and Zoo as well as the Leininger Community Center and Kelley Park Amphitheatre are located directly to the east and southeast of Senter Road, across from the project site. Public and quasi-public land uses exist to the west and southwest of the site, including the San José State University (SJSU) Spartan Golf Complex which borders the eastern boundary of the project site and Excite Ballpark to the south. Residential uses are located directly west of the site. Abutting the northwest portion of the site is a multifamily residential building which is designated as urban residential in the City's General Plan. There are also commercial and retail uses located west of but not adjacent to the site, such as a convenience store and retail shops. An aerial map of the site and surrounding land uses is shown in Figure 3.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The project site is currently designated Open Space, Parklands, and Habitat (OSPH) in the Envision San José 2040 General Plan. The General Plan describes OSPH lands as publicly or privately owned areas that are intended for low density uses. OSPH lands within the Greenline/Urban Growth Boundary, including the project site, are allowed more uses than lands outside this boundary.

CITY OF SAN JOSÉ ZONING ORDINANCE

The City's Zoning Ordinance (Title 20 of San José Municipal Code) designated the project site as Two-Family Residential. This zone allows for single-family or two-family residents with an allowable density range of eight to sixteen dwelling units per acre. Structures in the Two-Family Residential zone have an allowable height of 39.5 feet and minimum setbacks of 15 feet in front, 5 feet for interior sides, 10 feet for lot corner sides, and 25 feet in rear (San José Municipal Code Section 20.30.200).

Impacts Assessment

a. Would the project physically divide an established community?

The project site is located within an urbanized area and surrounded by other urban land uses. The project would involve development of the site into a 44 dwelling unit complex consisting of 21 three-story duplexes, and two three-story single-family residences. The project would not include the construction of barriers such as roadways or other dividing features that would physically divide an established community. The proposed road diet component of the project would improve pedestrian and bicycle connectivity within the existing community around the project site. Therefore, the proposed project would have no impact. **NO IMPACT**

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is designated Open Space, Parklands, and Habitat by the Envision San José 2040 General Plan. Residential development is not consistent with this land use designation. However, under the Housing Accountability Act, a housing project that meets certain affordability requirements only has to be consistent with either the general plan or zoning code. The proposed project meets the affordability requirements of the Housing Accountability Act, and therefore would not require a General Plan amendment as the project is consistent with the existing zoning district of the site.

Relevant goals and policies in the Envision San José 2040 General Plan that are applicable to the proposed project are listed in the regulatory settings in Sections 1 through 20 of this Initial Study. Mitigation identified for nesting birds would ensure that the project would not conflict with General Plan policies related to biological resources. Mitigation identified for potential hazardous contamination on-site, as well as compliance with specified standard permit conditions for potential cultural resources, would ensure that the project would not conflict with the General Plan policies related to cultural resources and hazards materials. All other project impacts would be less than significant without mitigation. As described in Section 4, *Biological Resources*, the project would be compliant with the Santa Clara Valley Habitat Plan (SCVHP). As such, the proposed project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

12 Mineral Resources

	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?	☐	☐	☐	■

Existing Setting

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan, under the SMARA, the State Mining and Geology Board has designated only the Communications Hill area of San José as containing mineral deposits of regional significance for construction aggregate materials (City of San José 2011a). Communications Hill is approximately 1.5 miles southwest of the project site. Neither the State Geologist nor the State Mining and Geology Board has classified other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes sustainability goals for the City through 2040. The Environmental Resources subsection discusses the goals, policies, and actions related to mineral resources. Those included below are applicable to the project.

Goal ER-11: Extractive Resources. Conserve and make prudent use of commercially usable extractive resources.

Policy ER-11.1: When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

Policy ER-11.2: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

Policy ER-11.3: When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.

Policy ER-11.4: Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.

Policy ER-11.5: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

Impacts Assessment

a. Would the project 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. 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 currently vacant and surrounded by existing urban development in San José. The project site is located outside the Communications Hill area—the only area in San José containing mineral deposits subject to SMARA; therefore, the project would have no impact on the loss of availability of a known mineral resource. **NO IMPACT**

13 Noise

	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?	☐	☐	☐	■

Noise Setting

The unit of measurement used to describe a noise level is the decibel (dB). However, the human ear is not equally sensitive to all frequencies within the sound spectrum. Therefore, a method called "A-weighting" is used to filter noise frequencies that are not audible to the human ear. A-weighting approximates the frequency response of the average young ear when listening to most ordinary everyday sounds. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the "A-weighted" levels of those sounds. Therefore, the A-weighted noise scale is used for measurements and standards involving the human perception of noise. In this analysis, all noise levels are A-weighted, and the abbreviation "dBA" is understood to identify the A weighted decibel.

Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. A 10 dB increase represents a 10-fold increase in sound intensity, a 20 dB increase is a 100-fold intensity increase, a 30 dB increase is a 1,000-fold intensity increase, etc. Similarly, a doubling of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the noise source would result in a 3 dB decrease.

Human perception of noise has no simple correlation with acoustical energy. The perception of noise is not linear in terms of dBA or in terms of acoustical energy. Two equivalent noise sources combined do not sound twice as loud as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA (increase or decrease); that a change of 5 dBA is readily

perceptible; and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (California Department of Transportation [Caltrans] 2013).

Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors has been developed. The noise descriptors used for this analysis are the one-hour equivalent noise level (L_{eq}) and the community noise equivalent level (CNEL). The L_{max} is the maximum noise level reached during a single noise event.

The L_{eq} is the level of a steady sound that, in a specific time period and at a specific location, has the same A-weighted sound energy as the time-varying sound. For example, $L_{eq(1h)}$ is the equivalent noise level over a 1-hour period and $L_{eq(8h)}$ is the equivalent noise level over an 8-hour period. $L_{eq(1h)}$ is a common metric for limiting nuisance noise, whereas $L_{eq(8h)}$ is a common metric for evaluating construction noise.

The CNEL is a 24-hour equivalent sound level. The CNEL calculation applies an additional 5 dBA penalty to noise occurring during evening hours (between 7:00 p.m. and 10:00 p.m.) and an additional 10 dBA penalty to noise occurring during the night (between 10:00 p.m. and 7:00 a.m.). These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night (Crocker 2007).

Propagation

Sound from a small, localized source (approximating a “point” source) radiates uniformly outward as it travels away from the source in a spherical pattern, known as geometric spreading. The sound level decreases or drops off at a rate of 6 dBA for each doubling of distance.

Traffic noise is not a single, stationary point source of sound. Over some time interval, the movement of vehicles makes the source of the sound appear to emanate from a line (line source) rather than a point. The drop-off rate for a line source is 3 dBA for each doubling of distance. (Crocker 2007).

Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of hertz (Hz). The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body is from a low of less than 1 Hz up to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise may result in adverse effects, such as building damage, when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz). Vibration may also damage infrastructure when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (Federal Transit

Administration [FTA] 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Descriptors

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS) vibration velocity. Particle velocity is the velocity at which the ground moves. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the greatest magnitude of particle velocity associated with a vibration event. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018). Vibration significance ranges from approximately 50 VdB (the typical background vibration-velocity level) to 100 VdB, the general threshold where minor damage can occur in fragile buildings (FTA 2018). The general human response to different levels of groundborne vibration velocity levels is described in Table 12.

Table 12 Human Response to Different Levels of Groundborne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable
85 VdB	Vibration acceptable only if there are an infrequent number of events per day

Source: FTA 2018

Damage to structures occurs when vibration levels range from 2 to 6 in/sec PPV. One half this minimum threshold, or 1 in/sec PPV is considered a safe criterion that would protect against structural damage (Caltrans 2020).

