Appendix B Supporting Documentation

H. T. HARVEY & ASSOCIATES
Ecological Consultants

1655 Berryessa Road Project
Biological Resources Report

Project # 4248-01

Prepared for:

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July 8, 2022 (Revised January 16, 2023)

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Section 1. Project Summary

This report describes the biological resources present in the area of the proposed 1655 Berryessa Road project, as well as the potential biological impacts of the proposed project and measures necessary to reduce these impacts to less-than-significant levels under the California Environmental Quality Act (CEQA). This assessment is based upon the project plans provided to H. T. Harvey & Associates by David J. Powers & Associates on October 8, 2018.

1.1 Project Location and Description

The 13.05-acre project site (APNs: 241-03-023, 241-03-024, and 241-03-025) is located north of Berryessa Road and the existing Berryessa Bay Area Rapid Transit (BART) Station, west of a BART rail line, and south and east of residential development (some of which is under construction) in San José, California (Figure 1). The riparian corridor of Upper Penitencia Creek is located approximately 105 feet south of the project site across Berryessa Road. The site is within the boundaries of the City of San José's Berryessa/BART Urban Village Plan Area, which will encompass 22,100 jobs, 6.7 million square feet of commercial space, and 4,814 dwelling units. The Plan Area, and the site itself, primarily consists of impervious surfaces (e.g., parking areas) with a variety of large ornamental trees and landscape areas. There is a fenced AT&T service yard along the site's eastern boundary, and the remaining areas of the site are currently in use as a staging area for Maniglia Landscape Inc.

The proposed project includes the development of up to 802 multifamily residential units, 24 townhome units, 24 single family units, up to 480,000 square feet of commercial uses, and an approximately 0.9 acre public park. The land use designations for the site specified in the Berryessa BART Urban Village Plan are: Transit Employment Center, Urban Residential, Mixed Use Neighborhood, and Open Space, Parkland & Habitat. Vehicle access to the site would be via Berryessa Road, Shore Drive, Mercado Way, and De Rome Drive. Parking would be provided within underground parking garages.

The project site is located within the Santa Clara Valley Habitat Plan (VHP) permit area, and the proposed project is a "covered project" under the VHP (ICF International 2012). As a result, the project is required by the City of San José to pay VHP fees for land impacts in accordance with the types and acreage of habitat impacted (see Section 4.6), and to implement conservation measures specified by VHP conditions. Thus, all applicable VHP conditions, including payment of applicable fees, are considered part of the project description.

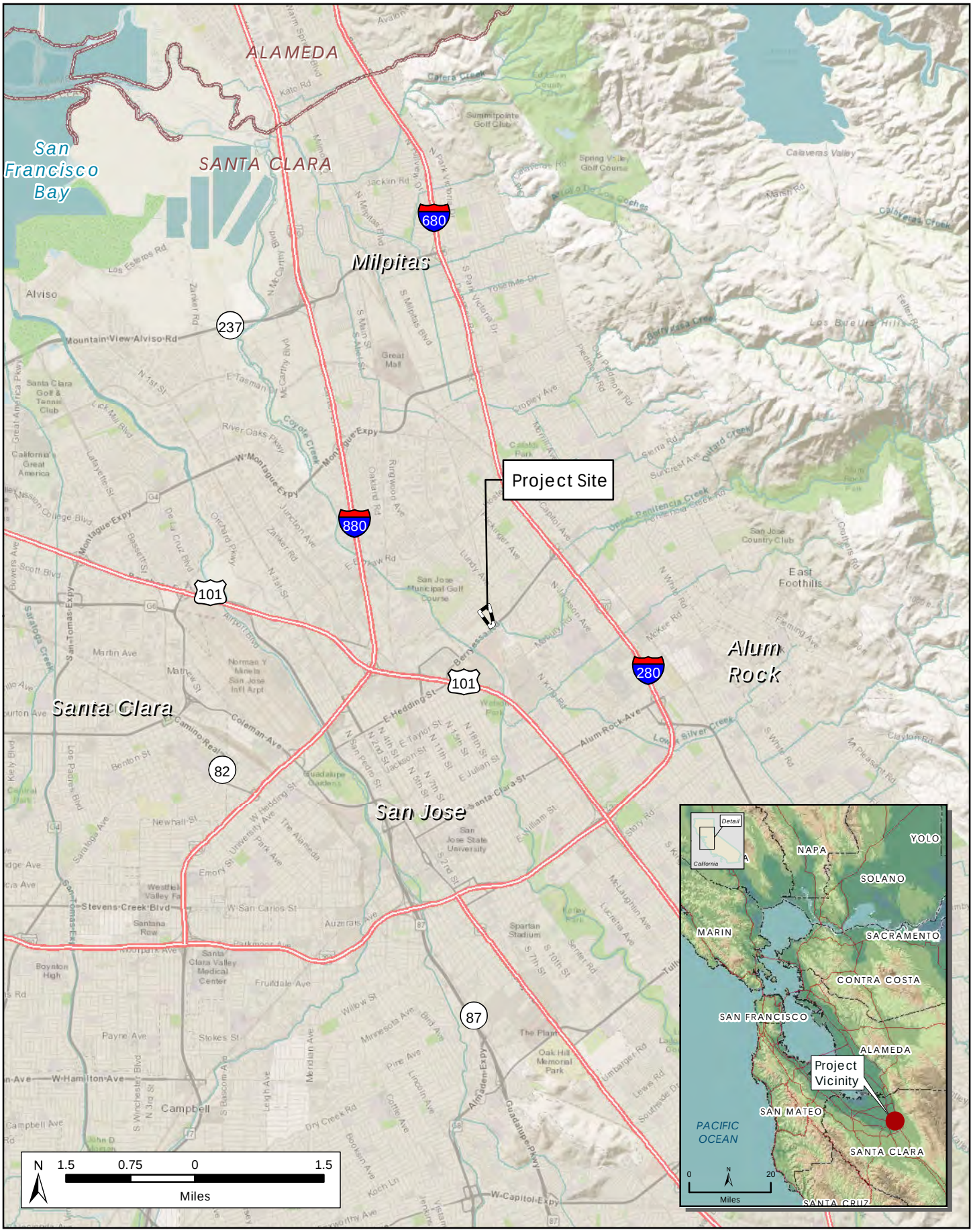

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Figure 1. Project Vicinity
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Section 2. Methods

Prior to conducting field work, H. T. Harvey & Associates ecologists reviewed project plans and the project description provided by David J. Powers & Associates, aerial photos (Google Earth 2018), the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDB) (2018), and VHP information on special-status species and sensitive habitats (ICF International 2012) to assess the potential distribution of special-status plants and animals, as well as sensitive habitats, in the project vicinity[1]. In addition, for plants, we reviewed all species on current California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) 1A, 1B, 2A, and 2B lists occurring in the *San José West*, *California* U.S. Geological Survey (USGS) 7.5-minute quadrangle and the surrounding eight quadrangles (*San José East*, *Calaveras Reservoir*, *Milpitas*, *Mountain View*, *Cupertino*, *Castle Rock Ridge*, *Los Gatos*, and *Santa Teresa Hills*) (CNPS 2018). Quadrangle-level results are not maintained for CRPR 3 and 4 species, so we also conducted a search of the CNPS records for these species occurring in Santa Clara County (CNPS 2018).

A reconnaissance-level field survey of the project site was conducted by H. T. Harvey & Associates plant ecologist David Gallagher, M.S., and wildlife ecologist Stephen L. Peterson, M.S., on October 16, 2018. The purpose of this survey was to provide a project-specific impact assessment for the development of the site as described above. Specifically, the survey was conducted to (1) assess existing biotic habitats and plant and animal communities on the project site, (2) assess the site for its potential to support special-status species and their habitats, and (3) identify potential jurisdictional and sensitive habitats (such as waters of the U.S./state), although a formal wetland delineation was not conducted. In addition, Mr. Peterson conducted a focused survey for (1) evidence of previous raptor nesting activity (i.e., large stick nests), (2) potential bat roosting habitat, (3) nests of the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), and (4) suitable nesting habitat for tricolored blackbirds (*Agelaius tricolor*), given the presence of an artificial pond on the site. Because the proposed project is a "covered project" under the VHP, land cover types were mapped based on the natural communities and land cover types as defined by the VHP (ICF International 2012), with modifications based upon site conditions observed during the field survey.

[1] For the purposes of this report, the project vicinity is defined as the area within a 5-mile radius of the project site.

Section 3. Existing Biological Conditions

Based on a review of historical aerial photos (Google Earth 2018; University of California Santa Barbara Library 2018), the project site consisted of an orchard until at least 1968. As recently as 1981, the majority of the site was still in active agricultural use with only a small portion developed with structures, paved surfaces, and ornamental plantings. Since at least 1993, the site has been cleared of orchard trees and developed with several structures. Currently, the north end of the project site is occupied by a flat, graded area consisting of no vegetation or structures. An artificial pond, approximately 0.34 acre in size, is located within a fenced area adjacent to and north of the AT&T service yard. A collection of disabled vehicles is located in two separate enclosures bordering the west boundary of the project site. The south end of the project site is currently being used as a staging area for materials, storage, and equipment for an unrelated project located directly west of the project site.

The topography of the project site is relatively flat with elevations ranging from 82 feet to 84 feet (World Geodetic System 1984) (Google Earth 2018). In the southern portion of the project site the soil is mapped as 102 – Urban land, 0 to 2% slopes, alluvial fans, which are composed of soils that have been extensively influenced by human activities by mixing, importing, and exporting fill material. In the northern portion of the site the soil is mapped as 165 – Urban land-Campbell complex, 0 to 2% slopes, protected, which is a mix of the Urban land soil described above and the Campbell soil series, which is composed of silty soils produced by annual flooding and today are protected by levees and upstream dams and drained by lowering the water table of the region (Natural Resource Conservation Service [NRCS] 2018a). This soil series is listed as hydric (i.e., permanently or seasonally saturated by water) in Santa Clara County on the National Hydric Soils List (NRCS 2018b).

