

Draft Environmental Impact Report
El Paseo & 1777 Saratoga Avenue Mixed-Use Project

State Clearinghouse #: 2020090521

Project File No: PDC19-049



Prepared by
**CITY OF
SAN JOSE**
CAPITAL OF SILICON VALLEY

In Consultation with



October 2021

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SUMMARY

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the El Paseo/1777 Saratoga Avenue Mixed-Use project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

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

Summary of the Project Location and Description

The project is proposed on a total of approximately 10.7 acres located at the intersection of Saratoga Avenue and Lawrence Expressway/Quito Road in San José. The project consists of two sites, separated by Saratoga Avenue: (1) the El Paseo site and (2) the 1777 Saratoga Avenue site. Currently, the El Paseo site is developed with a total of approximately 96,440 square feet of commercial uses and the 1777 Saratoga Avenue site is developed with a total of approximately 25,184 square feet of commercial office uses.

The project proposes to rezone both project sites to a Planned Development (PD) Zoning District to support a residential market-rate, mixed-use development that meets the City's Signature project requirements. The project would develop one of two development options:

- Non-Education Mixed-Use Option OR
- Education Mixed-Use Option

The Non-Education Mixed-Use Option is the preferred project.

The two development options both propose residential units and commercial uses. The Non-Education Mixed-Use Option would include 1,100 residential units and 165,000 square feet of commercial uses. The Education Mixed-Use Option would include 730 residential units, 66,000 square feet of commercial uses, and a 450,000 square foot educational facility with dorm space.

Summary of Significant Impacts and Mitigation Measures

The following is a summary of the significant impacts and mitigation measures addressed within this Draft EIR. The project description and full discussion of impacts and mitigation measures can be found in Section 2.0 Project Information and Description and Section 3.0 Environmental Setting, Impacts, and Mitigation.

Significant Impacts

Mitigation Measures

Air Quality	
<p>Impact AIR-1: Both Options: The emissions resulting from the construction of the project (under either option) would exceed the Bay Area Air Quality Management District (BAAQMD) threshold of 54 pounds per day of ROG emissions and 54 pounds per day, of NOx emissions.</p>	<p>MM AIR-1.1: Both Options: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant (under either option) shall implement the following additional best management practices identified by the BAAQMD in order to reduce fugitive dust.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (i.e., three times a day). Moisture content shall be verified by lab samples or moisture probe. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • The Air District’s phone number shall be visible on a sign at the construction site to ensure compliance with applicable regulations. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour and visible dust extends beyond site boundaries. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity. • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. • Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.

MM AIR-1.2: Construction Equipment (Both

Options): Prior to issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director’s designee for review and approval. The construction management plan shall demonstrate that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 85-percent reduction in PM_{2.5} exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- Use of equipment that includes California Air Resources Board (CARB)-certified Level 3 diesel particulate filters or alternatively-fueled equipment (i.e., non-diesel).
- Use of added exhaust muffling and filtering devices.
- The plan shall also verify that the equipment included in the plan meets the standards set forth in these mitigation measures:
 - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. The use of Tier 3 equipment shall not exceed five percent of all equipment usage (described in terms of total horsepower hours during a phase).
 - Use of alternatively fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.

Significant Impacts

Mitigation Measures

	<ul style="list-style-type: none">○ Diesel engines, whether for off road equipment or on road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit.○ Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators, concrete/industrial saws, welders, and air compressors.○ Cranes and aerial lifts shall be powered by electricity. <p>MM AIR-1.3: Architectural Coatings (Both Options): Prior to the issuance of any building permits, the project applicant (under either option) shall submit a list of intended coatings for interior and exterior surfaces to the Director of Planning, Building and Code Enforcement or Director’s designee, demonstrating the use of low volatile organic compound or VOC (i.e., ROG) coatings, that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 90 percent of all residential and nonresidential interior paints and 90 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project’s operational lifetime. At least 90 percent of coatings applied must meet a “super-compliant” VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project’s operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used.</p> <p>MM AIR-1.4: Construction diesel trucks (Both Options): Prior to the issuance of any demolition or grading permits (whichever is earliest), the project applicant shall submit a list of all on-road heavy duty diesel trucks intended</p>
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Significant Impacts

Mitigation Measures

	<p>to be used at the project sites to the Director of Planning, Building and Code Enforcement or Director’s designee for review and approval. All on-road heavy duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMFAC Category MHDDT or HHDDT) used at the project sites (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2015 or newer.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
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Biological Resources

<p>Impact BIO-1: Both Options: Construction of the project (under either option) could result in impacts to nesting birds, if present on or adjacent to the sites at the time of construction.</p>	<p>MM BIO-1.1: Both Options: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).</p> <p>MM BIO-1.2: Both Options: If demolition and construction cannot be scheduled between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.</p> <p>MM BIO-1.3: Both Options: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird</p>
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Significant Impacts

Mitigation Measures

	<p>nests shall not be disturbed during project construction.</p> <p>MM BIO-1.4: Both Options: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the City’s Director of Planning, Building, and Code Enforcement or the Director’s designee.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
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Hazards and Hazardous Materials

<p>Impact HAZ-1: Both Options: Project construction (under either option) could result in exposure of construction workers, adjacent uses, and the environment to soil contamination from historic agricultural use, including residual contamination from organochlorine pesticides, herbicides, and fertilizers.</p>	<p>MM HAZ-1.1: Both Options: Prior to issuance of demolition or grading permits, the project applicant shall prepare a Site Management Plan and Health and Safety Plan to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The purpose of the Site Management Plan and Health and Safety Plan is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities. The Site Management Plan shall provide the protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during construction and potential exposure of contaminated soil to future users of the site. The soil profiling shall include (but not limited to) the collection of shallow soil samples (upper one-foot) and analyses for lead and organochlorine pesticides. The soil profiling shall be performed prior to any significant earthwork.</p> <p>If there are no contaminants identified on the project sites that exceed applicable screening levels for construction workers and residential users published by the Regional Water Quality Control Board, Department of Toxic Substances Control, and/or Environmental Protection Agency, the SMP does not need to be submitted</p>
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Significant Impacts

Mitigation Measures

	<p>to an oversight agency and only submitted to the City prior to construction earthwork activities. If contaminants are identified at concentrations exceeding applicable screening levels, the project applicant shall enter the SCCDEH Site Cleanup Program. The SMP and planned remedial measures shall be reviewed and approved by the Santa Clara County Department of Environmental Health. A copy of the SMP and HSP shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Supervising Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
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Noise and Vibration

<p>Impact NOI-1: Both Options: Project construction (under either option) would exceed the City’s construction noise threshold of significance of 60 dBA L_{eq} at residential land uses and places of worship or 70 dBA L_{eq} at commercial land uses by five dBA L_{eq} or more at various times throughout construction for over a year.</p>	<p>MM NOI-1.1: Both Options: Prior to issuance of any demolition or grading permits, a qualified acoustical consultant shall prepare a construction noise logistics plan specifying the hours of construction as well as the noise and vibration minimization measures. Posting or notification of construction schedules is required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The construction noise logistics plan shall require, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
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Significant Impacts

Mitigation Measures

	<ul style="list-style-type: none">• The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.• The unnecessary idling of internal combustion engines shall be prohibited.• Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).• The surrounding neighborhood shall be notified early and frequently of the construction activities.• A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site and included in the noise logistics plan. <p>Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the noise logistics plan to the Director of Planning, Building and Code Enforcement or the Director’s designee.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
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Significant Impacts

Mitigation Measures

<p>Impact NOI-2: Both Options: Nighttime construction activities, specifically concrete pours during the evening hours (7:00 p.m. to 9:00 p.m.) could result in hourly average noise levels exceeding 60 dBA at the first row of residences located south of the El Paseo site.</p>	<p>MM NOI-2.1: Both Options: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project shall implement the following measures during nighttime (7:00 p.m. to 9:00 p.m.) construction activities:</p> <ul style="list-style-type: none">• Limit the active equipment to as few pieces of equipment as possible.• To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors during nighttime hours to the extent feasible, and/or the work sites shall be arranged in a way that minimizes the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with Society of Automotive Engineering J994 Class D alarms (ambient-adjusting, or “smart alarms” that automatically adjust the alarm to five dBA above the ambient near the operating equipment).• Limit nighttime concrete pouring to the northernmost equipment location or a minimum distance of 100 feet from the southern boundary of the El Paseo site, where feasible.<ul style="list-style-type: none">○ If the concrete pumping operation is located within 100 feet of the southern boundary of the El Paseo site, when feasible install temporary noise barriers around the concrete pumping operation to control the noise levels at the source.• Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule, in writing, prior to the beginning of construction. This notification shall specify the dates for all nighttime construction. Designate a “construction liaison” that would be responsible for responding to any local complaints about nighttime construction
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Significant Impacts

Mitigation Measures

	<p>noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</p> <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report to the Director of Planning, Building and Code Enforcement or Director’s designee documenting the equipment used and the location of concrete pouring equipment and temporary noise barriers, and including the time and date of notification of residents within 500 feet of the construction sites.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
<p>Impact NOI-3: Both Options: The project (under either option) would exceed the City’s vibration limit of 0.2 in/sec PPV for buildings of conventional construction at adjacent uses to the north and east.</p>	<p>MM NOI-3.1: Both Options: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall contract with a licensed Professional Structural Engineer in the State of California to prepare a construction vibration monitoring plan that includes measures to reduce vibration impacts to achieve vibration levels below the City’s vibration limit of 0.2 in/sec PPV. During construction, the project applicant (under either option) shall implement the following vibration reduction measures:</p> <ul style="list-style-type: none"> • Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 15 feet of the property lines shared with residences and commercial structures adjacent to the site. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Use smaller equipment to minimize vibration levels below the limits. • Select demolition methods not involving impact tools. • Avoid dropping heavy objects or materials near vibration sensitive locations.

Significant Impacts

Mitigation Measures

	<ul style="list-style-type: none">• A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.• A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall be implemented to include the following tasks:<ul style="list-style-type: none">○ Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the sites. A vibration survey (generally described below) shall be performed.○ Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures adjacent to the sites. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 25 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.○ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.
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Mitigation Measures

	<ul style="list-style-type: none"> ○ The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. ○ Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit the construction vibration monitoring plan to satisfaction of the Director of Planning, Building and Code Enforcement or Director’s designee.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
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Transportation

<p>Impact TRN-1: Both Options: The residential component of the project (under either option) would exceed the City’s residential threshold of 10.12 VMT per capita resulting in a significant impact.</p>	<p>MM TRN-1.1: Both Options: The project applicant shall implement the following pedestrian network improvements to reduce the project’s VMT per capita by 2.21, from 11.07 to 10.09 VMT per capita, which would be below the Citywide average VMT per capita minus 15 percent (10.12).</p> <ul style="list-style-type: none"> ● The project applicant shall remove the pork chop island located at the southwest corner of the Campbell Avenue/Hamilton Avenue intersection and implement the following traffic calming measures to improve pedestrian access between West Campbell Avenue and the south side of Hamilton Avenue: <ul style="list-style-type: none"> ○ Modify the existing signal to provide a 5-phase signal operation;
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Significant Impacts

Mitigation Measures

Significant Impacts	Mitigation Measures
	<ul style="list-style-type: none">○ Provide a signalized pedestrian crosswalk for the south leg;○ Provide bike signal heads at near and far sides for eastbound through bicycle movement;○ Install new signal poles with mast arms lengths shadowing opposing left-turn pockets at the northwest and southeast intersection corners; construct two new directional ADA curb ramps at the southeast corner and one new directional ADA curb ramp at the northwest corner;○ Install a new signal pole with mast arm at the southwest intersection corner; construct new directional ADA curb ramp;○ Replace the existing signal pole at the north leg of the intersection with a signal pole and mast arm for the northbound Campbell Avenue movements;○ Remove the existing signal poles from the raised medians along Campbell Avenue;○ Construct a new ADA directional curb ramp at the northeast corner;○ Retain the existing accessible pedestrian signal equipment for all pedestrian crosswalks and existing video detection for all intersection approaches;○ Provide and install a Point-Zoom camera;○ Replace the existing signal cabinet at the northwest corner with a new architecture control signal cabinet;○ Construct a 550-foot-long, 10-foot wide sidewalk with a curb/gutter along eastbound Campbell Avenue with tree wells at 35 feet off-center;○ Remove existing asphalt concrete along the portion of Campbell Avenue being abandoned and replace with decomposed granite;● As part of the removal of the pork chop island, the project applicant shall retain the existing 30-foot reinforced concrete pipe located along the portion of Campbell

Significant Impacts

Mitigation Measures

	<p>Avenue being abandoned, relocate the existing drainage inlet to the west, conform with the existing drainage inlet to the east, and abandon the drainage inlets in between;</p> <ul style="list-style-type: none">• The project applicant shall also complete streetlight and communications improvements, which include providing a new streetlight every 150 feet along the new sidewalk along eastbound Campbell Avenue and providing LED lighting for each new signal pole. <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report describing the plans and schedules for completing the agreed-upon improvements to the Director of Public Works, or the Director's designee, for review and approval. A copy of the report shall also be provided to the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>MM TRN-1.2: Non-Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement a Transportation Demand Management (TDM) plan that provides unbundled on-site parking costs, which would allow residents without cars to rent a unit without having to pay for a parking spot.</p> <p>Prior to the issuance of any occupancy permits, the project applicant shall submit the TDM plan to the Director of Department of Public Works or Director's designee and the Director of Planning, Building and Code Enforcement or Director's designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically would not exceed six</p>
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Significant Impacts

Mitigation Measures

	<p>months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
<p>Impact TRN-2: Non-Education Option only: The commercial office component of the project would generate 13.38 VMT per employee which exceeds the City’s employee threshold of 12.21 VMT per employee resulting in a significant impact.</p>	<p>MM TRN-2.1: Non-Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement the following measures to reduce the project’s VMT per employee by 1.35, from 13.38 to 12.15 VMT per employee, which would be below the Citywide average 12.21 VMT per employee.</p> <ul style="list-style-type: none"> • Commute Trip Reduction Marketing and Education. The office would be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, therefore lowering the number of single occupancy vehicle (SOV) trips and VMT. • Telecommuting and Alternative Work Schedule Program. The office tenants would be required to implement a flexible work schedule to encourage employees telecommuting, commuting outside of peak congestion periods, or working with alternative schedules. This program would allow some employees to work a few days from home, and thus reducing the number of trips and VMT. <p>Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall submit the TDM plan to the Director of Public Works or the Director’s designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the</p>

Significant Impacts

Mitigation Measures

	<p>trip cap requirements within a grace period, which typically would not exceed six months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.</p> <p>(Less than Significant Impact with Mitigation Incorporated)</p>
<p>Impact TRN-3: Education Mixed-Use Option only: The educational component would result in 8.75 VMT per student, which is a net increase in VMT compared with the 7.85 VMT per student average for regional private schools.</p>	<p>MM TRN-3.1: Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement a Transportation Demand Management (TDM) plan that offers the following commute trip reduction measures to all students and employees to reduce the project’s VMT per student by 10.3 percent, from 8.75 to 7.84 VMT per student, which would be below the average VMT per student for regional private schools.</p> <ul style="list-style-type: none"> • The project applicant shall provide commute trip reduction marketing and education. The school shall routinely provide commute trip reduction marketing/educational campaign to faculty, staff, student drivers, and parents to promote the use of transit, shared rides, walking, and bicycling. • The project applicant shall provide a rideshare/carpool program. The school shall implement a rideshare/carpool program to coordinate carpools amongst parents, student drivers, and employees. <p>Prior to the issuance of any occupancy permits, the project applicant shall submit the TDM plan to the Director of Department of Public Works or the Director’s designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically will not exceed six months. Penalties</p>

Significant Impacts

Mitigation Measures

	shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1. (Less than Significant Impact with Mitigation Incorporated)
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Summary of Project Alternatives

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project (refer to Section 2.3 for the eight project objectives), but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in Section 7.0 Alternatives.

- Location Alternative – A Location Alternative was considered but rejected for further analysis, since the applicant does not control any properties within the City of San José of similar size or General Plan designation. Furthermore, the project’s impacts would be similar at any infill, urbanized location alternative within the City of San José.
- Substantially Reduced Development Alternative – A Substantially Reduced Development Alternative was considered to potentially reduce the project’s construction air quality impacts but was rejected for further analysis since, upon further investigation, it was found not to substantially lessen any significant effects of the project, would not be consistent with the City’s General Plan land use designation, or meet the project’s primary objectives.
- 100 Percent Affordable Housing Alternative – A 100 Percent Affordable Housing Alternative was considered to reduce the project’s residential Vehicle Miles Traveled (VMT) impact but was rejected for further analysis since it would not be able to meet the City’s Signature Project requirements or the basic project objectives, and 100 percent affordable housing financing does not allow or support commercial uses, which the project is required to have by the City’s General Plan.
- No Project, No New Development Alternative – Under the No Project, No New Development Alternative, the project sites would remain as they currently exist with little to no change. While this alternative would avoid the project’s mitigated impacts, it would not meet any of the project objectives identified in Section 2.3 Project Objectives.
- No Project Redevelopment Alternative – The No Project Redevelopment Alternative assumed that the project sites would be developed with 571,624 square feet of commercial uses, without any residential or educational uses. Impacts under this alternative were found to be similar to those of the proposed project; however, this alternative would result in a new

commercial VMT impact. Under this alternative, the project would meet about half of the project objectives.

- Reduced Development Alternative – The Reduced Development Alternative assumed that the project sites would be developed with a mixed-use project at the minimum densities and square footages allowed by the City’s General Plan (i.e., 586 residential units and 164,928 square feet of commercial uses). Most impacts under this alternative would be comparable to those of the proposed project, with similar though slightly lesser construction related air quality and noise impacts due to the assumed shorter construction duration. Under this alternative, the project could meet five of the eight project objectives.

Areas of Known Controversy

Section 15123 of the CEQA Guidelines requires the summary section of a Draft EIR to identify areas of controversy known to the Lead Agency, including issues raised by agencies and the public. Environmental concerns about the project raised in comment letters received on the Notice of Preparation (refer to Appendix A) and at the public scoping meeting were related to the following:

- Aesthetics, including height and light pollution
- Air quality
- Biological resources, including impacts to birds due to the height and amount of exterior glass
- Greenhouse gas emissions
- Historic resources, specifically structures located 1777 Saratoga Avenue
- Hydrology and water quality
- Land use, including density and compatibility of the proposed project and consistency with the City’s General Plan and Paseo de Saratoga Urban Village Plan
- Noise and vibration, including impacts from nighttime use to nearby residents and traffic noise
- Population and housing
- Public services, including impacts to schools
- Recreation, including adequacy of open space and impacts to nearby parks
- Transportation, including impacts to Quito Road/Northlawn Drive intersection, neighborhood streets, transit demand, and bicycle and pedestrian facilities, queuing issues on Quito Road, need for transportation demand management measures, and parking adequacy
- Utilities, including impacts to water supply, the wastewater system, and the existing electrical grid/electricity supply
- Alternatives
- Cumulative impacts

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the El Paseo/1777 Saratoga Avenue Mixed-Use project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121[a]). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts and cumulative impacts, mitigation measures, and alternatives.

It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on September 28, 2020. The standard 30-day comment period concluded on October 27, 2020. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City of San José also held a public scoping meeting on October 5, 2020 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held via a Zoom virtual webinar. Appendix A of this EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Maira Blanco, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Maira.Blanco@sanjoseca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

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

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

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

1.3.1 Notice of Determination

If the project is approved, City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office and available for public inspection for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094[g]).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT INFORMATION

2.1.1 Project Location

The project is proposed on a total of approximately 10.7 acres located at the intersection of Saratoga Avenue and Lawrence Expressway/Quito Road in San José. The project consists of two sites, separated by Saratoga Avenue:

- **El Paseo** (a portion of Assessor Parcel Number [APN] 403-33-014), which is approximately 8.9 acres in size and located at the southeast corner of Saratoga Avenue and Quito Road; and
- **1777 Saratoga Avenue** (APNs 386-10-033, -036, -044, -045, and -046), which is approximately 1.8 acres in size and located at the northeast corner of Saratoga Avenue and Lawrence Expressway.

Regional, vicinity, and aerial maps of the project sites are shown on Figure 2.1-1, Figure 2.1-2, and Figure 2.1-3, respectively.

Currently, the El Paseo site is developed with three commercial buildings totaling approximately 96,440 square feet and is part of the larger El Paseo de Saratoga Shopping Center. The 1777 Saratoga Avenue site is currently developed with four office buildings totaling approximately 25,184 square feet. Both sites include surface parking and landscaping.

2.1.2 Existing General Plan and Zoning Designations

The project sites are located within the Envision San José 2040 General Plan’s (General Plan) Paseo de Saratoga Urban Village growth area (Horizon 3).¹ The Urban Village Plan for Paseo de Saratoga has not yet been adopted. The project proposes to develop the site as a “Signature” project, in conformance with General Plan Policy IP-5.10. General Plan Policy IP-5.10 allows residential mixed-use Signature projects, such as the proposed project, to proceed within Urban Village areas prior to the preparation of an Urban Village Plan, if they meet the following criteria: 1) conform to the existing Urban Village, residential, or commercial General Plan land use designation; 2) contribute more than their fair share of job-producing uses and housing density at 55 dwelling units per acre (du/ac) or higher; 3) be located at a visible, prominent location; 4) include publicly-accessible open space; 5) achieve pedestrian-friendly design; 6) provide substantial opportunity for community input; 7) demonstrate high-quality architecture, landscape, and site design; and 8) be consistent with the recommendations from City’s Urban Design Review process or equivalent.

¹ Horizon refers to the timeframe for the buildout of jobs and housing planned for each of the City’s growth areas.

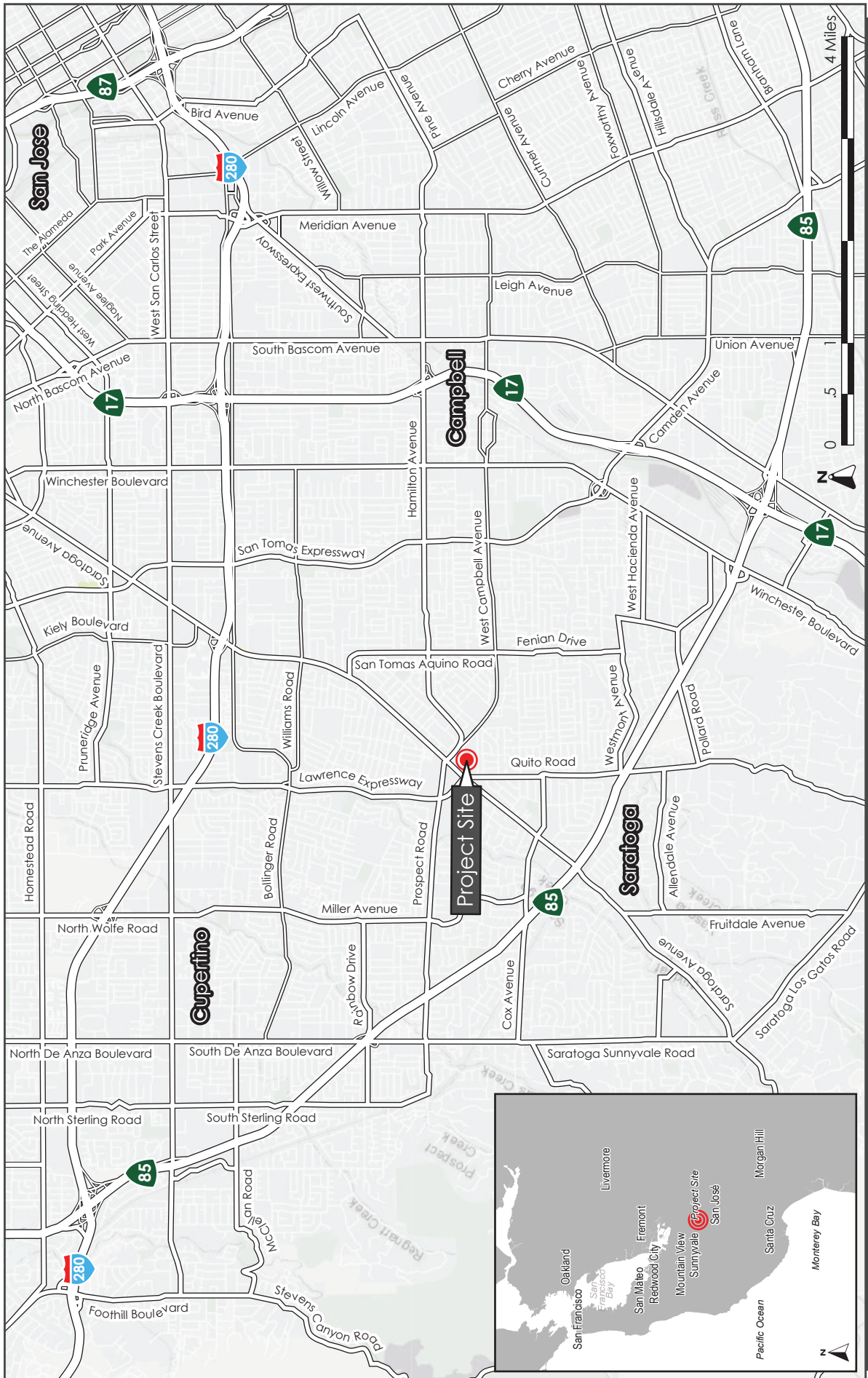


FIGURE 2.1-1

REGIONAL MAP



FIGURE 2.1-2

VICINITY MAP

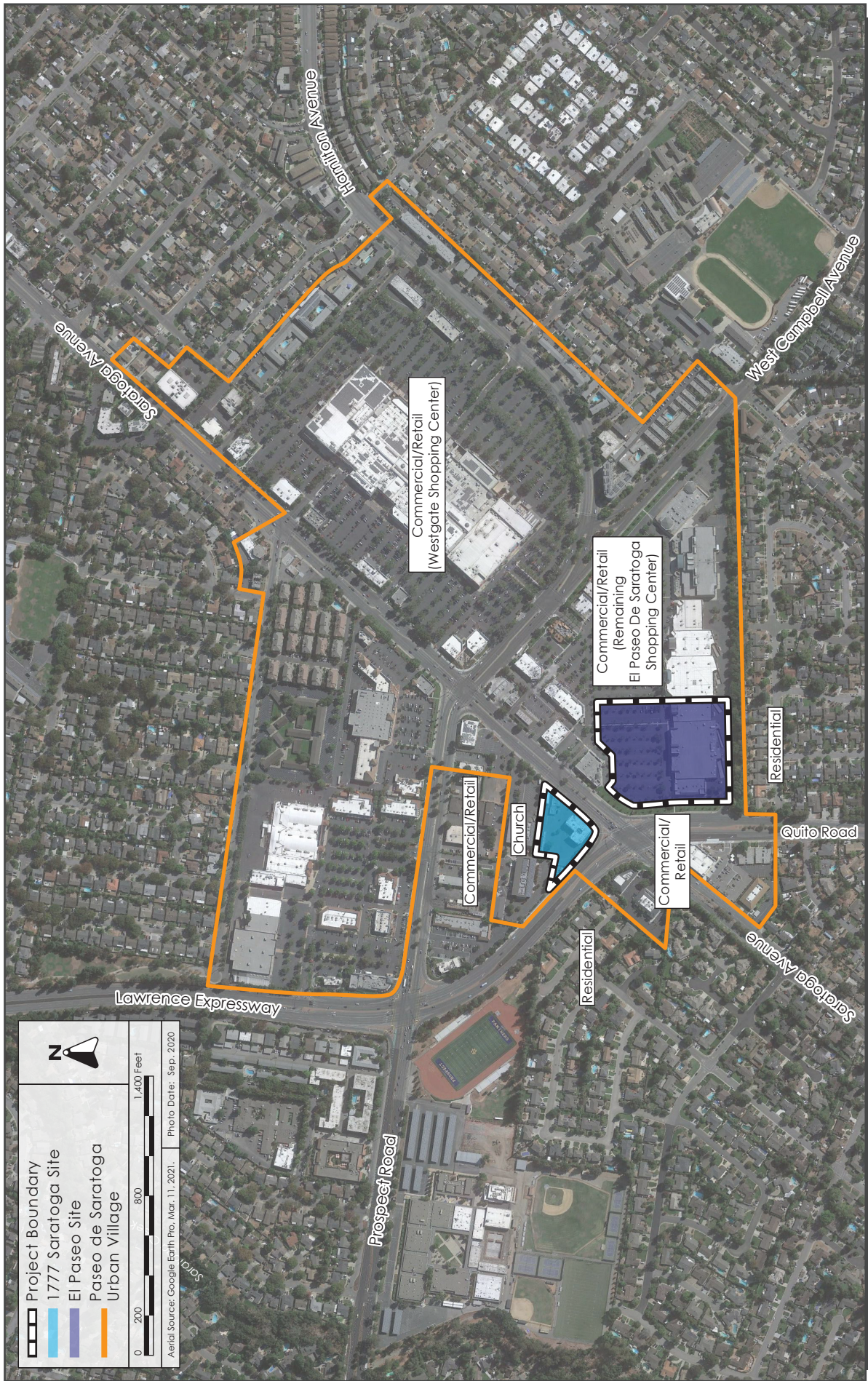


FIGURE 2.1-3

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

The existing General Plan designations and zoning districts for both sites are described below.

- The **El Paseo** site is designated Regional Commercial (RC) under the City’s General Plan. This designation supports a wide range of commercial uses, which may develop at a broad range of densities. Large shopping malls, and large or specialty commercial centers that draw customers from the greater regional area are appropriate in this designation along with office uses. Hospitals and private community gathering facilities can also be considered in this designation. The City’s General Plan supports intensification and urbanization of areas in order to promote increased commercial activity and more walkable, urban environments in RC districts. The RC designation allows for a floor area ratio (FAR) of up to 12.0 (1 to 25 stories). The El Paseo site is zoned Commercial General (CG).
- The **1777 Saratoga Avenue** site is designated Neighborhood/Community Commercial (NCC) under the City’s General Plan. The NCC designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. General office uses, hospitals, and private community gathering facilities are also allowed in this designation. The NCC designation allows for a FAR of up to 3.5 (one to five stories). The 1777 Saratoga Avenue site is zoned Commercial Pedestrian (CP).

2.2 PROJECT DESCRIPTION

2.2.1 Overview

The project proposes to rezone both project sites to a Planned Development (PD) Zoning District to support a residential market-rate, mixed-use development that meets the City’s Signature project requirements. The project would develop one of two development options:

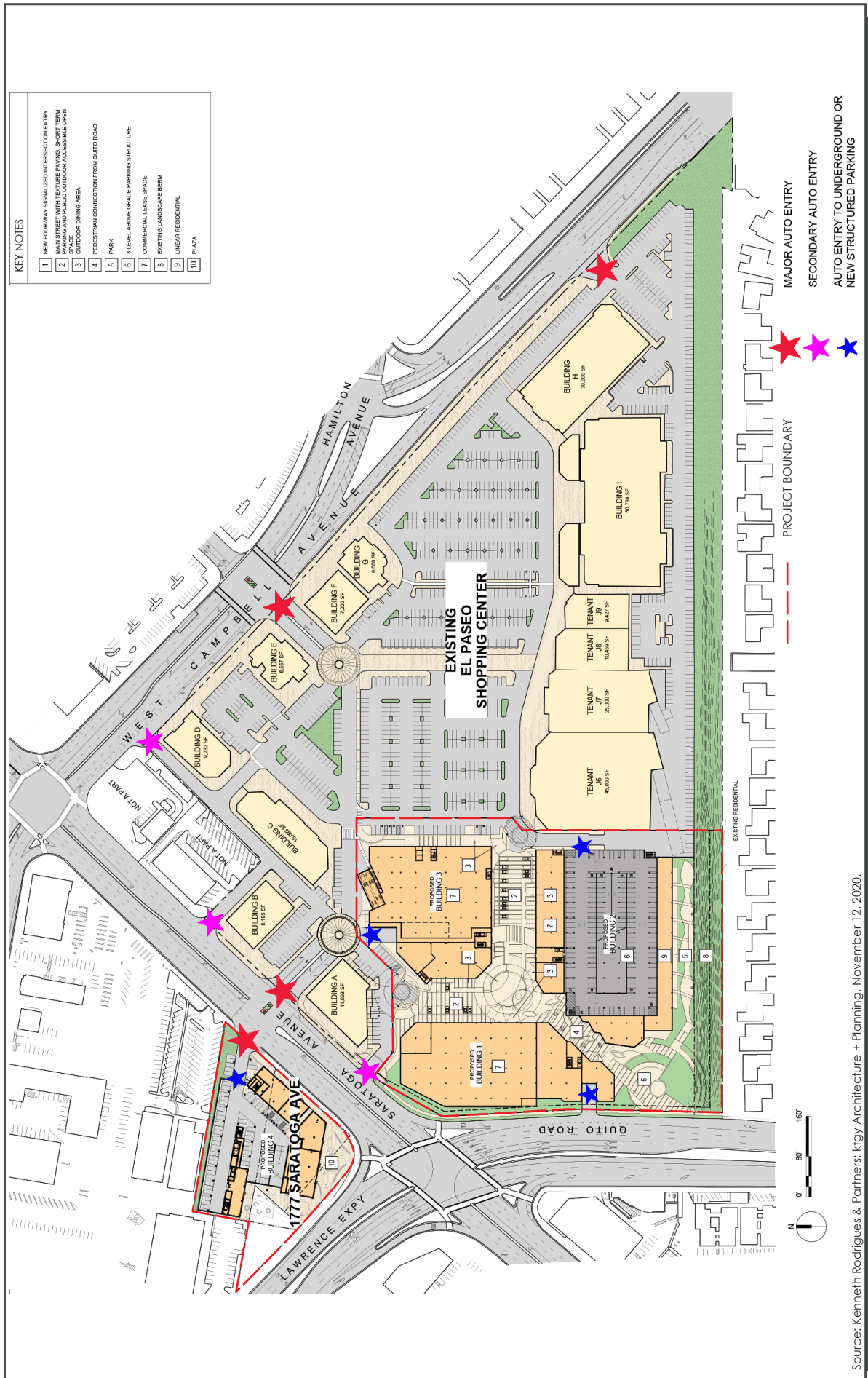
- Non-Education Mixed-Use Option OR
- Education Mixed-Use Option

The Non-Education Mixed-Use Option is the preferred project.

The two development options both propose residential units and commercial uses. The Non-Education Mixed-Use Option would construct 1,100 multifamily units and 165,000 square feet of general commercial space. In comparison, the Educational Mixed-Use Option would have 370 fewer multifamily residential units and 60,000 fewer square feet of commercial space than the Non-Educational Mixed-Use Option but include a 450,000-square foot, private kindergarten through 12th grade (K-12) educational facility with an additional 120,000 square feet for a 200-unit dorm facility.

A breakdown of the proposed uses by project site is provided in Table 2.2-1 below and a description of the development proposed on the project sites follows the table. A conceptual site plan and cross-sections of the two project options are shown on Figure 2.2-1 through Figure 2.2-9.

Table 2.2-1: Proposed Development Options*			
Land Use	1777 Saratoga Avenue	El Paseo	TOTAL
Non-Education Mixed-Use Option			
Multifamily Residential Units	280	820	1,100
Commercial SF	6,000	159,000	165,000
Educational Facility SF	0	0	0
• Educational Facility Students/Staff	0	0	0
• Educational Facility Related Units	0	0	0
Education Mixed-Use Option			
Multifamily Residential Units	280	450	730
Commercial SF	6,000	60,000	66,000
Educational Facility SF**	0	450,000	450,000
• Educational Facility Students/Staff	0	2,500/500	2,500/500
• Educational Facility Related Units	0	200	200
<p>* The numbers in this table represent the maximum amount of development proposed.</p> <p>** The Education Mixed-Use Option assumes the educational facility and dorm space would replace 370 multifamily residential units (for a total of 730 units) and an 60,000 (for a total of 165,000 square feet) of general commercial space from the Non-Education Mixed-Use Option.</p>			



NON-EDUCATION MIXED-USE CONCEPTUAL SITE PLAN

FIGURE 2.2-1

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, November 12, 2020.