Propagation

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. Variability in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss (the loss that occurs when energy is transferred from one medium to another) will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Ambient Noise Levels

According to the Citywide existing noise contour map, the project site is within the 70 to 74 dBA L_{dn} noise contour (City of San José 2021e). The primary off-site noise sources in the project site vicinity

are motor vehicles (e.g., automobiles, buses, and trucks) along I-280, Senter Road, East Alma Avenue, Keyes Street, and Story Road. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create sustained noise levels. Ambient noise levels are generally highest during the daytime and rush hour unless congestion slows traffic speeds substantially.

Rincon Consultants measured ambient noise levels at the project site on August 5, 2021. The measurement was conducted at the northwest corner of the project site boundary nearest to the existing multi-family residential structure, which is approximately 7 feet west of the project site boundary. This location was selected for the measurement because it is the closest place within the project site to the existing residences, which are the nearest noise-sensitive receptor to the project site. The noise measurement was conducted using a calibrated noise meter for a period of 15 minutes, beginning at 4:31 PM. This time was selected because the predominant noise source in the area is roadway traffic, and traffic is generally greatest during AM and PM peak hours. PM peak hours extended from 4:00 PM to 6:00 PM. The measurement results, which are included as Appendix G to this Initial Study, indicated the ambient noise level on the project site is approximately 66 L_{eq}.

Additionally, the site is located approximately 300 feet from Excite Ballpark where minor league baseball and other sport events are played. There is potential for noise levels to be increased during events held at the stadium. However, these would be temporary in nature and occur seasonally.

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise-sensitive receivers generally include residences, hotels, motels, hospitals, residential care, outdoor sports and recreation, neighborhood parks and playgrounds, schools, libraries, museums, meeting halls, churches, public and quasi-public auditoriums, concert halls, and amphitheaters (City of San José 2011a). The predominant noise- and vibration-sensitive land use in closest proximity to the project site is the multi-family residential building located approximately 7 feet from the project site boundary and approximately 30 feet from the center of the project site. Other noise-sensitive uses in the project area include Kelley Park located approximately 200 feet east of the site, and the Spartan Golf Complex which directly abuts the site to the west but is further away than the existing multi-family building. There is a historic building approximately 850 feet southeast of the project site, which is also a sensitive receiver for vibration given the age of its foundation.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes interior and exterior noise standards and thresholds under CEQA for different land uses within the City as well as vibration thresholds during demolition and construction activities. The following goals and policies are applicable to the project:

Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

- Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis 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 (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
    - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
    - For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

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

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

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

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

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

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

Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building 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 historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

CITY OF SAN JOSÉ MUNICIPAL CODE

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70

dBA L_{max} at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA L_{max} at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA L_{max} at the shared property lines. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Impacts Assessment

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

METHODOLOGY

Construction noise levels in the project vicinity would fluctuate depending on the particular type, number, and duration of usage for the various pieces of equipment. The effects of construction noise depend largely on the types of construction activities occurring on a given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the vicinity of the receptors. Construction generally occurs in several discrete stages, with each stage varying the equipment mix and equipment usage rates. These construction stages alter the characteristics of the noise environment generated on the project site and in the surrounding community for the duration of the construction stage. Construction stages for development of this project were assumed to include site preparation, grading, building construction, paving and painting (architectural coating). Construction stages also include demolition, such as demolition of the existing travel lane on Senter Road required for the road diet component of the project.

For purposes of construction noise assessment, construction equipment can be considered to operate in two modes, stationary and mobile. As a general rule, stationary equipment operates in one location for one or more days at a time, with either a fixed-power operation, such as, pumps, generators, and compressors, or a variable noise operation, such as pile drivers, rock drills, and pavement breakers. Mobile equipment moves around the construction site with power applied in cyclic fashion, such as bulldozers, graders, and loaders (FTA 2018). Noise impacts from stationary equipment are assessed from the center of the equipment, while noise impacts for mobile construction equipment are assessed from the center of the equipment activity area (i.e., construction site).

Although specific construction requirements for build-out of the proposed project are currently unknown, it is anticipated that typical construction sources such as backhoes, compressors, bulldozers, excavators, loaders and other related equipment would be utilized during project construction. Additionally, pavers and rollers would be used for the road diet component of the project. Based on the reference noise levels, usage rates, fleet mixes and operational characteristics discussed above, overall hourly average noise levels attributable to project construction activities were calculated for the project. Construction noise levels were predicted using reference noise emission data and operational parameters contained in the FHWA Roadway Construction Noise Model and the FTA guidance manual.

Construction activities on the project site may result in varying degrees of temporary ground vibration, depending on the specific construction equipment used and operations involved. Groundborne vibration attenuates rapidly, even over short distances. The attenuation of groundborne vibration as it propagates from source to receptor through intervening soils and rock strata can be estimated with expressions found in FTA and Caltrans guidance.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code; however, the noise level threshold for speech interference indoors is 45 dBA. Assuming a 15-dBA exterior-to-interior reduction for standard residential construction and a 25-dBA exterior-to-interior reduction for standard commercial/industrial construction, this would correlate to an exterior threshold of 60 dBA Leq. Additionally, temporary construction noise would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA Leq for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA Leq at nearby residences or exceeded 70 dBA Leq at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA Leq or more for a period longer than one year.

ANALYSIS

The project would generate temporary construction noise during site preparation, grading, building construction, paving, and architectural coating activities. The site preparation and grading stages would generate the most substantial noise levels due to clearing, grading, compacting, and excavating of the site, which utilizes the loudest mix of construction equipment. Heavy construction equipment utilized during site preparation and grading stages typically includes backhoes, dozers, loaders; excavation equipment such as, excavators, graders and scrapers; and compaction equipment. Dozers and similar equipment would also be required off-site for the road diet component of the project. Table 13 lists the noise levels typically generated by various types of construction equipment. Impact pile-driving and blasting are not anticipated to be required for construction of the proposed project because the project involves traditional residential construction and reconfiguration of an existing urban roadway, neither of which typically involve pile foundations or blasting.

Table 13 Construction Equipment Noise Levels

Equipment Type	Noise Level (Lmax, dBA at 50 feet)
All other equipment > 5 horsepower	85
Backhoe	78
Compressor (air)	78
Concrete Saw	90
Crane	81
Dozer	82
Excavator	81
Front End Loader	79
Generator	72
Grader	85
Man Lift	75
Paver	77

Equipment Type	Noise Level (Lmax, dBA at 50 feet)
Roller	80
Scraper	84
Tractor	84
Welder/Torch	73

Source: FTA 2018.

As shown in Table 13, noise levels for typical construction activities would generate maximum noise levels ranging from 72 to 90 dBA at a distance of 50 feet. The nearest sensitive receptor is approximately 30 feet from the center of the project site. Therefore, project construction would result in ambient noise levels at the nearest receptor that are up to 90 dBA. This would be a temporary increase in ambient noise levels, which were measured to be approximately 66 dBA Leq.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use unless permission is granted with a development permit or other planning approval by the City. Further, 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. Because the project is within 500 feet of existing residences, Policy EC-1.7 would apply.

Ambient noise levels at the surrounding uses would potentially be exceeded by 5 dBA L_{eq} or more at various times throughout construction. However, the temporary noise impact due to project construction would be minimized with the incorporation of the standard permit conditions, below, and would also occur during daytime hours when most people are awake or away from their residences at places of employment, and less sensitive to noise. Additionally, although construction of the project would occur for approximately 15 months, the construction noise sources described in Policy EC-1.7 of the City's General Plan, such as grading and excavation and building framing, would occur during only periods of the total 15-month construction period. Therefore, impacts would be less than significant in accordance with Policy EC-1.7 of the City's General Plan, which pertains to potentially significant impacts when construction duration of especially loud construction activities such as gradings, excavation, and building framing exceeds one year in proximity to residences.