3.1 General Habitat Conditions and Wildlife Use

The reconnaissance-level field survey identified three general biotic habitat/land cover types on the project site, as defined by the VHP: urban-suburban (12.35 acres), ornamental woodland (0.66 acre), and pond (0.34 acre). These land cover types are described in detail below and are shown on Figure 2.

3.1.1 Urban-Suburban

Vegetation. The majority of the project site is composed of the urban-suburban land cover type. On the project site, areas mapped as urban-suburban include paved and impermeable surfaces, areas where the native vegetation has been cleared for commercial and industrial structures, and landscaped areas (Photo 1). Landscaped portions of the site support vines, shrubs, and mature trees, including Mexican fan palm (*Washingtonia robusta*), Italian cypress (*Cupressus sempervirens*), juniper shrubs (*Juniperus* sp.), and English ivy (*Hedera helix*).

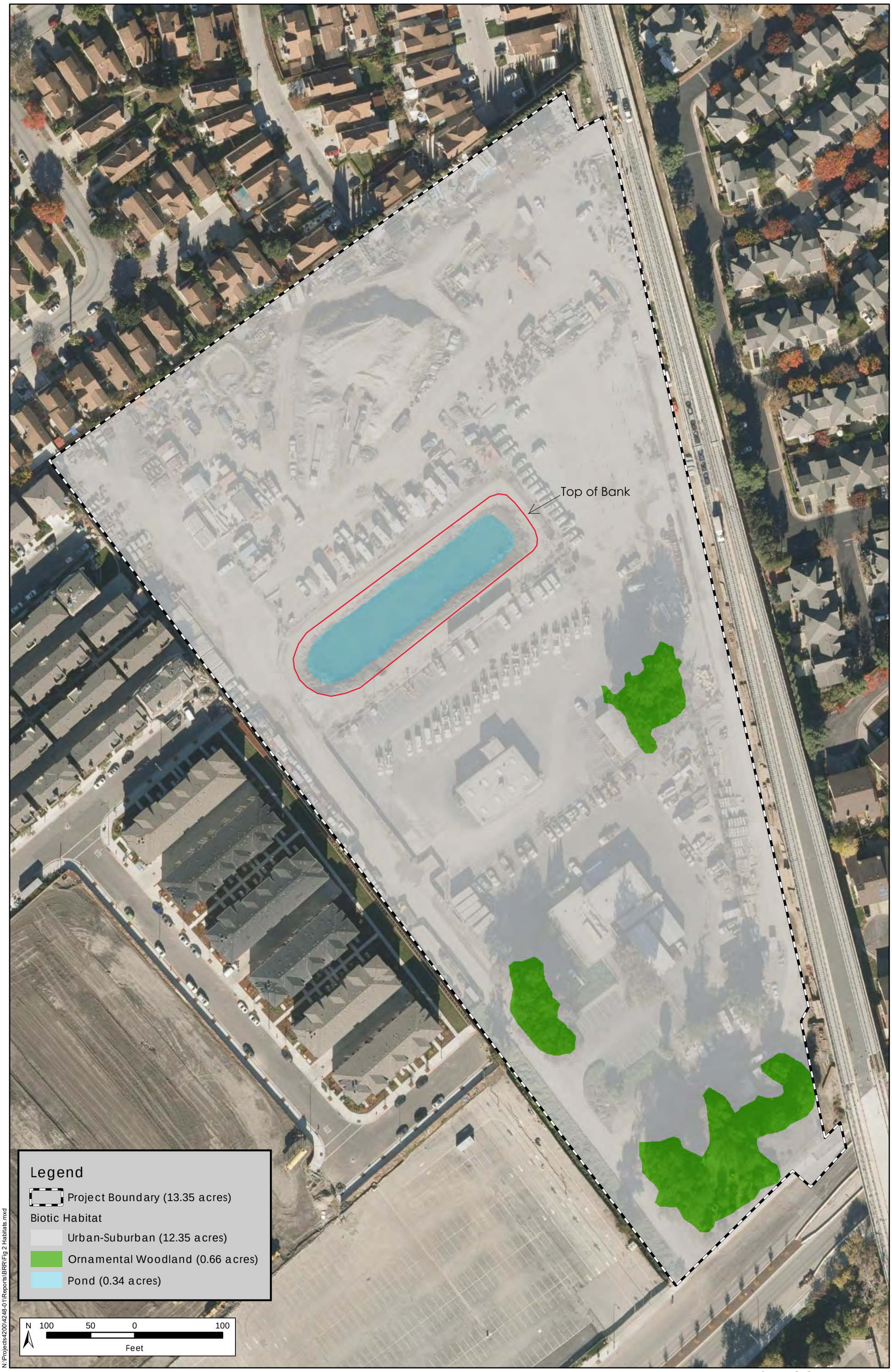

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Figure 2. Biotic Habitats/**Land Cover Types**
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Wildlife. Due to the scarcity of vegetation, the urban-suburban portions of the project site provide relatively low-quality habitat for wildlife species. The wildlife most often associated with these areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*). Several common native species are also able to use this habitat, including the American crow (*Corvus brachyrhynchos*), which was observed during the reconnaissance survey; black phoebe (*Sayornis nigricans*), northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), California towhee (*Melozone crissalis*), and raccoon (*Procyon lotor*). Few birds are likely to nest on the site due to the sparseness of vegetation, but species such as the mourning dove (*Zenaida macroura*) and Anna's hummingbird (*Calypte anna*) may nest in the few trees present. In addition, the eaves of the buildings on the project site may be attractive to other nesting and/or roosting birds such as the barn swallow (*Hirundo rustica*) and nonnative European starling. A focused survey detected no evidence (i.e., old nests) of raptors having previously nested in the few trees within the urban-suburban land cover.

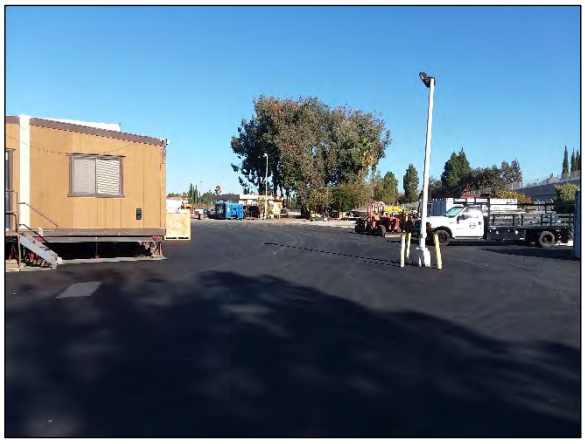

Photo 1. Urban-suburban land cover on the project site.

No burrows of small mammals, such as the California ground squirrel (*Otospermophilus beecheyi*) or Botta's pocket gopher (*Thomomys bottae*), were observed in the urban-suburban land cover during the reconnaissance survey. In addition, a focused survey of the exterior of the buildings and the trees did not detect any large cavities that might provide suitable bat roosting habitat. Further, an examination of the nearby BART bridge over Upper Penitencia Creek detected no large cavities that might provide suitable habitat for a large roosting or maternity colony of bats.

3.1.2 Ornamental Woodland

Vegetation. Ornamental woodlands are areas where ornamental and other introduced tree species have been planted or naturalized, forming an open-to-dense canopy (Photo 2). On the project site, areas of ornamental woodland are intermixed within the urban-suburban land cover type. Tree species observed include mature red ironbark (*Eucalyptus sideroxylon*), Aleppo pine (*Pinus halepensis*), Peruvian pepper (*Schinus molle*), deodar cedar (*Cedrus deodara*), and a small complement of native coast live oak (*Quercus agrifolia*). The herbaceous layer in the understory contains an abundance of English ivy, prickly lettuce (*Lactuca serriola*), and stinkwort (*Dittrichia graveolens*). English Ivy and stinkwort are non-native species that are ranked as highly invasive and moderately invasive, respectively, by the California Invasive Plant Council (2018).

Wildlife. Areas of ornamental woodland on the project site provide suitable nesting habitat for a variety of common bird species such as the California scrub-jay (*Aphelocoma californica*), American robin (*Turdus migratorius*), American crow, lesser goldfinch (*Spinus psaltria*), Bewick's wren (*Thryomanes bewickii*), and bushtit (*Psaltriparus minimus*). The red-shouldered hawk (*Buteo lineatus*) and Cooper's hawk (*Accipiter cooperii*) may use larger trees in this habitat for nesting. However, no old raptor nests were detected within the ornamental woodland habitat during the October 2018 focused survey. Other birds that may forage in this habitat include wintering native species such as the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*), several of which were observed foraging in this habitat during the survey.

Photo 2. Ornamental woodland habitat along the southern boundary of the project site.

Several species of reptiles and amphibians also occur in this habitat. Leaf litter, downed tree branches, and fallen logs provide cover for the western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis catenifer*), California slender salamander (*Batrachoseps attenuatus*), western toad (*Anaxyrus boreas*), and Pacific tree frog (*Hyliola regilla*). Additional wildlife species that are common in ornamental woodland areas in urban settings include the native striped skunk (*Mephitis mephitis*) and raccoon, and the nonnative Virginia opossum (*Didelphis virginiana*) and eastern gray squirrel (*Sciurus carolinensis*), all of which may use the trees for roosting, foraging, and nesting. No nests of the San Francisco dusky-footed woodrat, a California species of special concern, were observed during a focused survey. Thus, this species is determined to be absent from the project site. Individual bats may roost in trees found on the project site, but an examination of the trees found in the ornamental woodland habitat did not detect any large cavities that might provide suitable habitat for a large roosting colony of bats.