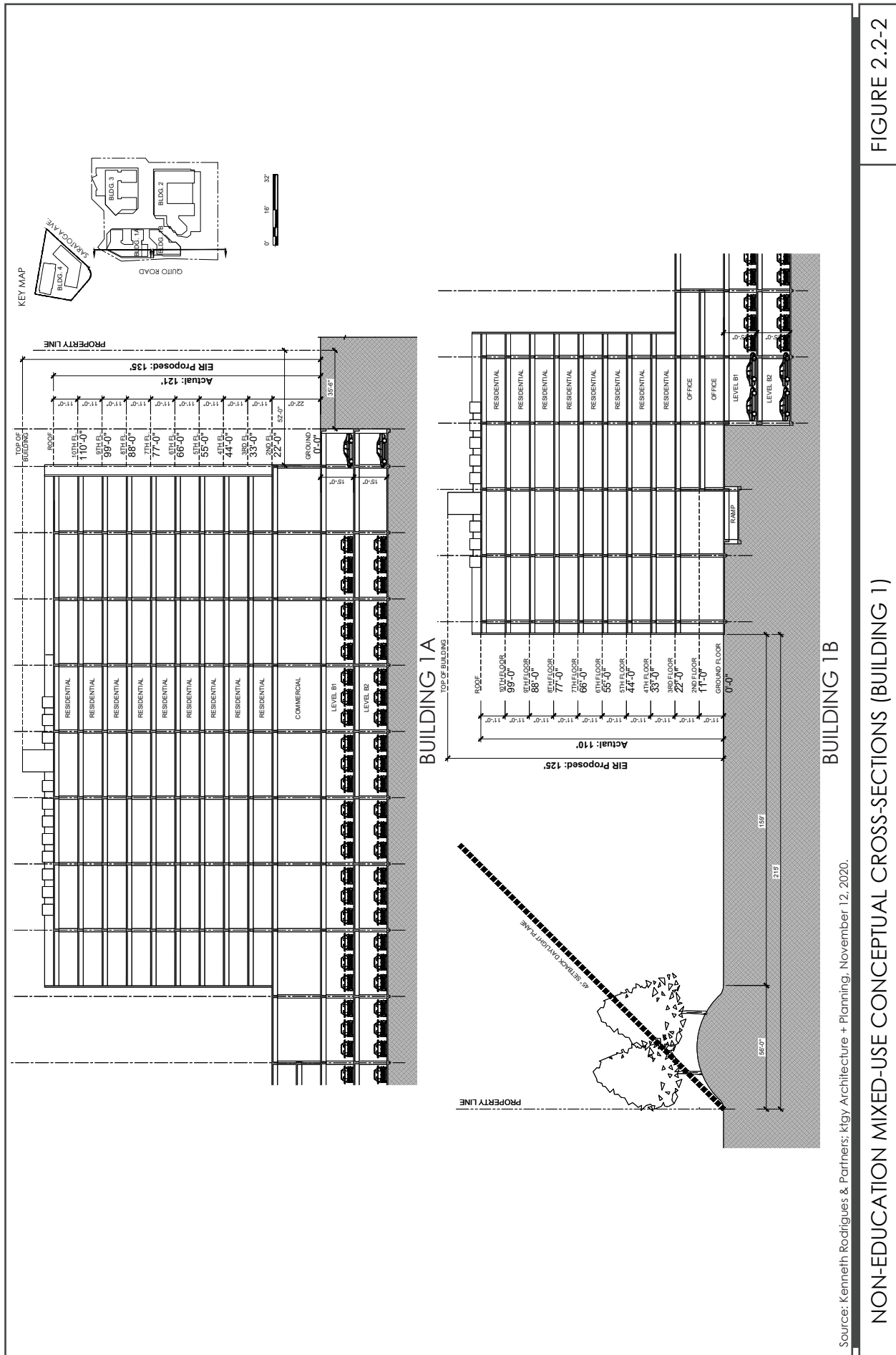


FIGURE 2.2-2

NON-EDUCATION MIXED-USE CONCEPTUAL CROSS-SECTIONS (BUILDING 1)

BUILDING 1B

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, November 12, 2020.

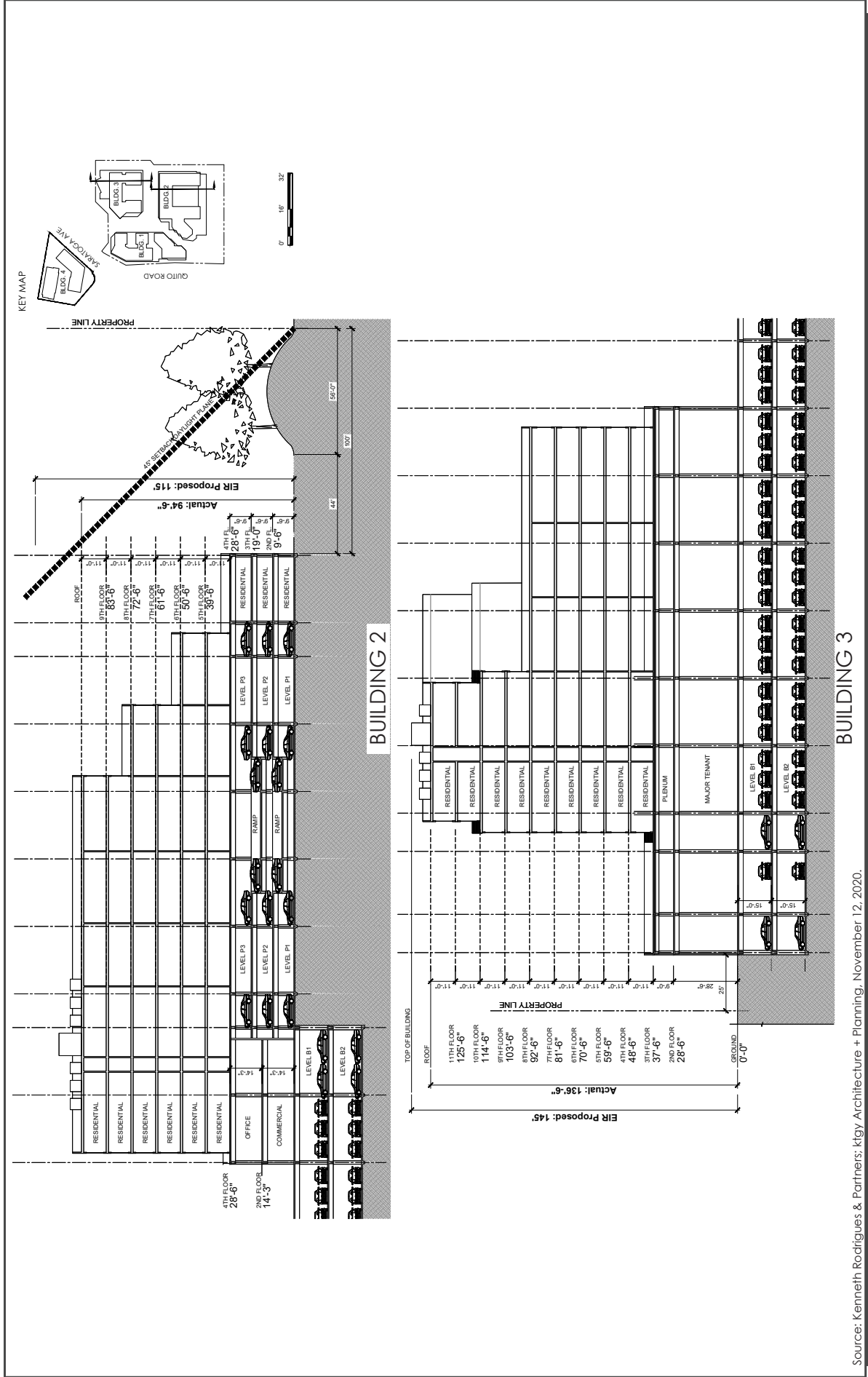
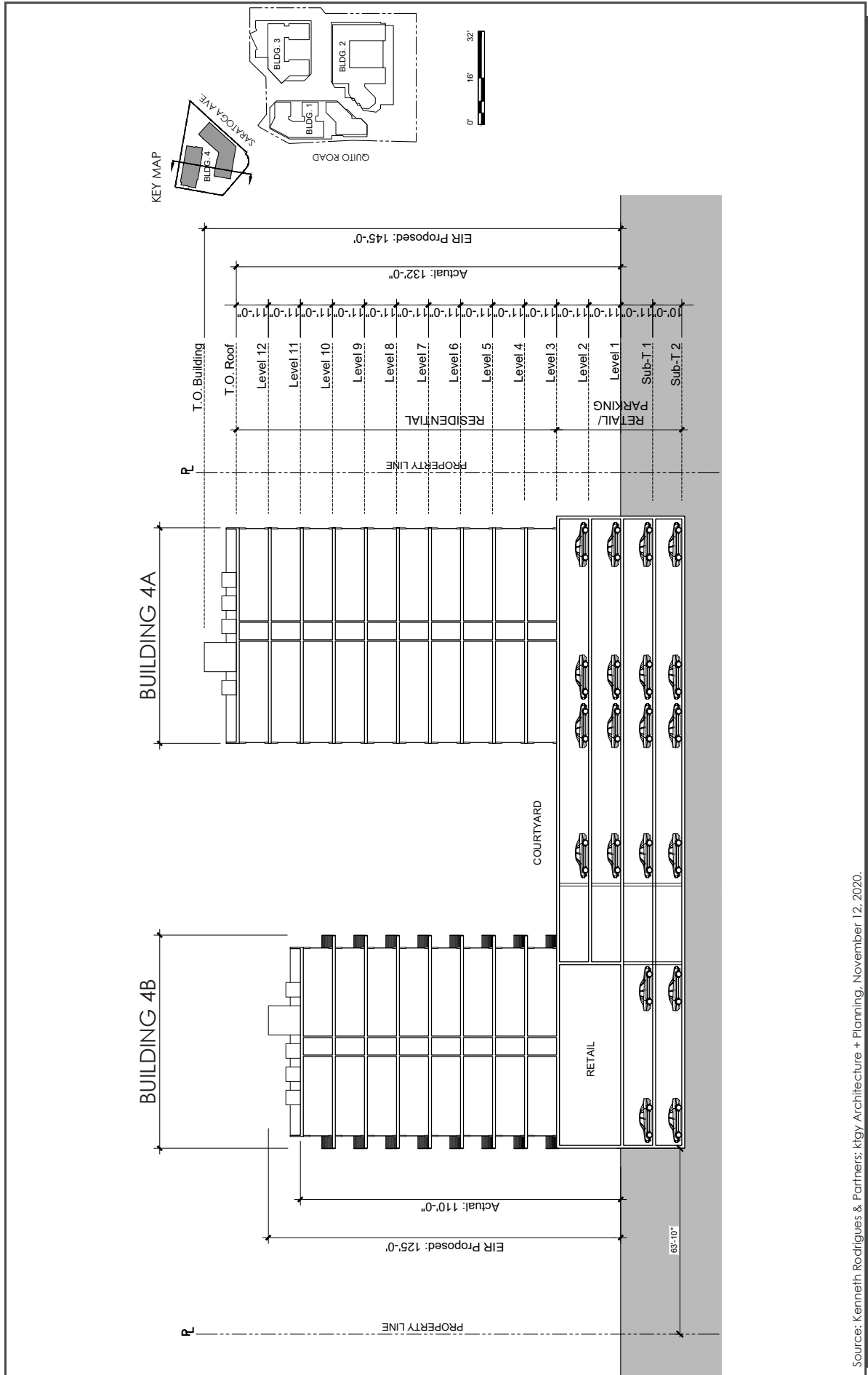


FIGURE 2.2-3

NON-EDUCATION MIXED-USE CONCEPTUAL CROSS-SECTIONS (BUILDING 2 AND 3)

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, November 12, 2020.



NON-EDUCATION MIXED-USE CONCEPTUAL CROSS-SECTIONS (BUILDING 4)

FIGURE 2.2-4

Source: Kenneth Rodrigues & Partners; Kigy Architecture + Planning, November 12, 2020.



VIEW LOOKING WEST TOWARDS QUITO ROAD AND MAJOR COMMERCIAL TENANT



VIEW LOOKING WEST TOWARDS QUITO ROAD AND BUILDING 1A/1B

Source: Kenneth Rodrigues & Partners; ktgy Architecture + Planning, March 1, 2021.

NON-EDUCATION MIXED-USE CONCEPTUAL RENDERINGS

FIGURE 2.2-5

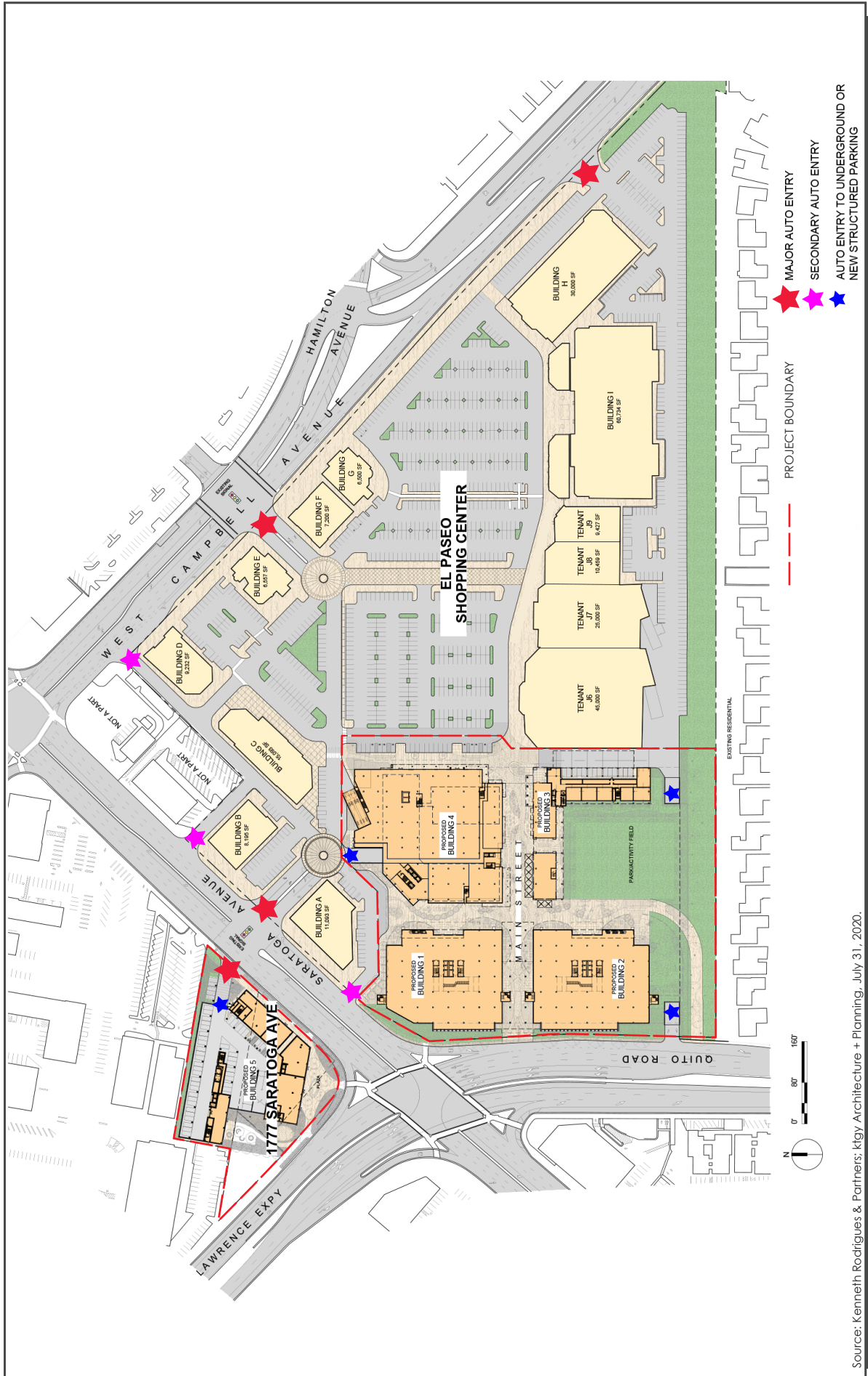


FIGURE 2.2-6

EDUCATION MIXED-USE CONCEPTUAL SITE PLAN

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, July 31, 2020.

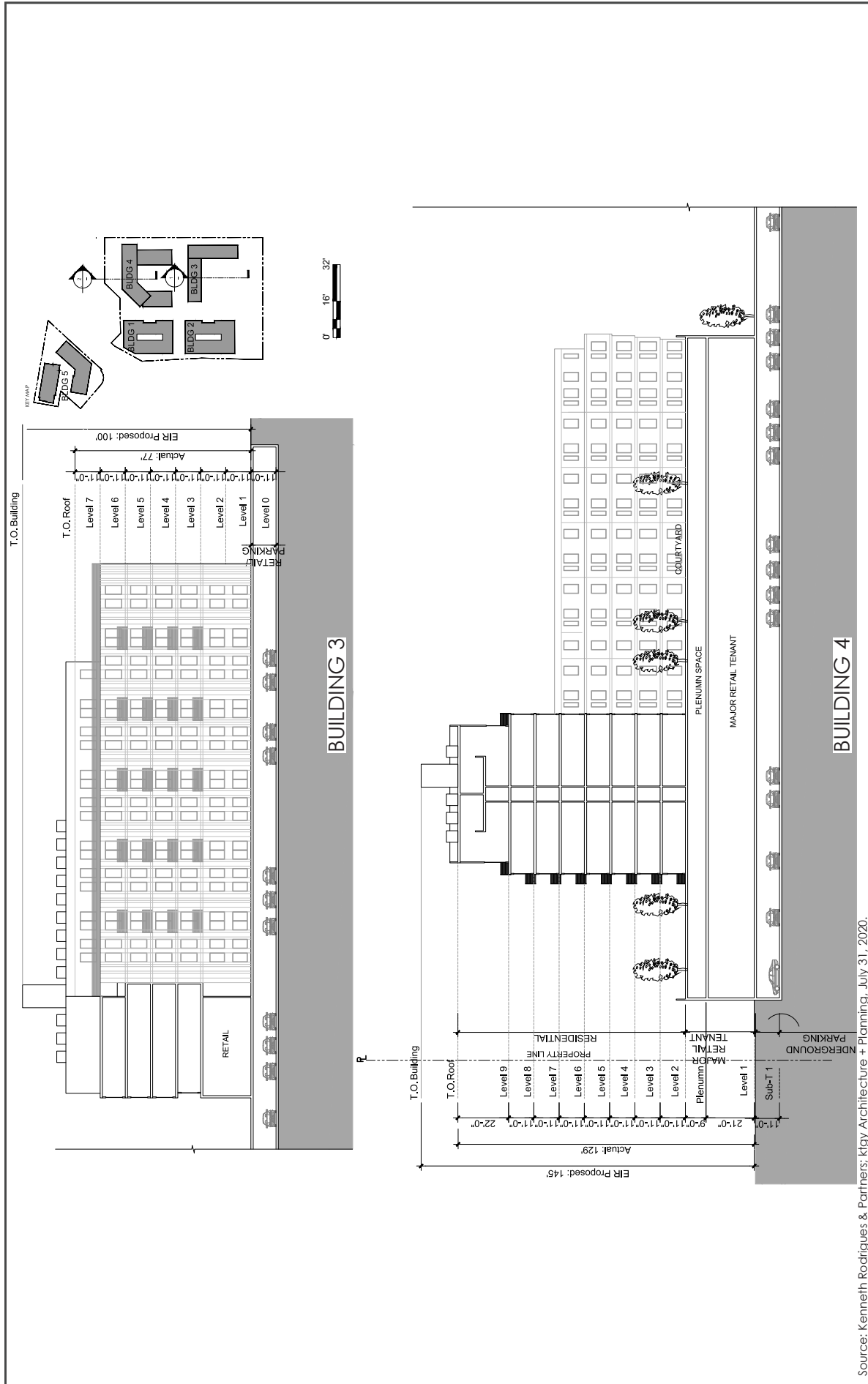
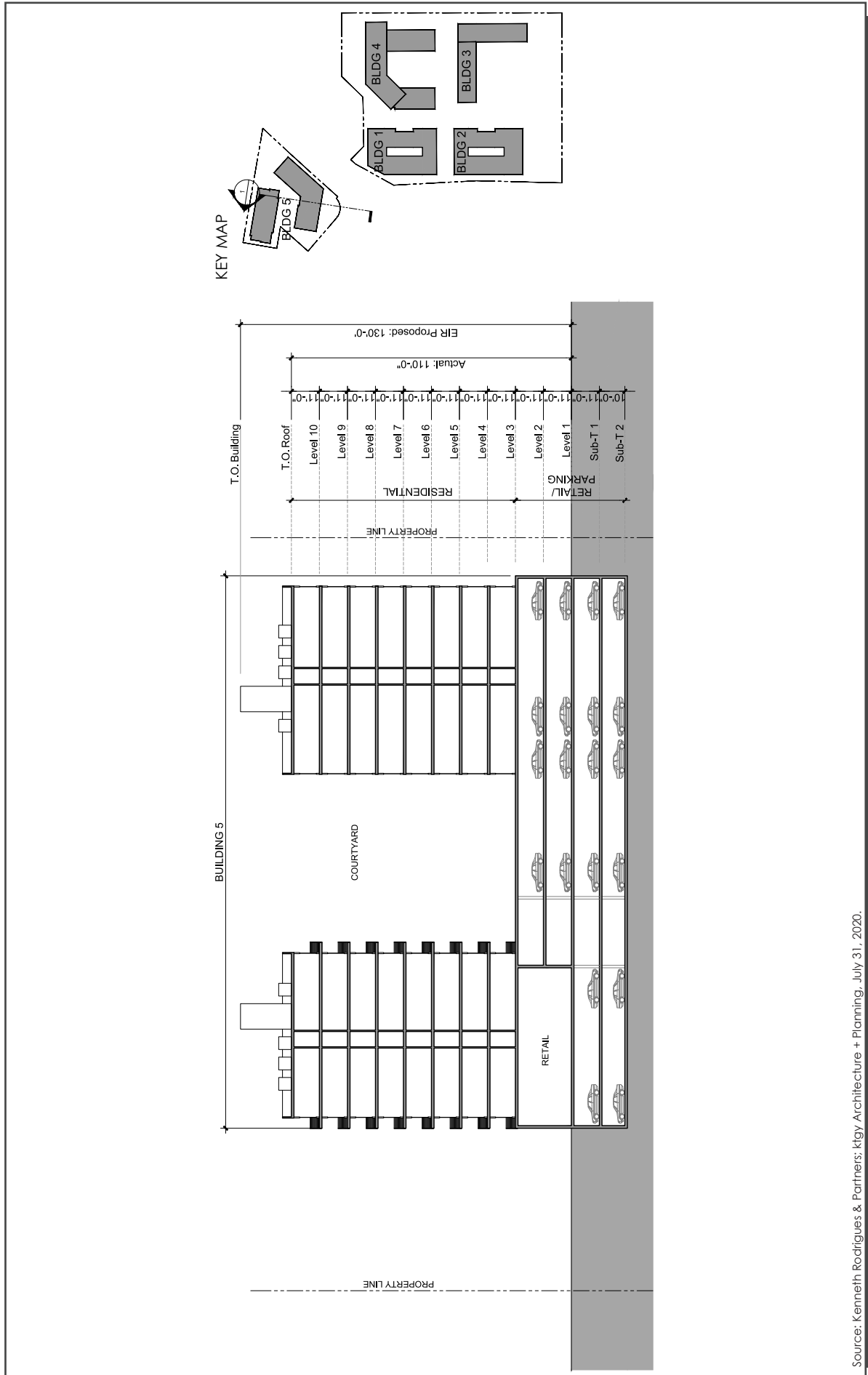


FIGURE 2.2-8

EDUCATION MIXED-USE CONCEPTUAL CROSS-SECTIONS (BUILDINGS 3 AND 4)



EDUCATION MIXED-USE CONCEPTUAL CROSS-SECTIONS (BUILDING 5)

FIGURE 2.2-9

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, July 31, 2020.



VIEW WEST ACROSS PARK TOWARDS BUILDING 2 AND 3



VIEW LOOKING WEST TOWARDS QUITO ROAD AND MAJOR COMMERCIAL TENANT

Source: Kenneth Rodrigues & Partners; ktgy Architecture + Planning, July 31, 2020.

EDUCATION MIXED-USE CONCEPTUAL RENDERINGS

FIGURE 2.2-10

2.2.2 El Paseo

2.2.2.1 *Proposed Buildings*

Non-Education Mixed-Use Option

Under the Non-Education Mixed-Use Option, the proposed uses would be provided in three buildings ranging from eight to 11 stories (up to 145 feet tall) (refer to Figure 2.2-2, Figure 2.2-3, and Figure 2.2-4).

Buildings 1 through 3 – Multifamily Residential and Commercial Uses

Building 1 would be located on the northwest corner of the site. Building 1 would contain 279 units and approximately 63,935 square feet of commercial space and be 10 stories tall (up to 135 feet to the tallest point of the building). Building 1 would be setback at least 10 feet from the western property line and 14 feet from the northern property line.

Building 2 would be located on the southern half of the site, contain 302 units and approximately 27,800 square feet of commercial space, and be nine stories tall (up to 115 feet). Building 2 would step down from nine to seven stories, to five stories, then finally to three stories at its interface with the southern property line shared with the existing residential neighborhood. Building 2 would be set back 100 feet from the southern property line and 39 feet from the eastern property line.

Building 3 would be located on the northeast corner of the site, contain 239 units and approximately 67,270 square feet of commercial space, and be 11 stories tall (up to 145 feet to the tallest point of the building). Building 3 would step down from 11 to six stories, then to one story at the northern site boundary. Building 3 would be set back 57 feet from the eastern property line and right on the northern property line.

Education Mixed-Use Option

Under the Education Mixed-Use Option, the proposed uses would be provided in four buildings ranging from seven to 10 stories (up to 130 feet tall) (refer to Figure 2.2-7, Figure 2.2-8, and Figure 2.2-9).

Buildings 1 and 2 – Educational Facility

Building 1 would be located at the northwest corner of the site and be seven stories tall (up to 114 feet to the parapet). Building 2 would be located on the southwest corner of the site and be seven stories tall (up to 108 feet to the parapet). The number of floors in Building 2 would step down from seven to three stories at its interface with the southern property line shared with the existing residential neighborhood. Buildings 1 and 2 would total approximately 570,000 square feet (450,000 square feet of educational facility plus 120,000 square feet of dorm facility). Buildings 1 and 2 would have a minimum setback of six feet from the western property line. Building 1 would be set back at 14 feet from the northern property line and Building 2 would be set back at a minimum 122 feet from the southern property line.

The educational facility would be a regionally serving, K-12 private school with on-site boarding available. The school would have a capacity for 2,500 students (approximately 1,100 K-5 grade, 540 6-8 grade, 860 9-12 grade students) and 500 faculty and staff. Building 2 would include 200 dorm rooms to house a total 600 students (7-12 grade only) and 60 faculty and/or staff. Most of the high school students (about 500 to 860 students) are anticipated to be boarders in the dorms. Buildings 1 and 2 would have classrooms, as well as multi-purpose rooms, gymnasium, and a cafeteria. An approximately 10,000-square foot outdoor play area is proposed to the south of Building 2. In addition, the project proposes a 1.5-acre open space area that would also serve as an activity field for the school and would also be accessible to the public during non-school hours.

It is anticipated that regular school hours would be Monday through Friday, 7:30 AM to 4:00 PM. There would also be early care starting at 7:00 AM, with staggered drop off and pick up for all grade levels to ease traffic flow. After school care, as well as additional programming and sports, would be provided until 8:00 PM on weekdays.

The educational facility would have three student drop-off and pick-up areas located at 1) the northern boundary of the El Paseo site between Building 1 and Building 4, 2) the eastern site boundary of the site near the southeast corner of Building 3, and 3) in the underground parking garage (see Figure 2.2-11).

Buildings 3 and 4 – Multifamily Residential and Commercial Uses

Building 3 would be located at the southeast corner of the site. Building 3 would contain 150 units and approximately 10,000 square feet of commercial space and be seven stories tall (up to 100 feet to the roof level). Building 3 would be set back 122 feet from the southern property line and 38 feet from the eastern property line.

Building 4 would be located at the northeast corner of the site. Building 4 would contain 300 units and approximately 50,000 square feet of commercial space and be nine stories tall (up to 140 feet). Building 4 would be set back 33 feet from the eastern property line and be right at the northern property line.

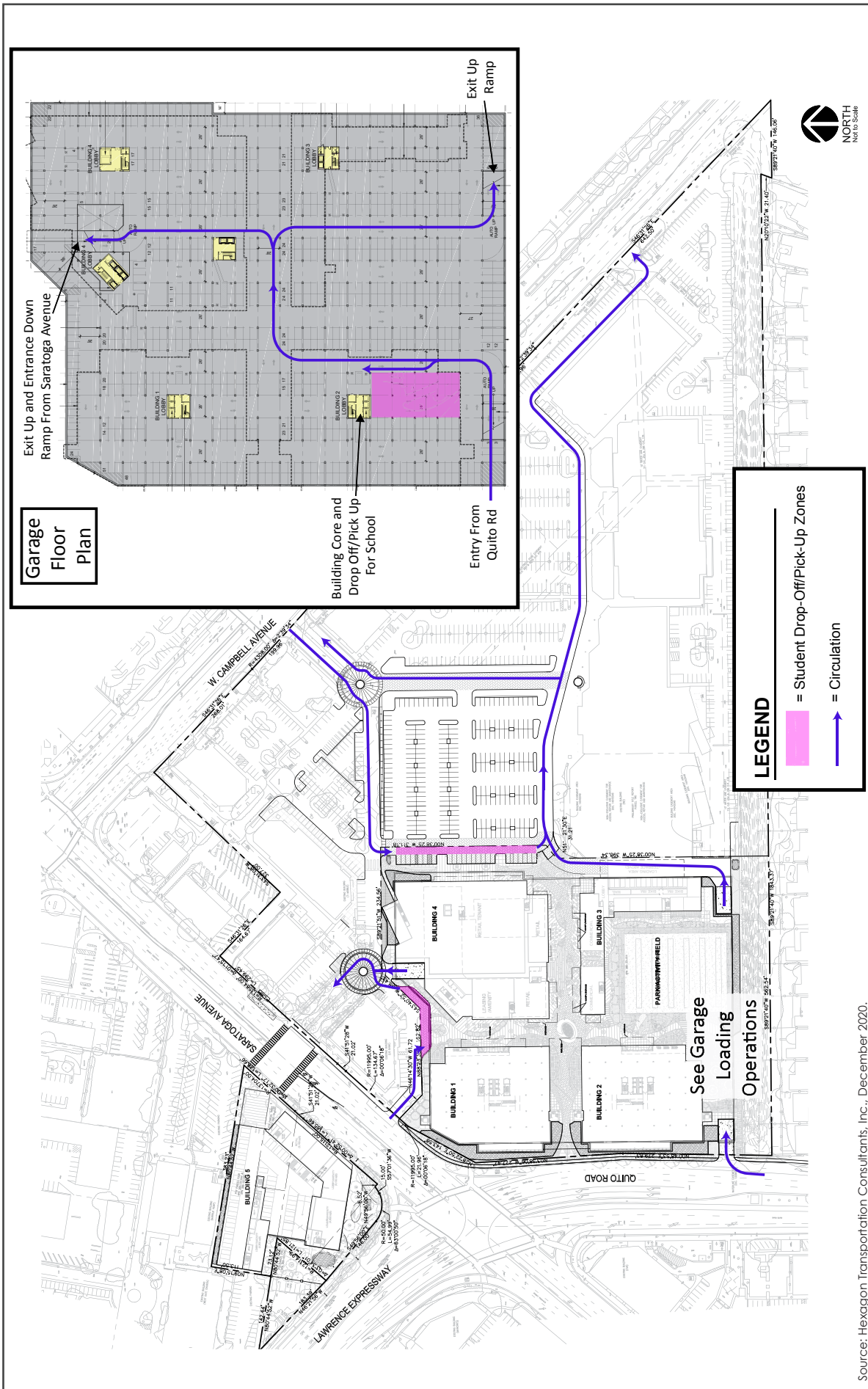


FIGURE 2.2-11

EDUCATION MIXED-USE CONCEPTUAL EDUCATIONAL FACILITY PICK-UP AND DROP-OFF AREAS

2.2.2.2 *Amenity Space and Landscaping*

Non-Education Mixed-Use Option

Publicly Accessible

Under the Non-Education Mixed-Use Option, the buildings would be centered around a circular, outdoor dining area. There would be additional outdoor amenity areas located between the buildings and an approximately 1.1-acre publicly accessible open space. The outdoor areas and open space would include amenities such as landscaping, a fountain, spectator seating, outdoor restaurant seating and benches, meandering pedestrian pathways, garden terraces, dog park, and a game lawn. In total, the site would include approximately 2.9 acres of publicly accessible amenity space.

Stormwater management features, including bioretention basins and/or flow-through planters with landscaping, would be installed throughout the site. It is anticipated that 121 existing trees would be removed for the proposed improvements and approximately 145 replacement trees would be planted across the project sites. All proposed plantings shall be selected and located to minimize required irrigation. Irrigation shall be drip system for a water-efficient landscape.

Privately Accessible

Private indoor and outdoor amenity space is proposed in Buildings 1 through 3. Building 1 would have approximately 13,400 square feet of indoor amenity space on ground, podium, and floor 7 that could include lounges, fitness, game rooms, and club rooms, and a total of approximately 11,900 square feet of outdoor open space on the podium level that could include BBQ areas, outdoor lounges, dining, and seating areas.

Building 2 would have approximately 9,250 square feet of indoor amenity space on floor 1 and upper floors that could include club rooms and lounges, and a total of approximately 25,000 square feet of outdoor open space on the podium and 3,800 square feet of roof decks that could include outdoor lounge spaces and dining and cooking areas.

Building 3 would have a total of approximately 3,600 square feet of indoor amenity space for the proposed residents on floors 1 and 2 that could include lounges, club rooms, fitness areas, juice bars, and remote working spaces, and approximately 11,300 square feet of outdoor open space for residents on the podium and 1,500 square feet of roof decks that could include a swimming pool, outdoor lounge spaces, outdoor kitchens, and dining areas. Building 3 would also include private balconies.

Education Mixed-Use Option

Publicly Accessible

Under the Education Mixed-Use Option, the buildings would be centered around a linear “Main Street” and an approximately 1.5-acre publicly accessible open space. The plaza and open space would include amenities such as landscaping, a fountain, spectator seating, outdoor restaurant seating and benches, meandering pedestrian pathways, garden terraces, dog park, and a game lawn.

Additional public open space areas with landscaping would be provided between the buildings. In total, the site would include approximately 4.8 acres of publicly accessible amenity space.

Stormwater management features, including bioretention basins and/or flow-through planters with landscaping, would be installed throughout the site. It is anticipated that 121 existing trees would be removed for the proposed improvements and approximately 159 replacement trees would be planted across the project sites. All proposed plantings would be selected and located to minimize required irrigation. Irrigation shall be drip system for a water-efficient landscape.

Privately Accessible

Under the Education Mixed-Use Option, private indoor and outdoor amenity space is proposed in Buildings 3 and 4. Building 3 would have approximately 1,940 square feet of indoor amenity space on floor 1 that could include club rooms and lounges, and a total of approximately 1,200 square feet of outdoor open space at the upper floor adjacent to the roof deck that could include outdoor lounge spaces and dining and cooking areas. Buildings 3 and 4 would include private balconies.

Building 4 would have a total of approximately 2,166 square feet of indoor amenity space for the proposed residents on floors 1 and 2 that could include lounges, club rooms, fitness areas, juice bars, and remote working spaces, and approximately 29,730 square feet of outdoor open space for residents on the podium and floor 7 that could include a swimming pool, lounge spaces, kitchens, and dining areas.

2.2.2.3 *Access and Parking*

Both Options

Vehicular Access

Under both options the project proposes to remove the existing curb return access on Quito Road and construct a 26-foot-wide City standard driveway, which would serve as an access point to the parking garage and provides vehicular circulation to the site. The Quito Road driveway would allow right in/right out movements only. The project (under either option) also proposes to construct a 26-foot-wide City standard driveway on Saratoga Avenue, which would serve as a secondary entrance to the site, with right in/right out movements only. Conceptual vehicular circulation maps for both options are shown on Figure 2.2-12 and Figure 2.2-13.