Standard Permit Conditions

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Operation

The project would generate operational noise that would be typical of residential uses, such as speech, children playing, lawnmowers and other lawn care activities, as examples. The road diet component of the project would also involve similar noises, such as people talking as they walk on the proposed pedestrian sidewalk. The types of residential noises produced by the project would be similar in character to the existing noise environment associated with surrounding residential uses. Similarly, the existing golf course west of the site also produces residential-like noises because golf course maintenance involves lawnmowers and people talking. These general residential noises would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project because these types of noises sources are present as the ambient noise environment.

As described in the *Existing Setting* discussion above, vehicle traffic on Keyes Street, Senter Road, and other nearby roads are the predominant source of ambient noise at the project site and the adjacent sensitive noise receptor. According to the Traffic Impact Study prepared for the project, the proposed project would generate approximately 3,035 daily vehicle trips on Senter Road. Generally, a doubling of traffic volume is required for a 3 dBA increase in traffic noise, and 3 dBA is the threshold by which the human ear is able to discern an increase in noise. Because Senter Road currently has 19,588 vehicle trips near the project site, the additional 3,035 trips generated from the project would not double traffic volumes on Senter Road. Additionally, due to the road diet component of the project, vehicle travel on Senter Road would shift slightly further from existing

residences compared to existing conditions because the travel lane nearest the residences would be converted to a Class IV bicycle lane and pedestrian sidewalk. Accordingly, operational noise impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

METHODOLOGY

Construction vibration levels were calculated at the receptors nearest to the project site, which are the multi-family residences immediately to the west of the project site boundary, to determine whether project construction would generate vibration levels that would cause human annoyance or physical damage to nearby structures. Vibration levels were also determined at the nearest designated historic structure, the Greenawalt House, which is approximately 850 feet southeast of the project site boundary. Vibration levels were estimated for construction equipment expected to be used during project construction and were based on the vibration source levels for construction equipment from the FTA Transit Noise and Vibration Assessment (2018). Construction vibration levels were modeled at distances of 30 feet. Thirty feet was used because that is the approximately distance between the center of the project site and existing multifamily residences adjacent to the site.

Envision San José 2040 Policy EC-2.3 requires new development to minimize impacts of continuous vibration on 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 is used for the threshold of significance because this limit minimizes the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV is used for the threshold of significance because this limit minimizes the potential for cosmetic damage to buildings of normal conventional construction, such as the existing multi-family residential building adjacent to the west.

Project construction would not involve activities typically associated with excessive groundborne vibration such as pile driving or blasting. Project construction would involve the use of various pieces of heavy machinery that generate vibration, such as vibratory rollers, bulldozers, and jackhammers, as examples. Project construction would occur immediately adjacent to existing residential buildings and within 850 feet of a historic structure (see Section 5, *Cultural Resources).* As shown in Table 14, vibration levels from individual pieces of construction equipment would not exceed the threshold at which damage can occur to residential buildings, 0.20 in/sec PPV, or the threshold at which damage can occur to historic structures, 0.08 in/sec PPV. Construction vibration levels at all other buildings in the immediate vicinity, including residences to the west and north, would be less than the levels shown in Table 14, because vibration levels would attenuate with distance. Furthermore, in accordance with San José Municipal Code, project construction would be required to occur during daytime hours and would not disturb off-site residences during sensitive nighttime hours when most people typically sleep. Construction vibration impacts would be less than significant.

Table 14 Vibration Levels at Sensitive Receivers

Equipment	PPV at 30 feet (residences)	PPV at 850 feet (historic structure)
Vibratory Roller	0.1718	0.0043

Hoe Ram	0.0728	0.0018
Large bulldozer	0.0728	0.0018
Caisson drilling	0.0728	0.0018
Loaded trucks	0.0622	0.0016
Jack hammer	0.0286	0.0007
Small bulldozer	0.0025	0.0001

Calculations included in Appendix G
Source: FTA 2018

Operation

As a residential development, the proposed would not generate significant sources of vibration, such as manufacturing or heavy equipment operations. The road-diet component of the project would not change the type of vehicles that operate on Senter Road. For example, the road diet would not shift the vehicle mix to include more large trucks that could generate increased vibration. Therefore, operation of the project would have no impact related to vibration. **NO IMPACT**

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

The project site is located approximately 2.2 miles southwest of Reid-Hillview County Airport and approximately 3.2 miles southeast of Norman Y. Mineta San José International Airport. The site is not within land use plan boundaries or noise contours for either airport (Santa Clara County Airport Land Use Commission 2007; 2011). The project would not expose people residing or working in the project area to excessive noise levels generated by aircraft activities. There would be no impact. **NO IMPACT**

Non-CEQA Related Discussion

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project. The noise environment at the site and at nearby land uses is primarily from vehicular traffic on the surrounding roadways, such as Keyes Street and Senter Road.

The City's General Plan establishes exterior noise level standard of 60 dB for residential land uses. As discussed above in the Existing Setting, an on-site noise measurement determined ambient noise levels to be approximately 66 dBA Leq during PM peak traffic hour. Therefore, existing ambient noise levels would exceed that residential exterior noise level standard of 60 dB.

The City's General Plan establishes an interior noise level standard of 45 dB for residential land uses. Construction of the project must comply with current building code requirements, such as Section AK102.1 of the California Residential Code, which requires residential wall and floor-ceiling assemblies to meet a sound transmission class rating of 45. Due to these requirements, exterior noise levels would be reduced by approximately 25 dB or more if windows and doors are closed.

With a 25 dB reduction, the existing 66 dBA ambient noise levels would be reduced to approximately 41 dbA. This would be sufficient to comply with the City's 45 dB interior standard for the proposed residential units.

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14 Population and Housing

	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 (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	■	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Existing Setting

According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 1,029,782 as of January 2021, with 337,442 housing units (DOF 2021). The project site is within ABAG's Central South Santa Clara County Superdistrict, with ABAG estimating that approximately 18,000 households will be added to this Superdistrict by 2050 (ABAG 2021). ABAG has yet to publish population forecasts for Superdistricts or for cities and counties within the Bay Area as part of their recently adopted Plan Bay Area 2050. However, the projection of 18,000 new households in Superdistrict would be correlated with population growth because households have residents.