3.1.3 Pond

Vegetation. Based on an examination of aerial imagery (University of California Santa Barbara Library 2018), the pond on the project site (Photo 3) was constructed sometime between 1968 and 1981, when the dominant land use in the region was agriculture, and it therefore may have been constructed for irrigation purposes. Four culverts were visible around the perimeter of the pond at the time of the survey, but none showed recent signs of flowing water. Given the lack of any recent rain events and the water depth at the time of the survey (approximately 1 to 3 feet), groundwater may have been a source of the pond's hydrology. Despite any obvious indications of recent use, it is possible that during the wet season, an additional source of hydrology is from runoff (during and after rain events) entering the pond through the culverts (e.g., the pond currently may perform a stormwater detention function). The soils underlying the pond are classified as hydric (NRCS 2018b).

At the time of the site visit, a robust and diverse native wetland plant community was growing in and around the pond. Hydrophytic grass species observed include knot grass (*Paspalum distichum*) and emergent herbaceous species observed include broadleaf cattail (*Typha latifolia*), alkali bulrush (*Bolboschoenus maritimus*), hardstem bulrush (*Schoenoplectus acutus*), tall flatsedge (*Cyperus eragrostis*), devil's beggartick (*Bidens frondosa*), and water smartweed (*Persicaria amphibia*). Tree species present include saplings of arroyo willow (*Salix lasiolepis*) and Fremont cottonwood (*Populus fremontii*). However, the pond is regularly cleared of vegetation as part of ongoing maintenance activities, which was verified using historic aerial imagery (Google Earth 2018). For this reason, the pond was not mapped as coastal and freshwater marsh habitat.

Photo 3: Constructed pond with wetland vegetation on the project site.

Wildlife. The small pond on the project site provides habitat for a greater diversity of wildlife species compared to adjacent urban-suburban areas; however, the heavily disturbed context of the project site, which has a long history of human activity, coupled with the extremely limited extent of this habitat, limit the value of this pond to wildlife. Wildlife species expected to occur in this habitat are those species typically associated with freshwater wetland habitats, including common water birds such as the mallard (*Anas platyrhynchos*) and pied-billed grebe (*Podilymbus podiceps*), which were observed in the pond during the site visit. In addition, species such as the song sparrow (*Melospiza melodia*), bushtit, and northern mockingbird may nest in the herbaceous vegetation and cottonwood saplings around the pond. Other native bird species, including the lesser goldfinch, white-crowned sparrow, and yellow-rumped warbler, will forage in this habitat. The wetland habitat within the pond is much too limited in extent (and too close to intense human activity) for use by nesting tricolored blackbirds.

Several amphibian and reptile species occur in pond habitats, including the western toad, Pacific tree frog, California slender salamander, and western terrestrial garter snake (*Thamnophis elegans*). The pond also provides a source of water and foraging habitat for mammals, including the nonnative Virginia opossum, feral cat (*Felis catus*), Norway rat, and house mouse, as well as the native raccoon.

3.2 Special-Status Plant and Animal Species

As described in *Methods* above, information concerning threatened, endangered, or other special-status species that could occur in the project vicinity was collected from several sources and reviewed by H. T. Harvey & Associates biologists. The specific habitat requirements and the locations of known occurrences of each special-

status species were the principal criteria used for inclusion in the list of species potentially occurring on the site. Figures 3 and 4 are maps of the CNDDB's special-status plant and animal species records in the vicinity of the project site, respectively. These generalized maps are valuable on a historical basis, as they show areas where special-status species occur or have occurred previously, but they do not necessarily represent current conditions or indicate where species are absent.

Special-Status Plants. A list of 74 plant species thought to have some potential for occurrence in the project vicinity was compiled using both CNDDB records (CNDDB 2018; see Figure 3) and CNPS CRPR 1A–4 lists as described in *Methods* above. Analysis of the documented habitat requirements and occurrence records associated with these species allowed us to reject all 74 species as not having a reasonable potential to occur on the project site for at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range on the project site; (4) the site is too disturbed and urbanized to be expected to support the species; and/or (4) the species is presumed extirpated from the project vicinity. Further, the VHP does not indicate any covered plant species as potentially occurring on the project site and does not require special-status plant surveys for the site (Santa Clara Valley Habitat Agency [SCVHA] 2018). Therefore, no special-status plant species are expected to occur on the project site.

Special-Status Animals. We identified several special-status animal species as potentially occurring in the project vicinity. However, the majority of these species were determined to be absent from the project site. Species considered for occurrence but rejected, as well as the reasons for their rejection, include the following (among others):

- The California tiger salamander (*Ambystoma californiense*), federally and state listed as threatened, and the California red-legged frog (*Rana draytonii*), federally listed as threatened and a California species of special concern, both occurred historically in the project vicinity and are covered species under the VHP (ICF International 2012). The VHP maps Upper Penitencia Creek, which is located approximately 105 feet south of the project site, as breeding habitat for the California red-legged frog, but no suitable breeding or nonbreeding habitat for California tiger salamanders is mapped near the project site (ICF International 2012). The project site lacks high-quality habitat for both species due to the high levels of disturbance; lack of small mammal burrows, which are used by both species for aestivation during the non-breeding season; and isolation from natural habitats in the region. Although the small pond on the project site provides ostensibly suitable breeding habitat for both species, given that the vegetation around the pond is regularly cleared, it is highly unlikely that either the California red-legged frog or California tiger salamander would breed here. Further, the surrounding urbanization precludes overland dispersal onto the site from potential off-site habitat and it is extremely unlikely that an individual from remote portions of the Penitencia Creek watershed would disperse downstream as far as the project site. The nearest potentially extant occurrence of tiger salamanders is approximately 5.2 miles to the south at Communications Hill (CNDDB 2018, H. T. Harvey & Associates 2012) and the nearest extant occurrence of California red-legged frogs is approximately 4.7 miles to the east in Alum Rock Park (H. T. Harvey & Associates 1997, CNDDB 2018).