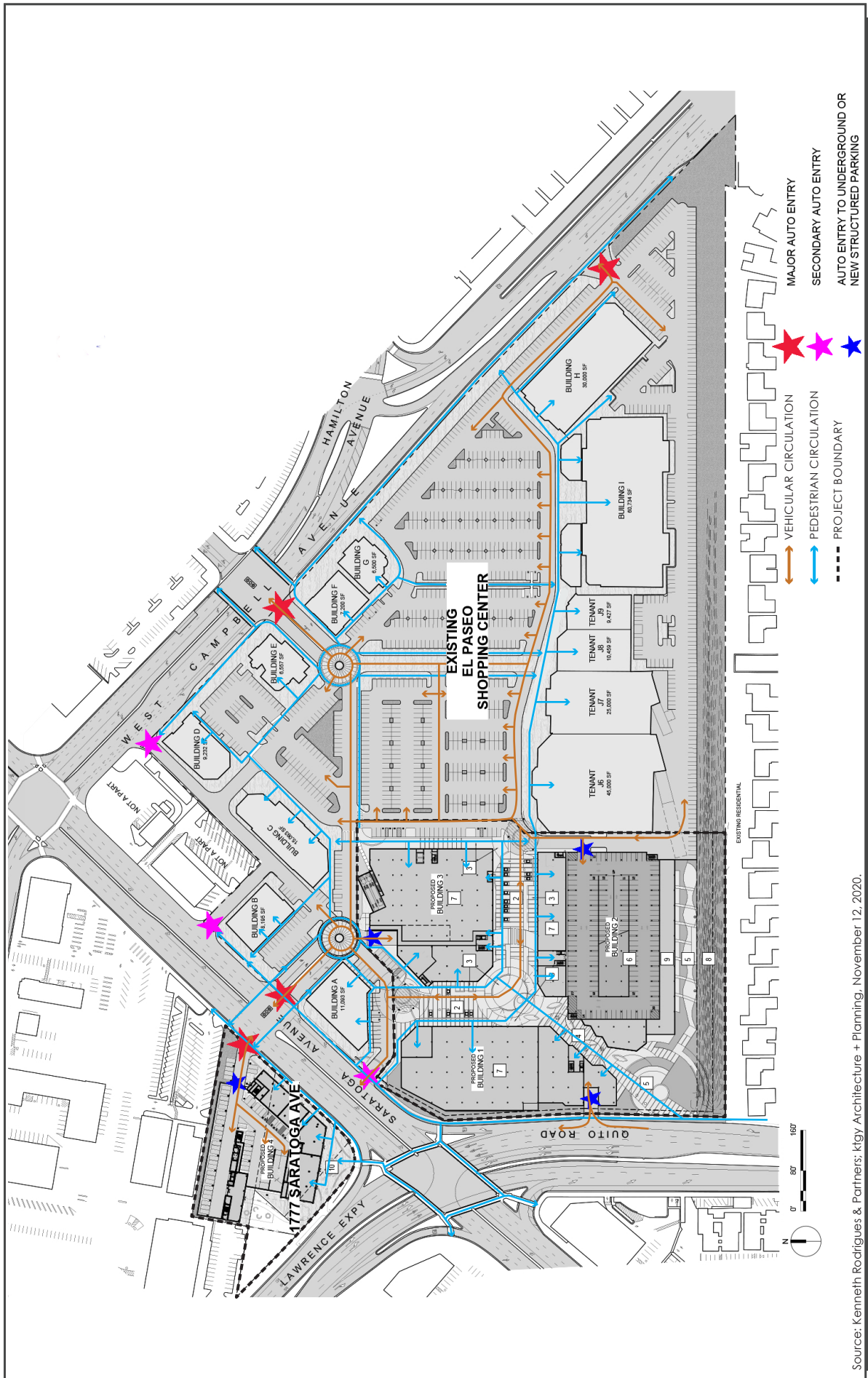
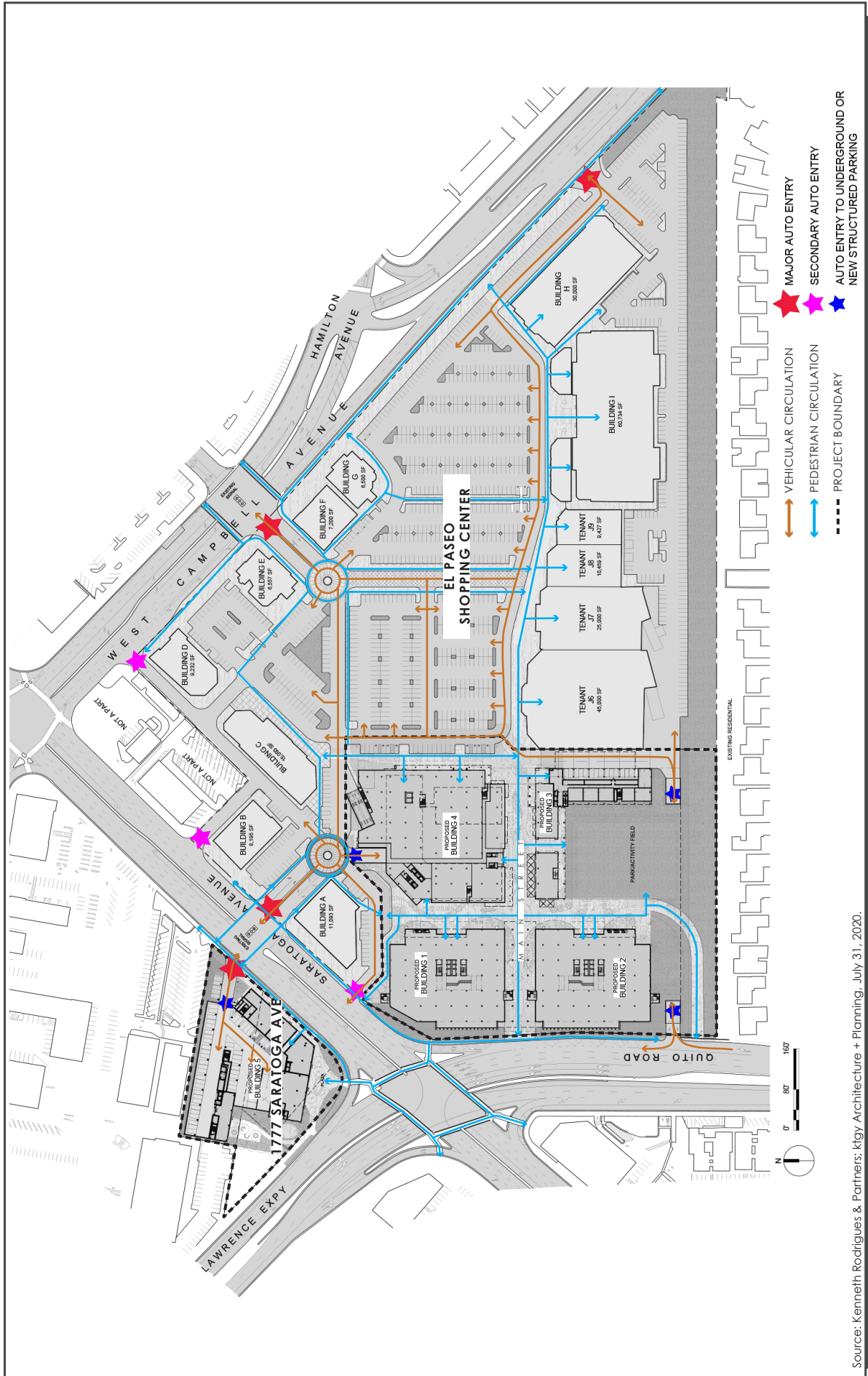


FIGURE 2.2-12

NON-EDUCATION MIXED-USE CONCEPTUAL VEHICULAR AND PEDESTRIAN CIRCULATION PLAN

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, November 12, 2020.



EDUCATION MIXED-USE CONCEPTUAL VEHICULAR AND PEDESTRIAN CIRCULATION PLAN

FIGURE 2.2-13

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, July 31, 2020.

The project (under either option) includes a passenger loading zone and three truck delivery loading zones on the northside of Building 3 that would be accessible from the Mall Entrance driveway.

Pedestrian Access

Under both options, pedestrian access to the site would be provided via sidewalks on the Quito Avenue and Saratoga Avenue, as well as existing pedestrian pathways within the El Paseo de Saratoga Shopping Center. The project (under either option) includes construction of a 22-foot-wide sidewalk along the Saratoga Avenue project frontage in accordance with Grand Boulevard design standards and typical Urban Village requirements. The project (under either option) also proposes 15-foot-wide sidewalks along the Quito Road and Lawrence Expressway project frontages, consistent with the typical Urban Village requirements. Pedestrian pathways are also proposed throughout the site. Conceptual pedestrian circulation maps for both options are shown on Figure 2.2-12 and Figure 2.2-13.

Non-Education Mixed-Use Option

Vehicular and Bicycle Parking

Vehicular parking for Buildings 1 and 3 would be provided in two levels of below grade parking beneath Buildings 1 and 3. Vehicle access to the below grade parking garage would be available on the southwest side of Building 1 and the north side of Building 3. Parking for Building 2 would be provided in three levels of above ground parking within the building. A total of 1,480 vehicle parking spaces would be provided.

There would be 151 long-term bicycle parking spaces and 146 short-term bicycle spaces provided in Buildings 1 through 4. The bicycle parking spaces would be in two separate bike rooms located on the first floors of each building (one for the ground floor commercial uses and one for the residential uses). Seven short-term and two long-term bicycle parking spaces would be provided near the publicly accessible park.

Education Mixed-Use Option

Vehicular and Bicycle Parking

Vehicular parking for Buildings 1 through 4 would be provided in one level of below grade parking across the entire El Paseo site. Vehicle access to the below grade parking garage would be provided south of Building 2 (between Buildings 1 and 4) and south of Building 3. Building 3 would also include one level of above ground parking. A total of 1,089 vehicle parking spaces would be provided.

A total of 158 long-term bicycle parking spaces and 1,426 short-term bicycle spaces would be provided in Buildings 1 through 4. The bicycle parking spaces would be provided in two separate bike rooms located on the first floors of each building (one for the ground floor commercial uses and one for the residential uses). Fifteen short-term and four long-term bicycle parking spaces would be provided near the publicly accessible park.

2.2.3 1777 Saratoga Avenue

The development proposed for the 1777 Saratoga Avenue site under both options is the same.

2.2.3.1 *Proposed Building*

Under both options, the 1777 Saratoga Avenue site would be developed with approximately 280 multifamily residential units and 6,000 square feet of commercial uses. The development could be provided in one, up to 12-story (up to 145 feet tall to the roofline) building with the first floor consisting of commercial uses, the first and second floor with parking, and the upper 10 floors consisting of residential uses. Two levels of additional parking would be provided below grade (see the conceptual site plan and cross-section). The building would be set back five feet from the western property line, nine feet from the northern property line, 12 feet from the eastern property line along Saratoga Avenue, and 17 feet from the southern property line along Lawrence Expressway.

2.2.3.2 *Amenity Space and Landscaping*

Under both options, the residential units would be situated around approximately 15,000 square feet of outdoor amenity space on floor 3 and 1,700 square feet on floor 7, which could include a swimming pool, seating areas, and landscaping. Approximately 13,600 square feet of indoor amenity space for residents is also proposed on floors 1, 3, and 9. The building would also include private balconies.

Additional landscaping and two stormwater bioretention basins for stormwater management would be included at ground level. It is anticipated 21 existing trees would be removed for the proposed improvements and approximately 54 replacement trees would be planted. All proposed plantings would be selected and located to minimize required irrigation. Irrigation shall be drip system for a water-efficient landscape.

2.2.3.3 *Access and Parking*

Under both options, the project proposes to remove all existing driveways and construct one 26-foot-wide City standard driveway on the Saratoga Avenue project frontage for vehicular access to the site and parking garage access. A total of 331 vehicle parking spaces would be provided in the parking garage (which includes two levels of below grade parking and two levels of above ground parking). The project (under either option) includes a vehicle loading zone in the northeast corner of the 1777 Saratoga Avenue site for loading and staging.

There would be 38 long-term bicycle parking spaces and 27 short-term bicycle spaces provided in two separate bike rooms located on the first floor (one for the ground floor commercial uses and one for the residential uses).

2.2.4 Project Elements Common to Both Sites

2.2.4.1 *Green Building Measures*

Under both options, the proposed development would be built in accordance with the California Green Building Standards (CALGreen), the City's Private Sector Green Building Policy (Council Policy 6-32), the City's updated Natural Gas Infrastructure Prohibition Ordinance, and other applicable regulations pertaining to energy efficiency and greenhouse gas emission reductions. Pursuant to the City's Private Sector Green Building Policy, the commercial portion of the project would be required to meet Leadership in Energy and Environmental Design (LEED) Silver standards and the residential portion of the project would be required to meet LEED Certified standards (or GreenPoint Rated 50 points). The project would meet the required green building standards by incorporating green building measures such as: recycling of construction materials, implementing site plans to manage storm water and drainage, providing for EV chargers, encouraging utilization of native Californian or drought tolerant plants and species, as well as using plumbing fixtures and fittings in compliance with latest code.

In addition, the project would comply with the City's Greenhouse Gas Reduction Strategy by including incorporating all applicable measures to the project (refer to Section 3.8 Greenhouse Gas Emissions).

2.2.4.2 *Utility and Other Roadway Improvements*

Under both options, lateral connections to existing sanitary sewer, storm drain, and water lines in Saratoga Avenue, Quito Road, and Campbell Avenue are required to serve the project. New manholes and water valves would be installed on Saratoga Avenue, Quito Road, and Campbell Avenue for these connections.

The project (under either option) could include implementation of (unless otherwise noted) the following off-site roadway, pedestrian, bicycle, and transit facility improvements:

- Remove the pork chop islands and tighten the corner radius at the southeast and northeast corners of the Saratoga Avenue and Lawrence Expressway intersection along the project frontages and modify the signal to accommodate pork chop removals;*
- Improve the relocated VTA bus stop on Saratoga Avenue to current VTA shelter and bus standards. Bus stop improvements would include live schedule displays, a new bus pad (10 feet by 55 feet, at minimum), and a new standard shelter;
- Construct a Class IV bike lane along the project frontages on Saratoga Avenue and Quito Road;*
- Widen the Saratoga Avenue sidewalks on project site frontages from eight to 22 feet. Widen the Quito Road/Lawrence Expressway sidewalks on project site frontages from six and eight feet to 15 feet;
- **Education Mixed-Use Option Only:** Construct a second left-turn lane from southbound Saratoga Avenue to southbound Quito Road. The addition of the second southbound left-turn lane can be achieved by implementing a lane reduction along northbound Saratoga Avenue between Quito Road and the Mall Entrance.

- Modify the northbound left-turn pocket on Saratoga Avenue to the 1777 Saratoga Site to a minimum of 120 feet long, add a second left-turn lane from Saratoga Avenue to southbound Quito Road, and implement a lane reduction along northbound Saratoga Avenue between the Quito Road/Lawrence Expressway intersection and the Mall Entrance intersection;
- Modify the Saratoga Avenue and Lawrence Expressway signal to provide an eight-phase operation. This would require left-turn lanes and protected left-turn phases to be provided for the outbound approaches from both the Saratoga and El Paseo sites. Therefore, the driveway would include a separate left-turn lane so that the signal could run eight phases if required by the City; and
- **Education Mixed-Use Option Only:** Remove the slip right-turn lane from northbound Quito Road to eastbound Saratoga Avenue and the pork chop island at the southeast corner of the intersection to eliminate the conflicts between the right-turn traffic entering the site and the right-turn traffic from northbound Quito Road. This improvement would also improve the pedestrian crossing at the Saratoga Avenue/Quito Road intersection.

* The project would either implement or fund these improvements

2.2.4.3 *Construction*

Under the Non-Education Mixed-Use Option, it is anticipated that construction would take a total of approximately 52 months to complete, starting as early as September 2021 and concluding as early as December 2025. Under the Education Mixed-Use Option, it is anticipated that construction would take a total of approximately 46 months to complete, starting as early as September 2021 and concluding as early as September 2025. The Non-Education Mixed-Use Option would take approximately six months longer than the Education Mixed-Use Option because the underground garage is two levels below grade as opposed to one level below grade in the Education Option, resulting in a longer construction timeframe. The buildings sit either entirely or partially (in the case of Building 2) over the garage; therefore, their construction can only begin once the garage construction is complete. Residential units and the associated finish work typically take longer than buildout of a commercial/educational use.

The project (under either option) would be completed in two phases:

- Phase 1: demolition, grading, excavation, foundation, podium construction
- Phase 2: construction of all buildings

It is anticipated that the entire project (e.g., both sites) would be built at the same time.

For the El Paseo site under the Education Mixed-Use Option, Buildings 3 and 4 are anticipated to take approximately two months longer to complete than Buildings 1 and 2. Under the Non-Education Mixed-Use Option, Building 3 is anticipated to take five and four months longer to complete than Buildings 1 and 2, respectively. Therefore, it is possible that portions of the project under either option may be occupied while other phases are still under construction.

The project, under either option, proposes nighttime construction for a 15-day period in order to construct the parking garage at the El Paseo site. This would involve 15-hour concrete pours between 6:00 a.m. and 9:00 p.m. daily over a 15-day period.

For the El Paseo site, under the Non-Education Mixed-Use Option, a total of 223,108 cubic yards of soil is anticipated to be excavated for the below grade parking garage and utility improvements to a maximum depth of 26 feet. For the El Paseo site, under the Education Mixed-Use Option, a total of 155,000 cubic yards of soil is anticipated to be excavated for the below grade parking garage and utility improvements to a maximum depth of 16 feet.

For the 1777 Saratoga site, under either option, approximately 64,200 cubic yards of soil is anticipated to be excavated for the below ground parking and utility improvement to a maximum depth of 26 feet is expected on the 1777 Saratoga site.

Construction of the project (under either option) would include one cultural sensitivity training for the construction crew prior to the initial ground-breaking of the project sites, and monitoring during earthmoving activities by a qualified Native American monitor, as outlined below:

- **Tribal Cultural Resources Sensitivity Training:** A qualified Native American representative, registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area, would provide at least one cultural sensitivity training to construction crew prior to the initial ground-breaking activities.
- **Tribal Monitoring:** A qualified Native American monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area, shall be on-site to monitor for all major earthmoving activities, such as initial grading and foundation work. Evidence of a monitoring agreement shall be provided to the Director of Planning, Building and Code Enforcement or Director's Designee prior to the issuance of grading permits.

2.3 PROJECT OBJECTIVES

The applicant's objectives for the project are as follows:

1. Provide a high-quality, mixed-use Signature project for the Paseo de Saratoga Urban Village (Horizon 3) in accordance with the City of San José's General Plan's Major Strategy #5.²
2. Redevelop the project sites with a mix of uses that includes over 700 market-rate, multifamily residential units and 165,000 square feet of commercial retail uses or a K-12 educational facility and 60,000 square feet of commercial retail uses to meet the demand for these land uses in the site area;
3. Increase housing opportunities in the City of San José and expand the supply of higher density housing product by providing approximately 700-1,100 multifamily units;
4. Redevelop the underutilized project sites to allow for new retail, higher density housing, and possibly educational use on a Signature site near existing residential and commercial uses and major transportation thoroughfares including State Route 85, Saratoga Avenue, and Lawrence Expressway in western San José;

² Major Strategy #5 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #5 establishes the concept of Urban Villages and creates a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities.

5. Provide a mix of land uses and public amenities that promote walking, bicycling, telecommuting, transit, and other transportation alternatives;
6. Respect the surrounding neighborhood and community through quality design, materials, and landscaping;
7. Implement sustainable building practices promoting energy and water efficiency;
8. Create new outdoor plaza and publicly-accessible open space areas to allow for the passive enjoyment by all residents and educational facility/office building users as well as the general public.

2.4 USES OF THE EIR

This EIR provides decision makers in the City of San José and the general public with relevant environmental information to use in considering the proposed project. It is proposed that this EIR be used for appropriate discretionary approvals necessary to implement the project. These discretionary actions may include, but are not limited to, the following:

- Rezoning
- Subdivisions
- Planned Development (PD) Permit
- Development Agreement
- Public Works clearances including grading permits
- Tree Removal Permit

Ministerial permits from the City of San José, such as building permits, would also be required.

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

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

The discussion for each environmental subject includes the following subsections:

Environmental Setting – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

Impact Discussion – This subsection includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 would refer to the third mitigation measure for the first impact in the Biological Resources section.

Additionally, “standard permit conditions” and “conditions of approval” are also identified. “Standard permit conditions” are identified and are conditions the City typically requires of all development projects to comply with existing laws and regulations. “Conditions of approval” are measures the City requires to address non-CEQA issues.

- **Cumulative Impacts** – This subsection discusses the project’s cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant

effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

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

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

Table 3.0-1 identifies the approved (but not yet constructed or occupied) in the project vicinity that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative Projects List		
Name and Location (Jurisdiction)	Description	Approximate Distance to the Project (miles)
Approved But Not Yet Fully Constructed/Occupied		
Daycare Facility Expansion, 1625 West Campbell Avenue (City of Campbell)	Commercial day care center capacity increase from 60 to 100 children	0.8
100-300 Haymarket Court (City of Campbell)	6 single-family homes and 3 accessory dwelling units	1.4
Grocery Outlet, 100 North San Tomas Aquino Road (City of Campbell)	Changes in tenant space in the plaza: CVS moved to a smaller space at the former Ace Hardware store and Grocery Outlet is moving into the former CVS space	0.9
Quito Village Development, 18764 Cox Avenue (City of Saratoga)	91 residential units, 4,999 square feet of commercial uses, and 76,529 square feet of open space	0.6

Table 3.0-1: Cumulative Projects List		
Name and Location (Jurisdiction)	Description	Approximate Distance to the Project (miles)
Palm Villas Saratoga, Saratoga Creek Drive (City of Saratoga)	A Residential Care Facility for the Elderly providing 24-hour care for up to 48 guests	0.8
Vallco Special Area Specific Plan (City of Cupertino)	A Specific Plan to redevelop the existing shopping mall with a mix of uses including commercial, office, hotel, residential, open space, a transit hub, rooftop garden, civic uses, a Science, Technology, Engineering, and Math (STEM) lab, and associated parking	2.6
Office at 5403 Stevens Creek Boulevard (City of Santa Clara)	Phase 2 of the office development (187,500 square feet)	2.3
Saratoga & Avalon Expansion, 700 Saratoga Avenue (City of San José)	Addition of 300 apartment units to the existing 873 units and the addition of 17,800 square feet of retail.	1.9
Mitzi Place Apartments, 4146 Mitzi Drive (City of San José)	Relocation and conversion of a historic residence into a six-unit multi-family residential building and the construction of an approximately 28,629-square foot four-story residential building with 40 units above a subterranean garage	1.4

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-2: Geographic Considerations in Cumulative Analysis	
Resource Area	Geographic Area
Aesthetics	Paseo de Saratoga Urban Village/adjacent parcels
Agriculture and Forestry Resources	Santa Clara County
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels
Cultural Resources	Project site and adjacent parcels
Energy	Energy provider's territory

Table 3.0-2: Geographic Considerations in Cumulative Analysis	
Resource Area	Geographic Area
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Project site and adjacent parcels
Hydrology and Water Quality	West Valley watershed
Land Use and Planning/Population and Housing	City of San José
Minerals	Identified mineral recovery or resource area
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	City of San José
Transportation/Traffic	City of San José
Tribal Cultural Resources	Project site and adjacent parcels
Utilities and Service Systems	City of San José
Wildfire	Within or adjacent to the wildfire hazard zone

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The intent of the California Scenic Highway Program (Streets and Highway Code Sections 260 et seq.) is to provide and enhance California’s natural beauty and protect the social and economic values provided by the State’s scenic resources. The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity.

Local

City of San José General Plan

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

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages

with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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

San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the city.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

San José Design Review Process and Citywide Design Standards and Guidelines

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

To assist those involved with the design, construction, review, and approval of development in San José, the City developed the San José Citywide Design Standard Guidelines, which were adopted in March 2021. Guidelines are provided for specific development types, including High-Rise Mixed-Use buildings and Schools, which are summarized below.

High-Rise Mixed-Use

High-rise residential and mixed-use developments are taller than eight stories. They provide high-density residential living over podium parking, with shared lobby entrances, circulation, and amenity spaces. High-rise buildings are suitable for transit-oriented, dense, and mixed-use neighborhoods and General Plan Growth Areas. Garage levels are lined with residential or commercial uses such as housing units or retail and commercial spaces. Ground floor residential units should have individual entrances directly from sidewalks, paseos, or open spaces to enliven the public realm.

Schools

Schools need to be safely accessible for pedestrians and vehicles. They should be developed to enhance the educational environment and project a positive image to the surrounding community. In addition to classrooms and laboratories, schools should have outdoor activity areas for all students. Elements of site development include the harmonious blend of school site, perimeters, parking lots, and adjacent streets. Aesthetic appeal and ease of maintenance are paramount concerns. With respect to the adjacent neighbors, the location and proximity to noisy building mechanical equipment should be examined.

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

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

3.1.1.2 *Existing Conditions*

1777 Saratoga Avenue

Project Site

The 1777 Saratoga Avenue project site consists of a level, paved parking lot, driveways, and four office buildings. Three of the four buildings on-site (1741, 1745, and 1777 Saratoga Avenue) are two stories; the fourth (1749-1757 Saratoga Avenue) is a single story. The buildings are located around the perimeter of the approximately 1.81-acre project site, with a parking area and several mature trees in the interior of the site.

All two-story structures on-site have shared architectural elements of the Commercial Modern architectural style, which was widespread in San José from 1945-1975. The building at 1777 Saratoga Avenue is the best representation of the style, with buildings at 1741 and 1745 Saratoga Avenue more generic in design. Commercial Modern design elements displayed on-site include simple exteriors with large windows, concrete or ceramic façades, aluminum sash storefronts, and flat roofs. The two-story building at 1777 Saratoga Avenue, located on the southwest corner of the project site adjacent to the Saratoga Avenue/Lawrence Expressway intersection, also features a concave corner element, with exposed brick and an overhanging, convex roofline. The single-story building at 1749-1757 Saratoga Avenue is architecturally distinct from the two-story structures on-site, without a cohesive design aesthetic. A planting strip separates the project site from the Saratoga Avenue sidewalk, and a low chain link fence and several large, mature trees separate the project site from the Lawrence Expressway sidewalk. Views of the 1777 Saratoga Avenue project site and surrounding area are provided in Photos 1 through 3.



Photo 1: View from berm at western project boundary of interior parking lot with trees at El Paseo project site, with vacant commercial buildings visible at right, facing southeast.



Photo 2: View of occupied commercial buildings at El Paseo site, berm at west boundary, and Lawrence Expressway/Quito Road, facing south.

PHOTOS 1 & 2



Photo 3: View of access road/alley behind El Paseo building, and screen trees/berm along southern project boundary, facing east.



Photo 4: View of Lawrence Expressway/Quito Road and Saratoga Avenue, with 1777 Saratoga site visible in background, and US Bank building at right, facing north.

PHOTOS 3 & 4



Photo 5: View of northern El Paseo project site boundary, including vacant US Bank building, driveway access to Saratoga Avenue, and existing commercial uses at right, with Kato Building visible in center background, facing northwest.



Photo 6: View of south/west adjacent commercial development, Saratoga Avenue, Lawrence Expressway intersection, and Santa Cruz Mountains visible in background, facing west.

PHOTOS 5 & 6



Photo 7: View of 1777 Saratoga Avenue and Saratoga Avenue Lawrence Expressway intersection, facing north.



Photo 8: View of Kato Business Square (1777 Saratoga Avenue) with Saratoga Avenue/Lawrence Expressway intersection at left, facing southwest.

PHOTOS 7 & 8

Surrounding Area

The 1777 Saratoga Avenue site is in an urban, developed area of San José. The project area is developed with a mix of architectural styles and land uses, including residential, commercial, and a church and high school football field. The project is bordered by the WestGate Church Saratoga Campus to the north and northwest, Lawrence Expressway and residences to the west, the Lawrence Expressway/Saratoga Avenue intersection and commercial development to the southwest and south, and the El Paseo site and Saratoga Avenue to the east and northeast. The surrounding residences and commercial properties feature a mix of mature and juvenile trees, lawns, and other landscaping. There is no dominant architectural or design aesthetic in the project area.

El Paseo Shopping Center

Project Site

The El Paseo project site consists of three commercial buildings totaling approximately 96,440, landscaped areas, and a large, paved parking lot. The on-site commercial buildings are situated near the southwestern portion of the El Paseo de Saratoga Shopping Center, bounded by Quito Road to the west and an access road and a landscaped berm to the south. The on-site parking lot extends north and west from the commercial buildings, separating the on-site commercial buildings from the Saratoga Avenue-fronting buildings of the El Paseo de Saratoga Shopping Center.

The cluster of commercial buildings is architecturally consistent with the greater El Paseo de Saratoga shopping center. They feature stucco exteriors, columns, recessed entryways, metal arch details, and a mix of flat, curved and gabled roof styles. Individual businesses are distinguished by variations in stucco color and changes in roof style.

The parking lot is paved with asphalt and contains numerous pedestrian walkways and planting strips. The walkways, planting strips, and western perimeter berm feature a variety of landscaped vegetation. Plant types present include mature and juvenile trees of various species, shrubs, and grasses. The western perimeter berm also contains an elevated sign at the corner of Saratoga Avenue and Quito Road; the sign's stucco-and-concrete construction is consistent architecturally with the El Paseo commercial structures. Views of the El Paseo project site and surrounding area are provided in Photos 4 through 8.

Surrounding Area

The El Paseo de Saratoga site is in an urban, developed area of San José. The project area is developed with a mix of architectural styles, and various residential and commercial uses. The project is bordered by single-family residences to the south, Quito Road and commercial uses to the west, the Lawrence Expressway/Saratoga Avenue intersection and the 1777 Saratoga Avenue site to the northwest, and the off-site portions of the El Paseo de Saratoga shopping center to the north and east. The surrounding residences and commercial properties feature a mix of mature and juvenile trees, lawns, and other landscaping. There is no dominant architectural or design aesthetic in the project area. View of the south adjacent residences is obstructed by a screen of mature trees planted upslope of the project site, on a high berm along the southern site boundary.

Scenic Views and Resources

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City. Both sites offer views of the Santa Cruz mountains to the west and southwest; views are unobstructed from the project site due to the predominantly single-story construction of the surrounding area.

Scenic Corridors and Highways

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.³ State Route (SR) 87 is also identified as an Urban Throughway. The site is not located near the eastern part of the City; therefore, it is not visible from any Rural Scenic Corridor.⁴ Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County; there are no state-designated scenic highways in the City of San José.⁵ In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit, approximately 3.8 miles south of the project site. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, and the entire length of SR 152 within the County.⁶ Interstate 280 from the San Mateo County line to SR 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway. The project site is two miles southwest of the SR 17 segment within San José.

3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?⁷ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

³ City of San José. *Envision San José 2040 General Plan FPEIR*. Page 739. September 2011.

⁴ City of San José. "Scenic Corridors Diagram". Accessed February 20, 2020.
<https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000>

⁵ California Department of Transportation. "Scenic Highway Guidelines." Accessed February 24, 2020.
<https://dot.ca.gov/-/media/dot-media/programs/design/documents/scenic-hwy-guidelines-04-12-2012.pdf>.

⁶ California Department of Transportation. "Scenic Highways." Accessed February 24, 2020.
<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

⁷ Public views are those that are experienced from publicly accessible vantage points.

3.1.2.1 *Project and Cumulative Impacts*

Both Options

Implementation of the project (under either option) would intensify development of the site and change the character and view of the site itself (refer to Figure 2.2-5 and Figure 2.2-10); however, the project is a mixed-use residential project and is located on infill sites (i.e., located in an urban area and currently developed) within a transit priority area (as discussed under Section 3.1.1.2 Existing Conditions). Pursuant to SB 743 (Public Resources Code section 21099[d][1]) “aesthetic and parking impacts of a residential, mixed-use residential, or employment center on an infill site within a transit priority area shall not be considered significant impacts on the environment;” therefore, the aesthetics impacts of the project (under either option) would not be significant.

Conclusion for checklist questions a) through d):

- **Both options:** The project (under either option) would not result in significant aesthetic impacts. **(Less than Significant Impact)**

Conclusion to the Aesthetics Cumulative Impacts discussion:

- **Both options:** The project (under either option) would have a less than significant cumulative aesthetics impact. **(Less than Significant Cumulative Impact)**

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁸

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁹

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.¹⁰ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.¹¹

⁸ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed April 2, 2021. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁹ California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

¹⁰ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹¹ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed April 2, 2021. <http://frap.fire.ca.gov/>.

3.2.1.2 Existing Conditions

There are four farmland categories in the FMMP: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. According to the Santa Clara County Important Farmland map, the project sites are designated as Urban and Built-Up Urban, which is defined as land that is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10 acre-parcel.¹²

The El Paseo site is designated Regional Commercial (RC) under the City's General Plan and is zoned Commercial General (CG). The El Paseo site is currently developed with commercial/retail uses and surface parking. The 1777 Saratoga Avenue site is designated Neighborhood/Community Commercial (NCC) under the City's General Plan and is zoned Commercial Pedestrian (CP). The 1777 Saratoga Avenue site is currently developed with office and surface parking uses. The project sites are not used for agriculture, forestry, or timberland; and are not the subject of a Williamson Act contract.

No lands adjacent to the project sites are used for agricultural production, forest land, or timberland. Surrounding properties are designated, zoned, and used for urban uses.

3.2.2 Impact Discussion

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

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

¹² California Department of Conservation, Division of Land Resources Protection. *Santa Clara County Important Farmland 2016*. September 2018.

3.2.2.1 *Project Impacts*

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

Both Options

As discussed above in Section 3.2.1.2 Existing Conditions, the project sites are not designated or used for agricultural use.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not convert farmland to non-agricultural use. **(No Impact)**

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

Both Options

The project sites are zoned Commercial General (El Paseo site) and Commercial Pedestrian (1777 Saratoga Avenue site) and are not zoned for agricultural use. The project sites are not subject to a Williamson Act contract.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

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

Both Options

The project sites are not zoned for forest land, timberland, or timberland production.

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not conflict with existing zoning or cause rezoning of forest land, timberland, or timberland production. **(No Impact)**

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

Both Options

The project sites are not used or designated for forest land.

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not result in a loss of forest land or conversion of forest land to a non-forest use. **(No Impact)**

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

Both Options

As described above in Section 3.2.1.2 Existing Conditions, the project sites and adjacent properties are not designated as farmland, nor are they used or zoned for agriculture use or forest land. For this reason, the development of the project (under either option) would not cause the conversion of farmland to non-agricultural use or forest land to non-forest use.

Conclusion for checklist question e):

- **Both options:** The project (under either option) would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. **(No Impact)**

3.2.2.2 Cumulative Impacts

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

Both Options

The geographic area for cumulative agricultural and forestry resource impacts is Santa Clara County, since these resources are mapped and managed at the county level.

Conversion of Farmland to Non-Agricultural Use

As described above under checklist question a), the project (under either option) would have no impact to the conversion of farmland to non-agricultural use. Therefore, the project (under either option) would not contribute to a cumulatively significant impact from the conversion of farmland to non-agricultural use.

Conflict with Agricultural Zoning or Williamson Act Contract

As described above under checklist question b), the project (under either option) would have no impact to agricultural zoning or a Williamson Act contract. Therefore, the project (under either option) would not contribute to a cumulatively significant impact to conflicts with agricultural zoning or Williamson Act contracts.

Conflict or Rezone Forest land or Timberland

As described above under checklist question c), the project (under either option) would have no impact to forest land, timberland, or timberland production. Therefore, the project (under either option) would not contribute to a cumulatively significant impact to those resources.

Loss of Forestland

As described above under checklist question d), the project (under either option) would have no impact to forest land. Therefore, the project (under either option) would not contribute to a cumulatively significant impact to forest land.

Other Changes to the Environment

As described above under checklist question e), the project (under either option) does not involve other changes that would result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, the project (under either option) would not contribute to a cumulatively significant impact regarding conversion of farmland or forest land.

Conclusion to the Agriculture and Forestry Resources Cumulative Impacts discussion:

- **Both options:** The project (under either option) would have no cumulative impact on agriculture and forestry resources. **(No Cumulative Impact)**

3.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality Assessment prepared for this project by Illingworth & Rodkin, Inc. A copy of this report, dated July 20, 2021, is attached to this EIR as Appendix B.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹³ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none"> • Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

¹³ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead; therefore, these criteria pollutants are not discussed further.

reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁴ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics.

3.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the United States (U.S.) Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal

¹⁴ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed March 26, 2021. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O₃, CO, SO_x, NO_x, and lead. CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁵

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines.

¹⁵ BAAQMD. *Final 2017 Clean Air Plan*. Accessed April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

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

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the state truck idling law limits truck idling to five minutes.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board’s air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

3.3.1.3 Existing Conditions

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area’s proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The portion of Santa Clara Valley in which the project sites are located within is bounded by the San Francisco Bay to the north, the Santa Cruz Mountains to the

southwest, and the Diablo Range to the east. The surrounding terrain influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

The Bay Area is considered a nonattainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act (refer to Appendix B for additional information about the nearest pollutant monitoring station to the project sites and data of days exceeding standards). The area is also considered in nonattainment for PM₁₀ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors¹⁶ that apply to both construction and operational period emissions.

Local Community Risks/Toxic Air Contaminants

The project area includes both roadway and stationary sources of TAC emissions within 1,000 feet of the project sites. Roadway TAC sources with traffic volumes of over 10,000 vehicles per day and within 1,000 feet of the sites are Lawrence Expressway/Quito Road, Saratoga Avenue, and Prospect Road/Campbell Avenue. There are five stationary sources within 1,000 feet of the project sites, one of which would be removed as part of the project (under either option). The four stationary sources that would remain following the project (under either option) include two diesel generators and two gas-dispensing facilities.