Regulatory Setting

Local

Association of Bay Area Governments

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

Envision San José 2040 General Plan

The City of San José's 2014 – 2023 Housing Element, adopted in 2015, is a chapter of the 2040 General Plan that contains an assessment of the amount, type, and phasing of development needed to achieve the City's social, economic, and environmental goals related to housing. Consistent with

the objectives of ABAG's Plan Bay Area 2050, the City's Housing Element has the following objectives (City of San José 2015):

- Increasing the supply, diversity, and affordability of housing
- Promoting infill development and a more efficient land use pattern
- Promoting an improved intraregional relationship between jobs and housing
- Protecting environmental resources
- Promoting socioeconomic equity

Impacts Assessment

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

The proposed project includes the construction of 44 dwelling units consisting of 42 three-story duplex units and two three-story single-family units. The project is located along Senter Road and does not propose an extension of roads or other infrastructure. The project involves a road diet that would reduce the number of travel lanes on Senter Road. Based on the California Department of Finance (DOF) population and housing estimates, the construction of 44 residential units would result in a population increase of approximately 138 people[4] (DOF 2021). The project site is within ABAG's Central South Santa Clara County Superdistrict, with ABAG estimating that approximately 18,000 households will be added to this Superdistrict by 2050 (ABAG 2021). The 44 residential units that would be constructed in the Superdistrict as a result of the project would represent approximately 0.8 percent of the household growth projected through 2050 by ABAG.[5] Therefore, by correlation, the 138 people residing in the 44 project residences would be a similar negligible percentage of the population growth that would result from 18,000 new households in the Superdistrict forecasted by ABAG. The road diet component of the project would occur on Senter Road, which is an existing road. The project would not involve the construction of new roads or extension of utility services into areas where services currently do not exist. Therefore, the project would have a less than significant impact on direct and indirect 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 does not contain existing residential development, and future construction of residences on the project site would not result in the removal of existing housing or displacement of existing residents. The road diet component of the project would occur within the right-of-way of Senter Road where no people reside. There would be no impact. **NO IMPACT**

[4] Population estimates based on the 2021 California Department of Finance (DOF) E-5 Population and Housing Estimates. The average persons per household in the City of San José was estimated to be 3.14.

5 138 households/18,000 households X 100 percent = 0.8 percent (rounded to nearest tenth decimal)

15 Public Services

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	1 Fire protection?	☐	☐	■	☐
	2 Police protection?	☐	☐	■	☐
	3 Schools?	☐	☐	■	☐
	4 Parks?	☐	☐	■	☐
	5 Other public facilities?	☐	☐	■	☐

Existing Setting

Fire protection services are provided to the project site by the San José Fire Department (SJFD), which serves a total population of approximately 1.2 million residents. SJFD responds to fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. SJFD currently has 34 fire stations through the City. The closest fire station to the project site is Station 3, located at 98 Martha Street, approximately 0.8 mile west of the project site.

Police protection services are provided to the project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 2.9 miles northwest of the project site.

The project site is located within the San José Unified School District (SJUSD), which has 41 schools across the City. The closest schools to the project site are Lowell Elementary School, Hoover Middle School, and Lincoln High School (SJUSD 2021).

The City manages approximately 3,537 acres of parkland. The nearest parks to the project site are William Street, Selma Olinder Park, and Martin Park locate approximately 0.70-mile northeast of the project site, Kelley Park approximately 125 feet east of the project site, and Rocksprings Park approximately 0.6 mile southeast of the project site (City of San José 2021b).

Other public facilities evaluated in this section of the Initial Study consist of public libraries. The San José Public Library operates 25 branches, including the main downtown library, which is called Dr. Martin Luther King, Jr. Library, and is jointly owned and operated between the City and San José State University. The Martin Luther King, Jr. Library is approximately 1 mile northwest of the project site and is the closest library to the site. The next closest branch is the Biblioteca Latino-Americana Library, approximately 1.1 miles west of the project site.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.

Policy ES-1.1: Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public-school students.

Policy ES-1.2: Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.

Goal ES-2: Libraries. Maintain and expand Library Information Services within the City to:

- Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
- Give all members of the community opportunities for educational and personal growth throughout their lives
- Develop partnerships to further the educational, cultural and community missions of organizations in San José
- Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship
- Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development
- Maximize branch library hours of operation to facilitate daily patronage

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that

libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Goal ES-3: Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

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

- For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
- 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.
- Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
- Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
- Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

Policy 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.

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

Policy ES-3.10: 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.

Policy ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.

Policy ES-3.20: Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

Action ES-3.22: Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.

Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

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

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

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

Impacts Assessment

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

SJFD currently supports the area and would continue to provide fire protection services to the project site. As discussed in Section 14, *Population and* Housing, the proposed project would result in the construction of 44 dwelling units and a population increase of approximately 138 people. The final project design would be reviewed by the SJFD and future development facilitated by the project would be required to comply with the SJFD conditions and recommendations, including specific fire clearances around proposed structures and the provision of fire sprinkler systems. Because the project does not include a significant increase to the population of the City and would be required to comply with fire district building conditions, it would not result in increased demand for fire services on the site. Additionally, the project site is an urban area of the City where there are already existing residential buildings of similar size and height, which would prevent the SJFD service area from expanding or requiring specialized equipment, such as new fire engines with taller ladders. Therefore, the project would not result in the need for new or physically altered fire facilities and impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered 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?

SJPD currently serves the area and would continue to provide police protection services to the project site. As discussed in Section 14, *Population and* Housing, the proposed project would result in the construction of 44 dwelling units and a population increase of approximately 138 people. The population could increase the demand for police services but would not be expected to increase demand such that additional facilities would be required to service the site. Additionally, the project site is an urban area of the City where there are already existing residential buildings and other land uses that could require police services. Because the project is located in such an area, the service area of the SJPD would not expand. Therefore, the project would not result in the need for new or physically altered police facilities and impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The proposed project would result in the construction of 44 dwelling units with approximately 138 residents. The school-aged residents of the proposed project would likely attend the nearest SJUSD schools to the site, which are Lowell Elementary, Hoover Middle, and Lincoln High Schools (SJUSD 2021). According to DOF population estimates, the population of San José was 1,029,782 as of January 2021 (DOF 2021). According to the 2020 US Census Five-Year Estimates, the number of school-aged children in San José (residents 18 years old or younger) was approximately 226,137, representing approximately 22 percent of the population of San José (US Census Bureau 2020). Applying this ratio of 22 percent school-aged children to the projected population increase due to the proposed project, the project would generate approximately 30 school-aged children.[6] Thirty students would incrementally increase the service population and demand for SJUSD school services. In accordance with Senate Bill 50, the project applicant would be required to pay development impact fees to SJUSD at the time of the building permit issuance. SJUSD would use collected funds towards new facilities to offset any impacts associated with new the development. Pursuant to California Government Code Section 65996, payment of these fees is deemed to fully mitigate cumulative CEQA impacts of new development on school facilities. Therefore, payment of state-mandated impact fees would reduce the project project's potentially cumulatively considerable environmental impacts on school facilities to less than significant levels. **LESS THAN SIGNIFICANT IMPACT**

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes the following policies which require the City to provide accessible parkland to its residents:

6 22 percent multiplied by 138 potential residents equals approximately 30 residents under 18 years of age.

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

As discussed in Section 14, *Population and Housing*, the proposed project includes the construction of a 44 dwelling unit complex and would result in a population increase of approximately 138 people. According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 1,029,782 as of January 2021 (DOF 2021). The proposed project would result in a total population of approximately 1,029,920 people, resulting in a nominal increase in parkland use within the City. The project would not result in substantial adverse physical affects or require the construction of new park facilities. The project would include outdoor space, such a landscaped sitting area at the north end of the site, which would reduce demand on existing parks. Additionally, given the proximity of the project site to Kelley Park, most project residents would likely walk to the park, reducing the need for expanding parking or bathroom facilities at the park. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Because the project would not result in a significant increase in the City's population, existing public facilities such libraries, recreation and community centers, public amenities, and other facilities would not need to be constructed or physically altered. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

16 Recreation

	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?	☐	☐	☐	■

Existing Setting

Parklands in the city are managed by the U.S. Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The City manages approximately 3,537 acres of parkland to serve its residents. The nearest parks to the project site are William Street, Selma Olinder Park, and Martin Park locate approximately 0.7 mile northeast of the project site, Kelley Park approximately 125 feet east of the project site, and Rocksprings Park approximately 0.6 mile southeast of the project site (City of San José 2021b).

Regulatory Setting

See the "Parks" subsection in Section 15 above.

Impacts Assessment

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?