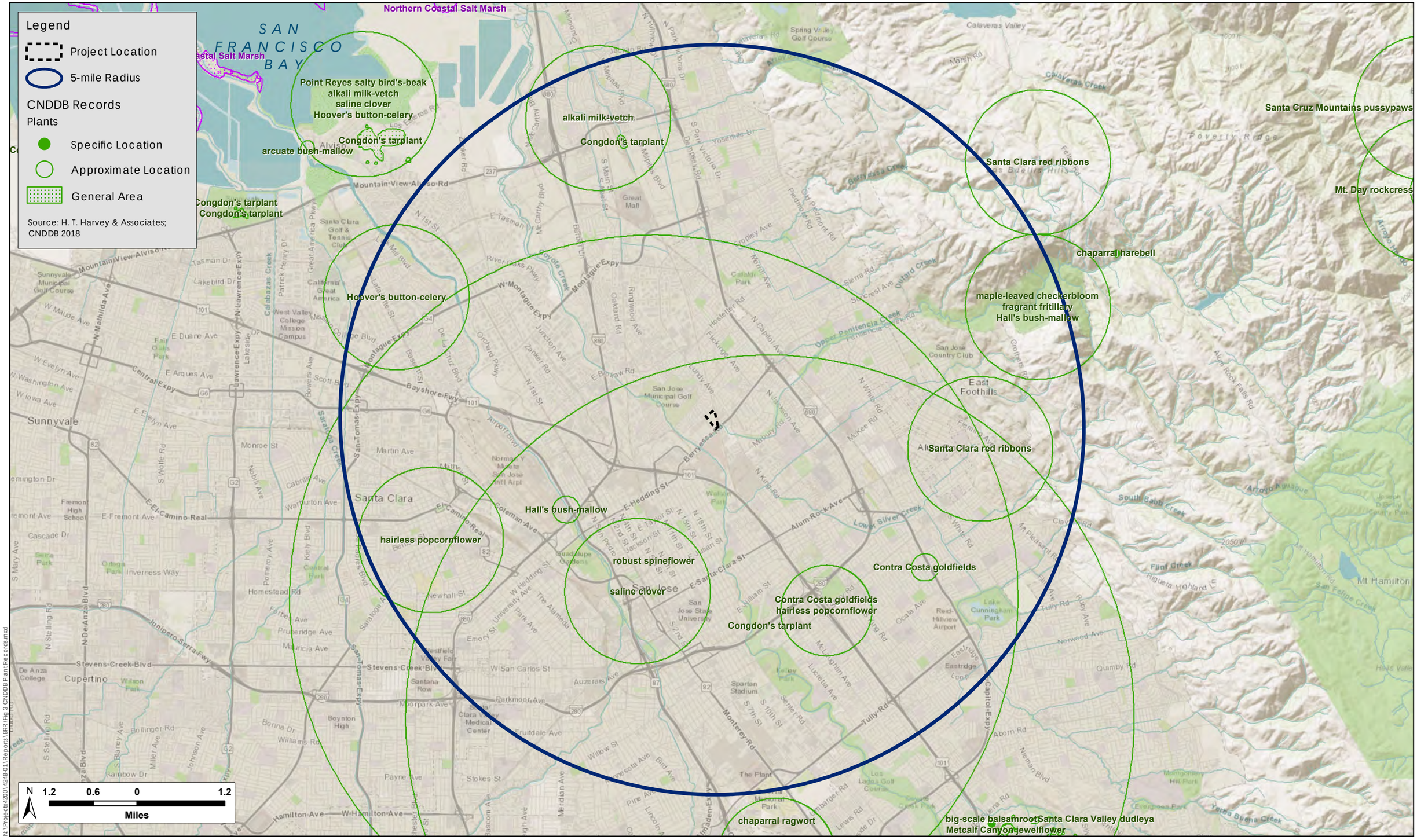

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Figure 3. CNDDB Plant Records
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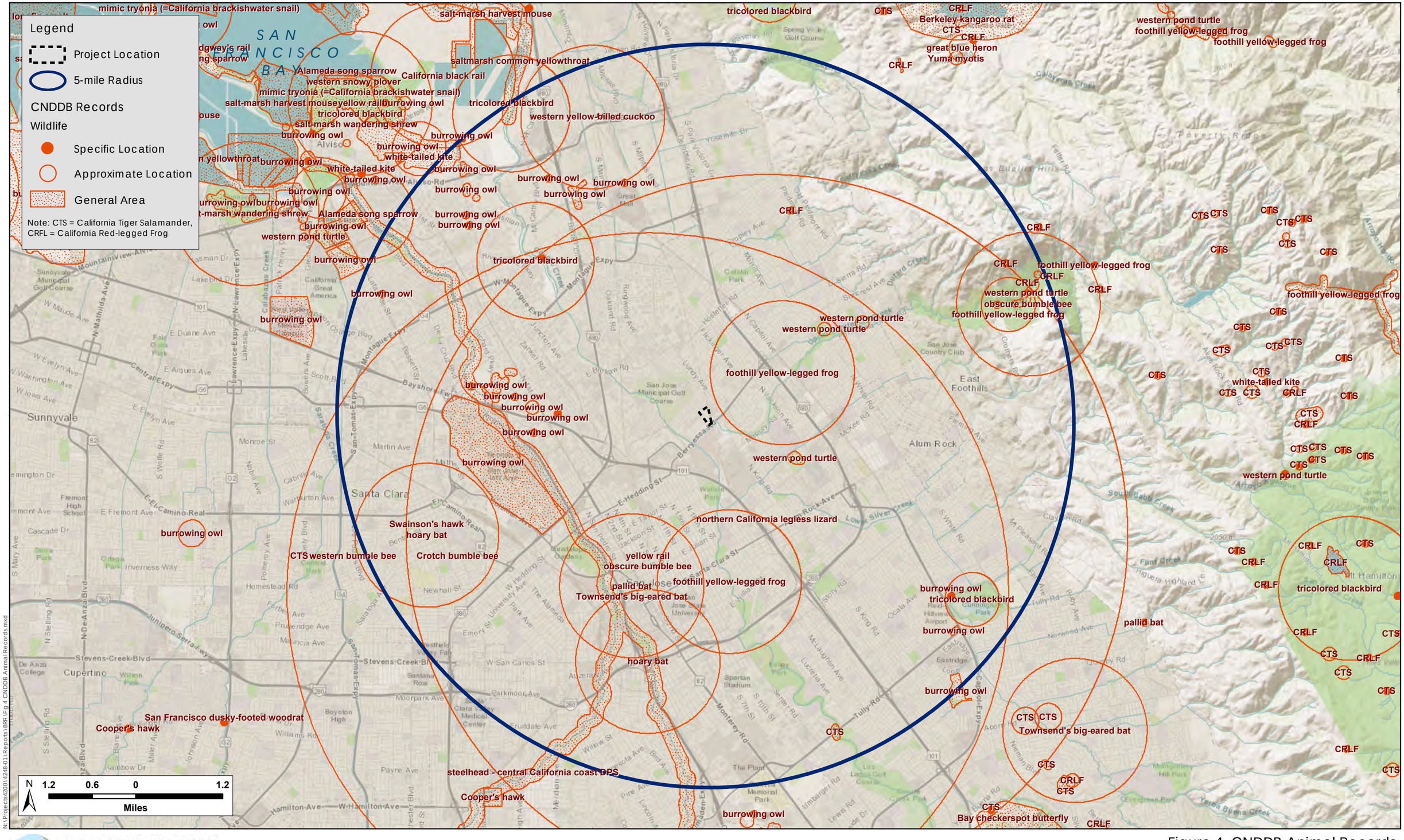

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Figure 4. CNDDB Animal Records

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Thus, there are no known extant occurrences of California tiger salamanders or California red-legged frogs within the potential dispersal distance of these species to the project site (i.e., within 1.3 miles for the California tiger salamander and 2.0 miles for the California red-legged frog). Further, these species are considered extirpated from the urbanized portion of the Santa Clara Valley floor, including the project site (H. T. Harvey & Associates 1997 and 2012). Thus, due to the lack of suitable refugia habitat for the California tiger salamander and California red-legged frog on the project site, the regular disturbance of the pond, the distance from the project site to the nearest known occurrences of these species, and the separation of the site from the nearest occurrences and suitable breeding habitat by extensive development and roadways, California tiger salamanders and California red-legged frogs are determined to be absent from the project site.

- The peregrine falcon (*Falco peregrinus anatum*), a California fully protected species, and the yellow warbler (*Setophaga petechia*) and loggerhead shrike (*Lanius ludovicianus*), both of which are California species of special concern, may occur on or near the project site as uncommon to rare visitors, migrants, or transients, or may forage over the project site while breeding in the vicinity. However, due to a lack of suitable habitat these species are not expected to breed on or near the project site or to be affected by project activities.

- No suitable nesting or roosting habitat (i.e., open grasslands with burrows) for the burrowing owl (*Athene cunicularia*), a California species of special concern and VHP-covered species, was observed on the project site during the reconnaissance survey. In addition, no burrowing owls or signs of recent burrowing owl use of the site (e.g., pellets, fecal material or feathers) were observed. Further, the project site is not mapped as potential burrowing owl habitat (nesting or wintering) by the VHP, nor is it located adjacent to mapped burrowing owl habitat (SCVHA 2018), and there are no current or historical burrowing owl records from the site (CNDDB 2018). Thus, burrowing owls are determined to be absent from the project site.

- An examination of trees and buildings on the project site failed to find any cavities or crevices large enough to provide suitable habitat for a roosting or maternity colony of special-status bat species. Further, no sign of bats (e.g., guano or urine staining) was found on trees or on the outside of any buildings on the project site.

- A focused survey for nests of the San Francisco dusky-footed woodrat, a California species of special concern, detected no nests of the species on the project site. Thus, the San Francisco dusky-footed woodrat is determined to be absent.

- The VHP maps Upper Penitencia Creek, located approximately 105 feet south of the project site, as primary habitat for the western pond turtle. Pond turtles have been documented within 2.0 miles of the site in ponds off of McKee Road, at Penitencia Creek Park, and at percolation ponds east of Penitencia Creek Park (CNDDB 2018). The pond on the project site provides ostensibly suitable aquatic foraging habitat for pond turtles. However, pond turtles are not expected to occur on the site due to human disturbance (i.e., regular removal of vegetation in the pond as well as construction traffic throughout the site); the 2.0-mile distance separating the site from the nearest occurrences of the species, with intervening high-intensity development and multi-lane roadways; and the lack of friable soils on the site for nesting.

- The foothill yellow-legged frog (*Rana boylii*), a California species of special concern and a candidate for listing under the California Endangered Species Act, occurs in streams with riffles and cobble-size rocks with slow water flow (Jennings and Hayes 1994). No aquatic habitat to support this species occurs on the project site, and the nearest known occurrence is located in the foothills of the Diablo Range approximately 8.1 miles east of the site (CNDDB 2018). The VHP maps Upper Penitencia Creek approximately 105 feet south of the site as secondary habitat for foothill yellow-legged frogs (ICF International 2012). However, this species has been extirpated from Valley floor areas of Santa Clara County, and is no longer known to occur along the County's streams below major reservoirs, including Cherry Flat Reservoir which is located upstream of the project site (H. T. Harvey & Associates 1999). Thus, yellow-legged frogs are not expected to be present on the project site.
- The tricolored blackbird, a threatened species under the California Endangered Species Act, forms dense nesting colonies that may consist of tens of thousands of pairs. This species typically nests in tall, dense, stands of cattails or tules, but also nests in blackberry (*Rubus ursinus*), wild rose (*Rosa californica*) bushes, and tall herbs. The VHP maps Upper Penitencia Creek as potential breeding habitat for tricolored blackbirds (ICF International 2012). The on-site pond does not provide suitable nesting habitat for tricolored blackbirds due to its small size, the limited extent of vegetation present to support a nesting colony (due to the regular removal of vegetation in the pond), and high levels of surrounding human disturbance. Further, no suitable nesting habitat was identified along Upper Penitencia Creek within 250 feet of the project site during the October 2018 focused survey. Thus, nesting colonies of tricolored blackbirds are determined to be absent from the project site and areas within 250 feet.

3.3 Sensitive and Regulated Habitats

The CDFW ranks certain rare or threatened plant communities, such as wetlands, meadows, and riparian forest and scrub, as 'threatened' or 'very threatened'. These communities are tracked in the CNDDB. Impacts on CDFW sensitive plant communities, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under CEQA (California Code of Regulations: Title 14, Div. 6, Chap. 3, Appendix G). Furthermore, aquatic, wetland and riparian habitats are also afforded protection under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE) under Section 401 of the Clean Water Act (CWA) (waters of the U.S.), the Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act (waters of the state), the CDFW under Sections 1601–1603 of the Fish and Game Code, and/or the U.S. Fish and Wildlife Service (USFWS).

CDFW Sensitive Habitats. A query of sensitive habitats in the CNDDB (2018) identified no communities of special concern as occurring in the project vicinity (Figure 3) or on the *San José West, California* USGS quadrangle in which the project is located. The CDFW also maintains a list of vegetation alliances and associations within the state of California (CDFW 2018). This list includes global (G) and state (S) rarity ranks for associations and alliances. Alliances and associations currently ranked as S1–S3 are considered highly imperiled. Urban-suburban

and ornamental land uses, such as those present on the project site, do not conform to a defined, native-dominated CDFW alliance or association, nor do they have an associated rarity rank.