Sensitive Receptors

The closest sensitive receptors to the project sites are the residences approximately 55 feet south of the El Paseo site (refer to Figure 3.3-1).

3.3.2 Impact Discussion

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

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

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin

¹⁶ ROG and NO_x are O₃ precursor pollutants.

and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-2 below.

Table 3.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	
m ³ = micrograms per cubic meter.			

3.3.2.1 *Project Impacts*

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

Both Options

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if it: a) supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures.

Support of Primary 2017 CAP Goals

As discussed in Section 3.3.1.2 Regulatory Framework, the goals of the 2017 CAP include 1) protecting public health by progress towards attaining air quality standards and eliminating health risk and 2) protecting the climate. If a project exceeds the BAAQMD thresholds of significance, its

emissions are considered to result in significant adverse air quality impacts to the region’s existing air quality conditions. Similarly, if the project exceeds the BAAQMD community health risk threshold of significance, the project would result in a community health risk. An analysis of the project’s construction and operational air pollutant emissions is provided below, as well as a discussion of the project’s community health risk.

Construction Period Emissions

The California Emissions Estimator model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction activities.¹⁷ Construction emissions were modeled based on equipment list and schedule information provided by the applicant. Details about the equipment list, construction schedule, modeling, data inputs, and assumptions are included in Appendix B.

Table 3.3-3 summarizes the construction emissions under both project options and show that the project (under either option) would exceed the BAAQMD significance thresholds for ROG and NO_x for select years. Specifically, the Non-Education Mixed-Use Option would exceed the BAAQMD significance threshold for ROG in 2024 and 2025 and the NO_x threshold in 2023; the Education Mixed-Use Option would exceed the threshold for ROG in 2024 and 2025 and the NO_x threshold in 2023 and 2024.

Table 3.3-3: Project Construction Period Emissions						
Year	ROG		NO_x		PM₁₀	PM_{2.5}
	(pounds per day)					
Non-Education Mixed-Use Option						
	Unmitigated	Mitigated	Unmitigated	Mitigated	Unmitigated	
2021	4.49	1.59	51.73	18.69	2.57	2.00
2022	4.11	1.98	41.90	21.16	2.65	1.61
2023	10.63	2.99	63.44	19.56	4.36	2.87
2024	92.83	17.60	38.44	11.59	2.93	1.79
2025	135.63	25.11	27.84	8.92	2.22	1.26
<i>BAAQMD Thresholds</i>	54		54		82	54
Exceed Threshold?	Yes (2024/2025)	No	Yes (2023)	No	No	No
Education Mixed-Use Option						
	Unmitigated	Mitigated	Unmitigated	Mitigated	Unmitigated	
2021	4.83	1.65	53.27	17.54	2.71	2.14
2022	3.58	1.07	41.03	14.01	2.13	1.58

¹⁷ Separate CalEEMod runs were conducted for each site, option, and phase to capture the consecutive and congruent total project construction over several years.

Table 3.3-3: Project Construction Period Emissions						
Year	ROG		NO_x		PM₁₀	PM_{2.5}
	(pounds per day)					
2023	19.44	5.26	72.28	24.50	5.50	3.43
2024	181.68	34.07	66.00	19.08	4.78	2.96
2025	65.59	13.32	28.91	15.91	3.08	1.49
<i>BAAQMD Thresholds</i>	54		54		82	54
Exceed Threshold?	Yes (2024/2025)	No	Yes (2023/2024)	No	No	No
Source: Illingworth & Rodkin, Inc. <i>El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment</i> . July 20, 2021. Notes: Annualized daily construction emissions exceeding BAAQMD thresholds identified in bold .						

Standard Permit Conditions:

- **Fugitive Dust (Both Options):** The project (under either option) shall implement the following measures during all phases of construction to control dust and exhaust at the project site:
 - Water active construction areas at least twice daily or as often as needed to control dust emissions.
 - Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - Remove visible mud or dirt track-out onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - Pave new or improved roadways, driveways, and sidewalks as soon as possible.
 - Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - Replant vegetation in disturbed areas as quickly as possible.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

- Maintain and properly tune construction equipment in accordance with manufacturer’s specifications. Check all equipment by a certified mechanic and record a determination of “running in proper condition” prior to operation.
- Post a publicly visible sign with the telephone number and person at the lead agency to contact regarding dust complaints.

The implementation of the above standard permit conditions would reduce construction emissions; however, construction emissions would still be above the BAAQMD threshold.

Impact AIR-1: Both Options: The emissions resulting from the construction of the project (under either option) would exceed the BAAQMD threshold of 54 pounds per day of ROG emissions and 54 pounds per day of NOx emissions.

MM AIR-1.1: Both Options: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant (under either option) shall implement the following additional best management practices identified by the Bay Area Air Quality Management District in order to reduce fugitive dust.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (i.e., three times a day). Moisture content shall be verified by lab samples or moisture probe.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- The Air District’s phone number shall be visible on a sign at the construction site to ensure compliance with applicable regulations.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour and visible dust extends beyond site boundaries.
- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses up to a distance of 100 feet from public paved roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.

MM AIR-1.2: Construction Equipment (Both Options): Prior to issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant

shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. The construction management plan shall demonstrate that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 85-percent reduction in PM_{2.5} exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- Use of equipment that includes California Air Resources Board (CARB)-certified Level 3 diesel particulate filters or alternatively-fueled equipment (i.e., non-diesel).
- Use of added exhaust muffling and filtering devices.
- The plan shall also verify that the equipment included in the plan meets the standards set forth in these mitigation measures:
 - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. The use of Tier 3 equipment shall not exceed five percent of all equipment usage (described in terms of total horsepower hours during a phase).
 - Use of alternatively fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.
 - Diesel engines, whether for off road equipment or on road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit.
 - Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators, concrete/industrial saws, welders, and air compressors.
 - Cranes and aerial lifts shall be powered by electricity.

MM AIR-1.3: Architectural Coatings (Both Options): Prior to the issuance of any building permits, the project applicant (under either option) shall submit a list of intended coatings for interior and exterior surfaces to the Director of Planning, Building and Code Enforcement or Director's designee, demonstrating the use of low

volatile organic compound or VOC (i.e., ROG) coatings that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 90 percent of all residential and nonresidential interior paints and 90 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 90 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used.

MM AIR-1.4: Construction diesel trucks (Both Options): Prior to the issuance of any demolition or grading permits (whichever is earliest), the project applicant shall submit a list of all on-road heavy duty diesel trucks intended to be used at the project sites to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval. All on-road heavy duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMFAC Category MHDDT or HHDDT) used at the project sites (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2015 or newer.

For all projects, BAAQMD recommends the implementation of standard, basic construction control measures identified in the above standard permit conditions and mitigation measure MM AIR-1.1. Implementation of mitigation measures MM AIR-1.2 and 1.3 would reduce construction NOx emissions by 96 percent and ROG emissions by 82 percent. Mitigation measure MM AIR-1.4 would further reduce NOx emissions by 20 percent and ROG emissions by 30 percent. As shown in Table 3.3-3, these reductions would reduce the construction criteria air pollutants generated by the project (under either option) below BAAQMD thresholds.

Operational Period Emissions

Operational period criteria pollutant emissions associated with the project (under either option) would be generated primarily from vehicles driven by future residents, employees, customers, vendors. The Education Mixed-Use Option would also have vehicle trips associated with students and the school faculty.

CalEEMod was used to estimate the emissions from the existing land uses and operation of the project (under either option) assuming full build out. The emissions associated with existing land uses were subtracted from emissions associated with the project (under either option) to calculate the net increase in emissions caused by the project (under either option).¹⁸ The modeling assumptions, data inputs, and results are described further in Appendix B of this EIR. The estimated annual and daily operational period emissions from both project options compared to BAAQMD thresholds of significance are summarized in Table 3.3-4.

¹⁸ Emissions from use of the existing land uses were calculated assuming they were operating in 2020. Inputs for the existing El Paseo site modeling scenario included 72,940 square feet of commercial and 25,185 square of office for the 1777 Saratoga site.

Table 3.3-4: Project Operational Period Emissions				
Scenario	ROG	NO_x	PM₁₀	PM_{2.5}
Non-Education Mixed-Use Option				
A. Non-Education Mixed-Use Option (2026) Annual Emissions (tons/year)	9.64	4.14	5.60	1.59
B. Existing (2020) Annual Emissions (tons/year)	1.41	1.45	1.34	0.37
Net Annual Emissions (A-B) (tons/year)	8.23	2.69	4.26	1.22
<i>BAAQMD Thresholds (tons/year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
Exceed Threshold?	No	No	No	No
Non-Education Mixed-Use Option (2026) Net Average Daily Emissions (pounds/day) ¹	45.09	14.75	23.33	6.68
<i>BAAQMD Thresholds?¹ (pounds/day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Exceed Threshold?	No	No	No	No
Education Mixed-Use Option				
A. Education Mixed-Use Option (2026) Annual Emissions (tons/year)	9.64	4.53	5.93	1.68
B. Existing (2020) Annual Emissions (tons/year)	1.41	1.45	1.34	0.37
Net Annual Emissions (tons/year)	8.21	3.08	4.59	1.31
<i>BAAQMD Thresholds¹ (tons/year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
Exceed Threshold?	No	No	No	No
Education Mixed-Use Option (2026) Net Average Daily Emissions (pounds/day) ¹	45.00	16.89	25.13	7.17
<i>BAAQMD Thresholds?¹ (pounds/day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Exceed Threshold?	No	No	No	No
Source: Illingworth & Rodkin, Inc. <i>El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment</i> . July 20, 2021.				
Notes:				
¹ Assumes 365-day operation.				

As shown in Table 3.3-4, the operational period emissions for the project (under either option) would not exceed BAAQMD significance thresholds.

Community Health Risk

Part of the 2017 CAP goals is to eliminate health risk disparities from exposure to air pollution. The project’s community health risk impact is discussed under checklist question c). As discussed under checklist question c), the project (under either option) would implement mitigation measures MM AIR-1.1 through AIR-1.4 to reduce health risk impacts to a less than significant level.

Consistency with 2017 CAP Control Measures

To protect climate, the 2017 CAP includes control measures to reduce emissions of GHG emissions. As discussed in Table 3.3-5 below, the project (under either option) would be consistent with all applicable measures of the 2017 CAP.

Table 3.3-5: Project Consistency with Bay Area 2017 CAP Applicable Control Measures	
Summary of Applicable Control Measures	Consistency Discussion
Transportation Measures	
TR2 – Trip Reduction Programs: Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	Consistent: The project (under either option) includes mitigation to reduce its vehicle miles traveled (VMT) to less than significant levels (refer to Mitigation Measures TRN-1.1, TRN-1.2, TRN-2.1 in Section 3.17 Transportation). The project, therefore, is consistent with this measure.
TR8 – Ridesharing and Last-Mile Connections: Encourage employers to promote ridesharing and carsharing to their employees.	Consistent: The Non-Education Mixed-Use Option would not require ridesharing or carsharing programs to reduce its VMT to less than significant levels, but would implement a TDM plan that includes unbundled on-site parking costs which encourages alternatives to single-occupancy vehicle trips such as ridesharing and carsharing, thus supporting the intent of this measure. The Education Mixed-Use Option would include a Transportation Demand Management (TDM) program that, among other actions, would include a rideshare/carpool program. The project is consistent with this measure.
TR9 – Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	Consistent: The project (under either option) would incorporate urban design and architectural elements that would improve pedestrian facilities and safety, including wider sidewalks, minimized driveway cuts, and an enhanced transit shelter (refer to Section 3.17 Transportation checklist

Table 3.3-5: Project Consistency with Bay Area 2017 CAP Applicable Control Measures

Summary of Applicable Control Measures	Consistency Discussion
	question a. The project (under either option) also includes intersection and crosswalk improvements (refer to Section 3.17 Transportation checklist question b). Short- and long-term bicycle spaces would be provided in accordance with City requirements. For these reasons, the project (under either option) is consistent with this measure.
<p>TR13 – Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.</p>	<p>Consistent: The project (under either option) would take advantage of vehicle parking reductions available through the City’s Urban Village policy framework. The project (under either option) would implement a TDM plan that includes unbundled on-site parking costs. The project is consistent with this measure.</p>
<p>TR10 – Land Use Strategies: Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.</p>	<p>Consistent: As discussed in Section 3.11 Land Use and Planning, the project (under either option) would be consistent with the City’s Land Use and Transportation Diagram and provide a mixed-use, higher density development on infill sites. Therefore, the project (under either option) would be consistent with the development assumptions of Plan Bay Area, which are based on the City’s General Plan. The project is consistent with this measure.</p>
<p>Building and Energy Measures</p>	
<p>BL1 – Green Buildings: Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.</p>	<p>Consistent: The project (under either option) would be constructed to minimum LEED Silver standards (non-residential components) and LEED Certified standards or GreenPoint Rated 50 points (residential components). The project would comply with Building Energy Efficiency Standards (Title 24), the City’s Green Building and Reach Code Ordinance, and the most recent CALGreen requirements. The project (under either option) is consistent with this measure.</p>
<p>BL2 – Decarbonize Buildings: Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments</p>	<p>Consistent: The project (under either option) would participate in the San José Clean Energy Program at the Total Green Level (as exemplified in Section 3.8 Greenhouse Gas Emissions) and, therefore, all electricity used by the project (under either option) would be generated by carbon-free</p>

Table 3.3-5: Project Consistency with Bay Area 2017 CAP Applicable Control Measures

Summary of Applicable Control Measures	Consistency Discussion
install ground source heat pumps and solar hot water heaters.	wind and solar farms. The project is consistent with this measure.
<p>BL4 – Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.</p>	<p>Consistent: The majority of on-site parking is provided in parking structures located beneath the buildings, thus minimizing the urban heat island effect. The project is consistent with this measure.</p>
<p>EN2 – Decrease Electricity Demands: Support local government energy efficiency program via best practices, model ordinances, and technical support.</p>	<p>Consistent: The project (under either option) would comply with Building Energy Efficiency Standards (Title 24), the City’s Green Building Ordinance, and the most recent CALGreen requirements. The project is consistent with this measure.</p>
<p>Natural and Working Lands Measures</p>	
<p>NW2 – Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District’s technical guidance, best management practices for local plans, and CEQA review.</p>	<p>Consistent: As discussed in Section 3.4 Biological Resources, all trees removed by the project (under either option) would be replaced and located in accordance with the City’s Tree Removal Ordinance and the guidance provided by the City Arborist. The project is consistent with this measure.</p>
<p>Waste Management Measures</p>	
<p>WA4 – Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.</p>	<p>Consistent: The project (under either option) would be required to comply with the City’s Zero Waste Strategic Plan, which outlines policies to help the City achieve its Green Vision goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The project (under either option) would comply with the City’s Construction and Demolition Diversion Program, which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills, and would provide recycling and composting bins at all buildings. The project is consistent with this measure.</p>

Table 3.3-5: Project Consistency with Bay Area 2017 CAP Applicable Control Measures	
Summary of Applicable Control Measures	Consistency Discussion
Water Conservation Measures	
WR2 – Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	Consistent: The project (under either option) would comply with the state’s Model Water Efficient Landscape Ordinance, and use a drip irrigation system and high-efficiency appliances and fixtures (refer to Appendix E). Additionally, the project (under either option) would participated in the City’s purple pipe recycled water program as discussed in Section 3.8 Greenhouse Gas Emissions. The project is consistent with this measure.

Conclusion for checklist question a):

- **Both options:** With mitigation incorporated, the project (under either option) would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region’s existing air quality conditions.¹⁹

As described in Section 3.3.1.3 Existing Conditions, the Bay Area is considered a nonattainment area for ground-level O₃, PM_{2.5}, and PM₁₀ under the federal Clean Air Act and/or the California Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors. As described under checklist question a), with implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4, the project (under either option) would not exceed BAAQMD thresholds for these air pollutants during construction or operation.

¹⁹ Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 2-1.

Conclusion for checklist question b):

- **Both options:** With mitigation incorporated, the project (under either option) would not result in a cumulatively considerable increase of any criteria pollutant for which the region is in nonattainment. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. The project (under either option) would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources and stationary sources).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. During project operation, the project would generate traffic, consisting of mostly light-duty vehicles. In addition, the project would include the installation of stand-by generators powered by diesel engines that would also have TACs and air pollutants emissions.

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

Community risk impacts were addressed by predicting increased cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index (HI) for non-cancer health risks. The risk impacts from the project are the combination of risks from construction and operation sources. These sources include on-site construction activity, construction truck hauling, stand-by emergency generator operation, and increased traffic from the project. To evaluate the increased cancer risks from the project, a 30-year exposure period is typically used (per BAAQMD guidance), with the residential sensitive receptors being exposed to both project construction and operation emissions during this timeframe.²⁰

The project's increased cancer risk is computed by summing the project construction cancer risk and operation cancer risk contributions. Unlike the increased maximum cancer risk, the annual PM_{2.5} concentration and HI values are not additive but based on the annual maximum values for the entirety of the project. The project's maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction and operation. Other sensitive receptors would be exposed to a lower health risk than identified for the MEI. Additional explanation of the methodology for computing community risk impacts is provided in Appendix B.

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

Community Health Risk from Project Construction

The maximum cancer risk as a result of the project (under either option) would occur on the first floor (five feet above ground) at a single-family residence located on Elmwood Drive, approximately 55 feet southeast of the El Paseo site. Figure 3.3-1 shows the locations of sensitive receptors near the project site and the MEI.

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

Table 3.3-6 below summarizes the maximum cancer risks, PM_{2.5} concentrations, and HIs from project construction and operation activities at the off-site residential MEI.

As shown in Table 3.3-6 the unmitigated maximum increased cancer risks of the project (under either option) would exceed the BAAQMD single-source threshold for cancer risk of greater than 10.0 excess cases per million. However, with the implementation of mitigation measures MM AIR-1.1 through MM AIR-1.4 identified under checklist question a), the construction-related health risks associated with the project (under either option) would be reduced below the BAAQMD single-source significance threshold.

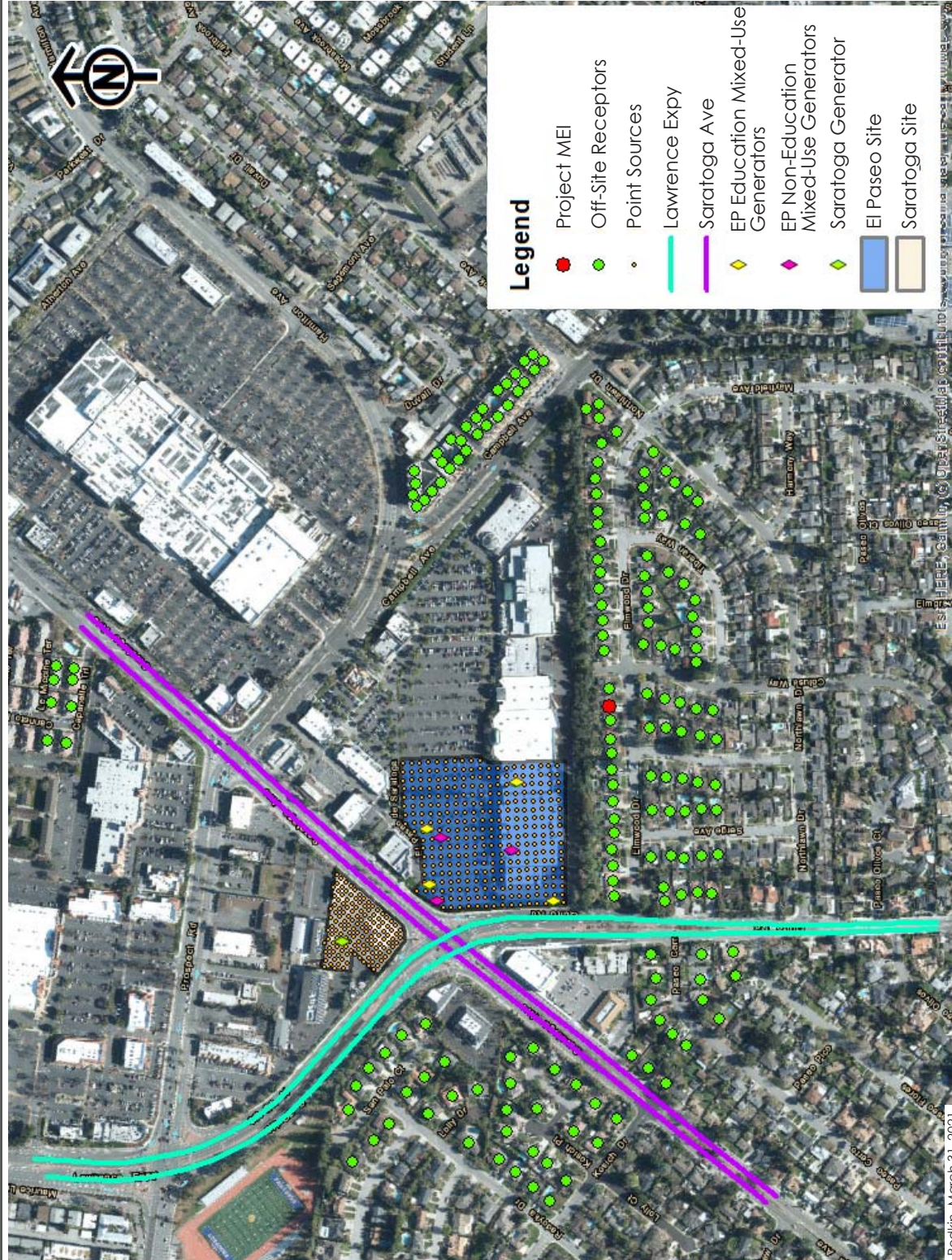


FIGURE 3.3-1

OFF-SITE RECEPTORS AND MAXIMALLY EXPOSED INDIVIDUAL

Table 3.3-6: Project Construction and Operational Risk Impacts at Off-Site MEI				
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index	
Non-Education Mixed-Use Option				
Project Construction (Years 0-3)	Unmitigated	35.79	0.17	0.03
	Mitigated*	5.25	0.04	<0.01
Project Operation: Traffic on Lawrence Expressway/Quito Road and Saratoga Avenue (Years 3-30)	0.05	0.01	<0.01	
Project Operation: Generators (4) – 2,561 hp (Years 3-30)	0.15	<0.01	<0.01	
Maximum Project Risks (Years 0-30)	Unmitigated	35.99	0.17	0.03
	Mitigated*	5.45	0.04	<0.01
<i>BAAQMD Single-Source Threshold</i>		<i>10.0</i>	<i>0.3</i>	<i>1.0</i>
Exceed Threshold?				
Unmitigated		Yes	No	No
Mitigated*		No	No	No
Education Mixed-Use Option				
Project Construction (Years 0-3)	Unmitigated	55.06	0.23	0.04
	Mitigated*	9.44	0.07	0.01
Project Operation: Traffic on Lawrence Expressway/Quito Road and Saratoga Avenue (Years 3-30)	0.05	0.02	<0.01	
Project Operation: Generators (5) – 2,561 hp (Years 3-30)	0.15	<0.01	<0.01	
Maximum Project Risks (Years 0-30)	Unmitigated	55.26	0.23	0.04
	Mitigated	9.65	0.07	0.01
<i>BAAQMD Single-Source Threshold</i>		<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
Exceed Threshold?				
Unmitigated		Yes	No	No
Mitigated*		No	No	No
Source: Illingworth & Rodkin, Inc. <i>El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment</i> . July 20, 2021.				
Notes:				

Table 3.3-6: Project Construction and Operational Risk Impacts at Off-Site MEI

Numbers in excess of BAAQMD single-source thresholds identified in **bold**.

* Mitigation Measures MM AIR-1.1 through MM AIR-1.4

Community Health Risk from Project Operation

Operation of the project (under either option) would generate emissions from mobile sources (i.e., traffic) and stationary sources (i.e., on-site generators). While these emissions would not be as intensive at or near the project sites as construction activity, they would contribute to long-term effects to sensitive receptors.

Operational Traffic

The project would generate up to 8,210 net trips per day, as shown in Table 3.17-3 in Section 3.17 Transportation and Traffic.²¹ To address the added community risks, the impact from local project traffic (under either option) was modeled using the CT-EMFAC2017 and U.S. EPA AERMOD models, pursuant to BAAQMD methodology (refer to Appendix B of this EIR for additional details on the models used and data assumptions). The analysis conservatively assumed that all project traffic emissions from on- and near the sites would occur along Lawrence Expressway/Quito Road and Saratoga Avenue, which are roadways closest to the nearby sensitive receptors. Table 3.3-6 identifies the project roadway risk and hazards at the MEI resulting from traffic generated by the project (under either option).

Emergency Diesel Generators

The project (under either option) includes emergency diesel generators on the ground floor of each building, for a total of five generators under the Non-Education Mixed-Use Option and four generators under the Education Mixed-Use Option. Operation of a diesel generator is a source of TAC emissions. The generators would be operated for testing and maintenance purposes and would be required to meet EPA emissions standards. The emissions from the operation of the generators were calculated using the CalEEMod model.

Based on information provided by the applicant, each generator would be rated at 1,910 kilowatts (kW) with a 2,561 horsepower (HP) diesel engine. Stationary source diesel engines larger than 50 hp are subject to CARB's Stationary Diesel Airborne Toxics Control Measure and require permits from the BAAQMD. As part of the BAAQMD permit requirements for toxics screening analysis, the emergency generator engine emissions would have to meet Best Available Control Technology for Toxics and pass the toxic risk screening level of less than ten cancer cases in a million. The risk assessment would be prepared by BAAQMD. Depending on results, BAAQMD would set limits for DPM emissions (e.g., more restricted engine operation periods). Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally would not be considered to have a significant air quality community risk impact.

²¹ It is estimated that the Non-Education Mixed-Use Option would generate 8,210 net trips per day and the Education Mixed-Use Option would generate 7,388 net trips per day.

To estimate potential cancer risks and PM_{2.5} impacts from operation of the emergency generators, the U.S. EPA AERMOD dispersion model was used to calculate the maximum annual DPM concentration at the off-site MEI. Refer to Appendix B for more detail about the model, data inputs, and assumptions used to estimate the health risk from the emergency generators. Table 3.3-6 lists the community risks from the proposed diesel generators at the MEI under both project options.

Community Health Risk from Combined Project Construction and Operation

The identified MEI would be exposed to about three years of construction health risks and 27 years of operational health risks. The cancer risks from construction and operation of the project (under either option) were summed together. The annual PM_{2.5} concentration, and HI values are based on an annual maximum risk for the entirety of the project (under either option). As shown above in Table 3.3-6, the combined unmitigated project construction and operation community risks (under either option) at the MEI would exceed the BAAQMD single-source thresholds for increased cancer risk. However, as shown in Table 3.3-6, with implementation of mitigation measures MM AIR-1.1 and MM AIR-1.2, the increased cancer risk from project construction and operation would be reduced below the BAAQMD single-source threshold. The non-cancerous hazards (i.e., PM_{2.5} and HI) from construction and operation activities would not exceed the single-source significance threshold, unmitigated or mitigated under either project option.

Cumulative Community Health Risk of All TAC Sources

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within one-quarter mile of the project site. These sources include busy surface streets (i.e., roadways that exceed 10,000 vehicles per day) and existing stationary sources identified by BAAQMD. Figure 3.3-2 shows the existing, substantial TAC and PM_{2.5} sources with the potential to affect the off-site MEI.

Modeling was completed to calculate the community health risk from the cumulative sources at the project MEI. Refer to Appendix B for details about the cumulative health risk modeling, including the models used (CT-EMFAC2017, EMFAC, and U.S. EPA AERMOD models), model inputs, and assumptions. Table 3.3-7 reports the cumulative community risk impacts from project construction and operation and other cumulative sources at the MEI.



FIGURE 3.3-2

PROJECT SITE AND NEARBY TAC AND $PM_{2.5}$ SOURCES WITHIN 0.25 MILES

Source: Illingworth & Rodkin, March 31, 2021.

Table 3.3-7: Cumulative Community Risk Impacts at Off-Site MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Non-Education Mixed-Use Option			
Non-Education Mixed-Use Option			
Unmitigated	35.99	0.17	0.03
Mitigated*	5.45	0.04	<0.01
Lawrence Expressway/Quito Road (ADT 24,797)	1.59	0.07	<0.01
Saratoga Avenue (ADT 26,162)	1.06	0.05	<0.01
Prospect Road/Campbell Avenue (ADT 23,037)	0.41	0.02	<0.01
Facility ID #14658 (Generator)	<0.01	-	-
Facility ID #16603 (Generator)	0.08	-	-
Facility ID #104160 (Gas Dispensing Facility)	0.41	-	<0.01
Facility ID #105122 (Gas Dispensing Facility)	<0.01	-	-
Cumulative Sources with Non-Education Mixed-Use Option			
Unmitigated	39.56	0.31	<0.07
Mitigated*	9.02	0.19	<0.05
<i>BAAQMD Cumulative-Source Thresholds</i>	<i>>100</i>	<i>>0.8</i>	<i>>10.0</i>
Exceed Threshold?			
Unmitigated	No	No	No
Mitigated*	No	No	No
Education Mixed-Use Option			
Education Mixed-Use Option			
Unmitigated	55.26	0.23	0.04
Mitigated*	9.64	0.07	0.01
Lawrence Expressway/Quito Road	1.67	0.08	<0.01
Saratoga Avenue	1.12	0.05	<0.01
Prospect Road/Campbell Avenue	0.44	0.02	<0.01
Facility ID #14658 (Generator)	<0.01	-	-
Facility ID #16603 (Generator)	0.08	-	-
Facility ID #104160 (Gas Dispensing Facility)	0.41	-	<0.01
Facility ID #105122 (Gas Dispensing Facility)	<0.01	-	-

Table 3.3-7: Cumulative Community Risk Impacts at Off-Site MEI				
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index	
Cumulative Sources with Education Mixed-Use Option	Unmitigated	59.00	0.38	<0.08
	Mitigated*	13.38	0.22	<0.05
BAAQMD Cumulative-Source Thresholds	>100	>0.8	>10.0	
Exceed Threshold?	Unmitigated	No	No	No
	Mitigated*	No	No	No
Sources: Illingworth & Rodkin, Inc. <i>El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment</i> . July 20, 2021; Hexagon Transportation Consultants, Inc. <i>El Paseo Mixed-Use Development Transportation Analysis</i> . October 6, 2021.				
Notes: ADT = Average Daily Trips				
The traffic volumes on the same roadways differ between the Education Mixed-Use Option and Non-Education Mixed-Use Option due to the differences in land uses between the options.				
Local roadway ADT does not include project-generated traffic volumes, which are separately factored into the project's community risk impacts.				
Numbers in excess of BAAQMD single-source thresholds identified in bold .				
* Assumes the implementation of mitigation measures MM AIR-1.1 and MM AIR-1.2				

As shown in Table 3.3-7, the combined unmitigated increased cancer risk, annual PM_{2.5} concentration, and HI would not exceed the cumulative-source thresholds with either project option. Therefore, the project (under either option) would not contribute to a cumulative increase in TAC emissions within the local area.

Health Effects from Criteria Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants.

As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. As described previously under checklist

question a), the project (under either option) would not exceed BAAQMD thresholds for operational and construction criteria air pollutants.

Conclusion for checklist question c):

- **Both options:** With mitigation incorporated, the project (under either option) would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

According to the BAAQMD CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact.²² Construction activities for the project (under either option) would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. The odors from these emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary. Odors associated with the application of paints and coatings may also be noticeable on occasion by adjacent receptors. Painting and coating of the project (under either option) would occur during daytime hours only, would be localized, and would be generally confined to the project sites. These odors would also be temporary. Given the temporary nature of the above described odors, exposure of sensitive receptors to these emissions would be limited and the impact is less than significant.

In addition, BAAQMD has identified a variety of land uses that produce emissions that may lead to odors and generate complaints including, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Residential, commercial, and educational uses do not typically generate objectionable odors, nor do they fall under any of the land uses identified by BAAQMD to cause objectionable odors.

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not result in other emissions, such as odors, that would adversely affect a substantial number of people. **(Less than Significant Impact)**

²² Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 2-1.

3.3.2.2 *Cumulative Impacts*

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

Both Options

The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. In developing thresholds of significance for air pollution, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's air quality conditions.

Implementation of the 2017 CAP

As described above under checklist question a), the project (under either option) would be consistent with the 2017 CAP. The project (under either option), therefore, would not result in a cumulatively considerable impact to the implementation of the 2017 CAP.

Net Increase in Criteria Pollutants

In developing thresholds of significance for air pollutants, BAAQMD considered the emissions levels for which a project's individual emissions would be cumulatively considerable. That is, if a project exceeds BAAQMD's significance thresholds, its emissions are considered cumulatively considerable. As discussed under checklist question b), the construction and operational emissions generated by the project (under either option) would not exceed the BAAQMD thresholds for criteria air pollutant (ROG, NO_x, PM₁₀, and PM_{2.5}) emissions with the incorporation of mitigation measures MM AIR-1.1 through MM AIR-1.4. The project (under either option), therefore, would not result in a cumulatively considerable contribution to criteria pollutant emissions.

Exposure Sensitive Receptors to Substantial Pollutant Concentrations

As discussed under checklist question c), the geographic area for cumulative impacts to sensitive receptors is 1,000 feet from the project sites and the project (under either option) would not contribute to a cumulative community health risk to nearby sensitive receptors.

Odors

On its own, construction and operation of the project (under either option) would not result in other emissions, such as odors, that would adversely affect a substantial number of people. The nearest cumulative project is the Quito Village Development, which is 0.6 mile away from the project sites. Due to the distance between the project sites and the Quito Village Development and the fact that construction odors are both localized and temporary, there would be no cumulative odor impact from the construction of the project (under either option) and the Quito Village Development.

Further, the project (under either option) does not include land uses (e.g., wastewater treatment plants, landfills, composting operations, and food manufacturing facilities) that are sources of odors. Therefore, the operation of the project (under either option) would not contribute to a cumulative odor impact.

Conclusion to the Air Quality Cumulative Impacts discussion:

- **Both options:** With the implementation of mitigation measures MM AIR-1.1 through AIR-1.4 the project (under either option) would have less than significant cumulative air quality impacts. (**Less than Significant Cumulative Impact with Mitigation Incorporated**)

3.3.3 Non-CEQA Effects

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

Both Options

Pursuant to General Plan policies MS-10.1, MS-11.1, and MS-11.2, a health risk assessment was prepared to ensure sensitive receptors introduced onto the project site (i.e., future residents and school children) are not exposed to substantial TAC emissions. Consistent with the methodology used to determine health risks at the off-site MEI (refer to checklist question c), the health risk assessment of future project residents and students from TAC sources were from the same TAC sources shown in Figure 3.3-2. Details about the health risk modeling, data inputs, and assumptions are provided in Appendix B. With implementation of the following Standard Permit Condition and implementation of mitigation measures MM AIR-1.1 and MM AIR-1.2 (described above), the project (under either option) would reduce cancer risks and PM_{2.5} concentrations below the BAAQMD thresholds.

Conditions of Approval:

- **Both Options:**
 - The project (under either option) shall implement the below measures to minimize long-term increased cancer risk and annual PM_{2.5} exposure for new project occupants:
 - Install air filtration in the sensitive receptor buildings where increased cancer risk exceed 10 per million and annual PM_{2.5} concentrations exceed 0.3 µg/m³. This would include Buildings One and Two on the El Paseo Site (under either option). Air filtration devices shall be rated MERV13 or higher for all portions of the site. To ensure adequate health protection to sensitive receptors (i.e., third trimester fetuses, infants, children, and adults), all fresh air circulated into the dwelling units shall be filtered.

- The ventilation system shall be designed to keep the building at positive pressure when doors and windows are closed to reduce the intrusion of unfiltered outside air into the building.
- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning air filtration system shall be required.
- Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

The proper installation, operation, and maintenance of MERV13 air filtration devices as outlined by the above conditions of approval would reduce sensitive receptor exposure to pollutants by 80 percent, resulting in reduced cancer risk and PM_{2.5} concentrations below BAAQMD thresholds. Refer to Appendix B for the calculated health risk values with the implementation of the above conditions of approval. The potential health risk to future project sensitive receptors and the project (under either option) would be consistent with General Plan Policy MS-10.1, MS-11.1 and MS-11.2.

3.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a Tree Report prepared by HortScience | Bartlett Consulting. The report, dated April 22, 2020, is attached to this EIR as Appendix C.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.²³ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board

²³ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed April 2, 2021. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

(RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources, and are applicable to the project.