As discussed in Section 14, *Population and Housing*, the proposed project includes the construction of a 44 dwelling unit complex and would result in a population increase of approximately 138 people. This population growth would result in a nominal increase in parkland use within the City. As discussed above in Section 15, *Public Services*, the Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes the following policies which require the City to provide accessible recreational facilities/parklands to its residents:

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

The site is well-served by existing recreational facilities and would not result in an accelerated deterioration or might otherwise require the construction of additional facilities. Kelley Park is directly across Senter Road from the project site and is one the City's larger parks, offering a zoo, Japanese garden, living history museum, lawn bowling greens, and picnic spots, among other amenities. Bestor Art Park, Olinder Park, and Olinder Dog Park are other smaller parks that are within 0.5 mile of the project site. Additionally, as described above in the Description of Project section of this Initial Study, the project includes three on-site open space parcels, two of which would include plantings and seating areas. The three on-site open space parcels would measure approximately 1,135 square feet, 1,373 square feet, and 1,190 square feet, for combined total of 3,698 square feet (0.08 acre). Accordingly, impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

17 Transportation

	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, roadway, bicycle 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 use (e.g., farm equipment)?	☐	☐	■	☐
d. Result in inadequate emergency access?	☐	☐	■	☐

This section is based on a Traffic Impact Study prepared for the project by RK Engineering Group, Inc., and dated February 24, 2022. The Traffic Impact Study, which is provided as Appendix B to this Initial Study, includes a CEQA transportation analysis conducted pursuant to the City of San José Transportation Analysis Handbook. The Traffic Impact Study methodology is summarized below; see Appendix B for detailed methodology.

Existing Setting

Existing VMT

According to the City of San José Transportation Analysis Handbook, the regional average vehicle miles traveled (VMT) for residential uses is 11.91 VMT per capita (City of San José 2020b). The San José VMT Evaluation Tool (Evaluation Tool) was used to estimate the project VMT based on the project location (APN), type of development, project description, and proposed trip reduction measures. Based on the evaluation tool and the project site's APN, the existing area VMT for residential uses in the project vicinity is 7.84 VMT per capita per day (Appendix B).

Existing Roadway Network

Regional access to the project site is provided by US Highway 101 (US 101), Interstate 680 (I-680), and I-280. Local access to the project site is provided by Story Road, 10th and 11th Street, Keyes Street, McLaughlin Avenue, East Alma Avenue, and Senter Road. These facilities are described below.

- **US 101** is a north-south interstate that extends from southern California to Washington, and serves as a regional connection between several southern, central, and northern California cities

and communities. US 101 is approximately 1.2 miles northeast of the project site and has a speed limit of 65 mph, with four to five lanes in each direction.

- **I-680** is a primarily north-south freeway that extends from its intersection with US 101 in San José through several cities and communities in the eastern San Francisco Bay Area, including Fremont, Dublin, Pleasant Hill, and Cordelia. Near the project site, I-680 has four to five lanes in each direction and a speed limit of 65 mph. I-680 has an interchange with US 101 approximately 1.2 miles northeast of the project site, and transitions to I-280 on the west side of US 101. From I-680, the project site can be accessed via I-280 and Story Road.
- **I-280** is a primarily north-south freeway that extends from its intersection with US 101 in San José through several cities and communities in the western San Francisco Bay Area, including San Mateo, Millbrae, Daly City, and San Francisco. Near the project site, I-280 has four lanes in each direction and a speed limit of 65 mph. I-280 has an interchange with US 101 approximately 1.2 miles northeast of the project site, and transitions to I-680 on the east side of US 101. From I-280, the project site can be accessed via 10th Street and Story Road.
- **Story Road** is a northeast-southwest city connector that intersects with Senter Road at the northern end of the project site and exists only east of Senter Road. Sidewalks and intermittent bicycle lanes are provided on both sides of the street, with on-street parking prohibited. Story Road connects with I-680 to provide regional access.
- **10th and 11th Street** are one-way residential roadways approximately 1,000 feet west of the project site. 10th and 11th Street have underpasses beneath I-280 and connect to northbound and southbound onramps onto I-280. 10th and 11th street are accessible from the project site via Keyes Street.
- **Keyes Street** is a northeast-southwest city connector that intersects with Senter Road at the northern end of the project site. Sidewalks and intermittent bicycle lanes are provided on both sides of Keyes Street, with on-street parking permitted intermittently. Keyes Street transitions to Story Road on the east side of Senter Road.
- **McLaughlin Avenue** is a north-south city connector that intersects with Story Road approximately 0.8-mile northeast of the project site. Sidewalks are provided on both sides of McLaughlin Avenue, with on-street parking prohibited. Southbound I-280 exits onto McLaughlin Avenue before its interchange with US 101 and transition to I-680. From Story Road, McLaughlin Avenue provides northbound access on I-280.
- **East Alma Avenue** is an east-west, four-lane roadway that intersects with Senter Road at the southern end of the project site. Sidewalks are provided on both sides of the street, with no bicycle lanes and on-street parking. East Alma Avenue connects to several commercial and residential areas west of Senter Road.
- **Senter Road** is a north-south roadway directly east of the project site that would provide direct access to the site. Senter Road has a planted median and occasional turn lanes in the center of the roadway. Sidewalks are provided on the east side of the street opposite the project site but not on the west side. Both sides of the road have a Class II bicycle lane. Street parking is not allowed on either side of the road.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, most roadways provide sidewalks on both sides of the roadway; however, there is no sidewalk on the west side of Senter Road adjacent to the project site. Marked crosswalks with pedestrian signal heads and push buttons are located at the intersections of Senter Road and Keyes Street/Story Road, and Senter Road and East Alma Avenue.

Existing Bicycle Facilities

Class II bicycle lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. In the vicinity of the project site, Senter Road, Keyes Street, 10th Street, and 11th Street provide Class II bicycle lanes on both sides of the street, with intermittent portions of the bicycle lane marked green with pavement legends. The Class II bicycle lanes on Senter Road at the project site do not include green markings or painting.

Existing Transit Service

Existing transit services near the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The site is near several VTA bus stops, including:

- Keyes & 12th stop across Keyes Street at the northern end of the site
- Senter & Kelly Park, across Senter Road from the center of the site
- Senter & Alma, across Senter Road from the southern end of the site
- Story & Remillard, 0.3 mile east of the project site on Story Road

Routes 25 and 73 run every 15 minutes along Keyes Street and Senter Road between 5:00 a.m. and 12:00 a.m. Routes 25 and 73 connect to other VTA bus routes that stop at the San José Diridon Station, a train station served by hourly Caltrain and daily Amtrak routes and the main transit hub in San José.

Regulatory Setting

Regional

REGIONAL TRANSPORTATION PLANNING

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources through 2050.

CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide

transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

In accordance with California Statute, Government Code Section 65088, Santa Clara County has established a CMP. The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency for Santa Clara County and maintains the county's CMP.

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. VTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. VTA also prepares and adopts guidelines for preparing transportation impact analyses (TIS) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Local

CITY OF SAN JOSÉ COUNCIL POLICY 5-1 VEHICLE MILES TRAVELED

In adherence to State of California SB 743 and the City's goals as set forth in the Envision San José 2040 General Plan, the City of San José has adopted a new Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on VMT instead of levels of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions.

The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. As established in the City's Transportation Analysis Policy, projects that include industrial employment uses would create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee.

In addition to a VMT analysis, Policy 5-1 also requires the preparation and analysis of a Local Transportation Analysis (LTA) to address the effects of a project on transportation, access, circulation, and related safety elements as it relates to the operation of the project. LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multimodal vision of the City's General Plan.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies intended to ensure that the transportation network with the city is safe, efficient and sustainable.