Riparian Corridors. Measures to protect riparian corridors are provided in the City's Riparian Corridor Policy Study (City of San Jose 1999), which was incorporated into the City's Envision San José 2040 General Plan (City of San Jose 2011); the Zoning Code (Title 20 of the San Jose Municipal Code); and the City Council-adopted VHP, specifically Condition 11. The term "riparian corridor" as defined by the City means any defined stream channel, including the area up to the bank full-flow line, as well as all characteristic streamside vegetation in contiguous adjacent uplands.

In 2016, the City released Council Policy 6-34 to provide guidance on the implementation of riparian corridor protection consistent with all City policies and requirements that provide for riparian protection (City of San José 2016). County Policy 6-34 indicates that riparian setbacks should be measured from the outside edges of riparian habitat or the top of bank, whichever is greater, and that development of new buildings and roads generally should be set back 100 feet from the riparian corridor. However, County Policy 6-34 also indicates that a reduced setback may be considered under limited circumstances, including the existence of legal uses within the minimum setback, and utility or equipment installations or replacements that involve no significant disturbance to the riparian corridor during construction and operation and that generate only incidental human activity.

No riparian habitat is present on, or within 100 feet of, the project site. The closest riparian habitat is located along Upper Penitencia Creek, approximately 105 feet south of the project site and across Berryessa Road.

Waters of the U.S./State. The pond was clearly excavated in uplands, possibly as an irrigation pond when surrounding land uses were predominantly agricultural, and the pond currently seems to serve a stormwater detention function. However, the depth of water in the pond at the end of the dry season suggests that it may have been excavated to a depth allowing it to intercept natural groundwater sources. In a jurisdictional determination dated August 23, 2022, the USACE determined that the pond is not a water of the U.S. However, the pond may still be regulated as a water of the State, in which case impacts would necessitate Porter-Cologne Waste Discharge Requirements from the San Francisco Bay RWQCB. Whereas the pond habitat within this feature occupies 0.34 acre, the RWQCB may consider the banks above the ordinary high water mark of the pond, out to the top of bank, as waters of the State (a total of 0.60 acre).

Section 4. Biotic Impacts and Avoidance Measures

4.1 Overview

CEQA and the State CEQA Guidelines provide guidance in evaluating impacts of projects on biological resources and determining which impacts will be significant. The Act defines a "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." Under State CEQA Guidelines Section 15065, a project's effects on biological resources are deemed significant where the project would:

- "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"
- "reduce the number or restrict the range of a rare or endangered plant or animal"

In addition to the Section 15065 criteria that trigger mandatory findings of significance, Appendix G of the State CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact. For biological resources, these impacts include whether the project would:

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 Game 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, regulations or by the California Department of Fish and Game 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"

Following is an assessment of potential project impacts on biological resources. The impact assessment below is structured based on the six significance criteria (A–F) listed above.

4.2 Impacts on Special-Status Species: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (Less than Significant)

The project site does not provide suitable habitat for any special-status plant or animal species. Therefore, the proposed project would not result in a substantial adverse effect on any special-status species.

4.3 Impacts on Sensitive Communities: 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 (Less than Significant)

The only sensitive community that will be impacted by the proposed project is the on-site pond, and the project proposes to fill all 0.34 acre of this habitat. As this pond is potentially a waters of the U.S./state, impacts to the pond are discussed under *Impacts on Jurisdictional Waters*, below.

4.4 Impacts on Jurisdictional Waters: 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 (Less than Significant)

The 0.34-acre[2] artificial pond present on the project site is proposed to be filled by the project. Although the pond provides relatively low-quality habitat for wildlife, permanent loss of pond habitat because of the project would be considered significant under CEQA if not compensated (Criterion C). However, the project will comply with all applicable conditions of the VHP, including measures to protect water quality and land cover and wetland specialty fee payment for pond impacts, as described under *Impacts due to Conflicts with an Adopted Habitat Conservation Plan* below. Fees are used by the SCVHA to create and restore wetland, pond, and riparian habitats within the Plan area, so payment of these fees will offset the impact from loss of the feature and its habitat values through filling.

The project site is located approximately 105 feet from Upper Penitencia Creek, with Berryessa Road separating the Creek from the project site. Due to the close proximity of the project site to the creek, the proposed project could have indirect impacts on Upper Penitencia Creek and associated riparian habitat if storm water carries

[2] As described in Section 3.3, the pond habitat within this feature occupies 0.34 acre, but the RWQCB may consider the banks above the ordinary high water mark of the pond, out to the top of bank, as waters of the State (a total of 0.60 acre).

pollutants or sediment from the project site into these areas. Construction projects in California causing land disturbances that are equal to 1.0 acre or greater must comply with state requirements to control the discharge of stormwater pollutants under National Pollutant Discharge Elimination System (NPDES)/Construction General Permit. Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan must be developed and maintained during the project and it must include the use of best management practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the NPDES/Construction General Permit require that the applicant utilize various measures including: on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors. Additionally, in many Bay Area counties, including Santa Clara County, projects must also comply with the RWQCB, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (Water Board Order No. R2-2009-0074). This permit requires that all projects implement BMPs and incorporate Low Impact Development practices into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, among other factors. Compliance with both of these permits will prevent water quality impacts and improve stormwater runoff compared to existing conditions at the project site, which was developed prior to the adoption of these permit requirements.

In addition, the project will comply with the requirements of VHP Condition 3 (see *Impacts due to Conflicts with an Adopted Habitat Conservation Plan* below). VHP Condition 3 requires implementation of design phase, construction phase, and post-construction phase measures, including programmatic BMPs, performance standards, and control measures, to minimize increases of peak discharge of storm water and to reduce runoff of pollutants to protect water quality, including during project construction.

Compliance with VHP conditions, requirements to control the discharge of stormwater pollutants during and following construction under the NPDES Construction General Permit and Municipal Regional Stormwater NPDES Permit, and the RWQCB-required Storm Water Pollution Prevention Plan, as well as payment of land cover and specialty wetland impact fees for the pond, will reduce the project's potential impact on pond habitat and water quality to a less-than-significant level.

4.5 Impacts on Wildlife Movement: 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 (Less than Significant)

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold

impact on wildlife: first, as habitat patches become smaller they are unable to support as many individuals (patch size); and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

As described above, no natural habitats are present on the project site, and the site is bordered to the north, east, and west by existing development and to the south by the six-lane Berryessa Road. Therefore, implementation of the proposed project would not result in fragmentation of natural habitats. Further, species that are capable of moving through such a heavily developed site are all regionally abundant, common species that are expected to continue to use the site after construction is complete. Therefore, the project would not 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, and this impact is determined to be less than significant.

4.6 Impacts due to Conflicts with Local Policies: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Less than Significant with Mitigation)

4.6.1 Impacts on Protected Trees (Less than Significant with Mitigation)

The City of San José promotes the health, safety, and welfare of the city by regulating the planting, removal, and maintenance of trees in the city. The city provides tree protection under the Municipal Code Section 13.28 (street trees, hedges, and shrubs), 13.32 (tree removal controls), and 13.44.220 (damaging park property). The Municipal Code details permit requirements for tree related work, including removal, pruning, and planting.

Removal of trees on private property, commercial, and industrial properties are also subject to tree removal permitting by the City of San José. A permit is required to remove a tree of "any size" from a commercial and industrial property. Replacement trees are required for the removal of ordinance-size trees. A single trunk tree qualifies as an ordinance-size tree if it measures 38 inches or more in circumference at 4.5 feet. above ground. A multi-trunk tree qualifies as ordinance-size if the combined measurement of each trunk circumference (at 4.5 feet. above ground) adds up to 38 inches or more. A separate "permit adjustment application" is required to be filed for non-ordinance sized trees that will be removed from commercial and industrial property. As part of the permit application it is required to contact the City's planning division with regard to the replacement of trees on private, commercial and industrial properties.

A total of 47 ordinance-sized trees occur on the project site (H. T. Harvey & Associates 2018), and the removal of these trees could constitute a significant impact under CEQA related to compliance with City ordinances. The removal of ordinance-sized trees and non-ordinance size trees on the project site would not have a significant impact on wildlife species due to the availability of similar habitat (i.e., large, nonnative trees) in the San José region and because the wildlife species that use these trees are regionally abundant. Implementation

of Mitigation Measures 1A–1C below would reduce impacts on City-protected trees to less than significant levels under CEQA.

Mitigation Measure 1A: Tree Protection Zones. Trees that are intended to remain on the project site will be protected during project construction to the extent feasible. Protection would include the establishment of Tree Protection Zones, which at a minimum would include the installation of a fence around the drip line of ordinance-sized trees, restricted construction activity within the dripline, and the posting of appropriate signage on the fence. These measures create an area of protection around the trees and reduce the threat of damage. Trees that are subject to ground-disturbing construction activities within any portion of their dripline would be considered lost, unless a certified arborist determines that the tree is unlikely to be severely damaged or killed by such activities.

Mitigation Measure 1B: Tree Protection Plan. All trees to be removed, avoided, or protected would be depicted on project plans. A Tree Protection Plan would be generated by a certified arborist to include all trees that are to be avoided or protected on the project site.

Mitigation Measure 1C: Tree Removal Permit and Tree Replacement. The project proponent would comply with the City of San José Municipal Code and submit permit applications for removal or damage of all trees covered by the ordinance. Any street trees, ordinance-sized trees, or any tree removed on commercial property may require replacement according to the discretion of the City Director of Planning. Typically, replacement trees are to be California native species, planted as near as possible to the original location, with a minimum of 36-inch box size. The replacement trees would be planted on the site and the project proponent would comply with all other tree removal requirements imposed by the City.