Policy	Description
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy	Description
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none"> 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species

City of San José Municipal Code

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

3.4.1.2 Existing Conditions

The project sites are located in the urbanized West San José area, and are surrounded by development including commercial and residential uses, as well as roadways (refer to Figure 2.1-3). The El Paseo site is currently developed with three commercial buildings and is part of the larger El Paseo de Saratoga Shopping Center. The 1777 Saratoga Avenue site is developed with four small office buildings, a storage cabin and four storage trailers, and a cellular signal tower. Both sites include surface parking and landscaping.

Habitats primarily associated with Bay Area special-status species, such as riparian, wetland, salt marsh, freshwater marsh, and serpentine grassland habitats, are not present on-site. The primary biological resources on the sites are trees. As part of the Tree Report (see Appendix C) completed for the project site, a tree survey was completed. There are a total of 161 trees on the project sites, including 48 ordinance-sized trees. Specifically, the El Paseo site contains 140 trees, of which 36 are ordinance sized and the 1777 Saratoga Avenue site contains 21 trees, of which 12 are ordinance sized. A summary of the tree species, condition, and quantity on the project sites is provided in Table 3.4-1 and the location of trees is shown on Figure 3.4-1.²⁴

The project sites are within the Habitat Plan study area and are designated as Urban-Suburban land.²⁵ Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

Common Name	Condition ¹				No. of Trees		
	Poor	Fair	Good	Excellent	Ordinance size	Non-Ordinance size	Total
Atlas cedar	1	-	-	-	1	-	1
Camphor	8	18	4	2	3	29	32
Evergreen ash	1	4	1	-	4	2	6
Hollywood juniper	-	1	-	-	1	-	1
Crape myrtle	-	12	4	-	-	16	16
Brisbane box	-	1	-	-	-	1	1
Southern magnolia	-	-	1	-	1	-	1
Oleander	-	1	-	-	-	1	1
Olive	-	-	1	-	-	1	1
Date palm	1	-	9	-	10	-	10
Canary Island pine	-	-	1	-	1	-	1
Chinese pistache	-	1	3	-	-	4	4
W. sycamore	-	2	-	-	2	-	2
Yew pine	-	1	-	-	-	1	1

²⁴ More information (species, health, etc.) on of each numbered tree on Figure 3.4-1 can be found in pages 9-15 in Appendix C: Tree Report.

²⁵ Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed March 19, 2021. <https://scv-habitatagency.org/193/GIS-Data-Key-Maps>.

Table 3.4-1: Summary of Trees on the Project Sites

Common Name	Condition ¹				No. of Trees		
	Poor	Fair	Good	Excellent	Ordinance size	Non-Ordinance size	Total
Purpleleaf plum	-	3	-	-	3	-	3
Callery pear	10	44	6	1	6	55	61
Coast live oak	-	12	5	-	15	2	17
California pepper	1	1	-	-	1	1	2
Total Trees Assessed	22	101	35	3	48	113	161

Source: HortScience | Bartlett Consulting. El Paseo & 1777 Saratoga Avenue Tree Report. April 22, 2020.
Notes:
¹ Condition is assessed on a five-point scale, with one (1) being the worst and five (5) being the best condition. Trees are assigned a condition rating as follows: 1-2 = Poor, 3 = Fair, 4 = Good, 5 = Excellent

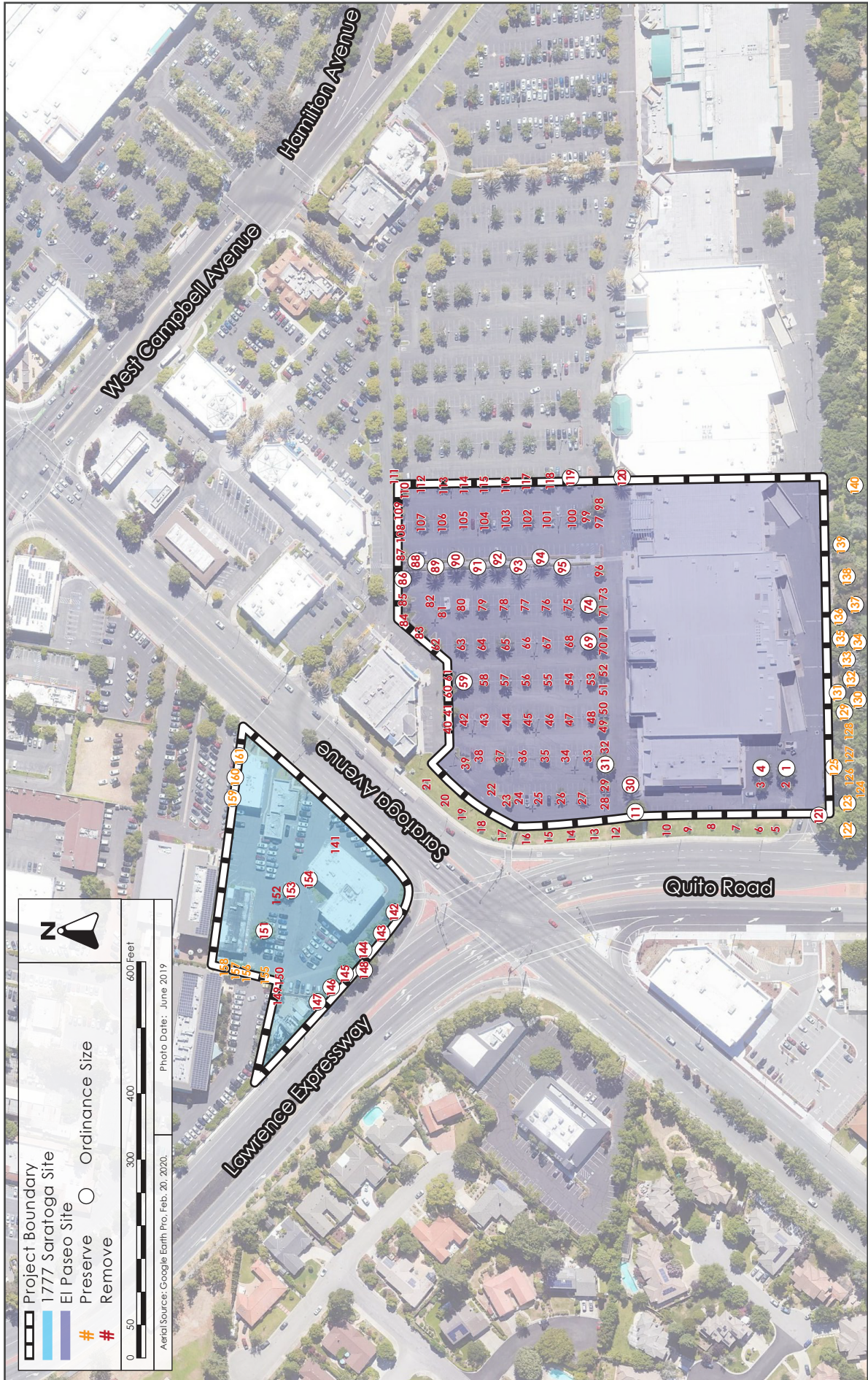


FIGURE 3.4-1

TREE LOCATION MAP

3.4.2 Impact Discussion

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

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?
- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

3.4.2.1 *Project Impacts*

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

Both Options

As described in Section 3.4.1.2 Existing Conditions, the project sites are in a highly urbanized area and are fully developed with commercial and office uses. Due to the lack of sensitive habitats and developed nature of on the sites and the surrounding areas, special status species are not present on the project sites.

The trees on and adjacent to the project sites could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Development of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW and USFWS. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the project construction zone would also constitute an impact.

Impact BIO-1: **Both Options:** Construction of the project (under either option) could result in impacts to nesting birds, if present on or adjacent to the sites at the time of construction.

Mitigation Measures:

MM BIO-1.1: **Both Options:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

MM BIO-1.2: **Both Options:** If demolition and construction cannot be scheduled between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: **Both Options:** If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.

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

Implementation of mitigation measures MM BIO-1.1, the City's avoidance measures would ensure that construction of the project (under either option) takes place outside of the nesting season, thus avoiding any incidental loss of fertile eggs or nestlings, or nest abandonment. Alternatively, if demolition and construction cannot be scheduled between September 1 and January 31, the implementation of mitigation measures MM BIO-1.2 through MM BIO-1.4 would identify and protect all active nests within the project's area of effect from being disturbed during construction. For these reasons, the project (under either option) with the implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4 would not result in significant impacts to nesting birds.

Conclusion for checklist question a):

- **Both options:** With mitigation incorporated, the project (under either option) would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

As described in Section 3.4.1.2 Existing Conditions, the project sites are developed and located in an urbanized area. There are no riparian habitats located within or adjacent to the project sites, and the project sites do not support other sensitive natural communities.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(No Impact)**

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

Both Options

The project sites are surrounded by urban uses and are devoid of wetlands.

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not impact any wetlands. **(No Impact)**

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

Both Options

The project sites are developed and surrounded by urban development. Migratory movements of animal species are most often associated with riparian corridors. The project sites are not adjacent to any streams or waterways. The nearest water way is Creek, which is approximately 0.5 miles west of the project sites. For these reasons, the project would not interfere with migratory fish or wildlife species.

Glass windows and building facades can result in injury or mortality of birds due to bird collisions with these surfaces. The project design would consist of mostly of glass. Due to the highly urbanized nature of the project area, trees on and adjacent to the project sites are more conducive to use by urban-adapted resident birds that are widespread through urban and suburban land uses in the San Francisco Bay Area and have a high regional population. Therefore, any bird collisions resulting from the proposed project (under either option) would represent a very small portion of regional populations and would not represent a substantial portion of any species. For the reasons above, the project would not substantially interfere with movement of native resident species due to avian collision with new buildings.

The project site does not contain any established wildlife nursery sites or any resident or migratory wildlife corridor.

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not substantially interfere with the movement or migration of fish or wildlife species, established wildlife corridors, or impede the use of wildlife nursery sites. **(No Impact)**

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

Both Options

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Removal of trees would be required to conform to the replacement requirements as identified in the Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, MS-21.6 and CD-1.24 and City of San José Tree Removal Ordinance (Municipal Code Section 13.31.010 to 13.32.100).

The project (under either option) would remove a total of approximately 135 trees from both sites, including 30 ordinance-sized trees. Existing trees on the project sites would need to be removed due to their poor health conditions and/or to allow for the proposed improvements. The trees anticipated to be removed are identified on Figure 3.4-1 and primarily consist of callery pear, crape myrtle, camphor, and date palms. There are five coast live oak trees located along the edge of the project development that would be removed, they are all in fair to good condition.

Standard Permit Conditions:

- **Both Options:**
 - The removal of ordinance-sized trees shall require a Tree Removal Permit pursuant to the San José Tree Removal Ordinance. The size and number of replacement trees would be determined by the type and size of trees proposed for removal and the City's tree replacement ratios. The City's tree replacement ratios are shown in Table 3.4-2. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
 - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the following off-site tree replacement fee(s) to plant trees at alternative sites.

Table 3.4-2: City of San José Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

¹As measured 4.5 feet above ground level
²X:X = tree replacement to tree loss ratio
³Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.
 For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
 A 38-inch tree equals 12.1 inches in diameter.
 A 24-inch box tree = two 15-gallon trees

As discussed under Section 2.2 Project Description, the Non-Education Mixed-Use Option proposes to plant 145 replacement trees and the Education Mixed-use Option proposes to plant 159 replacement trees. Through compliance with the standard permit condition above, the project (under either option) would meet all applicable tree removal and tree protection guidelines set forth by the City of San José.

Conclusion for checklist question e):

- **Both options:** The project (under either option) would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(Less than Significant Impact)**

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

While the project sites are within the Habitat Plan permit area and the project (under either option) is considered a covered activity, it does not have a natural communities land cover designation identified for the purposes of protection, enhancement, and restoration. The project (under either option) is designated as Urban-Suburban land in the Habitat Plan and, therefore, not subject to any land cover fee. The project (under either option) would comply with the Habitat Plan by implementing the below standard permit condition.

Standard Permit Condition:

- The project (under either option) is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

Compliance with the standard permit condition listed above would ensure that the project (under either option) does not conflict with provisions of the Habitat Plan.

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. **(No Impact)**

3.4.2.2 Cumulative Impacts

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

Both Options

The geographic area for cumulative impacts to biological resources includes the project site and its surrounding area because localized development would affect the same group of biological resources.

Candidate, Sensitive, or Special Status Species

As discussed under checklist question a), the project site does not include sensitive habitats and, therefore, no sensitive special status species are present on the sites. The construction of the project (under either option), however, could impact nesting birds if present. The nearest cumulative project identified in Table 3.0-1 is located 0.6 mile away and could also impact nesting birds during

construction. Each development project is required to comply with existing regulations (including the MBTA, Fish and Game Code, and CEQA) to avoid and/or minimize impacts to nesting birds. For example, the project shall comply with existing regulations by implementing mitigation measures MM BIO-1.1 through MM BIO-1.4 identified under checklist question a). For these reasons, the cumulative projects (including the project under either option) would not result in a significant cumulative impact to nesting birds.

Riparian Habitats or Sensitive Natural Communities

No riparian habitats or sensitive natural communities are present at the project site or adjacent parcels, therefore, the project (under either option) would not contribute to a significant cumulative impact to those resources.

Wetlands

No wetlands are present at the project sites or adjacent parcels, therefore, the project (under either option) would not contribute to a significant cumulative impact to wetlands.

Movement, Migration, or Use of Native Wildlife Nursery Sites

Also discussed under checklist question d), the project (under either option) would not substantially interfere with wildlife movement or migration. As there is no physical connection between the project sites and the other cumulative projects identified in Table 3.0-1, the project (under either option) would not contribute to a significant cumulative impact to the movement of wildlife.

Policies or Ordinances Protecting Biological Resources

As discussed under checklist question e), the project (under either option) would be in compliance with policies and ordinances protecting biological resources, specifically those outlined in the City's General Plan and Municipal Code that protect trees with the implementation of the identified standard permit condition. The cumulative projects identified in Table 3.0-1 would also be required to comply with the City's General Plan policies and Municipal Code requirements to protect trees. For these reasons, the cumulative projects would not conflict with the City's policies and regulations for tree protection.

Habitat Conservation Plans

As discussed under checklist question f), the project (under either option) would comply with the Habitat Plan with the implementation of the identified standard permit condition. Cumulative projects would also be required to comply with the Habitat Plan. For these reasons, the cumulative projects (including the project under either option) would not result in a significant cumulative conflict with the Habitat Plan.

Conclusion to the Biological Resources Cumulative Impacts discussion:

- **Both options:** The project (under either option) would have a less than significant cumulative impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.5 CULTURAL RESOURCES

The following discussion is based, in part, on a Historic Resources Assessment prepared for the project by TreanorHL. The report, dated March 6, 2020, is attached to this EIR as Appendix D.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

The NRHP is the nation’s master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
 - Association with events that have made a significant contribution to the broad patterns of history;
 - Association with the lives of persons significant in the past;
 - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
 - Has yielded, or may yield, information important to prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁶

²⁶ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” March 14, 2006.

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Envision San José 2040 General Plan

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

Policy	Description
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
ER-9.2	In consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

3.5.1.2 *Existing Conditions*

Historical Resources

The El Paseo site is currently developed with three commercial buildings (part of the larger Paseo de Saratoga Shopping Center), which were constructed after 1974. The 1777 Saratoga Avenue site contains four office buildings, constructed between 1955 and 1962. None of the buildings on or within 200 feet were identified as a historic resource in the NRHP, CRHR, or City’s Historic Resources Inventory (HRI).^{27 28}

Because the buildings are over 50 years old, a Historic Resources Assessment was prepared for the 1777 Saratoga Avenue site by TreanorHL. A summary of the results of the Historic Resources assessment (which is included in Appendix D) for the buildings on the 1777 Saratoga Avenue site is provided below. The conclusion of the assessment is that none of the buildings on the site or within 200 feet are eligible for listing in the CRHR or NRHP, or as a City of San José Landmark. The buildings are not associated with the commercial growth of San José in an individually significant way, no persons of significance are associated with the properties, the structures are not exemplary representations of architectural styles, and they are unlikely to yield information important to the prehistory or history of the area.

²⁷ City of San José. *Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources*. Map. December 2010.

²⁸ TreanorHL. *Historic Resources Assessment (1741 Saratoga Avenue, 1745 Saratoga Avenue, 1749-1757 Saratoga Avenue, 1777 Saratoga Avenue)*. March 2020.

1777 Saratoga Avenue Site

The 1777 Saratoga Avenue site is comprised of five parcels located at 1741-1777 Saratoga Avenue, as shown on Figure 3.5-1.

The northeast parcel of the 1777 Saratoga Avenue site is occupied by a two-story office building that was designed and constructed in 1962 by Alken Construction, a firm that was active in the 1950s and 1960s. Exterior alterations were completed in 1970 and again in 1983.

The building, which was constructed in a Construction Modern style, is of common construction and materials and is not an exemplary representative of the style. Additionally, Alken Construction are not considered to be master builders. Based on archival research, the building is not expected to yield any information of archaeological or historical significance. As such, the building at 1741 Saratoga Avenue does not appear individually eligible for listing in the CRHR or, as a City of San José Landmark.

The northwest parcel of the 1777 Saratoga Avenue site is occupied by a two-story office building that was designed and constructed in 1965 by Vanderson Construction, a firm that specialized in commercial and industrial construction in the Santa Clara Valley. The second story was added in 1970.

The building, which was constructed in a Construction Modern style, is of common construction and materials and is not an exemplary representative of the style. Additionally, Vanderson Construction are not considered to be master builders. Based on archival research, the building is not expected to yield any information of archaeological or historical significance. As such, the building at 1745 Saratoga Avenue does not appear individually eligible for listing in the CRHR or, as a City of San José Landmark.

1749-1757 Saratoga Avenue, located adjacent to the southern parcel boundary of 1741 Saratoga Avenue, is occupied by a one-story office building and two detached structures that were constructed between 1955 and 1959. The architect and builder responsible for designing and constructing these structures are unknown.

The buildings on-site have not been moved, and continue to be used for office purposes, thus the buildings retain their integrity of location, association, and feeling. The buildings on-site are not representative of any architectural style, and are of common construction and materials with no notable or special attributes. Based on archival research, the buildings are not expected to yield any information of archaeological or historical significance. As such, the buildings at 1749-1757 Saratoga Avenue do not appear individually eligible for listing in the CRHR or, as a City of San José Landmark.

The southern parcel of the 1777 Saratoga Avenue site is occupied by an L-shaped two-story office building that was designed by Rhinehart Quiring and constructed by Tom Mitsunaga of Sakura Construction in 1966.



Project Boundary
 HRE Evaluation Area



FIGURE 3.5-1

1777 SARATOGA AVENUE SITE

Source: TreanorHL, March 2020.

1777 Saratoga Avenue is not considered to be associated with San José's transition from orchard land to commercial and residential suburbs. Neither Rhinehart Quiring or Tom Mitsunaga and Sakura Construction are considered to be masters in their respective fields. No other persons of known historical significance are associated with the property. Although the building exemplifies some of the characteristic features of the Commercial Modern style, specifically its horizontal massing, flat roof, extensive use of glass set within aluminum frames, expressed structural system, commercial advertising and free-standing roadside sign, and modern cladding materials, it is considered a modest example. The building itself is of common construction and materials with no notable or special attributes, and does not possess high artistic value. Based on archival research, the buildings are not expected to yield any information of archaeological or historical significance. As such, the building at 1777 Saratoga Avenue does not appear individually eligible for listing in the CRHR or, as a City of San José Landmark.

Prehistoric Resources

The project sites are not within an area of prehistoric archaeological sensitivity according to cultural sensitivity maps prepared for the General Plan FEIR.²⁹ There are no prehistoric cultural resources present within the project site.

3.5.2 Impact Discussion

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

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

3.5.2.1 *Project Impacts*

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

Both Options

A resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the NRHP, CRHR, or as a Candidate City Landmark on the City's HRI. As discussed above in Section 3.5.1.2 Existing Conditions, no resources on the project sites or within 200 feet of the project sites are listed or eligible for listing on the NRHP, CRHP, or City's HRI. For these reasons, the project sites do not contain any historic resources and the development of the project would not impact historic resources.

²⁹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not cause a substantial adverse change in the significance of a historical resource. **(No Impact)**

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

Both Options

As discussed under Section 3.5.1.2 Existing Conditions, the project sites contain no known archaeological resources and is not in a City-identified area of archaeological sensitivity. While unlikely, the project (under either option) involves significant subsurface work during construction of the below-grade parking garages, which has the potential to encounter unknown subsurface archaeological resources. In accordance with General Plan Policy ER-10.3, the project would be required to implement the below standard permit condition to reduce or avoid impacts to unknown subsurface cultural resources.

Standard Permit Condition:

- **Both options:** In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist and Native American representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials.

Adherence to the standard permit condition described above would ensure that any objects encountered during ground-disturbing activities that meet the definition of a prehistoric or historic resource are appropriately identified and protected. Furthermore, as noted in Section 2.2.4.3, the project would have a tribal representative registered with the Native American Heritage Commission from the City of San José and that is traditionally and culturally affiliated with the geographic area provide cultural sensitivity training to construction crews prior to ground disturbing activities, and a qualified Native American monitor would be present for all major earthmoving construction activities. Adherence with the above standard permit condition and implementation of cultural sensitivity training and monitoring as project conditions of approval, would ensure that the project has a less than significant impact on archaeological resources.

Conclusion for checklist question b):

- **Both options:** With implementation of the above standard permit condition and the cultural sensitivity training and monitoring described in Section 2.2.4.3, the project (under either option) would not cause a substantial adverse change in the significance of an archaeological resource. **(Less than Significant Impact)**

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

Both Options

Human graves are most often associated with prehistoric occupation sites. Although unlikely, it is possible that project construction activities (under either option), such as excavation and grading, could disturb as-yet undiscovered human remains at the project sites. The City has standard permit conditions to ensure that the appropriate process is followed in the event of accidental discovery of human remains during project construction.

Standard Permit Conditions:

- **Both Options:** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission would then designate a Most Likely Descendant. The Most Likely Descendant shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - The Native American Heritage Commission is unable to identify a Most Likely Descendant or the Most Likely Descendant failed to make a recommendation within 48 hours after being given access to the site;
 - The Most Likely Descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the Most Likely Descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

By following the process set forth in this standard permit condition, the project (under either option) would ensure that any human remains encountered during ground-disturbing activities are appropriately identified and treated and the impact reduced to a less than significant level.

Conclusion for checklist question c):

- **Both options:** The project (under either option) with the implementation of the above standard permit condition would not result in a significant impact to human remains if encountered on the sites. **(Less than Significant Impact)**

3.5.2.2 *Cumulative Impacts*

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

Both Options

The geographic area for cumulative impacts to cultural resources includes the project site and surrounding area because it is assumed disturbance in the project area would affect similar cultural resources.

Historic Resources

As discussed above under checklist question a), the development of the project (under either option) would not impact historic resources. For this reason, the project (under either option) would not contribute to a significant cumulative impact to historic resources.

Archaeological Resources

The cumulative projects (see Table 3.0-1) may require excavation and grading or other activities that may affect unknown prehistoric cultural resources and/or historic resources. Any excavation or grading activities could affect buried archaeological resources. As a result, the City has a standard permit condition all projects must implement (refer to the standard permit condition identified under checklist question b) to reduce potential impacts to subsurface cultural resources to a less than significant level. In addition, project-level analyses for sites located in archaeologically sensitive areas would determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources. All projects would also be subject to federal, state, and local regulations pertaining to the protection of cultural resources. As a result, the cumulative projects (including the project under either option) would not result in significant cumulative impacts to archaeological resources.

Human Remains

While no cumulative projects are located adjacent to the project site, all cumulative projects (including the project under either option) are required to comply with existing regulations, including California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, and the City's standard permit condition identified under checklist question b) to reduce impacts to human remains (if discovered) to a less than significant level. For these

reasons, the cumulative projects (including the project under either option) would not result in significant cumulative impacts to human remains.

Conclusion to the Cultural Resources Cumulative Impacts discussion:

- **Both options:** For these reasons described above, the project (under either option) with the implementation of standard permit conditions and the cultural sensitivity training and monitoring described in Section 2.2.4.3, would not result in a cumulatively considerable contribution to a significant cultural resources impact. (**Less than Significant Cumulative Impact**)

3.6 ENERGY

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 to achieve carbon neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires CARB to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.³⁰ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³¹

³⁰ California Building Standards Commission. “California Building Standards Code.” Accessed March 31, 2021. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

³¹ California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed March 31, 2021. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.³²

Local

Envision San José 2040 General Plan

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

Policy	Description
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.

³² California Air Resources Board. “The Advanced Clean Cars Program.” Accessed March 31, 2021. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

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

City of San José Municipal Code

The City’s Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

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

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

San José Reach Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires electric vehicle

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

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

In October 2008, the City adopted City Council Policy 6-32, which establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

3.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,875 trillion British thermal units (Btu)³³ in the year 2018, the most recent year for which this data was available.³⁴ Out of the 50 states, California is ranked second in total energy consumption and 46 in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,440 trillion Btu) for residential uses, 19 percent (1,510 trillion Btu) for commercial uses, 23 percent (1,847 trillion Btu) for industrial uses, and 39 percent (3,078 trillion Btu) for transportation.³⁵ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.³⁶

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

Natural Gas

PG&E provides natural gas services within the City of San José. In 2019, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.³⁷ In 2019, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 26 percent, the industrial

³³ The British thermal unit is a unit of heat; it is defined as the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.

³⁴ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed March 31, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁵ United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed March 31, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁶ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 31, 2021. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁷ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed March 31, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

sector used 35 percent, and other uses used six percent.³⁸ In 2019, Santa Clara County used approximately 46 trillion Btu of natural gas, approximately two percent of the state’s total consumption of natural gas in 2018.³⁹

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.⁴⁰ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the U.S. has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.⁴¹ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026.^{42,43}

Energy Use of Existing Buildings

Energy (in the form of electricity and natural gas) are used by the existing buildings primarily for heating and cooling, lighting, and water heating. The existing buildings on the project sites use approximately 85,164 kilo-Btu (kBtu) of natural gas per year and 384,135 kilowatt-hours (kWh)⁴⁴ of electricity per year.⁴⁵ Traffic associated with the existing development generates 792,574 VMT annually. Assuming an annual fuel economy of 24.9 miles per gallon (mpg), the existing development uses 31,830 gallons of gasoline per year.

3.6.2 Impact Discussion

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

- a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- c) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

³⁸ United States Energy Information Administration. “State Profile and Energy Estimates, 2019.” Accessed August 2, 2021. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁹ California Energy Commission. “Natural Gas Consumption by County.” Accessed March 31, 2021. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁴⁰ California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed March 31, 2021. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

⁴¹ United States Environmental Protection Agency. “The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” January 2021. <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010U68.pdf>

⁴² United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed March 31, 2021. <http://www.afdc.energy.gov/laws/eisa>.

⁴³ Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed March 31, 2021. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

⁴⁴ The kilowatt-hour is a unit of energy equal to 3600 kilojoules.

⁴⁵ Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment, Attachment 2 – CalEEMod Input Assumptions and Outputs*. July 20, 2021.

3.6.2.1 *Project Impacts*

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

Both Options

Energy would be consumed during the construction and operational phases of the project (under either option), as discussed below.

Energy Use During Construction

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

Construction of the project (under either option) would require preparation of the sites, grading, trenching, building construction, paving, and finishing of the building interiors. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the sites because of the added expense associated with renting the equipment, maintaining it, and fueling it. Further, construction of the project (under either option) would occur in an urbanized area in proximity to roadways, construction supplies, and workers, making it more efficient than construction occurring in outlying, undeveloped areas. For these reasons, the construction process for the project (under either option) is efficient.

In addition, energy would not be wasted or used inefficiently by construction equipment as the proposed project shall implement measures (see mitigation measures MM AIR-1.1 and MM AIR-1.2) to restrict equipment idling times and require the applicant to post signs on the project site reminding workers to shut off idling equipment, thus reducing the potential for energy waste. In addition, consistent with mitigation measure MM AIR-1.2, equipment would be selected to reduce emissions during construction; therefore, energy would not be wasted or used inefficiently by construction equipment. The project (under either option) would also participate in the City's CDD program, which requires 75 percent of waste is recovered and recycled, thereby minimizing energy impacts from the creation of waste. For these reasons, the construction of the project (under either option) would not use energy in a wasteful manner.

Energy Use During Project Operation

Operation of the project (under either option) would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Operational energy would also be consumed by resident, employee, customer, and school families (Education Mixed-Use Option only) vehicle use to and from the project sites. The net increase in energy use of the project (under either option) is summarized in Table 3.6-1 below.

Table 3.6-1: Estimated Annual Energy Use of Project Options			
	Electricity (GWh)	Natural Gas (kBtu)	Gasoline (gallons)
Non-Education Mixed-Use Option	10.6	391,059	591,631
Education Mixed-Use Option	9.3	156,434	616,654

Sources: For electricity and natural gas use: Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment*. July 20, 2021. For gasoline use, an average fuel economy of 24.9 mpg and estimated VMT of 14,731,614 for the Non-Education Mixed-Use Option and 15,354,691 for the Education Mixed-Use Option was assumed. The source for VMT: Hexagon Transportation Consultants, Inc.. *El Paseo Mixed-Use Development Transportation Analysis*. October 6, 2021.

Notes:
 GWh = gigawatt per hour
 kBtu = kilo-British thermal unit

As shown in Table 3.6-1 above, the project (under either option) would result in an increase in energy demand compared to existing conditions. The project, however, would not represent a wasteful or inefficient use of energy resources because the project (under either option) would be required to comply with Title 24 and CALGreen requirements to reduce energy consumption. Additionally, the project (under either option) would meet LEED Silver standards (non-residential components) and LEED Certified standards or GreenPoint Rated 50 points (residential components), which would improve the efficiency of the overall project. Furthermore, the project (under either option) would be more energy efficient than the state on a per capita basis. Compared to the state’s per capita electricity and natural gas use of 35,900,000 Btu, the Non-Education option’s per capita electricity and natural gas use is 96,083 Btu and the Education option’s per capita electricity and natural gas use is 28,202 Btu.⁴⁶

In addition, the project (under either option) would be required to prepare and implement a Transportation Demand Management (TDM) plan to reduce project VMT below the City threshold (see mitigation measure MM TRN-1.2 and MM TRN-2.1 in Section 3.17 Transportation). The TDM plan would incentivize the use of alternative methods of transportation to and from the site, which would reduce the project’s gasoline demand. The project’s location and proposed land uses would reduce gasoline use given the project sites’ proximity to existing transit and mixed of uses. The project involves the construction and operation of conventional building types. As a result, there is nothing atypical or unusual about the project’s construction or operations that would result in wasteful, inefficient, or unnecessary consumption of energy. For the reasons discussed above, the project (under either option) would not result in a wasteful use of energy.

⁴⁶ The Non-Education option’s per capita Btu was calculated by dividing the project’s natural gas usage (391,059 kBtu) by the service population (4,070). The Education option’s per capita Btu was calculated by dividing the project’s natural gas usage (156,434 kBtu) by the service population (5,547). The amount of Btu consumed per GWh is minimal and would not significantly change these calculations.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

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

Both Options

The project (under either option) would comply with the requirements of the California Building Energy Efficiency Standards and the San José Reach Code, which requires the project (under either option) to meet higher efficiency standards than required by Title 24 because it is a mixed fuel development.⁴⁷

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

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

c) Would the project result in a substantial increase in demand upon energy resources in relation to projected supplies?

Both Options

Electricity

Due to population increases, it is estimated that future demand in California (for electricity) would increase by approximately one percent each year through 2027. Efficiency and production capabilities would help meet increased electricity demand in the future, such as improving energy efficiency in existing and future buildings, establishing energy efficiency targets, inclusion of microgrids and zero-net energy buildings, and integrating renewable technologies.⁴⁸ The project (under either option) would be built to the most recent CALGreen requirements, Title 24 energy

⁴⁷ Mixed fuel office and retail developments are required by the Reach Code to be 14 percent more efficient than Title 24 standards; mixed-fuel schools are required to be six percent more efficient.

⁴⁸ California Energy Commission. “2016 Integrated Energy Policy Report.” Accessed April 2, 2021. https://ww2.energy.ca.gov/2016_energy_policy/

efficiency standards, and meet LEED Silver standards (non-residential components) and LEED Certified standards or GreenPoint Rated 50 points (residential components), which would improve the efficiency of the overall project.

Electricity supply and demand data and reporting is provided at the state level. At maximum, the project under the Non-Education option would result in a net increase in approximately 10.6 GWh of electricity use, which would be less than a 0.00004 percent increase in the state's annual use.⁴⁹ Also, refer to the discussion under checklist question a) as to why the project would not result in wasteful, inefficient, or unnecessary consumption of energy. For these reasons, the project's (under either option) increase in electricity use would not result in a significant increase in demand on electrical energy resources in relation to projected supplies statewide.

Natural Gas

Natural gas supply and demand data and reporting is provided at the state level. Statewide natural gas demand is projected to decline at an average rate of one percent each year through 2035. According to the 2020 California Gas Report, California's existing gas supply portfolio is regionally diverse and ensures long-term supply availability.⁵⁰ Based on the project's relatively small increase in natural gas demand (at maximum under the Non-Education option, approximately 305,895 kBtu annually under , which is less than a one percent increase in the state's consumption), and compared to the growing trends in natural gas supply and the existing available supply in California, the project (under either option) would not result in a substantial increase in natural gas demand relative to projected supply. Also, refer to the discussion under checklist question a) as to why the project would not result in wasteful, inefficient, or unnecessary consumption of energy.

Fuel for Motor Vehicles

Project trips would increase gasoline use by approximately 591,631 to 584,824 gallons per year compared to existing conditions for the Non-Education and Education Mixed-Use options, respectively. This increase is small when compared to the 15.4 billion gallons of gasoline consumed in California in 2019. The project's gasoline use (under either option) would be reduced given its proximity to existing transit and implementation of TDM measures as required by mitigation measures MM TRN-1.2 and MM TRN-2.1 (Non-Education Mixed-Use Option) and MM TRN-3.1 (Education Mixed-Use Option). As further described in the Section 3.17.2 of this EIR, the following measures would be included in the project's TDM plan, which reduces vehicular gasoline use:

- **Non-Education Mixed-Use Option**
 - The project shall provide unbundled on-site parking costs, which would allow residents without cars to rent a unit without having to pay for a parking spot.
 - The project shall provide commute trip reduction marketing and education.
- **Education Mixed-Use Option**
 - The project's TDM plan shall provide commute trip reduction marketing and education. The school shall routinely provide commute trip reduction marketing/

⁴⁹ As of the latest available data (2019), California's total electricity consumption in 2019 was 279,402 GWh. Source: <http://ecdms.energy.ca.gov/elecbycounty.aspx>

⁵⁰ California Gas and Utilities. *California Gas Report*. 2020.

educational campaign to faculty, staff, student drivers, and parents to promote the use of transit, shared rides, walking, and bicycling.

- The project's TDM plan shall provide a rideshare/carpool program. The school shall implement a rideshare/carpool program to coordinate carpools amongst parents, student drivers, and employees.

Further, new automobiles purchased by future occupants of the project (under either option) would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time, the fuel efficiency of vehicles associated with the project would improve.

For the above reasons, the project (under either option) would not result in a significant increase in gasoline demand relative to projected supply. Also, refer to the discussion under checklist question a) as to why the project would not result in wasteful, inefficient, or unnecessary consumption of energy.

Conclusion for checklist question c):

- **Both options:** The project (under either option) with the implementation of mitigation measures MM TRN-1.2, MM TRN-2.1, and MM TRN-3.1 would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less than Significant Impact with Mitigation Incorporated)**

3.6.2.2 *Cumulative Impacts*

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

Both Options

By its nature, energy is a cumulative resource. The geographic area for cumulative energy impacts is the state. Past, present, and future development projects contribute to the state's energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. As discussed under checklist questions a) through c) above, the project (under either option) with the implementation of mitigation measures MM TRN-1.2 and MM TRN-2.1 would not result in significant energy impacts and it is concluded that the project would not result in significant cumulative energy impacts.

Conclusion to the Energy Cumulative Impact discussion:

- **Both options:** The project (under either option) with the implementation of mitigation measures MM TRN-1.2, MM TRN-2.1, and TRN-3.1 would have a less than significant cumulative energy impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.7 GEOLOGY AND SOILS

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for

Policy	Description
	all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

3.7.1.2 Existing Conditions

Regional Geology

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

On-Site Geologic Conditions

Soils and Topography

The project sites are located in a relatively flat area on the floor of the Santa Clara Valley. Soils underlying the project sites are primarily Urban land-Landelspark and Urban land-Still complex soils.⁵¹ Landelspark and Still complexes consist of well-drained sandy clay loam soils (Hydrologic Soil Group C) that have low infiltration rates when thoroughly wetted and consist chiefly of soils

⁵¹ United States Department of Agriculture. *Custom Soil Resource Report of Santa Clara Area, California, Western Part*. February 20, 2020.

with a layer that impedes downward movement of water and soils with moderately fine to fine structure.⁵² At the El Paseo site, 100 percent of the soil has a Plasticity Index (PI) of 14.4. At the 1777 Saratoga Avenue site, 55.8 percent of the soil has a PI of 14.4, and 44.4 percent of the soil has a PI of 16.2.