The Circulation Element of the General Plan aims to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.

- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The goals and policies applicable to the project are included below:

Goal TR-1: Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

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

Policy TR-1.4: Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

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

Policy TR-1.8: Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

Policy TR-1.10: Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

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

Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

SAN JOSÉ BETTER BIKE PLAN 2025

Adopted in October 2020, the City's Better Bike Plan assesses current bicycle facilities in San José and outlines several goals for improving facilities and increasing bicycle ridership by 2025 (City of San José 2020c). Goals applicable to the project include:

- Get more people on bikes. Change street design and parking pricing practices to actively disincentivize driving.
- Improve process and design. Adopt separated bike lanes, shared-use paths, and bicycle boulevards as preferred bikeway types.
- Establishing a bikeway network. Rapidly implement a dense, interconnected bikeway network in key focus areas that are most likely to address safety, demand, and equity.

Impacts Assessment

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

As listed above, the City's General Plan and Better Bike Plan contain several goals and policies related to the development and use of pedestrian, bicycle, and multi-modal transportation facilities. The proposed project would be consistent with these goals and policies by reconfiguring Senter Road alongside the project site (southbound side) under a road diet. Currently, Senter Road is six lanes with a median dividing the three southbound lanes from the three northbound lanes. As described in the *Project Description* section of this Initial Study, the project would involve modification of the three southbound lanes of Senter Road, conversion of the Class II bicycle lane

into a Class IV bicycle lane on the southbound side Senter Road, and installation of a sidewalk and landscape planter, and retention of two southbound travel lanes closest to the roadway median. Figure 7 shows a cross section of the proposed road diet component of the project. The proposed sidewalk and Class IV bicycle lane would encourage future project site residents to utilize alternative modes of transportation, consistent with Goal TR-1 of the General Plan and the goals of the 2025 Better Bike Plan. The road diet would provide a separated Class IV bicycle lane and contribute to improving the bikeway network of the city. Further, the road diet would reduce the number of southbound travel lanes for vehicles, which could encourage use of public transit. Therefore, the project would be consistent with applicable policies from the City's General Plan and Better Bike Plan. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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

As described under *Regulatory Setting*, *CEQA Guidelines* Section 15064.3 identifies VMT as the most appropriate criteria to evaluate a project's transportation impacts. The City of San José's Transportation Analysis Handbook provides thresholds for VMT impacts for projects. The project would have a significant impact if the VMT per resident generated by the project exceeds 15 percent below the citywide VMT per resident or 15 percent below the regional VMT per resident. For residential land uses, the citywide VMT per resident is 10.12 per day; therefore, the project would have potentially significant impacts if it would generate more than 8.6 VMT per resident per day, as 8.6 VMT per day is 15 percent below the current citywide daily VMT per resident.

Based on Traffic Impact Study which utilized the City of San José's VMT Evaluation Tool, the project would generate approximately 7.84 VMT per resident per day (Appendix B). The approximate 7.84 VMT per resident per day is below the significance threshold of 8.6 VMT per resident per day. Therefore, pursuant to guidelines in the City's Transportation Analysis Handbook, the project would have a less than significant impact to VMT under CEQA. For detailed analysis and the VMT Evaluation Tool Summary Report, refer to Appendix B of this Initial Study. **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 use (e.g., farm equipment)?

The project would require the construction of approximately 24 access driveways, each of which would create a new intersection with Senter Road. If inadequate sight distance is provided at the intersections of these driveways at Senter Road, the potential for vehicle collision hazards would increase. Site access was evaluated in the Traffic Impact Study to determine the adequacy of the project site's driveways with regard to geometric design and corner sight distance. The study, included as Appendix B, determined that adequate sight distance would be provided at the intersections of the project driveways and Senter Road, in accordance with Caltrans standards. Sight distance requirements vary depending on the roadway speeds. In this case, the Caltrans stopping sight distance is 300 feet (based on a design speed of 40 mph). There is no roadway curve on Senter Road that would obstruct the vision of exiting drivers. Therefore, the project driveways would meet the Caltrans stopping sight distance standard, and sight distance would be adequate at the project driveway. Providing the appropriate sight distance would reduce the likelihood of a collision at a driveway and Senter Road because it provides drivers with the ability to exit a driveway and locate sufficient gaps in traffic to do so safely. Additionally, motorists traveling on Senter Road would also be able to see vehicles entering or exiting driveways and adjust travel speeds as needed to avoid a

collision. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance.

The road diet component of the project would modify the existing intersection of Keyes Street and Senter Road because there would be one less travel lane on Senter Road at the intersection. There would also be a new pedestrian sidewalk and modified bicycle lane on Senter that ties into existing pedestrian and bicycle facilities at this intersection. However, these modifications would not change sight distance at the intersection of Keyes Street and Senter Road. Additionally, given that there are already crosswalks and sidewalks at the intersection, the new pedestrian sidewalk and modified bicycle lane would not create new hazards at the intersection. Therefore, the proposed project would not substantially increase transportation hazards at the intersection of Keyes Street and Senter Road. The project would not alter the intersection of Senter Road and East Alma Avenue at the south end of the project site.

The new pedestrian sidewalk and Class IV bicycle lane on Senter Road would cross each of the approximate 24 new driveways for the residences. This would create the potential for vehicles using the driveways to collide with pedestrian and cyclists, especially when operating vehicles in reverse because the full range of sight is reduced in reverse. However, as described in the Project Description section of this Initial Study, the proposed driveways have been designed so that vehicles would conduct reverse maneuvers entirely within the driveway area before entering the right-of-way of Senter Road, which is where the sidewalk and bicycle lane would be provided. Vehicles using project driveways would be operated in a forward direction when cross the sidewalk and bicycle lane, reducing the potential hazard of collisions. Additionally, compared to the existing Class II bicycle lane, the proposed Class IV bicycle lane would enhance the safety of bicyclists since there would be more separation from the nearest vehicular travel lane on Senter Road. Additionally, the proposed tree planters along Senter Road would serves as a physical barrier between bicyclists and vehicles, allowing some extra buffer space and reducing the potential hazards of collisions. Accordingly, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance) and the impact would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

d. Would the project result in inadequate emergency access?

The design of the project is required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius). Emergency vehicle access would be provided via Senter Road. During project construction, notably during utility installation and construction of the road diet, the project would result in temporary southbound lane closures on Senter Road. In the event of a closure, clear signage (e.g., closure and detour signs) would be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. Consistent with City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. In operation, the applicant has provided the City with a detailed plan demonstrating that each floor of the proposed residences would be accessible by a fire aerial apparatus, fire hoses, and other emergency vehicles from Senter Road. The project plans would also be subject to review by the San José Fire Department to ensure that adequate emergency access would be available prior to issuance of building permits. Therefore, the project would not result in inadequate emergency access and the impact would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

18 Tribal Cultural Resources

	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 a Public Resources Code Section 21074 as either a site, feature, place, or 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), or	☐	☐	■	☐
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.	☐	☐	■	☐

Existing Setting

Rincon Consultants conducted a search of the California Historical Resources Information System (CHRIS) of the Northwest Information Center located at Sonoma State University on September 30, 2021. The records search was conducted for the project site and a 0.5-mile radius of the site. Therefore, the search also includes the segment of Senter Road adjacent to the project site. The search did not indicate known cultural resources within the project site. Additionally, Rincon Consultants completed a search of the Native American Heritage Commission (NAHC) Sacred Lands File for the project. The NAHC Sacred Lands File search was returned with negative findings for cultural resources within the project site.