4.7 Impacts due to Conflicts with an Adopted Habitat Conservation Plan: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Less than Significant with Mitigation)

The proposed project is a "covered project" under the VHP (ICF International 2012). The SCVHA leads the implementation of the VHP. It is a regional partnership between six local partners (i.e., the County of Santa Clara, Santa Clara Valley Transportation Authority, the Santa Clara Valley Water District, and the Cities of San José, Gilroy, and Morgan Hill), the CDFW, and the USFWS. In 2013, the VHP was adopted by all local participating agencies, and permits were issued from the USFWS and CDFW. The VHP is both a habitat conservation plan and natural community conservation plan. The planning document helps private and public entities plan and conduct projects and activities in ways that lessen impacts on natural resources, including specific threatened and endangered species. The VHP identifies regional lands (called reserves) to be preserved or restored to benefit at-risk species, and it describes how reserves would be managed and monitored to ensure that they benefit those species. In providing a long-term, coordinated planning effort for habitat restoration

and conservation, the VHP aims to enhance the viability of threatened and endangered species throughout the Santa Clara Valley.

The VHP defines measures to avoid, minimize, and mitigate impacts on covered species and their habitats while allowing for the implementation of certain "covered projects". Chapter 6 of the VHP includes detailed and comprehensive conditions to avoid and minimize impacts on the 18 "covered species" (nine animal species and nine plant species) included in the plan area, which is comprised of 519,506 acres, or approximately 62% of Santa Clara County. These conditions are designed to achieve the following objectives:

- Provide avoidance of covered species during implementation of covered activities throughout the project site.
- Prevent take of individuals from covered activities as prohibited by law (e.g., take of fully protected species).
- Minimize impacts to natural communities and covered species where conservation actions would take place.
- Avoid and minimize impacts to jurisdictional wetlands and waters throughout the study area to facilitate project-by-project wetland permitting.

In conformance with the VHP, project proponents are required to pay impact fees in accordance with the types and acreage of habitat or "land cover" impacted, and to implement conservation measures specified by the VHP. Land cover impacts are used because it is the best predictor of potential species habitat, and is applicable to all of the covered species (with the exception of the burrowing owl). The SCVHA has mapped three fee zones in the VHP area: (1) ranchland and natural lands, (2), agricultural and valley floor lands, and (3) small vacant sites, as well as one no-fee zone (Urban Areas) (SCVHA 2018). Within the three fee zones, the following areas are exempt from land cover fees:

- All development that occurs on land mapped by the VHP as urban-suburban, landfill, reservoir (excluding dams), or agriculture developed land cover types
- Other exempt activities include urban development in fee zones A-C on parcels less than 0.5 acre
- Additions to structures within 50 feet of an existing structure that result in less than 5,000 feet of impervious surface so long as there is no effect on wetland or serpentine land cover types
- Construction of recreational facilities within the reserve system.

Additional fees in-lieu of providing compensatory mitigation are imposed for projects that impact serpentine habitat; wetlands, ponds, streams, and riparian woodlands; and burrowing owls, and for certain projects that result in atmospheric nitrogen emissions, although in some cases, project proponents may provide land to restore or create habitats types protected by the VHP in lieu of payment of fees.

The project site is located in the Urban Service Area for the City of San José. In regards to the VHP's land cover fee zones, the entirety of the project site falls within the Urban Service Area (i.e., the no-fee zone). In addition, the project site does not include lands mapped as occupied burrowing owl nesting habitat or serpentine, and no burrowing owl or serpentine fee applies. However, a wetland specialty fee for impacts on the pond would apply. Further, because the project includes the construction of new residences and office space, which will generate new vehicle trips, a nitrogen emissions fee would also apply to the project.

The sections below summarize the conservation measures that are required by the VHP for the proposed project.

Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species

As discussed under *Special-Status Plant and Animal Species* above, no state or federally protected plant species occur on the project site, and the majority of state and federally protected wildlife species are determined to be absent from the site or would not be affected by project activities. However, all migratory bird species and their nests are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Actions conducted under the VHP must comply with the provisions of the MBTA and California Fish and Game Code (i.e., avoid take of protected nesting birds).

Construction disturbance during the avian breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Because such an impact would conflict with Condition 1 of the VHP, it would be considered a significant impact under CEQA. The following measures would be implemented to avoid impacts on active nests of birds protected by the MBTA or California Fish and Game Code:

Measure 2A. Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

Measure 2B. Preconstruction/Pre-disturbance Surveys. If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact area for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

Condition 3. Maintain Hydrologic Conditions and Protect Water Quality

This condition applies to all projects covered by the VHP and helps protect watershed health, primarily through reducing stormwater discharge and pollutant runoff from project sites. Indirect impacts on water quality in Upper Penitencia Creek will be avoided and minimized to the greatest extent practical through the implementation of applicable measures outlined in the VHP, and through compliance with post-construction requirements under the project's Municipal Regional Stormwater NPDES permit as described in Section 4.4 above.

Condition 12 – Wetland and Pond Avoidance and Minimization

Condition 12 applies to covered projects that would directly or indirectly affect wetlands or ponds. The purpose of Condition 12 is to minimize impacts on wetlands and ponds and avoid impacts on high-quality wetlands and ponds by prescribing vegetated storm drain water filtration features, proper disposal of cleaning materials, and other requirements.

Project proponents are required to pay a wetland fee for impacts on wetlands and ponds to cover the cost of restoration or creation of aquatic land cover types required by the VHP. Covered activities can avoid paying the wetland fee if they avoid impacts on wetlands.

4.8 Cumulative Impacts

Cumulative impacts arise due to the linking of impacts from past, current, and reasonably foreseeable future projects in the region. Future development activities in the City of San José and development activities covered by the VHP would result in impacts on the same habitat types and species that would be affected by the proposed project. The proposed project, in combination with other projects in the area and other activities that impact the species that are affected by this project, could contribute to cumulative effects on special-status species. Other projects in the area include both development and maintenance projects that could adversely affect these species and restoration projects that would benefit these species.

The cumulative impact on biological resources resulting from implementation of the proposed project in combination with other projects in the region would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; compensatory mitigation and proactive conservation measures associated with each project; and the benefits to biological resources accruing from the VHP. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur.

However, the San José General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts on these resources, and the VHP includes

numerous conservation measures to offset adverse effects on covered activities. Many projects in the region that impact resources similar to those impacted by the proposed project would be covered activities under the VHP and would mitigate impacts on sensitive habitats and many special-status species, through that program, which would require payment of fees for habitat restoration.

Further, the proposed project would implement mitigation measures to reduce impacts on both common and special-status species, as described above. Thus, provided that this project successfully incorporates the mitigation measures described in this biological resources report, the project would not contribute to substantial cumulative effects on biological resources.

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M E M O

Date: March 14, 2023

To: Amber Sharpe
Project Manager
David J. Powers & Associates, Inc.

From: Michael Thill
Principal Consultant
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SUBJECT: Berryessa Road Mixed-Use Development Project, San Jose, CA – Responses to Noise Comments

This memo summarizes the results of the calculations completed to estimate the insertion loss provided by noise barriers used to provide acoustical shielding at nearby receptors and the estimated number of months that receptors would be subject to construction noise levels exceeding 60 dBA L_{eq}.

The project would be constructed over a period of approximately 44 months. The sequence of construction by three different developers would be as follows:

- Overall Horizontal Site Infrastructure: Months # 1-6
- Parcels A, B & C: Months # 7 - 25
- Parcel D: Months # 19 - 39
- Parcels F, G, & H: Months # 7 - 39
- Commercial Block: Months # 26 – 44

Interior construction activities, which generates substantially lower noise levels as the building shell provides at least 15 dBA of noise reduction, would occur during approximately 50% of the time between Months 7 and 44. The estimates in this memo are conservative as they do not account for reduced noise levels during interior construction activities or due to additional acoustical shielding provided by buildings constructed during the earliest phases of construction.

Insertion loss calculations were made to estimate the acoustic shielding that would be provided by temporary construction noise barriers to shield adjacent residential exterior use areas to the north

and west. The calculation inputs and results are included in this memo's appendix. Based on the results of the calculations, 14-foot temporary noise barriers are calculated to provide approximately 14 dBA of noise reduction. During the overall horizontal site infrastructure phase (Months 1-6), the temporary 14-foot noise barrier would reduce construction noise levels experienced at 50 feet from 88 dBA L_{eq} to 74 dBA L_{eq}. Horizontal site infrastructure phase construction occurring 250 feet or further from the nearest receptors to the north and west would be 60 dBA L_{eq} or less assuming the additional distance between the receptor and the noise source and the acoustical shielding provided by the temporary noise barrier (see red shaded areas identified on Figures 1 and 2). During the construction of Parcels A, B, C, D, F, G, H, and I (Commercial Block), the temporary 14-foot noise barrier would reduce construction noise levels experienced at 50 feet from 84 dBA L_{eq} to 70 dBA L_{eq}. Construction of Parcels A, B, C, D, F, G, H, and I (Commercial Block) occurring 160 feet or further from the nearest receptors to the north and west would be 60 dBA L_{eq} or less assuming the additional distance between the receptor and the noise source and the acoustical shielding provided by the temporary noise barrier (see blue shaded areas identified on Figures 1 and 2).

Insertion loss calculations were also made to estimate the acoustic shielding that would be provided by existing 8-foot minimum noise barriers that currently shield adjacent residential exterior use areas to the east from noise due to BART. Based on the results of the calculations, the existing 8-foot minimum noise barriers are calculated to provide approximately 10 dBA of noise reduction. During the overall horizontal site infrastructure phase (Months 1-6), the existing 8-foot minimum noise barrier would reduce construction noise levels experienced at 50 feet from 88 dBA L_{eq} to 78 dBA L_{eq}. Horizontal site infrastructure phase construction occurring 400 feet or further from the nearest receptors to the east would be 60 dBA L_{eq} or less assuming the additional distance between the receptor and the noise source and the acoustical shielding provided by the existing noise barrier (see red shaded area identified on Figure 3). During the construction of Parcels A, B, C, D, F, G, H, and I (Commercial Block), the existing 8-foot minimum noise barriers would reduce construction noise levels experienced at 50 feet from 84 dBA L_{eq} to 74 dBA L_{eq}. Construction of Parcels A, B, C, D, F, G, H, and I (Commercial Block) occurring 250 feet or further from the nearest receptors to the east would be 60 dBA L_{eq} or less assuming the additional distance between the receptor and the noise source and the acoustical shielding provided by the existing noise barriers (see blue shaded areas identified on Figure 3).