Seismicity and Seismic Hazards

The San Francisco Bay Area is considered to be the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults closest to the project sites are listed in below in Table 3.7-1.

Table 3.7-1: Active Faults in the Vicinity of the Project Sites	
Fault Name	Distance and Direction from Project Sites*
Monte Vista-Shannon	2.6 miles west
San Andreas	5.4 miles southwest
Hayward	12.2 miles east
* Approximate distances	

The project sites are not within an Alquist-Priolo Earthquake Fault Zone.⁵³ There are no faults present on the project sites, and the sites are not in a Santa Clara County Fault Rupture Hazard Zone.⁵⁴ However, due to the overall high seismic activity of the Bay Area, structures within the project sites would likely experience strong ground shaking during their occupation.

Liquefaction and Lateral Spreading

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. The project site is not mapped within a state-designated Liquefaction Hazard Zone.⁵⁵

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

⁵² United States Department of Agriculture. *Part 630 Hydrology National Engineering Handbook*. May 2007.

⁵³ California Department of Conservation. “California Earthquake Hazards Zone Application. Date accessed: April 21, 2021. <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

⁵⁴ Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. Map. October 2012.

⁵⁵ California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP)*. Date accessed March 23, 2021. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

Landslides

As noted above, the project sites are relatively flat (slopes on site range from zero to two percent) and the project sites are not mapped within a state-designated Liquefaction Hazard Zone.⁵⁶

Groundwater

According to data published by Valley Water, groundwater is likely present in the project area at depths of between 50 and 100 feet below ground surface (bgs).⁵⁷ Groundwater levels can fluctuate temporally due to a variety of factors, including seasonal variations in precipitation and temperature, and rates of groundwater extraction in the surrounding area.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. According to the City's Paleontological Sensitivity Map, the project sites are located in an area of high paleontological sensitivity at depth for mammal, bird, and reptile fossils.⁵⁸

3.7.2 Impact Discussion

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

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
 - Strong seismic ground shaking?
 - Seismic-related ground failure, including liquefaction?
 - Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

⁵⁶ Ibid.

⁵⁷ Santa Clara Valley Water District. "Valley Open Water Data: Santa Clara County Depth to First Groundwater". Map. 2019. Accessed April 2, 2021. Available at: <https://data-valleywater.opendata.arcgis.com/maps/edit?content=valleywater%3A%3Asanta-clara-county-depth-to-first-groundwater>

⁵⁸ C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

- d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

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

Both Options

Fault Rupture

The project sites are not located within an Alquist-Priolo Earthquake Fault Hazard Zone or a Santa Clara County Fault Rupture Hazard Zone. While existing faults are located in the region, the project (under either option) is outside of the fault zone for any regional fault systems, and loss, injury, or death from fault ruptures would not occur on the sites.

Seismic Ground Shaking

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

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

Standard Permit Condition:

- **Both options:** To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the sites shall be completed in conformance with the recommendations of a design-level geotechnical investigation. A soils investigation report must be submitted to and accepted by the Public Works Project Engineer in Development Services prior to the issuance of a grading permit. Foundation, earthwork, and drainage recommendations should be included in the report. The report must be signed and stamped by a Registered Geotechnical/Civil Engineer. The buildings shall meet the requirements of

applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the sites and the project shall be designed to reduce the risk to life or property on-site and off-site to the extent feasible and in compliance with the Building Code.

With implementation of the above standard permit condition, the project (under either option) would not result in seismic hazards as it would be constructed in accordance with current design and engineering standards. As such, the existing seismic hazards on the project sites would not be exacerbated by the project that it would impact (or worsen) on- or off-site conditions.

Liquefaction and Lateral Spreading

As discussed under Section 3.7.1.2 Existing Conditions, the project sites are not located within a state-designated Liquefaction Hazard Zone. Additionally, seismically-induced liquefaction typically occurs when saturated, loose, low-plasticity soils lose shear strength during strong ground shaking. The soils on-site are well-drained with low infiltration rates, and the depth to groundwater is at least 50 feet bgs. The project (under either option) would involve subsurface work up to depths of 22 feet bgs, and therefore would not modify groundwater levels such that near-surface soils become saturated and more likely to liquefy.

There are no adjacent bodies of water, channels, or excavations in the vicinity of the site that would increase the potential for lateral spreading. Since groundwater is anticipated to be 50 feet or greater below the ground surface and the potential for liquefaction is low, it is not anticipated that lateral spread or other seismic-induced ground failures would occur at the project sites.

Landslides

The project site is located on a relatively flat area with slopes ranging between zero and two percent, and is not within a state-designated Landslide Hazard Zone. The project (under either option) would not change the topography of the site and surrounding area such that the likelihood of landsliding occurring would increase.

Conclusion for checklist question a):

- **Both options:** The project (under either option) with the implementation of the above standard permit condition would not directly or indirectly cause substantial adverse effects, including loss, injury, or death from fault rupture, seismic-related ground shaking or ground failure, or landsliding. **(Less than Significant Impact)**

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

Both Options

The project sites are developed and generally level, which limits the potential for substantial soil erosion. Potential for erosion is highest during the grading and excavation phase. Ground-disturbing activities would include site-specific grading for foundations, access driveways, and utility trenches. These activities could increase the exposure of on-site soils to wind and water erosion. The City's

National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. General Plan Action EC-4.5 requires an Erosion Control Plan for private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, or are located in hillside areas. The proposed project would disturb approximately 10.7 acres; accordingly, an Erosion Control Plan would be prepared for the project. In addition, the City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion, including the following standard permit conditions:

Standard Permit Conditions:

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

The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant.⁵⁹ Because the project (under either option) would comply with the regulations identified in the General Plan FEIR and adhere to the standard permit conditions above, the project would not result in substantial soil erosion.

Conclusion for checklist question b):

- **Both options:** The project (under either option) with the implementation of the above standard permit conditions would not result in substantial soil erosion or loss of topsoil. **(Less than Significant Impact)**

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

Both Options

As discussed under checklist question a), the project sites are not located on an unstable geologic unit or soil, and would be constructed in accordance with a design-level geotechnical investigation (identified as a standard permit condition under checklist question a) to reduce any risk of landsliding, liquefaction, or other forms of ground failure. Additionally, the project (under either option) shall implement the following standard permit condition requiring a grading permit. The purpose of the grading permit is to ensure that private property is graded so that it drains properly, not impacting adjacent properties and not creating erosion problems. Improper grading can result in

⁵⁹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 530.

localized flooding, landslides, and differential settlement. These problems not only affect the graded property, but can also impact adjacent properties.

Standard Permit Condition:

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

The project (under either option) would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse by employing standard design and engineering practices and adhering to the City’s grading permit requirements that prevent on- and off-site flooding, landslides, and differential settlement.

Conclusion for checklist question c):

- **Both options:** The project (under either option) with the implementation of the above standard permit condition would not be located on an unstable geologic unit or soil, or result in the project site becoming unstable. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

Both Options

Pursuant to the 2019 CBC, soils with a PI of 15 or less are not considered expansive. As discussed under Section 3.7.1.2, a portion of 1777 Saratoga Avenue is located on expansive soil. As discussed in the General Plan FEIR, compliance with the City’s General Plan policies regarding soil and landslide hazards would reduce hazards associated with expansive soils and new development and redevelopment to a less than significant level.⁶⁰ Consistent with the General Plan policies identified in Section 3.7.1.1 and as previously noted, the project (under either option) would be required as a standard permit condition to prepare a design-level geotechnical report and implement recommendations regarding the structural design and engineering techniques to reduce impacts from expansive soils (as well as other geologic hazards). Consistent with the conclusions of the General Plan FEIR, by conforming with state and local regulations and the recommendations of the design-level geotechnical report, the project (under either option) would not create substantial direct or indirect risks to life or property.

⁶⁰ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 528.

Conclusion for checklist question d):

- **Both options:** The project (under either option) with the implementation of the standard permit condition identified under checklist question a) would not create substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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

Both Options

The project (under either option) would connect to the existing sanitary sewer system and would not require the use of septic tanks or alternative wastewater disposal systems.

Conclusion for checklist question e):

- **Both options:** Sewers are available for the disposal of wastewater and, therefore, the use of septic tanks or alternative wastewater disposal systems is not required for the project (under either option). **(No Impact)**

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

Both Options

The General Plan FEIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level.⁶¹ As such, the following standard permit condition would be applied to the project (under either option) to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

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

⁶¹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 724.

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

Conclusion for checklist question f):

- **Both options:** The project (under either option) with the implementation of the above standard permit condition would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

3.7.2.2 *Cumulative Impacts*

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

Both Options

The geographic area for cumulative geology and soils impacts includes the project sites and adjacent parcels because it is assumed that the effects of ground disturbing activities would be limited to the project site and surrounding area.

Fault Rupture, Seismic Ground Shaking and Failure, and Landslides

As discussed under checklist question a), with the implementation of the identified standard permit condition, the existing seismic and seismic-related hazard conditions would not be exacerbated by the project (under either option) such that it would impact (or worsen) on- or off-site geology and soil conditions. For this reason, the project (under either option) would not contribute to a cumulatively significant impact due to seismic or seismic-related hazards.

Soil Erosion or Loss of Topsoil

As discussed under checklist question b), the General Plan FEIR concluded that future developments, including the project (under either option) and cumulative projects, would be required to comply with all applicable City regulatory programs and standard permit conditions pertaining to construction-related erosion to reduce and avoid construction-related erosion impacts to a less than significant level. The cumulative projects, therefore, would not result in a significant cumulative impact due to soil erosion or loss of topsoil.

On- or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse

The project (under either option) and all cumulative projects would be constructed in accordance with design-level geotechnical investigations and the City's grading permit requirements, which identify standard practices to reduce soil-related hazards to a less than significant level. A design-level geotechnical investigation is required of the project (under either option) as a standard permit condition under checklist question a) and a grading permit is required of the project (under either option) as a standard permit condition under checklist question c). Compliance with the City's

standard permit conditions would ensure that the cumulative projects (including the proposed project under either option) would not contribute to soils-related hazards on the site.

Expansive Soil

As discussed under checklist question d), the General Plan FEIR concluded that future development (including the cumulative projects) in compliance with General Plan policies that require the preparation of a design-level geotechnical investigation would not result in significant impacts from expansive soils. The project shall prepare a design-level geotechnical investigation (as a standard permit condition under checklist question a). All cumulative projects would comply with the General Plan by preparing design-level geotechnical investigations and implementing the recommendations in those investigations, and thus would not result in a significant cumulative impact from expansive soils.

Septic Tanks or Alternative Wastewater Systems

As discussed under checklist question e) the project (under either option) would not require the use of septic tanks or alternative wastewater disposal systems. Therefore, as the project would not contribute to a significant cumulative impact due to these alternative wastewater systems.

Paleontological Resources

The project (under option) would be required to comply with General Plan policies and existing regulations and programs to reduce impacts to paleontological resources. The closest cumulative project to the project sites is the Quito Village Development, which is located 0.6 mile away from the project site. Due to the distance between the project sites and the Quito Village Development, there is no potential for these projects to cumulatively result in the destruction of a unique paleontological resource or site or unique geological feature. Further, all cumulative projects within the City of San José would be required to comply with the same General Plan policies and existing regulations and programs as the project to protect paleontological resources. Cumulative projects located within the cities of Saratoga and Campbell would be subject to federal and state laws protecting paleontological resources, including the provisions of CEQA concerning paleontological resources and Section 5097.5 of the California Public Resources code.

Conclusion to the Geology and Soils Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of identified standard permit conditions would have a less than significant cumulative geology and soils impact. **(Less than Significant Cumulative Impact)**

3.8 GREENHOUSE GAS EMISSIONS

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

3.8.1 Environmental Setting

3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

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

3.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The

guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Per the BAAQMD CEQA Air Quality Guidelines, if a project is located in a community with an adopted qualified GHGRS, the project’s GHG emissions may be considered less than significant if it is consistent with the GHGRS.⁶²

Envision San José 2040 General Plan

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

Policy	Description
CD-2.1	<p>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.</p> <ol style="list-style-type: none"> 1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness. 2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles. 3. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage decoupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.
CD-2.5	<p>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.</p>
CD-2.11	<p>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.</p>
CD-3.2	<p>Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure</p>

⁶² Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 4-4.

Policy	Description
	that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
LU-3.5	Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.
MS-2.7	Encourage the installation of solar panels or other clean energy power generation sources over parking areas.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote the use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy	Description
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy system, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
MS-16.2	Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
MS-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.
TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-7.1	Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.
TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

City of San José Municipal Code

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

- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.11)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)

- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- Green Building Regulations for Private Development (Chapter 17.84)

2030 Greenhouse Gas Reduction Strategy

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

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

Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.⁶³

⁶³ City of San José. *2030 Greenhouse Gas Reduction Strategy*. November 2020. <https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy>.

Climate Smart San José

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

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

San José Reach Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

3.8.1.3 *Existing Conditions*

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

The project sites are currently developed with commercial and office uses. These existing developments generate GHGs through building heating and cooling, electricity use, solid waste disposal, and vehicle travel to and from the site, including freight deliveries.

3.8.2 Impact Discussion

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

- a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

3.8.2.1 *Project Impacts*

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

Both Options

As discussed in Section 3.8.1.2 Regulatory Framework, projects that comply with the policies and strategies outlined in the 2030 GHGRS would have a less than significant GHG impact and are assumed to have less than significant (direct or indirect) GHG emissions. The City has developed a consistency checklist to determine if a project is consistent with the 2030 GHGRS. Compliance with these mandatory policies and strategies by the project ensure a project's consistency with the 2030 GHGRS. As documented in Appendix E, the project (under either option) would be consistent with the mandatory policies and strategies of the 2030 GHGRS.

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

Conclusion for checklist question a):

- **Both options:** The project (under either option) with the implementation of mitigation measures MM TRN-1.2 and MM TRN-2.1 in Section 3.17 Transportation would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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

AB 32, SB 32, BAAQMD CEQA Air Quality Guidelines, San José Greenhouse Gas Reduction Strategy

The City's original GHGRS was designed to meet the statewide GHG reduction targets for 2020 set by AB 32 and the City's latest update to the GHGRS is designed to meet the statewide GHG reduction targets for 2030 set by SB 32. As discussed under checklist question a), the project (under

either option) is consistent with the City's GHGRS. Thus, the project (under either option) is consistent with AB 32 and SB 32.

Pursuant to the BAAQMD CEQA Air Quality Guidelines, a project's GHG emissions are considered less than significant if the project is consistent with a qualified GHGRS. As stated under checklist question a) above, the project is consistent with the City's qualified GHGRS.

2017 Clean Air Plan

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

Envision San José 2040 General Plan

As documented in Appendix E, the project (under either option) is consistent with all applicable General Plan policies adopted to avoid or reduce GHG emissions.

City of San José Municipal Code

The project (under either option) is consistent with the chapters of the Municipal Code identified in Section 3.8.1.2 Regulatory Framework, including:

- Chapter 9.10, which requires new development to participate in the City's CDD program. As discussed in Section 3.6 Energy, the project (under either option) would participate in the CDD program and recover and recycle 75 percent of construction and demolition waste, as required by this program.
- Chapter 9.11, which only permits the installation of wood burning appliances that comply with the Environmental Protection Agency's requirements. The project (under either option) does not propose the installation of wood burning appliances.
- Chapter 11.105, which requires employers with more than 100 employees to implement a TDM program; as discussed in Section 3.17 Transportation checklist question b), the project (under either option) would be required by mitigation measures MM TRN-1.2 and MM TRN-2.1 to implement a TDM plan.
- Chapter 15.11, which requires new construction projects with a total landscape area equal to or greater than five hundred square feet to meet the City's landscape installation requirements. The project (under either option) would comply by selecting and locating plants that minimize irrigation requirements and using a drip irrigation system. Further, as documented in Appendix E, the project's landscaping (under either option) would meet the State's MWELo requirements.
- Chapter 17.84, which requires new developments to meet the City's green building regulations for private development. The non-residential and residential components of the project (under either option) would meet LEED Silver standards and LEED Certified/GreenPoint Rated 50 Points, which would satisfy the City's green building compliance requirements outlined in Municipal Code section 17.84.220.

Climate Smart San José

As discussed in Section 3.6 Energy, the project (under either option) would be subject to the energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. Further, the non-residential and residential components of the project (under either option) would meet LEED Silver standards and LEED Certified/GreenPoint Rated 50 Points, respectively. As documented in Appendix E, the project (under either option) would participate in the San José Clean Energy program at the Total Green level (i.e., 100% carbon-free electricity), and therefore would be considered ZNE. For these reasons, the project (under either option) is consistent with the City's climate action goals as set forth in Climate Smart San José.

San José Reach Code

The Reach Code applies to new construction projects in San José. As discussed in Section 3.6 Energy, the project (under either option) would be subject to the Reach Code and be required to meet higher efficiency standards because it is a mixed-fuel development. The project would comply with the Reach Code by exceeding the energy efficiency standards set forth in Title 24, CALGreen, and the California Building Energy Efficiency Standards. Electricity for the proposed project would be provided by SJCE and the project proposes to enroll in SJCE's Total Green program, which provides electricity from 100 percent carbon-free sources. For these reasons, the project is consistent with the City's goal to reduce energy-related GHG emissions as set forth in the Reach Code.

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

City Council Policy 6-32 requires commercial uses to be rated LEED Silver and residential uses to be LEED Certified or GreenPoint rated 50 points or higher. The non-residential and residential components of the project (under either option) would meet LEED Silver standards and LEED Certified/GreenPoint Rated 50 Points, respectively, and therefore the project (under either option) would be consistent with City Council Policy 6-32.

Conclusion for checklist question b):

- **Both options:** With implementation of mitigation measures MM TRN-1.2, MM TRN-2.1, and MM TRN-3.1, the project (under either option) would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact with Mitigation Incorporated)**

3.8.2.2 *Cumulative Impacts*

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

Both Options

As discussed above in Section 3.8.1.1 Background Information, GHG emissions have a broader, global impact; therefore, if a project would result in a significant project-level GHG impact, it would also result in a significant cumulative GHG impact. The discussion above under checklist questions a) and b) show that the project would not have a significant GHG emissions impact. For these

reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG emissions impact.

Conclusion for Greenhouse Gas Emissions Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of mitigation measures MM TRN-1.2, MM TRN-2.1, and MM TRN-3.1 in Section 3.17 Transportation would not result in a cumulatively considerable contribution to a significant cumulative GHG emissions impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part on, Phase I Environmental Site Assessments prepared for the project sites by WSP USA, Inc., dated March 24, 2020 and March 26, 2020. Copies of these reports are attached to this EIR as Appendix F and Appendix G, respectively.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Federal and State

Federal Aviation Regulations Part 77

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

Resource Conservation and Recovery Act

RCRA, enacted in 1976, is the principal federal law in the U.S. governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁶⁴

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁶⁵

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

⁶⁴ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed April 2, 2021. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

⁶⁵ CalEPA. "Cortese List Data Resources." Accessed April 2, 2021. <https://calepa.ca.gov/sitecleanup/corteselist>.

CCR Title 8, Section 1532.1

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Municipal Regional Permit Provision C.12.f

PCBs were produced in the U.S. between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.⁶⁶ Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. As of July 1, 2019, buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

Envision San José 2040 General Plan

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

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed

⁶⁶ California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

Policy	Description
EC-7.2	<p>site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.</p> <p>Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.</p>
EC-7.4	<p>On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.</p>
EC-7.5	<p>In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.</p>
EC-7.8	<p>Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.</p>
EC-7.9	<p>Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.</p>
EC-7.10	<p>Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.</p>
EC-7.11	<p>Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.</p>
MS-13.2	<p>Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.</p>

City of San José Emergency Operations Plan

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

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

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

3.9.1.2 Existing Conditions

Historic Uses of the Project Sites

El Paseo

The El Paseo site was originally undeveloped agricultural orchard land until it was developed in 1974 with several retail stores in the southern portion of the site. The buildings were replaced in 1997 when the site was redeveloped with the three existing commercial buildings, which are currently occupied by retail businesses.

1777 Saratoga Avenue

The 1777 Saratoga Avenue site was originally undeveloped agricultural orchard land developed with a single building until the mid-1960's. Since 1968, this site has been occupied by small business offices, a storage cabin and four storage trailers (three of which store paint and cleaning supplies), and a cellular signal tower which stores battery electrolytes. The signal tower has been used by Sprint, Verizon, and AT&T, and is listed as handling small quantities of hazardous material (45 gallons of battery electrolytes).

Potential On-Site Sources of Contamination

Neither project site is listed on the Cortese List or other regulatory databases as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste.⁶⁷

No environmental concerns, Recognized Environmental Concerns (RECs), or Controlled RECs (CRECs) were identified with respect to either project site. A REC is defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to

⁶⁷ CalEPA. "Cortese List Data Resources" Accessed April 2, 2021.
https://www.envirostor.dtsc.ca.gov/public/map/?global_id=38330005

release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. A CREC is defined as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

Potential on-site sources of contamination associated with past historical uses and the existing developments on both project sites are discussed below.

Agricultural Use

Both project sites were previously used for agricultural purposes. Accordingly, residual agricultural chemicals, such as herbicides and pesticides, may be present in the soils on both sites.

Asbestos Containing Materials

Due to changes in federal regulations regarding the use of products containing asbestos, buildings constructed prior to the 1970s have a higher potential to contain asbestos in roof coatings, floor tiles, ceiling tiles, and cementitious products such as pipes or shingles.

The El Paseo development was constructed in 1997 and, therefore, these buildings likely do not contain asbestos. Based on the year of construction (1968), it is likely that the existing buildings at the 1777 Saratoga Avenue site contain asbestos.

Lead Based Paint

In 1978, the U.S. Consumer Product Safety Commission lowered the permissible levels of lead contained in paints and prohibited application of lead-based paint to housing constructed or rehabilitated with federal assistance. Lead-based paint is unlikely to be present at the El Paseo site, given the age of the existing commercial buildings (1997). Based on the age of the buildings located at 1777 Saratoga Avenue (1968), lead-based paint is likely to be present. Additionally, the office space interiors have been refurbished and painted several times with household paint.

Polychlorinated Biphenyls

Site visits conducted by WSP USA during preparation of the Phase I ESAs did not identify any past or present use of PCBs at either the El Paseo or 1777 Saratoga Avenue sites.

Potential Off-Site Sources of Contamination

Federal and state databases were searched to determine the potential for the project sites to be affected by releases from off-site sources of contamination within one mile of the project sites. Based on distance, regulatory status, and/or apparent groundwater gradient, WSP USA identified one Historical Recognized Environmental Condition (HREC) in connection with the El Paseo site.

The HREC was a leaking underground storage tank (LUST) at the Chevron Station located at the north corner of the intersection of West Campbell Avenue and Saratoga Avenue adjacent to the El Paseo site. After further investigations and remedial actions, the LUST case was closed in March

2018 and no further action required. Therefore, this HREC no longer poses an environmental concern for the El Paseo site.

Other Hazards

Airports

The Norman Y. Mineta San José International Airport is located approximately 5.6 miles northeast of the project site. The project sites are not located within the AIA or any safety zones identified in the CLUP for the Norman Y. Mineta San José International Airport.

Wildfires

The project sites are located in a highly urbanized area that is not within a wildland urban interface area or a very high fire hazard severity zone.⁶⁸

3.9.2 Impact Discussion

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

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

⁶⁸ California Department of Forestry and Fire Protection. "Wildland Hazard & Building Codes." Accessed April 2, 2021. <http://egis.fire.ca.gov/FHSZ/>.

3.9.2.1 *Project Impacts*

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

Both Options

Construction of the project (under either option) would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal.

Once operational, the project (under option) would routinely store and use small quantities of cleaning supplies, maintenance chemicals, standard pool cleaning and maintenance chemicals, and herbicides and pesticides. Operation of the project (under either option) would also require the storage of diesel fuel associated with occasional testing and use of emergency generators during power failures. Under Health and Safety Code 25507(a)(1)(A), the project (under either option) would be required to establish and implement a Hazardous Materials Business Plan if the amount of diesel fuel stored on-site exceeds 55 gallons. No other hazardous materials would be used or stored on the sites. These materials would be managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

-
- b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
-

Both Options

Soil Contamination

As described in Section 3.9.1.2 Existing Conditions, the project sites were historically used for agricultural purposes until the 1960s. Historic agricultural use can result in residual contamination due to prior application of organochlorine pesticides, herbicides, and fertilizers. When soil disturbance occurs, these contaminants can become airborne and pose a health hazard to construction workers, nearby sensitive receptors, and the environment.

Impact HAZ-1: Both Options: Construction of the project (under either option) could result in exposure of construction workers, adjacent uses, and the environment to soil

contamination from historic agricultural use, including residual contamination from organochlorine pesticides, herbicides, and fertilizers.

Mitigation Measures:

MM HAZ-1.1: Both Options: Prior to issuance of demolition or grading permits, the project applicant shall prepare a Site Management Plan and Health and Safety Plan to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The purpose of the Site Management Plan and Health and Safety Plan is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities. The Site Management Plan shall provide the protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during construction and potential exposure of contaminated soil to future users of the site. The soil profiling shall include (but not limited to) the collection of shallow soil samples (upper one-foot) and analyses for lead and organochlorine pesticides. The soil profiling shall be performed prior to any significant earthwork.

If there are no contaminants identified on the project sites that exceed applicable screening levels for construction workers and residential users published by the Regional Water Quality Control Board, Department of Toxic Substances Control, and/or Environmental Protection Agency, the SMP does not need to be submitted to an oversight agency and only submitted to the City prior to construction earthwork activities. If contaminants are identified at concentrations exceeding applicable screening levels, the project applicant shall enter the SCCDEH Site Cleanup Program. The SMP and planned remedial measures shall be reviewed and approved by the Santa Clara County Department of Environmental Health. A copy of the SMP and HSP shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the Supervising Environmental Compliance Officer in the City of San José's Environmental Services Department.

With implementation of mitigation measure MM HAZ-1.1 above, contaminated soils on-site would be properly identified, characterized, removed and disposed of properly prior to ground-disturbing activities, thus preventing exposure of construction workers, nearby sensitive receptors, and the environment to soil contaminants from construction of the project (under either option).

Asbestos-Containing Materials and Lead-Based Paint

Demolition of the existing buildings at the project sites could result in the release of ACMs and lead-based paint to the environment, if appropriate control measures are not implemented. Although the buildings at the El Paseo site have a low potential to contain ACMs and lead-based paint, these hazardous materials may be present. The buildings located at 1777 Saratoga Avenue likely contain ACMs and lead-based paint. The City of San José requires the implementation of the following standard permit conditions when ACMs and lead-based paint may be present.

Standard Permit Conditions:

- **Both Options:**
 - In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials and/or lead-based paints.
 - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with the California Division of Occupational Safety and Health Lead in Title 8, California Code of Regulations, Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
 - All potentially friable asbestos-containing materials shall be removed in accordance with National Emission Standards for Hazardous Air Pollutants guidelines prior to demolition or renovation activities that may disturb asbestos-containing materials. All demolition activities shall be undertaken in accordance with the California Division of Occupational Safety and Health standards contained in Title 8, California Code of Regulations, Section 1529, to protect workers from asbestos exposure.
 - A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above.
 - Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with Bay Area Air Quality Management District requirements and notifications.
 - Based on California Division of Occupational Safety and Health rules and regulations, the following conditions are required to limit impacts to construction workers.
 - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
 - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with the California Division of Occupational Safety and Health Lead in Construction Standard, Title 8, California Code of Regulations, Section 1532.1, including employee training, employee air monitoring and dust control.
 - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Implementation of the above standard permit conditions would result in all ACMs and lead-based paint being properly identified and removed prior to demolition, thus preventing the exposure of these materials to construction workers, nearby sensitive receptors, and the environment.

Conclusion for checklist question b):

- **Both options:** With implementation of mitigation measure MM HAZ-1.1 and the above standard permit conditions, the project (under either option) would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

The project sites are located within one-quarter mile of Prospect High School, which is located approximately 600 feet northwest of the 1777 Saratoga site and 1,150 feet northwest of the El Paseo site. In addition, the project under the Education Mixed-Use Option only would include a new school on the El Paseo site.

As discussed above, the project (under either option) with the implementation of mitigation measure MM HAZ-1.1 identified under checklist question a) and the standard permit conditions identified under checklist question b) would not emit significant hazards or hazardous materials impacts from construction or operation. For this reason, the project (under either option) would not result in hazards or hazardous materials impacts within proximity to existing schools or the proposed school under the Education Mixed-Use Option only.

Conclusion for checklist question c):

- **Both options:** The project (under either option) with the implementation of mitigation measures MM HAZ-1.1 and the standard permit conditions identified under checklist question b) would not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

As discussed in Section 3.10.1.2 Existing Conditions, the project sites are not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Conclusion for checklist question d):

- **Both Options:** The project sites are not on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(No Impact)**

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

Both Options

The project sites are not located within two miles of a public airport or public use airport. The nearest airport, Norman Y. Mineta San José International Airport, is located approximately 5.6 miles northeast of the project sites. Given the distance between this airport and the project sites, the project sites are not located within the AIA, safety zones, and 60 dBA community noise equivalent level (CNEL) aircraft noise contour identified in the CLUP for the San José International Airport.⁶⁹ Additionally, at the project sites, buildings with heights lower than 200 feet are not considered a potential aviation hazard. The project (under either option) would have a maximum building height of 145 feet; therefore, the proposed buildings (under either option) would not result in an aviation hazard and notification to the FAA is not required.

Conclusion for checklist question e):

- **Both Options:** The project sites are not located within an airport land use plan area or within two miles of any airport and, therefore, no people residing or working in the project area would be exposed to safety hazards or excessive noise from airport operations. **(No Impact)**

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

Both Options

The City's EOP principally is designed to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. This includes assigning City departmental roles and responsibilities during disaster response and recovery activities, establishing communication and coordination procedures, and the logistics for disseminating information and resources, among other similar items. Construction and operation of the project (under either option), which would be done in accordance with City building and fire codes and regulations, would not impair implementation of or physically interfere with the City's adopted EOP. In addition, emergency vehicles would be able to access the El Paseo site via Quito Road. Emergency vehicles would access 1777 Saratoga Avenue via the driveway located on Saratoga Avenue.⁷⁰ As discussed under checklist question d) in Section 3.17 Transportation, the project (under either option) would meet the San José Fire Department (SJFD) requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of six feet clearance from the property line to all sides of the buildings is provided. Additionally, the project (under either option) would be constructed in accordance with current building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards.

⁶⁹ Refer to Section 3.13 Noise for more information on noise and noise contours.

⁷⁰ Refer to pages C3.8 of the Non-Education and Education site plans.

Conclusion for checklist question f):

- **Both Options:** The project (under either option) would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

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

Both Options

As discussed in Section 3.10.1.2 Existing Conditions, the project sites are located in an urbanized area of San José and are not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

Conclusion for checklist question g):

- **Both Options:** The project (under either option) would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

3.9.2.2 Cumulative Impacts

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

Both Options

The geographic area for cumulative hazards and hazardous materials impacts includes the project sites and surrounding area.

Routine Transport, Use, or Disposal of Hazardous Materials

None of the cumulative projects, which include residential, office, and commercial developments, would involve the routine transport, use, or disposal of hazardous materials other than minor quantities required for emergency operations (e.g., diesel generators), cleaning, maintenance, or landscaping. Further, all of the cumulative projects (including the project under either option) would be required to comply with all applicable standards and regulations put in place to minimize impacts from the transport, use, storage, and disposal of hazardous materials. Therefore, the cumulative projects (including the project under either option) would not result in a significant cumulative impact due to routine transport, use, or disposal of hazardous materials.

Release of Hazardous Materials

As discussed above under checklist question b), with the implementation of mitigation measure MM HAZ-1.1 and the standard permit conditions, the project (under either option) would not create a significant hazard to the public or the environment through the release of hazardous materials (specifically contaminated soil, ACMs, and lead-based paint) into the environment. Many of the

properties in San José were previously used for agricultural purposes prior to their development into urban uses. Additionally, cumulative projects may involve demolition of buildings that contain ACMs and lead-based paint. Accordingly, cumulative projects under consideration could result in significant releases of hazardous materials. However, all cumulative projects would be subject to federal and state regulations regarding hazardous materials in addition to local regulations, including the standard permit conditions identified under checklist question b) for the project (under either option). Furthermore, in accordance with General Plan Policy EC-7.2, cumulative projects would be required to mitigate any potential impacts to the public and environment due to soil contamination. Based on the above discussion, the cumulative projects would not create a significant cumulative hazard to the public or environment through the release of hazardous materials.

Hazardous Emissions, Materials, Substances, or Wastes within One-Quarter Mile of a School

As discussed above, the cumulative projects (including the project under either option) would be required to comply with existing regulations and policies to reduce hazardous materials impacts to a less than significant level. Therefore, if any of the cumulative projects (such as the project under either option) is located within one-quarter mile of an existing or proposed school, the impact to the school would be less than significant.

Hazardous Materials Sites Under Government Code Section 65962.5

As the project sites are not on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the project would not contribute to a significant cumulative impact pertaining to sites on the Cortese List.

Airport Safety Hazards or Excessive Noise

As discussed under checklist question e) the project sites are not within the AIA, safety zones, or 60 dBA CNEL noise contour identified in the Norman Y. Mineta San José International Airport CLUP. As such, the project (under either option) would not contribute to a significant cumulative impact pertaining to safety hazards or excessive noise from being proximate to an airport.

Emergency Response and Evacuation Plans

As stated under checklist question f), the City's EOP is principally designed to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. None of the cumulative projects identified in Table 3.0-1 that are within the City of San José (which are all typical development projects) would change the EOP or necessitate its revision. All cumulative projects would be constructed and operated in accordance with City building and fire codes, and would be reviewed by the SJFD for consistency with applicable fire department standards. As such, the project (under either option) would not cumulatively contribute to a significant emergency response impact.

Wildland Fire Hazards

The project sites are not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. As such, the project (under either option) would not contribute to a significant cumulative wildland fire impact.

Conclusion for Hazards and Hazardous Materials Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of mitigation measure MM HAZ-1.1 and the standard permit conditions identified under checklist question b) would have a less than significant cumulative hazards and hazardous materials impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. The Clean Water Act (CWA), Section 303, establishes water quality standards and Total Maximum Daily Load (TMDL) programs. The 303(d) list is a list of impaired water bodies.

Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the U.S. (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCBs. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect

these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁷¹ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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

Water Resources Protection Ordinance and District Well Ordinance

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

Santa Clara and Llagas Subbasin Groundwater Management Plan

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

⁷¹ MRP Number CAS612008

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	Maintain and implement the City’s Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:

Policy	Description
	<ul style="list-style-type: none"> • Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board’s General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. • Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. • Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. • Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

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

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

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

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

3.10.1.2 Existing Conditions

Hydrology and Drainage

The project sites are located in the West Valley Watershed.⁷² The West Valley Watershed drains approximately 85 square miles with creeks flowing northward from the Santa Cruz Mountains into South San Francisco Bay and its tidal wetlands.⁷³

The El Paseo site is currently developed, consisting of 334,603 square feet (or 85 percent) impervious surfaces and 59,003 square feet (or 15 percent) pervious surfaces. The 1777 Saratoga Avenue site is also developed, consisting of 74,491 square feet (or 94 percent) impervious surfaces and 4,698 square feet (or six percent) pervious surfaces.

Surface runoff from the project sites flow untreated into either 15- and 21-inch diameter storm drain lines in Saratoga Avenue, 12- and 21-inch diameter storm drain lines in Quito Road, or 30-inch storm drain lines on Campbell Avenue. Surface runoff from the Quito Road storm drain is discharged into Saratoga Creek (0.3-mile northwest of the project sites), and then travels north before discharging into San Tomas Aquinas Creek. Surface runoff from the Saratoga Avenue storm drain discharges directly into San Tomas Aquinas Creek via the West Hamilton Avenue discharge point located approximately two miles south of the project sites. San Tomas Aquinas Creek flows are ultimately conveyed to the South San Francisco Bay.⁷⁴

Surface Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. As discussed in the above paragraph, surface runoff from the project sites is collected by storm drains and discharged to either Saratoga Creek or San Tomas Aquinas Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. Saratoga Creek is currently listed on the 303(d) list for diazinon and trash. San Tomas Aquinas Creek is currently listed on the 303(d) list for trash.⁷⁵

Groundwater

The project sites are located within the Santa Clara groundwater basin, one of two groundwater basins located within the City of San José Urban Growth Boundary. According to data published by the Santa Clara Valley Water District, groundwater is likely present in the project area at depths of

⁷² City of San José. “Utility Viewer.” Accessed April 2, 2021.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

⁷³ Valley Water. Watershed of Santa Clara Valley. Accessed April 2, 2021. <https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley>

⁷⁴ City of San José. “Utility Viewer.” Accessed April 2, 2021.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

⁷⁵ State Water Quality Control Board. *2018 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. October 20, 2020.

between 50 and 100 feet bgs.⁷⁶ Groundwater levels can fluctuate temporally due to a variety of factors, including seasonal variations in precipitation and temperature, and rates of groundwater extraction in the surrounding area.