Assembly Bill (AB) 52, detailed in the *Regulatory Setting* below, requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. At the time of preparation of this Initial Study, the Tamien Nation and Costanoan Band of Indian Tribes have sent written requests for notification of projects to the City of San José.

The project site is considered highly sensitive for archaeological (pre-historic) resources, as described in Section 5, *Cultural Resources*, of this Initial Study.

Regulatory Setting

Federal

Refer to Section 5, *Cultural Resources*, for the federal regulatory setting pertaining to Tribal Cultural Resources.

State

Refer to Section 5, *Cultural Resources*, for a description of the California Register of Historic Places.

Assembly Bill 52

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

Assembly Bill 52 (AB 52) establishes a formal consultation process for California Tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Local

Refer to Section 5, *Cultural Resources*, for the local regulatory setting.

Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 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)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is 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?

Neither the CHRIS records search nor NAHC Sacred Lands File search identified cultural resources listed on or eligible for listing on the CRHR or a local register within the project site. However, there is always potential to uncover buried archaeological and Tribal cultural resources during ground disturbing activities, such as the excavation and grading that would be required for project construction. As described above in the Existing Setting, the project site is in an area of San José that the City considers highly sensitive for archaeological (pre-historic) resources. Should project construction activities encounter and damage or destroy a Tribal cultural resource or resources, impacts would be potentially significant. Implementation of Mitigation Measures MM CUL-1(a) through MM CUL-1(e) outlined in Section 5, *Cultural Resources*, above, would ensure that potential impacts to tribal cultural resources would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

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19 Utilities and Service Systems

	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 storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	■	☐
b. Have sufficient 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 has 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. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	■	☐

Existing Setting

San José Water Company (SJWC) provides water service to the project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer and draws the remaining approximately 10 percent from local surface water sources (SJWC 2020).

Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San

Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a $1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the $2 billion in facility investments envisioned over the next 30 years in the Plant Master Plan, adopted in 2013 (City of San José 2020b).

The City owns and maintains the municipal stormwater drainage system which serves the project site. Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on nearby roads such as Keyes Street and Senter Road, or by percolation into the ground. Precipitation falling within the project site is currently able to infiltrate the ground surface. Precipitation falling on the segment of Senter Road that would be modified with the proposed road diet is currently conveyed to the existing storm drainage systems within and beneath the roadway.

Garden City Sanitation would provide solid waste collection services and California Waste Solutions would provide recycling and junk pickup service to the project site. Collected waste is primarily processed at Newby Island Sanitary Landfill. Newby Sanitary Landfill has a remaining capacity of over 21 million cubic yards and a closure date estimated in 2041 (CalRecycle 2019b).

Regulatory Setting

State

California Green Building Standards Code

CALGreen establishes mandatory green building requirements and provides guidelines for all buildings in California. The code includes specific regulations pertaining to:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Indoor environmental quality
- 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 (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

The guidelines provide measures for new construction projects to achieve green building performance levels, including reducing indoor water use by 20 percent, reducing wastewater by 20 percent, recycling and salvaging 50 percent of non-hazardous construction debris and providing readily accessible areas for recycle.

Assembly Bill 939

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

an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

ASSEMBLY BILL 341

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

SENATE BILL 1383

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

Local

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).

CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent 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 construction and demolition 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.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes goals and policies that relate to green building design, construction and operation. The following are applicable to the project:

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and

systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

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

Policy MS-3.2: Promote 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.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Impacts Assessment

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

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

The project would be served by the existing water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications infrastructure near the project site, with new service connections provided for the new development. The project would result in an increase in water use and wastewater generation based on the 44 dwelling units and anticipated 138 occupants. In the City's 2020 Urban Water Management Plan, it is anticipated that water consumption would be 145 gallons per capita per day (City of San José 2021c). Based on these data, the project would generate an estimated 20,010 gallons per day, or 22.4 acre-feet per year, of net new water demand.

Table 15 details the anticipated supply and demand of water in San José in normal, single-dry, and multiple-dry years through 2045 in acre-feet per year.

Table 15 San José Water Supply and Demand Through 2045 (AFY)

Supply and Demand		2025	2030	2035	2040	2045
Normal Year						
Supply Total		21,080	24,156	27,343	32,815	33,552
Demand Total		21,080	24,156	27,343	32,815	33,552
Difference		0	0	0	0	0
Single Dry Year						
Supply Total		19,265	22,330	25,505	30,977	31,257
Demand Total		21,080	24,156	27,342	32,814	33,553
Difference		-1,815	-1,826	-1,837	-1,837	-2,296
Multiple Dry Years						
First Year	Supply Total	19,265	22,330	25,505	30,977	N/A
	Demand Total	21,080	24,156	27,342	32,814	N/A
	Difference	-1,815	-1,826	-1,837	-1,837	N/A
Second Year	Supply Total	19,421	22,508	26,140	30,666	N/A
	Demand Total	21,695	24,793	28,437	32,962	N/A
	Difference	-2,274	-2,285	-2,297	-2,296	N/A
Third Year	Supply Total	20,036	23,145	27,235	30,813	N/A
	Demand Total	22,310	25,431	29,531	33,110	N/A
	Difference	-2,274	-2,286	-2,296	-2,297	N/A
Fourth Year	Supply Total	20,652	23,783	28,329	30,636	N/A
	Demand Total	22,926	26,068	30,626	33,258	N/A
	Difference	-2,274	-2,285	-2,297	-2,622	N/A
Fifth Year	Supply Total	21,267	24,420	29,200	30,784	N/A
	Demand Total	23,541	26,705	31,720	33,405	N/A
	Difference	-2,274	-2,285	-2,520	-2,621	N/A

Source: City of San José 2021c
Note: Water supply and demand totals are in acre feet per year
N/A: Not available (data is not published in the UWMP)

As shown in Table 15, demand for water could exceed water supplies by as much as 2,622 AFY, depending on the hydrologic conditions and year. The project would represent a negligible and incremental increase in the City's water demand, including years when demand exceeds supplies.

However, even when demand exceeds supply by up to 2,622 AFY, the approximately 22.4 AFY demand of the project would be 0.8 percent of the excess 2,622 AFY excess demand. Further, several existing and planned water conservation programs and strategies would reduce the difference between projected water supply and demand. Measures include, but are not limited to, landscape irrigation restrictions, public noticing and outreach, and restrictions on filling of pools, spas, and fountains. In response to prolonged drought conditions, the San Francisco Public Utilities Commission (a water supplier in the San Francisco Bay area) asked its retail and wholesale customers to voluntarily reduce system-wide water consumption by 10 percent. The City's UWMP also establishes a Water Shortage Contingency Plan and demand management measures for each water supplier in the City to ensure that adequate water supply is available in normal, single-dry, and multiple-dry years (City of San José 2021c).

Conservatively assuming that wastewater flow rates from the project would be 95 percent of the estimated water demand, the project would generate an estimated net increase of 19,000 gpd of wastewater. Given that the RWF has the capacity to treat 167 mgd of wastewater and treats an average of 110 mgd, an additional capacity of approximately 57 mgd remains. The estimated net new wastewater generation from the project would constitute a negligible portion (approximately 0.03 percent) of the RWF's remaining capacity. Therefore, the existing RWF would be able to accommodate increased wastewater flows associated with the project and the project would not require the construction of new or expansion of existing wastewater treatment facilities. Given the foregoing, the project's impacts on water and wastewater treatment facilities would be less than significant.