Construction duration estimates were then made to calculate the number of months where mitigated construction noise levels would exceed 60 dBA L_{eq} at nearby receptors. Table 1 summarizes the input assumptions and calculations.

For this project, it was determined that 14-foot noise barriers would be required along the north and west property lines to reduce the cumulative duration of construction noise levels exceeding 60 dBA L_{eq} to less than one year. With the proposed 14-foot temporary noise barrier along the entirety of the north property boundary, noise levels are calculated to exceed 60 dBA L_{eq} for approximately 6-7 months during the overall construction period (i.e., approximately 1 month during the construction of horizontal infrastructure within 250 feet, approximately 3.6 months during the construction of Phase A units within 160 feet, and approximately 2.1 months during the construction of Phase D units within 160 feet). Similarly, with the proposed 14-foot noise barrier along the entirety of the west property line, noise levels are calculated to exceed 60 dBA L_{eq} for

approximately 9-10 months during the overall construction period (i.e., approximately 1 month during the construction of horizontal infrastructure within 250 feet, approximately 3.2 months during the construction of Parcel C units within 160 feet, approximately 3.3 months during the construction of Parcel F/G units within 160 feet, and approximately 2.1 months during the construction of Phase I within 160 feet). Existing 8-foot noise barriers located east of the site and the BART right-of-way would be sufficient to achieve the construction noise threshold at residences to the east. (i.e., approximately 1.7 months during the construction of horizontal infrastructure within 400 feet, and approximately 9.9 months during the construction of Parcel D and H units within 250 feet). Note that these calculations are conservative as they do not assume the noise reduction that would occur with interior construction activities, which are estimated to be approximately 50% of the building construction phase.

Table 1 Months During Construction exceeding 60 dBA L_{eq} Threshold

Receptor	Parcels/ Infrastructure	% Area	% Units	% Building	Phase Duration (Months)	Months exceeding 60 dBA L_{eq}
North	Horizontal Infrastructure	14.7% (1.91 ac/13 ac)	--	--	6	0.9
	Parcels A, B, C	--	19.1% (9 units/47 units)	--	19	3.6
	Parcel D	--	--	< 10%	21	2.1
Total Months exceeding 60 dBA L_{eq} (mitigated)						**6.6**
West	Horizontal Infrastructure	14.7% (1.91 ac/13 ac)	--	--	6	0.9
	Parcels A, B, C	--	17.0% (8 units/47 units)	--	19	3.2
	Parcels F, G	--	--	< 10%	33	3.3
	Parcel I	--	--	< 10%	20	2.1
Total Months exceeding 60 dBA L_{eq} (mitigated)						**9.5**
East	Horizontal Infrastructure	28.9% (3.76 ac/13 ac)	--	--	6	1.7
	Parcels D, H	--	--	< 30%	33	9.9
Total Months exceeding 60 dBA L_{eq} (mitigated)						**11.6**

(18-191)

Figure 1 Areas of Site Generating Construction Noise Levels Greater than 60 dBA Leq at North Receptor (mitigated)

Figure 2 Areas of Site Generating Construction Noise Levels Greater than 60 dBA Leq at West Receptor (mitigated)

Figure 3 Areas of Site Generating Construction Noise Levels Greater than 60 dBA Leq at East Receptor (mitigated)

Appendix

Noise Barrier Insertion Loss Calculations - Temporary 14-foot Barrier, 50 feet from Source

Thin Barrier No K		c	Octave Band	λ	2/λ	N	lLbarrier	AVG attenuation
d	50.00	1128.22	63	17.91	0.11	0.5584	9.3369	18.48
d1	14.00		125	9.03	0.22	1.1079	11.4858	
d2	41.00		250	4.51	0.44	2.2159	14.0069	
			500	2.26	0.89	4.4318	16.7502	
Degrees F	70.00		1000	1.13	1.77	8.8635	19.6206	
			2000	0.56	3.55	17.7270	22.5592	
			4000	0.28	7.09	35.4541	25.5333	
			8000	0.14	14.18	70.9082	28.5253	

Noise Barrier Insertion Loss Calculations - Temporary 14-foot Barrier, 160 feet from Source

Thin Barrier No K		c	Octave Band	λ	2/λ	N	lLbarrier	AVG attenuation
d	160.00	1128.22	63	17.91	0.11	0.4914	8.9839	17.98
d1	14.20		125	9.03	0.22	0.9750	11.0551	
d2	150.20		250	4.51	0.44	1.9500	13.5218	
			500	2.26	0.89	3.8999	16.2324	
Degrees F	70.00		1000	1.13	1.77	7.7999	19.0848	
			2000	0.56	3.55	15.5998	22.0139	
			4000	0.28	7.09	31.1996	24.9830	
			8000	0.14	14.18	62.3992	27.9726	

Noise Barrier Insertion Loss Calculations - Existing 8-foot Barrier, 160 feet from Source

Thin Barrier No K		c	Octave Band	λ	2/λ	N	lLbarrier	AVG attenuation
d	160.00	1128.22	63	17.91	0.11	0.1675	6.6980	14.08
d1	40.50		125	9.03	0.22	0.3324	8.0098	
d2	121.00		250	4.51	0.44	0.6648	9.8442	
			500	2.26	0.89	1.3295	12.1206	
Degrees F	70.00		1000	1.13	1.77	2.6591	14.7115	
			2000	0.56	3.55	5.3181	17.4959	
			4000	0.28	7.09	10.6362	20.3887	
			8000	0.14	14.18	21.2725	23.3390	

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT

Purpose of the Compliance Checklist

In 2020, the City adopted a Greenhouse Gas Reduction Strategy (GHGRS) that outlines the actions the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions for the interim target year 2030. The purpose of the Greenhouse Gas Reduction Strategy Compliance Checklist (Checklist) is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects.
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to the California Environmental Quality Act (CEQA).

The 2030 GHGRS presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR. Additionally, the 2030 GHGRS leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases. Accordingly, the City of San José's 2030 GHGRS represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHGRS, these GHG reductions will occur through a combination of City initiatives in various plans and policies and will provide reductions from both existing and new developments. This Compliance Checklist specifically applies to proposed discretionary projects that require environmental review pursuant to CEQA. Therefore, the Checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. Per the 2030 GHGRS, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target.

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS.

Instructions for Compliance Checklist

Applicants shall complete the following sections to demonstrate conformance with the City of San José 2030 Greenhouse Gas Reduction Strategy for the proposed project. All projects must complete Section A. General Plan Policy Conformance and Section B. Greenhouse Gas Reduction Strategies. Projects that propose alternative GHG mitigation measures must also complete Section C. Alternative Project Measures and Additional GHG Reductions.

A. General Plan Policy Compliance

Projects need to demonstrate consistency with the Envision San José 2040 General Plan's relevant policies for Land Use & Design, Transportation, Green Building, and Water Conservation, enumerated in Table A. All applicants shall complete the following steps.

1. Complete Table A, Item #1 to demonstrate the project's consistency with the General Plan Land Use and Circulation Diagram.

2. Complete Table A, Items #2 through #4 to demonstrate the project's consistency with General Plan policies[1] related to green building; pedestrian, bicycle & transit site design; and water conservation and urban forestry, as applicable. For each policy listed, mark the relevant yes/no check boxes to indicate project consistency, and provide a qualitative description of how the policy is implemented in the proposed project or why the policy is not applicable to the proposed project. Qualitative descriptions can be included in Table A or provided as separate attachments. This explanation will provide the basis for analysis in the CEQA document.

B. Greenhouse Gas Reduction Strategies

Table B identifies the GHGRS strategies and recommended consistency options. Projects need to demonstrate consistency with the GHGRS reduction strategies listed in Table B or document why the strategies are not applicable or are infeasible. The corresponding GHGRS strategies are indicated in the table to provide additional context, with the full text of the strategies preceding Table B.

Residential projects must complete Table B, Part 1 and 2; Non-residential projects must complete Table B, Part 2 only. All applicants shall complete the following steps for Table B.

1. Review the project consistency options described in the column titled 'GHGRS Strategy and Consistency Options'.

2. Use the check boxes in the column titled "Project Conformance" to indicate if the strategy is 'Proposed', 'Not Applicable', 'Not Feasible', or if there is an 'Alternative Measure Proposed'.

[1] The lists in items # 2-4 do not represent all General Plan policies but allow projects to demonstrate consistency and achievement of policies that are related to quantified reduction estimates in the 2030 GHGRS.

3. Provide a qualitative analysis of the proposed project's compliance with the GHGRS strategies in the column titled "Description of Project Measure". This will be the basis for CEQA analysis to demonstrate compliance with the 2030 GHGRS and by extension, with SB 32. The qualitative analysis should provide:

    a. A description of which consistency options are included as part of the proposed project, or

    b. A description of why the strategy is not applicable to the proposed project, or

    c. A description of why the consistency options are infeasible. If applicants select 'Not Feasible' or 'Alternative Measure Proposed', they must complete Table C to document what alternative project measures will be implemented to achieve a similar level of greenhouse gas reduction and how those reduction estimates were calculated.

C. Alternative Project Measures and Additional GHG Reductions

Projects that propose alternative GHG mitigation measures to those identified in Table B or propose to include additional GHG mitigation measures beyond those described in Tables A and B, shall provide a summary explanation of the proposed measures and demonstrate efficiency or greenhouse gas reductions achievable though the proposed measures. Documentation for these alternative or additional project measures shall be documented in Table C. Any applicants who select 'Not Feasible' or 'Alternative Measure Proposed' in Table B must complete the following steps for Table C.