Flooding and Other Hazards

The project sites are not located within a 100-year flood zone. The project sites are located within FEMA Zone D.⁷⁷ Flood Zone D denotes areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted.⁷⁸

Seiches and Tsunamis

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or landsliding into or beneath the water body. There are no large bodies of water within the vicinity of the project sites; therefore, the project sites are not subject to seiches.

A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from offshore earthquakes within the Bay Area. Tsunami inundation maps for Santa Clara County show that the project sites are not within a tsunami inundation area.⁷⁹

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - result in substantial erosion or siltation on- or off-site;
 - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

⁷⁶ Santa Clara Valley Water District. "Valley Open Water Data: Santa Clara County Depth to First Groundwater." Map. 2019.

⁷⁷ Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No 06085C0402H*. Effective Date May 18, 2009.

⁷⁸ Federal Emergency Management Agency. *Unmapped Areas on Flood Hazard Maps: Understanding Zone D*. August 2011.

⁷⁹ California Geological Survey. *Santa Clara County Tsunami Inundation Maps*. Accessed March 25, 2021. <https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara>

- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

3.10.2.1 *Project Impacts*

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

Both Options

Construction Impacts

Construction activities, such as grading and excavation, may result in temporary impacts to surface water quality in local waterways. When disturbance to underlying soil occurs, surface water that flows across the site may contain sediments may be dislodged and discharged to the storm drainage system. The project (under either option) would disturb approximately 10.7 acres of soil, which is over the one-acre threshold requiring conformance with the Construction General Permit. As such, an NOI must be submitted to the RWQCB and a SWPPP must be developed to establish methods for controlling discharge associated with construction activities.

In addition to the Construction General Permit, development projects in San José are required to comply with the City’s Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project applicant is required to submit an Erosion Control Plan for the project (under either option). The Erosion Control Plan would detail the BMPs to be implemented during the construction phase to prevent the discard of stormwater pollutants and minimize erosion (refer to Section 3.7 Geology and Soils for more information regarding the implementation and requirements of the City’s Grading Ordinance and Erosion Control Plan).

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

Standard Permit Conditions:

- **Both Options:**
 - Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
 - Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

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

Compliance with the requirements of the Construction General Permit, City’s Grading Ordinance, and standard permit conditions identified above would ensure that non-significant quantities of soil and construction byproducts enters the storm drain system and local waterways as a result of the project (under either option).

Post-Construction Impacts

The project (under either option) would replace more than 10,000 square feet of impervious surface at the project sites; therefore, it would be subject to Provision C.3 of the MRP. This requires the project (under either option) to incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project. The project (under either option) would reduce and treat surface runoff at the El Paseo site by using flow-through planters, self-retaining areas, interceptor trees, pervious pavements with underdrains, and bioretention areas. The project (under either option) would rely entirely on bioretention areas to reduce and treat surface runoff at the 1777 Saratoga Avenue site.

In addition to the requirements of Provision C.3, the project (under either option) would be subject to the San José Public Works Department standard permit conditions identified above, which mandate compliance with the City’s Post-Construction Urban Runoff Management Policy (Policy 6-29).

The combination of project design measures and the standard permit conditions identified above would reduce and treat surface runoff in accordance with state and local standards, thus preventing substantial degradation of surface or ground water quality.

Conclusion for checklist question a):

- **Both options:** The project (under either option) with the implementation of the identified standard permit conditions would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

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

Both Options

As discussed in Section 3.10.1.2 Existing Conditions, groundwater depths at the project sites vary between 50 and 100 feet bgs. The project (under either option) would involve subsurface work up to depths of 22 feet bgs. As such, the project (under either option) would not encounter groundwater nor require dewatering of subsurface groundwater.

The project (under either option) would rely on existing sources of water and the City's existing water delivery system. Although the project (under either option) would increase the demand for water within the City, this increase would be marginal and would not result in the overdraft of any groundwater basins (refer to Section 3.19 Utilities and Service Systems for a discussion of the project's water demand as relates to supplies). The project sites are not located on or adjacent to one of the SCVWD's 18 major groundwater recharge systems.⁸⁰ In addition, as discussed below under checklist question c), the implementation of the project (under either option) would result in a decrease in impervious surfaces compared to existing conditions. A decrease in impervious surfaces results in a corresponding decrease in surface runoff, thus resulting in an increase in infiltration on the sites. For these reasons, the project (under either option) would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

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

⁸⁰ SCVWD. 2016 *Groundwater Management Plan*. Figure 1-3. 2016.

Both Options

There are no watercourses located on the project sites (the nearest waterway is Saratoga Creek, located approximately 0.5 mile east), therefore, the development of the project (under either option) would not alter the course of any waterways.

As shown in Table 3.10-1, the project (under either option) would result in a net reduction of impervious surface at the project sites.

Table 3.10-1: Summary of Impervious Surfaces Pre- and Post-Project			
Development Scenario	Existing Impervious Surface	Future Impervious Surface	Net Difference
	(square feet)		
El Paseo Site			
<ul style="list-style-type: none"> • Non-Education Mixed-Use Option • Education Mixed-Use Option 	338,118	298,729	-39,389
	334,603	330,467	-4,136
1777 Saratoga Avenue Site (Both Options)	70,328	66,288	-4,040

Since the project (under either scenario) would result in less impervious surface on the sites, the project (under either option) would result in a corresponding reduction in the amount of surface runoff compared to existing conditions. Post-construction stormwater runoff from the project's impervious surfaces would be directed towards landscaped areas and bioretention throughout the project sites for treatment. The project's stormwater treatment system would reduce the rate of stormwater runoff entering the City's storm drainage system. Because the project (under either option) would result in reduced runoff volumes compared to the existing conditions, the project (under either option) would not negatively impact the capacity of the existing storm drain system or cause off-site flooding.

With adherence to the requirements of Provision C.3 of the MRP, the Construction General Permit, and the City's standard permit conditions, the project (under either option) would not create substantial new sources of polluted runoff. Additionally, the project (under either option) would improve the quality of stormwater runoff leaving the sites and entering the City's storm drainage system. Finally, the project (under either option) would be required to manage erosion and sedimentation during construction in accordance with the City's Municipal Code and the Construction General Permit.

Conclusion for checklist question c):

- **Both options:** The project (under either option) with the implementation of standard permit conditions identified under checklist question a) would not substantially alter the drainage pattern of the sites or area in a manner which would result in on- or off-site erosion, flooding, or runoff impacts. **(Less than Significant Impact)**

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

Both Options

The proposed uses (under either option) would store small amounts of fuel, cleaning chemicals, pool cleaning and maintenance chemicals, pesticides, and herbicides; however, no other routine use, storage, or disposal of hazardous materials are proposed. For this reason and the fact that the risk of flooding on the sites is not significant (i.e., the sites are not located within a 100-year floodplain, or subject to seiches or tsunamis), the project (under either option), would result in a less than significant risk for releasing pollutants due to inundation. In addition, the project (under either option) would comply with Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements to reduce the impacts of stormwater runoff on post-construction water quality.

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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

Both Options

Water Quality Control

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

Santa Clara and Llagas Subbasin Groundwater Management Plan

As discussed in Section 3.11.1.1 Regulatory Framework, the project sites are within the Santa Clara Plain groundwater subbasin and this subbasin has not been identified in the GMP as being overdrafted. Implementation of the project (under either option) would not interfere with any actions set forth by Valley Water in its GMP in regards to groundwater recharge, transport of groundwater, and/or groundwater quality. In addition, as discussed under checklist question b), the project (under either option) would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge.

Conclusion for checklist question e):

- **Both options:** The project (under either option) with the implementation of standard permit conditions identified under checklist question a) would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

3.10.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant hydrology and water quality impact?

Both Options

The geographic area for cumulative hydrology and water quality impacts is the West Valley Watershed, since the effects of the project (under either option) on hydrology and water quality would be limited to the watershed in which it is located

Water Quality Standards and Discharge Requirements

All cumulative projects (including the project under either option) are required to adhere to state and local regulations, and implement the City's standard permit conditions (as identified under checklist question a), to comply with water quality standards and waste discharge requirements, thereby resulting in less than significant impacts to surface or ground water quality. These regulations are in place to ensure individual projects do not result in a significant cumulative impact. The General Plan FEIR concluded that adherence to these regulations by future projects would ensure associated impacts to water quality are less than significant. For these reasons, the cumulative projects (including the project under either option) would not result in a significant cumulative impact to water quality.

Groundwater Supplies and Recharge

The impact of cumulative projects within the West Valley Watershed on groundwater supplies and recharge is contingent on the condition of its associated groundwater basin, its water demand, project-specific information (e.g., any permanent dewatering requirements), and effects on recharge facilities. All cumulative projects within the West Valley Watershed would be required to comply with Valley Water's Santa Clara and Llagas Subbasin GMP and state regulations (including those identified in Section 3.10.1.1 Regulatory Framework) protecting groundwater resources.

As discussed in Section 3.19 Utilities and Service Systems, existing water supplies are available to meet the demand of the project (under either option) in addition to existing and projected demand during normal, dry, and multiple dry years. Because of this and the facts that the project (under either option) would not directly affect groundwater supplies or groundwater recharge and would result in an increase of previous surfaces on the sites compared to existing conditions (thereby resulting in a corresponding increase in surface infiltration), the project (under either option) would not result in a cumulatively considerable decrease in groundwater supplies or interfere substantially with

groundwater recharge such that the project (under either option) would impede sustainable groundwater management of the basin.

Alteration of Existing Drainage Patterns

Cumulative projects (including the project under either option) are required to adhere to General Plan policies, standard permit conditions, and existing regulations (including the Construction General Permit and Provision C.3) to manage stormwater runoff and erosion and reduce impacts to a less than significant level. These regulations are in place to ensure individual projects do not result in a significant cumulative impact. The General Plan FEIR concluded that adherence to these regulations would ensure that future projects do not alter existing drainage patterns in a manner that would result in on- or off-site erosion or flooding. As discussed under checklist question c), the project (under either option) would comply with existing regulations and result in a net reduction of impervious surface at the project sites compared to existing conditions. Therefore, the cumulative projects (including the project under either option) would not result in a significant cumulative impact regarding on- or off-site erosion or flooding.

Project Inundation

Any risk of project inundation due to floods, dam failure, tsunamis, or seiches resulting in the release of pollutants would be reduced to a less than significant level by compliance with existing regulations regarding the use, storage, transport, and disposal of hazardous materials, as well as requirements of the Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit. The project (under either option) would store its minimal hazardous materials used on the sites properly in compliance with existing regulations, and the project sites are at low risk from flooding and not subject to tsunamis and seiches. Thus, the project (under either option) would not have a cumulatively considerable contribution to a significant cumulative risk of pollutant release due to inundation.

Conflicts with Water Quality Control and Sustainable Groundwater Management Plans

All cumulative projects would be required to adhere to General Plan policies, standard permit conditions, and existing regulations to ensure compliance with water quality control plans and the GMP. The plans are in place to ensure individual projects do not result in a cumulative impact to water quality or groundwater management. The General Plan FEIR concluded that adherence to these regulations would ensure that future projects would not conflict with surface or groundwater management. As discussed under checklist question e), the project would comply with the Basin Plan and not conflict with the GMP. For these reasons, the project (under either option) would not result in a cumulatively considerable contribution to a significant cumulative impact on water quality or groundwater management.

Conclusion for Hydrology and Water Quality Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of standard permit conditions would have a less than significant cumulative impact on hydrology and water quality. **(Less than Significant Cumulative Impact)**

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding land use and planning related impacts and are applicable to the project.

Policy	Description
IP-1.8	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or pre-zoning proposals.
IP-5.10	<p>Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use “Signature” project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the Envision General Plan Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential Pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:</p> <ol style="list-style-type: none">1. Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use / Transportation Diagram designation.2. Incorporates job growth capacity above the average density of jobs/ acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area. The commercial/office component of the Signature project must be constructed before or concurrently with the residential component.3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area. <p>Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:</p> <ol style="list-style-type: none">4. Includes public parklands and/or privately maintained, publicly-accessible plazas or open space areas.5. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.7. Demonstrates high-quality architectural, landscape and site design features.

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

In addition, the City’s General Plan established the Urban Village concept to create a policy framework to direct most of San José’s new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Urban Villages are walkable, bicycle-friendly, transit-oriented, mixed use settings that provide both housing and jobs.

3.11.1.2 *Existing Conditions*

The project sites are located within the Paseo de Saratoga Urban Village (Horizon 3) (see Figure 2.1-3); however, no Urban Village Plan has been adopted for this area yet.⁸¹ The General Plan land use designation and zoning designation on the project sites is described in detail in Section 2.1.2 Existing General Plan and Zoning Designations. In summary, the El Paseo site has a General Plan land use designation of Regional Commercial, which supports a wide range of commercial uses at a broad range of densities (up to 12.0 FAR, 1 to 25 stories). Hospitals and private community gathering facilities can also be considered in this designation. The City’s General Plan supports intensification and urbanization of areas in order to promote increased commercial activity and more walkable, urban environments in Regional Commercial districts. The El Paseo site is zoned CG Commercial General, which allows for a full range of retail and commercial uses and assumes development would be auto-accommodating. The 1777 Saratoga Avenue site has a General Plan land use designation of Neighborhood Community Commercial (FAR up to 3.5, one to five stories), which supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas. General office uses, hospitals, and private community gathering facilities are also allowed in this designation. The 1777 Saratoga Avenue site is zoned CP Commercial Pedestrian, with development expected to be Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development, and small corner commercial establishments.

As described in 3.9 Hazards and Hazardous Materials, the project sites are not located within an airport’s AIA. As described in Section 3.4 Biological Resources, the project sites are within the Habitat Plan area and are designated as Urban-Suburban land.

The project sites are currently developed with commercial and office uses, as well as associated parking and landscaping. Surrounding land uses include residential, commercial, and public/quasi-public (e.g., a church) uses (see Figure 2.1-3).

3.11.2 Impact Discussion

For the purpose of determining the significance of the project’s impact on land use and planning, would the project:

- a) Physically divide an established community?

⁸¹ Horizon refers to the timeframe for the buildout of jobs and housing planned for each of the City’s growth areas.

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.11.2.1 *Project Impacts*

-
- a) Would the project physically divide an established community?
-

Both Options

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

The project (under either option) would redevelop the project sites with new mixed-use residential and commercial buildings. The project would not include construction of physical features or propose the closure of an existing street that would impair mobility. For these reasons, the project would not physically divide an established community.

Further, the project proposes pedestrian pathways throughout the site (refer to Figure 2.2-12 and Figure 2.2-13) and would improve pedestrian facilities by:

- Widening the Saratoga Avenue sidewalks on project site frontages from eight to 20 feet
- Widening the Quito Road/Lawrence Expressway sidewalks on project site frontages from eight and six feet to 15 feet
- Installing crosswalks along the north and south legs of the Saratoga Avenue/Mall Entrance intersection
- Installing a crosswalk along the south leg of the Campbell Avenue/Hamilton Avenue intersection

These pedestrian facility improvements are identified in Section 3.17 Transportation as conditions of approval or mitigation measures.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not physically divide and established community. **(Less than Significant Impact)**

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

Both Options

General Plan and Zoning Consistency

The proposed project is consistent with the General Plan Policy IP-5.10, which allows development to occur prior to the adoption of an Urban Village plan, by proposing a Signature project that:

- Includes residential and commercial development consistent with the existing General Plan land use designation. Table 3.11-1 summarizes the allowed and proposed densities on the project sites. For the El Paseo site, the Non-Education Mixed-Use option would have a density of 89 du/ac and FAR of up to 2.8 and the Education Mixed-Use Option would have a density of 68 du/ac and FAR of up to 3.2. For the 1777 Saratoga site under either option, the density would be 134 du/ac with a FAR of up to 3.8. Pursuant to General Plan IP-5.10, Signature projects are required to contribute more than their fair share of job-producing uses and housing density at 55 du/ac or higher. This, in turn, allows Signature projects to have greater FARs and building stories than specified in the General Plan land use designation. The proposed land uses and density (under either option) are, therefore, consistent with what is allowed under the General Plan;
- Contributes more than the fair share of job-producing uses and housing density at 55 du/ac or greater, as shown in Table 3.11-1;
- Is located in the visible, prominent location at the intersection of Saratoga Avenue and Campbell Avenue/Prospect Road;
- Includes 2.9 acres of publicly open space under the Non-Education option and 4.8 acres of publicly open space under the Education option (refer to the description in Section 2.2 Project Description); and
- Achieves a pedestrian-friendly design, with improvements identified in Section 3.17 Transportation.

would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

3.11.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant land use and planning impact?

Both Options

The geographic area for cumulative land use impacts is the City boundary. The land uses in the City is regulated through the General Plan. The General Plan FEIR concluded that buildout of the 2040 General Plan in accordance with its policies and actions would result in less than significant land use impacts.⁸² As discussed under checklist questions a) and b), the proposed project (under either option) is consistent with its General Plan land use designations and is consistent with applicable General Plan policies, zoning, and the Habitat Plan.

Conclusion for Land Use and Planning Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of the standard permit condition identified under checklist question f) in Section 3.4 Biological Resources would have a less than significant cumulative land use impact. **(Less than Significant Cumulative Impact)**

⁸² City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 194.

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

3.12.1.2 *Existing Conditions*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project sites are not on or adjacent to Communications Hill.

3.12.2 Impact Discussion

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

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

3.12.2.1 *Project Impacts*

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

Both Options

As discussed above in Section 3.12.1.2 Existing Conditions, the Communications Hill area is the only area within the City of San José that is designated as containing mineral deposits of regional significance. The project sites are not on or adjacent to Communications Hill.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not result in the loss of availability of a known mineral resource. **(No Impact)**

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

Both Options

The project sites are not located in an area of San José or Santa Clara County with known mineral resources.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

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

Both Options

Loss of Known Mineral Resources or Mineral Resource Recovery Site

The geographic area for cumulative mineral resources impacts is an identified mineral recovery or resource area. As discussed above, the project sites are not located in an area of San José or Santa Clara County with known mineral resources.

Conclusion for Mineral Resources Cumulative Impacts discussion:

- **Both options:** The project (under either option) would have no cumulative impact. **(No Cumulative Impact)**

3.13 NOISE

The following discussion is based on a Noise and Vibration Assessment completed by Illingworth & Rodkin, Inc. The report dated September 16, 2021, is attached as Appendix H to this EIR.

3.13.1 Environmental Setting

3.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , DNL, or CNEL.⁸³ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

Additional details about the fundamentals of noise and vibration are described in Appendix H.

⁸³ L_{eq} the average A-weighted noise level during the measurement period. DNL is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am. CNEL is The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.

3.13.1.2 *Regulatory Framework*

State

California Building Standards Code

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

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1-hr)}$ or less during hours of operation at a proposed commercial use.

Regional and Local

Envision San José 2040 General Plan

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

Policies	Description
EC-1.1	<p>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none">• The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.




Policies	Description
	<p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none"> The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 3.13-1 in this EIR). Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 3.13-1 in this EIR) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.
EC-1.3	<p>Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.</p>
EC-1.4	<p>Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.</p>
EC-1.6	<p>Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.</p>
EC-1.7	<p>Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</p> <ul style="list-style-type: none"> Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p>
EC-1.11	<p>Require safe and compatible land uses within the Mineta San José International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.</p>

Policies	Description
EC-1.14	Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City’s noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Table 3.13-1: General Plan Land Use Compatibility Guidelines

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

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

-  **Normally Acceptable:**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
-  **Conditionally Acceptable:**
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
-  **Unacceptable:**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

City of San José Municipal Code

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

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

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

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

3.13.1.3 *Existing Conditions*

The primary noise sources in the vicinity of the project sites include vehicular noise from roadways (including Lawrence Expressway, Saratoga Avenue, and Quito Road), noise generated by the existing developments in the area, and aircraft flyovers associated with nearby airports (i.e., Norman Y. Mineta San José International Airport and Reid Hillview Airport).

The El Paseo site is located east of the intersection of Saratoga Avenue and Quito Road, and is bordered by residential uses to the south and commercial uses to the north and east. The distance between the El Paseo site and the nearest residences is 220 feet. Commercial uses are present approximately 220 feet to the east and 300 feet to the north. There are also commercial uses present across Quito Road, approximately 350 feet to the west.

The 1777 Saratoga Avenue site is located north of the intersection of Saratoga Avenue and Lawrence Expressway. Residential uses are present across Lawrence Expressway, approximately 300 feet to the southwest. Commercial uses are present 170 feet to the west and 300 feet to the east. A place of worship is located 150 feet due north.

Refer to Figure 2.1-3 for an aerial map of the project and surrounding land uses.

The existing noise environment was quantified through three short-term noise measurements (ST-1, ST-2, ST-3) and five long-term measurements (LT-1, LT-2, LT-3, LT-4, and LT-5) taken prior to COVID-19 shelter-in-place restrictions. Noise measurement locations and a summary of the noise measurements are shown on Figure 3.13-1.



Summary of Short-Term Noise Measurements (dBA)						
Measurement	L _{max}	L ₁₀	L ₅₀	L ₅₀	L ₉₀	L _{eq(15min)}
ST-1	78	72	70	62	55	66
ST-2	85	77	69	60	52	66
ST-3	69	63	60	53	50	56

Summary of Long-Term Noise Measurements (dBA)			
Measurement	Hourly Average Noise Level, L _{eq}		DNL
	Daytime	Nighttime	
LT-1	51-68	42-58	59
LT-2	59-70	47-68	67
LT-3	65-75	52-70	72
LT-4	58-70	48-65	65
LT-5	46-59	36-56	61

Source: Illingworth & Rodkin, Inc. El Paseo & 1777 Saratoga Avenue Mixed Use Village Noise and Vibration Assessment, April 21, 2021.

Legend:

- Project Boundary
- 1777 Saratoga Site
- El Paseo Site
- Short-Term Noise Measurement Location (ST-#)
- Long-Term Noise Measurement Location (LT-#)

Scale: 0, 100, 400, 800 Feet

Photo Date: June 2019

Aerial Source: Google Earth Pro, Feb. 20, 2020.

NOISE MEASUREMENT LOCATIONS FIGURE 3.13-1

Typical hourly average noise levels at the project sites and adjacent parcels ranged from 46 to 75 dBA L_{eq} during the day and from 36 to 70 dBA L_{eq} at night. The day-night average noise levels ranged from 59 to 72 dBA DNL.

3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise (and vibration), would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Generation of excessive groundborne vibration or groundborne noise levels?
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. For the purposes of this analysis, the City of San José relies on the following as CEQA thresholds of significance:

- Construction Noise – For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.⁸⁴
- Operational Noise – Based on General Plan Policy EC-1.2, a significant noise impact would occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level, or five dBA DNL or more where noise levels would remain “Normally Acceptable,” as shown previously in Table 3.13-1.
- Construction Vibration – Based on General Plan Policy EC-2.3, significant vibration impacts would occur if the project generates a continuous vibration limit of 0.2 inches/sec (5.0 mm/sec) PPV for buildings of normal conventional construction, and a continuous vibration limit of 0.08 inches/sec (2.0 mm/sec) PPV for buildings that are historic or documented to be structurally weakened.

⁸⁴ City of San José. *Envision San Jose 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH# 2009072096. September 2011. Page 325.

3.13.2.1 *Project Impacts*

-
- a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
-

Both Options

Temporary Construction Noise Impacts

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

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Most demolition and construction noise falls within the range of 80 to 90 dBA at a distance of 50 feet from the source.

Daytime Construction

Construction of the project is planned to occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, over a period of 42 or 52 months for the Non-Education and Education Mixed-Use options, respectively. The project (under either option) proposes nighttime construction for a 15-day period in order to construct the parking garage at the El Paseo site, this is described further below.

A detailed list of equipment expected to be used during each phase of construction was provided by the applicant. The Federal Highway Administration (FHWA)'s Roadway Construction Noise Model (RCNM) was used to calculate the hourly average noise levels for each phase of construction, assuming every piece of equipment would operate simultaneously, which would represent the worst-case scenario. Table 3.13-2, Table 3.13-3, and Table 3.13-4 show the calculated construction noise levels at nearby land uses. Construction noise levels from the El Paseo site (under either option) is calculated to range from 67 to 82 dBA L_{eq} at nearby residential uses and from 63 to 85 at nearby commercial uses. Construction noise levels from the 1777 Saratoga Avenue site (under either option) is calculated to range from 63 to 74 dBA L_{eq} at nearby residential uses and 63 to 82 dBA L_{eq} at nearby commercial uses. Project construction activities, therefore, would temporarily exceed the normally acceptable levels of 60 dBA L_{eq} at residential land uses and places of worship or 70 dBA L_{eq} at commercial land uses by five dBA L_{eq} or more at various times throughout construction (under either option) for over a year.

**Table 3.13-2: El Paseo Site Calculated Construction Noise Levels at Nearby Land Uses
(Non-Education Mixed-Use Option)**

Phase of Construction		Total Work Days	Calculated Noise Levels (dBA L _{eq})			
			Comm. to the North (300 ft)	Single Family Residence to the South (220 ft)	Comm. to the East (220 ft)	Comm. to the West (350 feet)
Site Prep & Podium	Demolition	55	79	81	81	77
	Grading/Excavation	145	70	73	73	68
	Trenching/Foundation	114	72	70	67	66
	Building Exterior	237	74	72	69	68
	Concrete	15	79	82	82	78
Building 1	Building Exterior	270	75	77	77	73
	Building Interior	267	65	67	67	63
	Paving	21	69	72	72	68
Building 2	Building Exterior	410	75	77	77	73
	Building Interior	307	65	67	67	63
Building 3	Building Exterior	445	74	77	77	73
	Building Interior	250	75	77	77	73

Source: Illingworth & Rodkin, Inc. *El Paseo & 1777 Saratoga Avenue Mixed-Use Village Noise and Vibration Assessment*. September 16, 2021.

Notes:
Comm. = Commercial

Numbers that exceed the City's significant construction noise thresholds (i.e. normally acceptable residential and commercial levels by five dBA L_{eq} or more) are in **bold**.

Table 3.13-3: El Paseo Site Calculated Construction Noise Levels at Nearby Land Uses (Education Mixed-Use Option)

Phase of Construction		Total Work Days	Calculated Noise Levels (dBA L _{eq})			
			Comm. to the North (300 ft)	Single Family Residence to the South (220 ft)	Comm. to the East (220 ft)	Comm. to the West (350 feet)
Site Prep & Podium	Demolition	61	79	81	81	77
	Grading/Excavation	116	70	73	73	68
	Trenching/Foundation	81	72	70	67	66
	Building Exterior	261	74	72	69	68
	Concrete	15	79	82	82	78
Building 1	Building Exterior	409	75	77	77	73
	Building Interior	265	65	67	67	63
	Paving	24	69	72	72	68
Building 2	Building Exterior	385	75	77	77	73
	Building Interior	264	65	67	67	63
	Paving	24	69	72	72	68
Building 3	Building Exterior	400	74	77	77	73
	Building Interior	264	75	77	77	73
	Paving	26	65	67	67	63
Building 4	Building Exterior	440	74	77	77	73
	Building Interior	330	75	77	77	73
	Paving	40	65	67	67	63

Source: Illingworth & Rodkin, Inc. *El Paseo & 1777 Saratoga Avenue Mixed-Use Village Noise and Vibration Assessment*. September 16, 2021.

Notes:

Comm. = Commercial

Numbers that exceed the City's significant construction noise thresholds (i.e. normally acceptable residential and commercial levels by five dBA L_{eq} or more) are in **bold**.

Table 3.13-4: Saratoga Site Calculated Construction Noise Levels at Nearby Land Uses (Both Options)					
Phase of Construction	Total Work Days	Calculated Noise Levels (dBA L_{eq})			
		Comm.to the West (170 ft)	Place of Worship to the North (150 ft)	Comm.to the East (300 ft)	Single Family Residences to the Southwest (300 feet)
Demolition	55	79	80	74	74
Grading/Excavation	67	79	80	74	74
Trenching/Foundation	59	68	69	63	63
Building Exterior	453	81	82	76	76
Building Interior	217	67	69	63	63
Paving	117	73	75	69	69

Source: Illingworth & Rodkin, Inc. *El Paseo & 1777 Saratoga Avenue Mixed-Use Village Noise and Vibration Assessment*. September 16, 2021.

Notes:
Comm. = Commercial

Numbers that exceed the City’s significant construction noise thresholds (i.e. normally acceptable residential and commercial levels by five dBA L_{eq} or more) are in **bold**.

Standard Permit Conditions:

(Both Options): The project applicant shall implement noise minimization measures that include, but are not limited to, the following:

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

The implementation of the above standard permit conditions would not reduce construction noise below the City's thresholds.

Impact NOI-1: Both Options: Project construction (under either option) would exceed the City's construction noise threshold of significance of 60 dBA L_{eq} at residential land uses and places of worship or 70 dBA L_{eq} at commercial land uses by five dBA L_{eq} or more at various times throughout construction for over a year.

Mitigation Measures:

MM NOI-1.1: Both Options: Prior to issuance of any demolition or grading permits, a qualified acoustical consultant shall prepare a construction noise logistics plan specifying the hours of construction as well as the noise and vibration minimization measures. Posting or notification of construction schedules is required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The construction noise logistics plan shall require, but not be limited to, the following:

- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A "noise disturbance coordinator" shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site and included in the noise logistics plan.

Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the noise logistics plan to the Director of Planning, Building and Code Enforcement or the Director's designee.

The project (under either option) in conformance with the General Plan Policy E.C-1.7, the Municipal Code, the City's standard permit conditions, and mitigation measure MM NOI-1.1 above would have a less than significant temporary construction noise impact by using best available noise suppression devices and techniques.

Nighttime Construction

The project, under either option, proposes nighttime construction for a 15-day period in order to construct the parking garage at the El Paseo site. This would involve 15-hour concrete pours between 6:00 a.m. and 9:00 p.m. daily over a 15-day period. Since residential uses are located within 500 feet of the El Paseo site, a development permit granting extended hours of construction would be required for the project (under either option).

The City has not identified noise limits for construction occurring outside of the allowable hours of construction (7:00 a.m. to 7:00 p.m., Monday through Friday). Generally, steady noises above approximately 35 dBA and fluctuating noise levels above approximately 45 dBA have been shown to negatively affect sleep. Assuming standard residential construction, which typically provides a 25 dBA exterior-to-interior noise reduction (with windows closed), sleep disturbance may result when exterior noise levels exceed 60 dBA for steady noises and 70 dBA for fluctuating noises at the property line.

The RCNM was used to calculate the hourly average noise levels during nighttime construction activities of the project (under either option). The model showed that the first row of residences located south of the El Paseo site would experience hourly average noise levels of up to 62 dBA at the property line as a result of project construction (under either option). The nearby commercial uses would not be impacted by nighttime construction since operational hours of these buildings would occur during daytime hours only.

Impact NOI-2: Both Options: Nighttime project construction activities, specifically concrete pours during the evening hours (7:00 p.m. to 9:00 p.m.), could result in hourly average noise levels exceeding 60 dBA at the first row of residences located south of the El Paseo site.

Mitigation Measures:

MM NOI-2.1: Both Options: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall implement the following measures during nighttime (7:00 p.m. to 9:00 p.m.) construction activities:

- Limit the active equipment to as few pieces of equipment as possible.

- To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors during nighttime hours to the extent feasible, and/or the work sites shall be arranged in a way that minimizes the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with Society of Automotive Engineering J994 Class D alarms (ambient-adjusting, or “smart alarms” that automatically adjust the alarm to five dBA above the ambient near the operating equipment).
- Limit nighttime concrete pouring to the northernmost equipment location or a minimum distance of 100 feet from the southern boundary of the El Paseo site, where feasible.
 - If the concrete pumping operation is located within 100 feet of the southern boundary of the El Paseo site, when feasible install temporary noise barriers around the concrete pumping operation to control the noise levels at the source.
- Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule, in writing, prior to the beginning of construction. This notification shall specify the dates for all nighttime construction. Designate a “construction liaison” that would be responsible for responding to any local complaints about nighttime construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report to the Director of Planning, Building and Code Enforcement or Director’s designee documenting the equipment used and the location of concrete pouring equipment and temporary noise barriers, and including the time and date of notification of residents within 500 feet of the construction sites.

With implementation of mitigation measure MM NOI-2.1, noise generated by nighttime project construction activities (under either option) would be reduced to below 60 dBA L_{eq} by limiting and restricting use of equipment near residences and installing temporary noise barriers (when appropriate), thus reducing the impact to a less than significant level.

Permanent Operational Noise Impacts

Project-Generated Traffic

Based on General Plan Policy EC-1.2, a significant impact would occur if the permanent noise level increase due to project-generated traffic was three dBA CNEL and equaled or exceeded the

“normally acceptable” level of 60 dBA, or if the noise level increase from the project was five dBA CNEL or greater and remained within the “normally acceptable” range.

Based on a review of the Transportation Analysis prepared for the project (refer to Appendix I), the project (under either option) would not double existing traffic volumes (which is the threshold where traffic would result in a three dBA noise increase), and at most would result in a noise level increase of zero to one dBA DNL along roadway segments within the project vicinity. Since operation of the project (under either option) would not result in a permanent three dBA DNL increase in ambient noise levels, the project (under either option) would not substantially increase ambient noise levels as defined by General Plan Policy EC-1.2.

Mechanical Equipment

The project (under either option) would include mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC), fire pumps, and generators. Operational details (location, type, etc.) regarding the HVAC units have not been finalized, therefore, the final design of the HVAC units would be subject to the following conditions of approval, which would ensure that the noise generated by the HVAC equipment would not exceed Municipal Code standards.

Conditions of Approval:

- **Both Options:** Prior to issuance of building permits, the project would be required to retain a qualified acoustical consultant to review the mechanical noise equipment selected and to determine specific noise reduction measures necessary to comply with the noise limit of 55 dBA or less at residential property lines. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers such as enclosures, fan silencers, mechanical screening and parapet walls to block the line of sight between the noise source and nearest receptors.

The project (under either option) includes fire pumps and electrical equipment that would be located on the first floor of each building. Noise levels generated by electrical equipment and pumps would be adequately attenuated such that noise levels on adjacent property lines would be at or below 55 dBA DNL.

The project (under either option) would also have a 1,750 kW rated (2,561 hp) generator on the interior of the first floor of each building. Emergency generators of this caliber are typically tested monthly for a one-hour period between 7:00 a.m. and 10:00 p.m. Assuming a minimum attenuation of 25 dBA due to the building insulation, the estimated hourly average noise levels and day-night average noise levels were calculated at the property lines of the nearest surrounding commercial or residential uses for each generator during testing (refer to Appendix H for more information on the methodology and calculations). The estimated noise level for the Non-Education and Education Mixed-Use Option generators at nearby sensitive receptors would range between 37 and 47 dBA DNL, below the 55 dBA DNL standard established in the City’s Municipal Code.

Truck Deliveries

The project (under either option) includes a loading zone on the northern border of the El Paseo site. The center of this loading zone would be 75 feet from the property line bordering the commercial use to the north and 100 feet from the property line bordering the commercial use to the northwest. Noise associated with truck deliveries for the project (under either option) would be below the Municipal Code threshold of 55 dBA for nonresidential uses at the property line.

Conclusion for checklist question a):

- **Both options:** With implementation of MM NOI-1.1 and MM NOI-2.1 and the conditions of approval identified above, the project (under either option) would not result in a temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

Construction Vibration

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

According to General Plan Policy EC-2.3, a continuous vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of conventional construction and a continuous vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to historical structures. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

According to the NRHP⁸⁵, CRHP⁸⁶, and City of San José Historic Resources Inventory, there are no historic buildings located within 500 feet of the project site.⁸⁷ There would be no risk of damage to any historic buildings resulting from project construction.

⁸⁵ National Register of Historic Places. "National Register Database and Research. Date accessed April 22, 2021. <https://www.nps.gov/subjects/nationalregister/database-research.htm>

⁸⁶ California Register of Historic Places. "California Historical Resources". Date accessed April 22, 2021. <https://ohp.parks.ca.gov/listedresources/>

⁸⁷ City of San José. "City of San José Historic Resources Inventory." Accessed March 17, 2021. <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory>.

Groundborne vibration levels from project construction (under either option) would be anticipated to exceed 0.5 in/sec PPV when construction is located within 12 feet of the structures adjacent to the El Paseo site to the north and east (existing commercial buildings) and adjacent to the 1777 Saratoga site to the north and west (place of worship building). Vibration levels may still be perceptible in areas further from the site during periods of heavy construction but would not be expected to cause structural damage.