As described in section 10, *Hydrology and Water Quality,* while the project would increase the impervious surface areas on the project site, the project would also include new stormwater treatment and drainage features in accordance with the LID stormwater management requirements of Provision C.3 of the MRP and City Council Policies 6-29 and 8-14 to minimize and control post-construction stormwater runoff. The project would not contribute stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system. Therefore, the project's impact on the capacity of stormwater drainage systems would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As stated above, although the project would generate more wastewater than under existing conditions, the project's wastewater generation would comprise a negligible portion of the RWF's remaining capacity. Therefore, the project would have a less than significant impact related to wastewater treatment capacity. **LESS THAN SIGNIFICANT IMPACT**

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The California Department of Resources Recycling and Recovery (CalRecycle) estimates that residences generate an average of 12.23 pounds of solid waste per day, or 2.2 tons per year per residence (CalRecycle 2006). The project includes 44 residential units, which when multiplied by the 2.2-ton generation rate, would result in approximately 538.1 pounds per day or 96.8 tons of solid waste per year. Garden City Sanitation, the solid waste service provider for the project site,

primarily disposes solid waste residue at Newby Island Sanitary Landfill. This landfill has a maximum daily throughput of 4,000 tons per day and has a remaining capacity of 21,200,000 cubic yards (CalRecycle 2019b). The amount of solid waste generated by the project would constitute a negligible portion of the remaining available landfill capacity. The solid waste generated by the project would be negligible because it represents less than 0.01 percent of the maximum daily throughput of the landfill.7 Therefore, the project would have a less than significant impact on landfill capacity. **LESS THAN SIGNIFICANT IMPACT**

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The project would be required to comply with City and State plans and policies to reduce solid waste generation, including a requirement to divert at least 50 percent of solid waste and recyclables, and 75 percent of organics by 2025, as required by Assembly Bill 939, Senate Bill 1383, and the City of San José's Zero Waste Strategic Plan. The project's incremental increase in solid waste would not adversely affect solid waste facilities. Impacts would be less than significant. **LESS THAN SIGNIFICANT IMPACT**

7 538.1 pounds X (4000 tons X 2,000 pounds)/100 percent = 0.0067 percent

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20 Wildfire

	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 downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

Existing Setting

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). There are three FHSZ mapped for SRAs (moderate, high, and very high), while only lands zoned as very high are identified in LRAs. The project site is located within a LRA and is not located near a SRA or a very high FHSZ (CAL FIRE 2008). Additionally, the project site is located within an urbanized area of the City of San José and is surrounded by other developed land uses or roads on all sides. Given the surrounding land uses, there are insufficient fuels for a wildland fire.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes goals and policies that relate to wildfire. The following are applicable to the project:

Goal EC-8: Wildland and Urban Fire Hazards. Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.

Policy 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.

Policy 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.

Policy 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.

Impacts Assessment

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As the project site is not located in or near SRAs or lands classified as very high FHSZs, no impact would occur related to wildfire hazards, including emergency response/evacuation, pollutants and uncontrolled wildfire spread, associated infrastructure, or post-fire effects. **NO IMPACT**

21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. 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. 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. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project would not degrade the quality of the environment or substantially reduce habitat of fish or wildlife species or other special-status species, as the project is located within a developed area of the City. There are no sensitive habitats or wetlands located on or near the project site, and no special-status species are known to occupy the site. As discussed in Section 4, *Biological Resources,* construction of the project would require the removal of existing trees and landscaping, which migratory birds could use for nest sites. Mitigation Measure BIO-1 would require that tree removal

occur outside the migratory bird nesting season, if feasible, and if not feasible, that a nesting bird survey be performed prior to construction. Payment of nitrogen deposition fees, as required by the Santa Clara Valley Habitat Plan (SCVHP), would reduce impacts to nitrogen deposition and related vegetation and threatened species. With payment of these fees and implementation of mitigation, impacts to nesting birds and species protected by the SCVHP would be less than significant. While there is more open space and natural habitat available at Kelley Park, the park is across Senter Road from the project site. In this area, Senter Road is six-lane road with approximately 19,588 daily vehicle trips (see Appendix B). Therefore, activities on the project site would not impact wildlife habitat at Kelley Park because the residential noise and human activity on the project site would be less than what exists on Senter Road.

The project would not eliminate important examples of the major periods of California prehistory or history. The project would not result in impacts to built historic resources, as none are located on or near the project site. The nearest historic building is approximately 850 feet from the project site, and as discussed in Section 13, *Noise*, vibration from project construction activities would be well below levels that can damage historic structures. Although it is not anticipated that new archaeological resources would be encountered, the standard permit conditions described in Section 5, *Cultural Resources*, would be implemented with the project. The standard permit conditions would ensure that impacts related to inadvertent discovery of cultural resources and tribal cultural resources would be less than significant.

With mitigation, the project would not 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. Impacts would be less than significant with mitigation. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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)?

The General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita and emissions of criteria air pollutants, nitrogen deposition, a regional jobs-housing imbalance, and GHG emissions. The project would neither contribute to cumulative impacts on agricultural land as none is located on or near the project site (see Section 2, *Agricultural and Forestry Resources*), nor to nitrogen deposition impacts on species composition of serpentine ecosystems with payment of the nitrogen deposition fee required by the SCVHP (implemented after the adoption of the General Plan; see Section 4, *Biological Resources*). In addition, the project would not result in a substantial increase in employment because it is a residential project. Therefore, the project would not contribute to a regional jobs-housing imbalance and would provide housing in the region. As discussed in Section 3, *Air Quality*, subsection (b), cumulative criteria pollutant emission impacts and health risk impacts would be less than significant with implementation of MM AQ-1. As discussed in Section 8, *Greenhouse Gas Emissions*, the project would have a less than significant impact with regard to GHG emissions, which are cumulative in nature. As described in Section 13, *Noise*, the project would result in an increased in vehicle trips on roadways in the project area, but the increase would be a fraction of existing traffic volume and result in no discernible increase in

noise levels. Therefore, the project would not result in cumulative traffic noise impacts. Similarly, as described in Section 17, *Transportation*, the project would not result in a cumulative increase in VMT, as total the project would generate VMT per capita that is at least 15 percent below existing averages.

Given the foregoing, the project's contribution to significant cumulative impacts would be less than cumulatively considerable. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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

Implementation of the project would not result in impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the standard permit conditions described in Section 3, *Air Quality*; Section 7, *Geology and Soils*; Section 9, *Hazards and Hazardous Materials*; and Section 13, *Noise*; as well as required mitigation measures applicable to these resources or issue areas would ensure impacts are less than significant. Therefore, the project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly. **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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List of Preparers

LEAD AGENCY

City of San José
Department of Planning, Building and Code Enforcement
Cassandra van der Zweep, Supervising Planner
Reema Mahamood, Planner III

RINCON CONSULTANTS, INC.

Abe Leider, AICP, Principal-in-Charge
George Dix, Project Manager
Gianna Meschi, Environmental Planner
Kayleigh Limbach, Environmental Planner
Nicholas Carter, Environmental Planner
Allysen Valencia, GIS Analyst

RK ENGINEERING GROUP, INC.

Justin Tucker, P.E.
Elias Bandek, E.I.T.
Nhi Ly, E.I.T.

KRAZAN & ASSOCIATES, INC.

Geotechnical Engineering Division
David R. Jarosz, II, Managing Engineer

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Appendix A

CalEEMod Output Files

Appendix B

Traffic Impact Study

Appendix C

Health Risk Assessment

Appendix D

Energy Fuel Consumption Calculations

Appendix E

Geotechnical Investigation

Appendix F

2030 GHG Reduction Strategy Development Compliance Checklist

Appendix G

Project Site Noise Measurements