1. In the column titled "Description of Proposed Measure" provide a qualitative description of what measure will be implemented, why it is proposed, and how it will reduce GHG emissions.

2. In the column titled "Description of GHG Reduction Estimate" demonstrate how the alternative project measure would achieve the same or greater level of greenhouse gas reductions as the GHGRS strategy it replaces. Documentation or calculation files can be attached separately.

3. In the column titled "Proposed Measure Implementation" identify how the measure will be implemented: incorporated as part of the project design or as an additional measure that is not part of the project (e.g., purchase of carbon offsets).

Compliance Checklist

Evaluation of Project Conformance with the 2030 Greenhouse Gas Reduction Strategy

Table A: General Plan Consistency

Development Type: ☒ Commercial ☒Residential ☒ Office ☐ Other: Specify

1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	Yes	No
Is the proposed Project consistent with the Land Use/Transportation Diagram?	☒	☐
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 GHGRS 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).[2]	☐	☐
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 GHGRS and further modeling will be required to determine if additional mitigation measures are necessary.	☐	☐

Response documentation: *[Either here or as an attachment]*

The project proposes to develop up to 802 multi-family residential units,48 single-family house/townhouse units, and the 480,000 square feet of commercial space, in the Berryessa BART Urban Village Plan area, which is consistent with the General Plan Urban Residential, Mixed-Use Neighborhood, Transit Employment Center, Open Space, Parklands and Habitat designations.

[2] For example, a General Plan Amendment to change use from single-family residential to multi-family residential or a General Plan Amendment to change the use from regional-serving commercial to mixed-use urban in a transit-served area might reduce travel demand, and therefore GHG emissions from mobile sources.

2) Implementation of Green Building Measures	Yes	No
***MS-2.2**: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	☒	☐
Not applicable	☐	☐
Describe how the project is consistent or why the measure is not applicable. [Either here or as an attachment] The proposed project would be fully electric. The project would include solar hot water heating systems.		
***MS-2.3**: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.*	☒	☐
Not applicable	☐	☐
Describe how the project is consistent or why the measure is not applicable. [Either here or as an attachment] The project would include landscaping, including trees throughout the site, providing shading. The project would be compliance with 2019 Title 24 standards for energy efficiency and the City's Code of Ordinances, Chapter 15.11, Water Efficient Landscape Standards for New and Rehabilitated Landscaping.		
***MS-2.7**: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.*	☐	☐
Not applicable	☒	☐
The proposed project parking would be located within enclosed parking garages (on the basement, first, and second levels). The project does not propose surface parking stalls.		
***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).*	☒	☐
Not applicable	☐	☐
The proposed project would be in compliance with the City's Reach Code, the 2019 Title 24 standards for energy efficiency, and achieve a GreenPoint Rated score of 50 points or higher for the residential component and LEED Silver for the commercial component.		
***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	☒	☐
Describe how the project is consistent or why the measure is not applicable. [Either here or as an attachment] Electricity for the project would be provided by San José Clean Energy, which will provide 100-percent carbon-free base power.		

3) Pedestrian, Bicycle & Transit Site Design Measures	**Yes**	**No**
***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.*		
a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.	☒	☐
b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.	☒	☐
c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.	☒	☐
Not applicable	☐	☐
The project would replace the existing sidewalk along the project frontage on Berryessa Road with a new 12-foot sidewalk to enhance pedestrian safety. The project proposes to construct an internal street and sidewalk network that would enhance safety for vehicles and pedestrians. The project would implement Transportation Demand Management Measures that are consistent with the BBUV Parking and TDM Plan (which encourages reduced parking). TDM measures that could be implemented by the project include participation in a TDM program provided by an established Transportation Management Association; education, marketing, and outreach to employees and residents with information on available travel options; and unbundled parking. The project would include housing, employment, and park space.		
***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.*	☒	☐
Not applicable	☐	☐
The project would include landscaping to reduce impervious surfaces, enclosed parking, bioretention areas to treat stormwater.		

	Yes	No
***CD-2.11**: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.*	☒	☐
Not applicable	☐	☐
The proposed project is within the BBUV Urban Village. The project would construct enclosed parking garages (including underground parking) within the residential and commercial office buildings. No surface parking lots are proposed.		
***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.*	☐	☐
Not applicable	☐	☐
Describe how the project is consistent or why the measure is not applicable. [Either here or as an attachment]		
***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.*	☒	☐
Not applicable	☐	☐
The project site is located within one quarter mile of the Berryessa BART Station. Pedestrians would be able to access the station via sidewalks on Berryessa Road and Berryessa Station Way. Planned Class IV bicycle lanes would be implemented along Berryessa Road (based on the San José Bike Plan 2025). Vehicular access to and from the project site would be consistent with the City's design and safety standards.		
***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	☒	☐

The project is not located with the Downtown area and, therefore, would not impact parking in this area.

	Yes	No
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.*	☒	☐
Not applicable	☐	☐

The project would provide bicycle storage on-site and replace the sidewalk along the project frontage on Berryessa Road.

TR-7.1: *Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.*	☒	☐
Not applicable	☐	☐

The project would comply with the BBUV Parking and TDM Plan which includes measures to reduce vehicle trips and vehicle miles traveled per capita including the provision of transit pass subsidies and complying with the City's parking reduction targets.

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 would comply with the BBUV Parking and TDM Plan which includes measures such as carpool/shared mobility programs to reduce the demand for parking.

4) Water Conservation and Urban Forestry Measures	Yes	No
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.*	☒	☐
Not applicable	☐	☐

The project will use water-efficient landscaping that conforms to the State's Model Water Efficient Landscape Ordinance.

	Yes	No
***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.*	☒	☐
Not applicable	☐	☐
The project will use water-efficient landscaping that conforms to the State's Model Water Efficient Landscape Ordinance and adhere to the 2019 plumbing code efficiency standards. The project site will connect to the recycled water facilities in Berryessa road and use recycled water for irrigation, with the exclusion of areas adjacent to any pool/spa areas or areas designated for food prep and/or consumption.		
***MS-19.4**: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.*	☒	☐
Not applicable	☐	☐
The project site will connect to the recycled water facilities in Berryessa Road and use recycled water for irrigation, with the exclusion of areas adjacent to any pool/spa areas or areas designated for food preparation and/or consumption.		
***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.*	☒	☐
Not applicable	☐	☐
The project would include a wide range of water-efficient and drought tolerant trees, shrubs, and ground cover that is well adapted to San José's climate.		
***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.*	☒	☐
Not applicable	☐	☐
The project will provide street trees and private landscaping to achieve a level of tree coverage in compliance with City laws, policies, and guidelines.		

	Yes	No
***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.*	☐	☒
Not applicable	☐	☐

The project does not propose stormwater reuse. Stormwater would be collected to via storm drains on site and eventually flow to a detention basin between Coyote Creek and Mercado Way, and to a biotreatment cell adjacent to Coyote Creek.

GHGRS Strategies

GHGRS #1: The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.

GHGRS #2: The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.

GHGRS #3: The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.

GHGRS #4: The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.

GHGRS #5: As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.

GHGRS #6: The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.

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

Table B: 2030 Greenhouse Gas Reduction Strategy Compliance

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
PART 1: RESIDENTIAL PROJECTS ONLY		
Zero Net Carbon Residential Construction 1. Achieve/exceed the City's Reach Code, and 2. Exclude natural gas infrastructure in new construction, or 3. Install on-site renewable energy systems or participate in a community solar program to offset 100% of the project's estimated energy demand, or 4. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project until which time SJCE achieves 100% carbon-free electricity for all accounts. **Supports Strategies**: GHGRS #1, GHGRS #2, GHGRS #3	The project will achieve the City's Reach Code by being fully electric and by excluding natural gas infrastructure in the proposed residences. Strategy 3 may not be feasible. The project would comply with San José Clean Energy at the Total Green level.	☒ Proposed(#1 and #2) ☐ Not Applicable ☒ Not Feasible* (#3) ☐ Alternative Measure Proposed ** The 2030 GHGRS assumed this strategy would be feasible for 50% of residential units constructed between 2020 and 2030.*
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS		
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. **Supports Strategies**: GHGRS #1, GHGRS #3	The project may include solar hot water systems. However, Strategy 2 may not be feasible. The project would comply with San José Clean Energy at the Total Green level.	☐ See Part 1 (Residential projects only) ☒ Proposed (#1 solar hot water may be proposed) ☐ Not Applicable ☐ Not Feasible (2) ☐ Alternative Measure Proposed

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
Building Retrofits – Natural Gas[3] This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or 2. Replace an existing natural gas appliance with a high-efficiency model **Supports Strategies:** GHGRS #4	The project would demolish all existing on-site structures and would not retrofit any of these structures.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement. **Supports Strategies:** GHGRS #5	The project would include dedicated spaces for organic waste collection containers and exceed the City's construction and demolition waste diversion requirement.	☒ Proposed ☐ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed

[3] GHGRS Strategy #4 applies to existing building retrofits and not to new construction; Strategy #2 applies to new construction to reduce natural gas related GHG emissions

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
Caltrain Modernization 1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. **Supports Strategies:** GHGRS #6	The project site is not located within one mile of a Caltrain station. However, the project would comply with the BBUV Parking and TDM Plan to reduce vehicle miles traveled.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed
Water Conservation 1. Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or 2. Provide access to reclaimed water for outdoor water use on the project site. **Supports Strategies:** GHGRS #7	The project will install high-efficiency fixtures to reduce water use per 2019 Plumbing Code. Strategy 2 may not be feasible.	☒ Proposed (#1) ☐ Not Applicable ☒ Not Feasible (#2) ☐ Alternative Measure Proposed