Impact NOI-3: The project (under either option) would exceed the City's vibration limit of 0.2 in/sec PPV for buildings of conventional construction at adjacent places of worship and commercial uses to the north and east.

Mitigation Measures:

MM NOI-3.1: Both Options: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall contract with a licensed Professional Structural Engineer in the State of California to prepare a construction vibration monitoring plan that includes measures to reduce vibration impacts to achieve vibration limit of 0.2 in/sec PPV. During construction, the project applicant (under either option) shall implement the following vibration reduction measures:

- Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 15 feet of the property lines shared with residences and commercial structures adjacent to the site.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy objects or materials near vibration sensitive locations.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
- A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall be implemented to include the following tasks:

- Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the sites. A vibration survey (generally described below) shall be performed.
- Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures adjacent to the sites. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 25 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
- Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.
- The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit the construction vibration monitoring plan to satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

Implementation of MM NOI-3.1 would reduce construction vibration generated by the project (under either option) below the City's vibration limits and to a less than significant level by implementing a vibration monitoring plan and best available vibration suppression techniques that would ensure that construction-related vibration is below the City's threshold of 0.2 in/sec PPV.

Conclusion for checklist question b):

- **Both options:** With implementation of mitigation measure MM NOI-3.1, the project (under either option) would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

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

Both Options

The project sites are not located within the vicinity of a private airstrip or an airport land use area, or within two miles of an airport. The nearest airport is Norman Y. Mineta San José International Airport, located approximately 5.6 miles northeast of the project sites. As the project sites lie outside of the 60 dBA CNEL 2037 noise contour of the airport, future exterior noise levels due to aircraft from Norman Y. Mineta San José International Airport would not exceed 60 dBA CNEL/DNL. According to Policy EC-1.11 of the City's General Plan, the required safe and compatible threshold for exterior noise levels would be at or below 65 dBA CNEL/DNL for aircraft.

Conclusion for checklist question c):

- **Both Options:** The project (under either option) would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft. **(No Impact)**

3.13.2.2 Cumulative Impacts

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

The geographic area for cumulative noise and vibration impacts is the project site and adjacent parcels, since the effects of noise and vibration by their nature are localized and could only affect this geographic area.

Both Options

The geographic area for cumulative noise and vibration impacts is based on the noise sources. Construction noises and vibration have the potential to add to construction noise occurring at other sites within approximately 500 feet from the source; therefore, the geographic area for construction noise is identified as locations within 500 feet of the project sites. Project operation noise has the potential to add to operational noises at other sites within approximately 300 feet from the source; therefore, the geographic area for cumulative operational noise impacts with the project is 300 feet from the project sites. For traffic noise, the geographic area is identified as the surrounding roadway network.

Temporary or Permanent Increase in Ambient Noise Levels and Groundborne Vibration

No cumulative projects are located within 500 feet of the project sites that would contribute to a cumulative construction or operation noise impact with the project (under either option). The nearest cumulative project, the Quito Village Development, is 0.6 mile (or over 3,000 feet) away from the project sites. Therefore, the project (under either option) would not contribute to a significant cumulative increase in ambient noise levels.

Expose People to Excessive Noise Levels from Airport Operations

As discussed under checklist question c), the project (under either option) would have no impact (and therefore, no cumulative impact) on exposing people residing or working in the project area to excessive noise levels due to airport operations.

Conclusion to the Noise and Vibration Cumulative Impacts discussion:

- **Both options:** The project (under either option) would have a less than significant cumulative noise impact. **(Less than Significant Cumulative Impact)**

3.13.3 Non-CEQA Effects

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

- For the proposed residential land use and educational facilities, the City’s “normally acceptable” exterior noise level standard is 60 dBA DNL or less and the “conditionally acceptable” exterior noise level standard is 75 dBA DNL or less.
- For the proposed outdoor sports and recreation areas, the City’s “normally acceptable” exterior noise level standard is 65 dBA DNL or less and the “conditionally acceptable” exterior noise standard is 80 dBA DNL or less.
- For the proposed commercial land use, the City’s “normally acceptable” exterior noise level standard is 70 dBA DNL or less and the “conditionally acceptable” exterior noise level standard is 80 dBA DNL or less.
- The California Building Code requires that interior noise levels within proposed commercial uses meet the 50 dBA $L_{eq}(1-hr)$ performance standard during operational hours.
- The California Building Code requires that residential interior noise levels attributable to exterior environmental noise sources be limited to 45 dBA DNL/CNEL in any habitable room.

Non-Education Mixed-Use Option

Future Exterior Noise Environment

The Non-Education Mixed-Use Option includes multiple outdoor use areas, including a publicly-accessible park at the southwest corner of the El Paseo site, as well as private balconies, roof and podium decks, and courtyards as part of the proposed buildings.

Public Park

The public park would be set back 80 feet from the centerline of Quito Road; based on the distance from the roadway and the existing and future noise environment, the park would have an exterior

noise level of up to 65 dBA DNL, which would meet the City's normally acceptable limit of 65 dBA DNL for neighborhood parks (refer to Table 3.13-1).

Building One

Building One at the El Paseo site includes two third-floor podium courtyards and two eighth floor roof-top decks. The podium courtyards would be exposed to traffic noise from Quito Road and Saratoga Avenue. Future exterior noise levels at Courtyard 1 would be below the City's "normally acceptable" limit of 60 dBA DNL for exterior use areas. The future exterior noise levels at Courtyard 2 would range from 60 dBA DNL at the center of the space to 65 dBA DNL at the edge of the podium deck. These noise levels would exceed the City's "normally acceptable" limit of 60 dBA DNL, but below the City's "conditionally acceptable" limit of 70 dBA DNL for exterior use areas.

Building Two

Building Two at the El Paseo site would include a fourth-floor podium deck and a sixth-floor roof deck, and an eighth-floor roof-top deck. Noise levels at these exterior areas would range from 56 to 59 dBA DNL, which would be below the City's normally acceptable limit of 60 dBA DNL for exterior use areas.

Building Three

Building Three at the El Paseo site includes a third-floor courtyard, private balconies on floors three through 11, and an 11th floor roof-top deck. Exterior noise levels at the third floor would be below 60 dBA DNL. Private balconies are excluded from the City's exterior noise assessment.

Exterior noise levels at the two roof decks on the eighth floor would range from 58 dBA DNL at the center of the space to 60 dBA DNL at the edge of the roof deck 1. The future exterior noise levels at the eighth-floor roof top deck 2 would range from 57 dBA DNL at the center of the space to 60 dBA DNL at the edge of the roof deck 2. These noise levels would be below the City's "normally acceptable" limit of 60 dBA DNL.

Building Four

Building Four, which would be located at the 1777 Saratoga Avenue site, would include a third-floor courtyard/pool area, a ninth-floor roof top deck, and private balconies from the second to tenth floors. Exterior noise levels at the third-floor courtyard/pool would be below the City's normally acceptable limit of 60 dBA DNL. However, the ninth-floor roof-top deck would be exposed to exterior noise levels that would range from 60 dBA DNL at the center of the space to 67 dBA DNL at the edge of the roof deck, which would exceed the City's normally acceptable limit of 60 dBA DNL, but below the City's "conditionally acceptable" limit of 70 dBA DNL for exterior use areas..

Future Interior Noise Environment

As discussed in detail in Appendix H, based on noise measurements taken and the assumption that STC-28 windows and forced-air mechanical ventilation shall be provided by the project (which would allow the windows to be closed thus providing a minimum noise reduction of 25 dBA) , the proposed residential and commercial uses under the Non-Education Mixed-Use Option would meet

the residential and commercial interior noise thresholds of 45 dBA DNL and 50 dBA L_{eq} . Additionally, the project would be required to implement the following standard permit condition.

Standard Permit Condition:

- **Non-Education Mixed-Use Option.** A qualified acoustical specialist shall prepare a detailed analysis of interior residential and commercial noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the California Building Code and CalGreen, respectively. The study shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments, where applicable, to reduce commercial interior noise levels to 45 dBA DNL or 50 dBA L_{eq} or lower. Treatments shall include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

Education Mixed-Use Option

Future Exterior Noise Environment

The Education Mixed-Use Option includes multiple outdoor use areas, including a 1.5-acre park, and atriums, decks, patios, balconies, courtyards, and pools at the proposed buildings.

Public Park, Buildings Three, Four, and Five

The 1.5-acre park would be located approximately 300 feet from the nearest roadway (Quito Road) and 45 feet south of Building Three. Exterior noise levels at the park would be below 65 dBA DNL, within the City’s normally acceptable range.

Building Three includes first floor patios, a third-floor deck, private balconies on floors three through six, and a seventh-floor roof-top deck. Exterior noise levels at these outdoor areas would be below 60 dBA DNL, which is within the City’s normally acceptable range.

Building Four, which under the Education Mixed-Use Option would be located at the El Paseo site, would include a second-floor courtyard, private balconies on floors two through nine, and a seventh-floor roof-top deck. Exterior noise levels at the second-floor courtyard and seventh floor roof-top deck would be below 60 dBA DNL, which is within the City’s normally acceptable range. Private balconies are excluded from the City’s exterior noise assessment.

Under the Education Mixed-Use Option, Building Five would be located at the 1777 Saratoga Avenue site. Building Five would include a third-floor courtyard/pool area, a ninth-floor roof top deck, and private balconies from the second to tenth floors. Private balconies are excluded from the City’s exterior noise assessment. Exterior noise levels at the third-floor courtyard/pool would be below 60 dBA DNL. However, the ninth-floor roof-top deck would be exposed to exterior noise levels that would range from 60 dBA DNL at the center of the space to 67 dBA DNL at the edge of the roof deck. These noise levels would exceed the City’s “normally acceptable” limit of 60 dBA

CNEL, but would be below the City's "conditionally acceptable" limit of 70 dBA DNL for exterior use areas. Due to the elevation of this roof deck above roadways below, the center of the outdoor space would be adequately shielded and future exterior noise levels at the roof terrace would be below 60 dBA DNL. The future noise levels at the centers of the outdoor use areas associated with the residential component of the proposed project would meet the City's normally acceptable threshold of 60 dBA DNL.

Buildings One and Two

Buildings One and Two include a first-floor interior atrium, decks on the fourth floor, and an eighth-floor roof-top deck. The interior atrium would have an exterior noise level below 60 dBA DNL and, therefore, would not exceed the City's 60 dBA DNL.

The fourth-floor deck would be located adjacent to Quito Road and have a maximum exterior noise level of 67 dBA DNL. The eighth-floor roof decks on Buildings One and Two would face both Quito Road/Lawrence Expressway and Saratoga Avenue and have a maximum exterior noise level of 67 dBA DNL. The exterior noise levels at both the fourth floor and eighth floor decks would exceed the City's normally acceptable noise limit of 60 dBA DNL.

Commercial Uses

Building Three also includes outdoor dining and seating areas along the northern, western, and southern building façades. These outdoor areas would be shielded from roadway noise by Buildings One, Two, and Four. The outdoor dining and seating areas would be exposed to future exterior noise levels less than 55 dBA DNL, which would be within the City's normally acceptable range.

Future Interior Noise Environment

As discussed in detail in Appendix H, based on noise measurements taken and the assumption that STC-28 windows and forced-air mechanical ventilation shall be provided by the project (which would allow the windows to be closed thus providing a minimum noise reduction of 25 dBA), the proposed residential and commercial uses under the Education Mixed-Use Option would meet the residential and commercial interior noise thresholds of 45 dBA DNL and 50 dBA L_{eq} . Additionally, the project would be required to implement the following standard permit condition.

Standard Permit Condition:

- **Education Mixed-Use Option.** A qualified acoustical specialist shall prepare a detailed analysis of interior residential and commercial noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the California Building Code and CalGreen respectively. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments, where applicable, to reduce commercial interior noise levels to 45 dBA DNL or 50 dBA L_{eq} or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. Results of the analysis, including the description of the necessary noise control treatments, shall be

submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction’s general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁸⁸ The City of San José Housing Element and related land use policies were last updated in 2014.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified PDAs.⁸⁹

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

3.14.1.2 *Existing Conditions*

The population of San José was estimated to be 945,942 in May 2020 with an average of 3.10 persons per household.⁹⁰ Full build out of the General Plan includes 120,000 new dwelling units and 382,200 new jobs by 2040.⁹¹ Development approved under the General Plan is projected to increase the City’s residential population to 1,313,811. The General Plan identified Urban Villages to direct

⁸⁸ California Department of Housing and Community Development. “Regional Housing Needs Allocation and Housing Elements” Accessed April 2, 2021. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁸⁹ Association of Bay Area Governments and Metropolitan Transportation Commission. “Project Mapper.” <http://projectmapper.planbayarea.org/>.

⁹⁰ State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020.” Accessed April 2, 2021. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁹¹ City of San Jose. Envision San José 2040 General Plan. Adopted November 1, 2011.

where most of the City's new housing and job growth is to occur. The project sites are within the Paseo de Saratoga Urban Village. The General Plan identifies a planned job capacity of 1,500 jobs and a planned housing yield of 2,500 dwelling units for the Paseo de Saratoga Urban Village.⁹²

The project sites do not currently include any residential units.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on population and housing, would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

3.14.2.1 *Project Impacts*

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

Both Options

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

The project sites are located within the Paseo de Saratoga Urban Village in the City's General Plan. Table 3.14-1 shows the number of planned residential units and jobs in the Paseo de Saratoga Urban Village and the proposed number residential units and jobs under the project options. Per the General Plan, 2,500 new residential units and 1,500 jobs are planned for the Paseo de Saratoga Urban Village. The Non-Education Mixed-Use Option would result in 1,100 residential units and 660 jobs. The Education Mixed-Use Option would result in 930 residential units (which includes 200 dorms) and 764 jobs. None of the residential or job capacity within the Paseo de Saratoga Urban Village has been entitled. The number of proposed residential units and jobs (under either option), therefore, is within the number of planned residential units and jobs for the Paseo de Saratoga Urban Village. The project (under either option) would not extend a road or other infrastructure or remove obstacles to population growth (refer to the discussion in Section 3.19 Utilities and Service Systems about adequate wastewater treatment capacity) that would indirectly induce growth.

⁹² City of San Jose. *Envision San José 2040 General Plan*. Adopted November 1, 2011.

Table 3.14-1: Allowed Number of Housing Units and Jobs in the Paseo de Saratoga Urban Village and the Proposed Number of Housing Units and Jobs under the Project		
	Number of Residential Units	Number of Jobs
Paseo de Saratoga Urban Village (allowed)	2,500	1,500
Project (proposed)		
<ul style="list-style-type: none"> • Non-Education Mixed-Use Option • Education Mixed-Use Option 	1,100	660 ¹
	930 ²	764 ³
Notes:		
1 The number of project employees is estimated assuming one employee per 250 square feet of commercial/retail uses and one employee per 175 square feet of office uses (source: Strategic Economics. San José Market Overview and Employment Lands Analysis. January 20, 2016. Figure V-9.).		
2 Includes the 200 dorm units		
3 Includes the 500 faculty and staff and the employees associated with the 66,000 square feet of commercial.		

Conclusion for checklist question a):

- **Both options:** The project (under either option) does not propose new housing beyond projected developments levels, extend roads or other infrastructure to previously undeveloped areas, or remove obstacles to population growth. **(Less than Significant Impact)**

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

Both Options

There are no residential units on the sites. For this reason, the implementation of the project (under either option) would not displace existing residents from the project sites that would necessitate the construction of housing elsewhere.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not displace existing residents, necessitating construction of replacement housing. **(No Impact)**

3.14.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant population and housing impact?

Both Options

The geographic area for cumulative population and housing impacts is the City of San José.

Unplanned Population Growth

As discussed above under checklist question a), the growth anticipated as a result of the project (under either option) is within the planned growth of the Paseo de Saratoga Urban Village in the General Plan and the project (under either option) does not include extending infrastructure or removing obstacles that would result in unplanned growth. For these reasons, the project (under either option) would not have a cumulatively considerable contribution to significant cumulative unplanned population growth.

Displace People or Housing

As discussed above under checklist question b), project (under either option) would not displace residents. For this reason, the project (under either option) would not contribute to a significant cumulative displacement of residents necessitating the construction of replacement housing considerable contribution to displaced housing or people.

Conclusion to the Population and Housing Cumulative Impacts discussion:

- **Both options:** The project (under either option) would not contribute to a significant cumulative population and housing impact. **(Less than Significant Cumulative Impact)**

3.15 PUBLIC SERVICES
3.15.1 Environmental Setting
3.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Government Code Section 65995 through 65998

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

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

Regional

Countywide Trails Master Plan

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

City of San José

Envision San José 2040 General Plan

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

Policy	Description
PR-1.1	Provide 3.5 acres of per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: <ol style="list-style-type: none"> 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.

Policy	Description
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Greenprint

To implement the park and recreation policies of the General Plan, the 2000 Greenprint was adopted by the San José City Council in September 2000 to provide staff and decision makers with a strategic plan for expanding recreation opportunities in the City. The 2000 Greenprint identified areas of the City that were underserved by park and recreation facilities and included policies and strategies to correct those deficiencies through the development of additional facilities in those locations. The City adopted the 2009 Greenprint as an update to the 2000 version.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan is the City of San José's Department of Parks, Recreation and Neighborhood Services' plan to maintain, improve and expand facilities, programs and services. The plan guides how the City cares for and develops a diverse park systems, and an abundance of recreation programs and services for all in San José.

3.15.1.2 Existing Conditions

Fire Protection

Fire protection services are provided to the project sites by the SJFD. The SJFD responds to all fires, medical emergencies, and hazardous material spills in the city. The fire station closest to the project sites is Station 14 located approximately 1.1 miles northeast of the project sites on Saratoga Avenue.

Police Protection

Police protection services are provided to the project sites by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 9.7 miles northeast of the project sites. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project sites are served by the SJPD Western Division.

Schools

The project area is located within the attendance boundaries of Moreland School District (which serve students from pre-kindergarten through eighth grade) and Campbell Union School District (which primarily serves students from grades nine through 12).⁹³ Students in the project area attend Country Lane Elementary School (grades kindergarten through six) located approximately 1.1 mile north of the project sites; Moreland Middle School (grades six through eight) located approximately 1.2 miles southeast of the project sites; and Prospect High School (grades ninth through 12) located approximately 0.1 mile northwest of the project sites.

Parks

The City of San José currently operates 197 neighborhood parks, 50 community centers, nine regional parks, and over 61 miles of trails.⁹⁴ The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest parks to the project sites are El Quito Park approximately 0.4 mile southwest of the project sites, Rainbow Park approximately 1.4 miles northwest of the project sites, and Hathaway Park approximately 1.4 miles northeast of the project sites.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest library to the project sites is the West Valley Branch Library, approximately 1.4 miles northeast of the project sites. The nearest San José community center to the project sites is the Calabazas Neighborhood Center, located approximately 2.4 miles northwest of the project site.

⁹³ County of Santa Clara. Office of The Assessor. Property Record Search. Accessed March 24, 2021. <https://www.sccassessor.org/>

⁹⁴ City of San José, Parks, Recreation and Neighborhood Services. "2020 Fast Facts." March 24, 2021.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

3.15.2.1 *Project Impacts*

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

Both Options

While the project (under either option) would intensify the uses on the project sites compared to existing conditions, the growth resulting from the project (under either option) is consistent with the General Plan for the Paseo de Saratoga Urban Village (as discussed previously in Section 3.14 Population and Housing). The General Plan FEIR concluded that while implementation of the General Plan would result in an increase in the need for fire protection services, it would not result in the need for fire stations in excess of those currently planned. In addition, the General Plan includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of implementation of the General Plan. Therefore, the project (under either option) would not require the construction of new or expanded fire facilities. In addition, the project (under either option) would be constructed in accordance with current building codes and SJFD would review project plans to ensure appropriate safety features are incorporated to reduce fire hazards. In accordance with General Plan Policy ES-3.11, the project would provide adequate fire suppression infrastructure.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not result in a significant impact on fire protection facilities and services. **(Less than Significant Impact)**

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

Both Options

The project area is served by the SJPD Western Division, which currently serves 154,885 residents.⁹⁵ The project (under either option) would increase in the SJPD Western Division residential service population by up to approximately 2.2 percent.⁹⁶ The development of the project (under either option) is consistent with the development and growth for the Paseo de Saratoga Urban Village under the General Plan. The General Plan FEIR concluded that implementation of the General Plan would not result in the need for new standalone police facilities, but may require expansion of existing police facilities. The construction of any expanded facilities would require environmental review and would not be anticipated to result in significant adverse environmental impacts. The project's incremental increase in police protection services compared to existing conditions would not require new or expanded police protection facilities (the construction of which could cause significant environmental impacts) beyond what was identified in the General Plan FEIR in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. In addition, SJPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project (under either option) provides adequate safety and security measures.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not result in a significant impact on police protection facilities or services. **(Less than Significant Impact)**

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

The project would result in 730 multi-family residential units under the Education Mixed-Use Option or 1,100 multi-family residential units under the Non-Education Mixed-Use Option. Based on the student generation rate of 0.33 from the Moreland School District, the project would generate 240 or 363 new elementary school students under the Education Mixed-Use Option and Non-Education Mixed-Use Option, respectively.^{97,98} Assuming the maximum number of students under the Non-

⁹⁵ San Jose Police Department. Western Division. Accessed April 19, 2021. <https://www.sjpd.org/about-us/organization/bureau-of-field-operations/western-division>

⁹⁶ The project would generate 2,263 new residents under the Non-Education Mixed-Use Option or 3,410 new residents under the Education Mixed-Use Option based on an average of 3.10 persons per household.

⁹⁷ Going, Mary Kay. Moreland School District Superintendent. Personal Communication. March 29, 2021.

⁹⁸ 730 units x 0.33 students/unit = 240.9 students , 1,110 units x 0.33 students/unit = 366.3 students

Education Mixed-Use Option, 92 students would go to Country Lane Elementary and 271 students would go to Baker Elementary, which combined would add 362 students to the Moreland Middle School student body.⁹⁹ Based on the student generation rate of 0.090 from the Campbell Union School District, the project would generate 65 or 99 new high school students under the Education Mixed-Use Option and Non-Education Mixed-Use Option, respectively.¹⁰⁰

As of 2018, the Moreland School District projected a decrease in overall enrollment for the near future.¹⁰¹ As of May 2021, enrollment within the Moreland School District is low, and Country Lane Elementary, Baker Elementary, and Moreland Middle School can currently accommodate an additional 179, 132, and 157 students, respectively. In the event that the project (under either option) contributes students in excess of existing capacity once conditions following the lifting of all Covid-19 restrictions, the Moreland School District could meet additional demand by setting up portable buildings on-site.¹⁰²

As of 2020, the Campbell Union High School District had capacity for 1,685 more students.¹⁰³ High school students generated by the project would attend Prospect High School, which can accommodate an additional 120 students.¹⁰⁴ Accordingly, as the project at maximum under the Non-Education Option would generate 99 new high school students, Prospect High School has adequate capacity to meet the project's demand.

Therefore, given the decreased enrollment and existing capacity at the local schools, the incremental increase of students generated by the project (under either option) would not require construction of a new or physically altered school.

Standard Permit Condition:

- **Both Options:** In accordance with California Government Code Section 65996, the project (under either option) shall pay a school impact fee to the affected school district to offset the increased demands on school facilities caused by the proposed project.

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

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not result in a significant impact on schools. **(Less than Significant Impact)**

⁹⁹ 280 units x 0.33 students/unit = 92 students, 820 units x 0.33 students/unit = 271 students.

¹⁰⁰ Campbell Union High School District. *2020/2021 Demographics and Enrollment Projections*. January 2021.

¹⁰¹ Moreland School District. *Annual Financial Report*. June 30, 2018.

¹⁰² Ernsberger, Patti. Assistant Superintendent. Moreland School District. Personal Communication. May 17, 2021.

¹⁰³ Campbell Union High School District. *Residential and Commercial/Industrial Development School Fee Justification Study*. April 3, 2020. Page 10.

¹⁰⁴ Thome, Nathan. Bond Program Director. Campbell Union High School District. Personal communications. May 3, 2021.

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

Both Options

The project would generate 2,263 new residents under the Non-Education Mixed-Use Option or 3,410 new residents under the Education Mixed-Use Option.¹⁰⁵ The park demand from project residents would be partially offset by the open space proposed on the project sites. The project would include 4.1 acres of private and publicly accessible open space under the Non-Education Mixed-Use Option or 6.3 acres of private and publicly accessible open space under the Education Mixed-Use Option. The physical impacts of these proposed private and public open spaces areas are evaluated as part of the project in this EIR.

In addition, the project (under either option) would be required to implement the following standard permit condition.

Standard Permit Condition:

- **Both Options:** The project (under either option) shall pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the project sites and/or community-serving facilities within a three-mile radius of the project sites, consistent with General Plan Policies PR-2.4 and PR-2.5.

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

Conclusion for checklist question d):

- **Both options:** The project (under either option) with the implementation of the above standard permit condition would not result in a significant impact on park and recreational facilities. **(Less than Significant Impact)**

¹⁰⁵ The number of residents is estimated using the residents per household ratio of 3.10 (Source: State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." Accessed April 2, 2021. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>).

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

Both Options

Development approved under the General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita.¹⁰⁶ As discussed above in Section 3.14 Population and Housing, the growth resulting from the project (under either option) is consistent with the growth planned for the Paseo de Saratoga Urban Village in the General Plan. For these reasons, while the project (under either option) would increase the use of local libraries including the West Valley Branch Library compared to existing conditions, the project (under either option) would not require the construction of new library facilities beyond what was analyzed in the General Plan FEIR.

As of 2020, San José has 558,000 square feet of community space and a population of 945,942, which equates to 589.8 square feet for every 1,000 people.¹⁰⁷ The City has a service goal of 500 square feet of community center space for every 1,000 people. Based on the City's average persons per household, the project is projected to increase the City's population by as many as 3,410 people, which would not result in the City failing to meet its service goal for community space and the construction of new community facilities.¹⁰⁸

Conclusion for checklist question e):

- **Both options:** The project (under either option) would not result in a significant impact on library or community facilities. **(Less than Significant Impact)**

3.15.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant public services impact?

Both Options

The geographic area considered for cumulative public service impacts is the City of San José.

¹⁰⁶ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 637.

¹⁰⁷ City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020. Page 16.

¹⁰⁸ 3.10 (average persons per household in San José) multiplied by 1,100 (maximum number of units added by the project (under the Non-Education option) equals 3,410. This increase in population would correspond to 587.7 sq. ft. of community space for every 1,000 people.

Fire Protection

As previously discussed under checklist question a), the General Plan FEIR concluded that implementation of the General Plan would not necessitate the construction of new fire stations. All the cumulative projects within the City of San José are consistent with the growth and development assumed in the General Plan. For these reasons, the cumulative projects would not result in significant cumulative impact to fire protection facilities and services. In addition, all cumulative projects in the City would be constructed in accordance with current building codes and reviewed by SJFD to ensure appropriate safety features are incorporated to reduce fire hazards.

Police Protection

As previously discussed under checklist question b), the General Plan FEIR concluded that implementation of the General Plan would not result in the need for new standalone police facilities, but may require expansion of existing police facilities. All cumulative projects identified in Table 3.0-1 within the City of San José, including the project (under either option), are consistent with the growth assumed in the General Plan and therefore would not result in greater impacts than what was identified in the General Plan FEIR. Each project in the City would be required to assess the potential for the project to increase demand for police protection services. SJPD would review the final site design of cumulative projects, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. The construction of any expanded facilities would require environmental review and would not be anticipated to result in significant adverse environmental impacts. Therefore, the project (under either option) in combination with other cumulative projects would not result in a cumulatively considerable impact on police protection services.

Schools

Students in the project area attend Country Lane Elementary School, Baker Elementary, Moreland Middle School, and Prospect High School.

Only one of the cumulative projects from Table 3.0-1 shares the same attendance boundary for Country Lane Elementary School as the proposed project (under either option): the Palm Villas Saratoga project.¹⁰⁹ The other cumulative project sites are either assigned to different elementary schools, such as Latimer Elementary School, or are outside of Moreland School District entirely. The Palm Villas Saratoga project proposes to construct a residential care facility for the elderly and, therefore, would not generate any students. Therefore, there is no potential for a cumulative impact on Country Lane Elementary School.

Only the Quito Village Development is within the same attendance boundary as the project for Baker Elementary. The Quito Village Development would construct 91 residential units, resulting in approximately 30 additional students divided amongst Baker Elementary and Moreland Middle School.¹¹⁰ Given that the Quito Village Development would generate a low number of elementary school students, the existing capacity of Baker Elementary for an additional 132 students, and that

¹⁰⁹ Moreland School District. My School Locator. Accessed March 26, 2021.

<https://locator.decisioninsite.com/?StudyID=162014>

¹¹⁰ 91 units x 0.33 students/unit = 30.03 students.

Moreland School District has projected a decrease in student enrollment in the near future, there is no potential for a cumulative impact on Baker Elementary.

The Palm Villas Saratoga, Quito Village Development, and Mitzi Place Apartments projects are within the same attendance boundary as the project for Moreland Middle School.¹¹¹ As previously discussed, the Palm Villas Saratoga project would not generate any additional students. The Quito Village Development would generate fewer than 30 middle school students. The Mitzi Place Apartments would generate 13 students, a portion of which would be elementary school students.¹¹² Given that the Quito Village Development and Mitzi Place Apartments would generate a low number of middle school students, the existing capacity at Moreland High School for an additional 157 students, and that Moreland School District has projected a decrease in student enrollment in the near future, there is no potential for a cumulative impact on Moreland Middle School.

Five of the cumulative projects are within the attendance boundary for Prospect High School.¹¹³ Two out of the five cumulative projects within the Prospect High School attendance boundary would not generate students (the Daycare Facility Expansion project and the Palm Villas Saratoga project). The remaining three projects (the Quito Village Development, Mitzi Place Apartments, and the Saratoga & Avalon Expansion) would generate approximately 43 high school students.¹¹⁴ Given that the Campbell Union High School District had capacity for 1,685 additional students in 2020, there would be more than sufficient capacity for students generated by the project (under either option) and the pending projects in the vicinity.

As required by state law (Government Code Section 65996), cumulative projects that include residential development (such as the project under either option) are required to implement the City's standard condition for payment of school fees to mitigate the increase in demand on schools generated by new development to a less than significant level. The addition of the students generated by the cumulative projects to Moreland Middle School and Prospect High School do not warrant the construction of new or expanded school facilities. Therefore, the cumulative projects (including the project under either option) would not result in a significant cumulative impact on local schools.

Parks

The demand on park facilities due to the cumulative projects would be offset by open spaces proposed as part of those cumulative projects and the cumulative projects' implementation of the City's standard permit condition of complying with the PDO/PIO. As previously discussed checklist question d), the project (under either option) would include open spaces on both project sites and comply with the City's PDO/PIO. The cumulative projects (including the project under either option), therefore, would not result in a significant cumulative impact on parks.

¹¹¹ Moreland School District. My School Locator. Accessed March 26, 2021.

<https://locator.decisioninsite.com/?StudyID=162014>

¹¹² 40 units x 0.33 students/unit = 13.2 students.

¹¹³ Campbell Union High School District. School Locator. Accessed March 26, 2021.

<http://www.schoolworksgis.com/SL/CampbellUHSD/schoollocator.html>

¹¹⁴ 91 units x 0.1004 students/unit = 9.1 students; 40 units x 0.1004 students/unit = 4.016 students; 300 units x 0.1004 students/units = 30.1 students

Libraries and Community Centers

As previously discussed under checklist question e), the General Plan FEIR concluded that existing and planned library facilities would satisfy the General Plan service goal of 0.59 square feet of library space per capita under buildout of the General Plan. All cumulative projects identified in Table 3.0-1 within the City of San José, including the project (under either option), are consistent with the growth assumed in the General Plan. For this reason, the cumulative projects (including the project under either option) would not result in a significant cumulative impact to library facilities. As discussed previously under checklist question e), the City is meeting its service goal of 500 square feet of community center space for every 1,000 people. Based on the City's average persons per household, the cumulative projects within the City of San José identified in Table 3.0-1 would increase the City's population by approximately 4,810 people, which corresponds to 587.3 square feet of community center space per 1,000 people. Therefore, at 587.3 square feet of community center space per 1,000 people, the City would continue to meet its service goal of 500 square feet per 1,000 people under the cumulative project scenario and the project (under either option) would not contribute to a cumulatively considerable impact on other public facilities.

Conclusion for Public Services Cumulative Impact discussion:

- **Both options:** The project (under either option) with the implementation of standard permit conditions identified under checklist questions c) and d), would not contribute to a significant cumulative public services impact. (**Less than Significant Cumulative Impact**)

3.16 RECREATION

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Regional

Countywide Trails Master Plan

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

Local

Envision San José 2040 General Plan

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

Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¼ mile radius of the project site that generates the funds.

Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

San José Greenprint

To implement the park and recreation policies of the General Plan, the 2000 Greenprint was adopted by the San José City Council in September 2000 to provide staff and decision makers with a strategic plan for expanding recreation opportunities in the City. The 2000 Greenprint identified areas of the City that were underserved by park and recreation facilities and included policies and strategies to correct those deficiencies through the development of additional facilities in those locations. The City adopted the 2009 Greenprint as an update to the 2000 version. The City is currently in the process of another revision to the plan known as Greenprint Update 2018.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan is the City of San José's Department of Parks, Recreation and Neighborhood Services' plan to maintain, improve and expand facilities, programs and services. The plan guides how the City cares for and develops a diverse park systems, and an abundance of recreation programs and services for all in San José.

3.16.1.2 Existing Conditions

As discussed in Section 3.15.1.2 Existing Conditions, the City of San José currently operates many neighborhood parks, community centers, regional parks, and trails. The nearest parks to the project sites include the following:

- Saratoga Creek Dog Park, approximately 0.3 miles northwest of the project sites, is located at Doyle Road and Lassen Avenue and includes a drinking fountain, benches, and artificial turf surfacing.
- El Quito Park, approximately 0.4 mile southwest of the project sites, is approximately 6.3-acres and features a softball field, barbeque picnic areas, playground area, horseshoe pits, and a volleyball court;

- Rainbow Park, approximately 1.4 miles northwest of the project sites, is approximately 9.6-acres and features horseshoe pits, children’s water play features, playgrounds, picnic tables, and barbecues; and
- Hathaway Park, approximately 1.4 miles northeast of the project sites, is approximately 7.7-acres and features two basketball courts, two baseball fields, three exercise course, a soccer field, playgrounds, and barbecues.

3.16.2 Impact Discussion

For the purpose of determining the significance of the project’s impact on recreation:

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

3.16.2.1 *Project Impacts*

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

Both Options

As discussed under checklist question d) in Section 3.15 Public Services, the project (under either option) would result in new residents on the project sites that would increase demand on park and other recreational facilities. The project would include open space on the project sites and comply with the City’s PDO/PIO (identified as a standard permit condition) to offset its impact on parks and recreational facilities to a less than significant level.

Conclusion for checklist question a):

- **Both options:** The project (under either option) with the implantation of the standard permit condition identified under checklist question d) in Section 3.15 Public Services would not result in a significant impact on recreational facilities. **(Less than Significant Impact)**

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

Both Options

The project would include 4.1 acres under the Non-Education Mixed-Use Option or 6.3 acres of private and public open space under the Education Mixed-Use Option. The physical impacts of these private and publicly accessible open spaces are evaluated as part of the project in this EIR. In

addition, the project (under either option) would pay the PDO/PIO in-lieu fees. No specific improvement is identified at this time in relation to the fees to be paid. For these reasons, the project (under either option) would not require the construction of new recreational facilities with the potential to adversely affect the environment.

Conclusion for checklist question b):

- **Both options:** The project (under either option) would not require the construction or expansion of recreational facilities. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

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

Both Options

The geographic area considered for cumulative recreation impacts is the City of San José.

Increase in Use of Recreational Facilities

Most of the cumulative projects listed in Table 3.0-1 are located outside the City of San José. Cumulative projects (including the project under either option) within the City of San José would be required to offset their recreational impacts by providing on-site recreational facilities, dedicating parkland, and/or paying in-lieu fees. For this reason, the cumulative projects would not result in significant cumulative impacts to park and recreational facilities.

Construction or Expansion of Recreational Facilities

On its own, the project (under either option) would not require the construction or expansion of additional recreational facilities (beyond what is proposed as part of the project under either option). No specific improvement is identified at this time in relation to the PDO/PIO fees to be paid by the project (under either option). As previously noted, seven of the eight cumulative projects identified in Table 3.0-1 are located within neighboring cities and as such would not necessitate the construction or expansion of recreational facilities in the City of San José. All cumulative projects (including the project under either option) would be subject to the aforementioned requirements of the City's PDO and PIO to offset their demands on park and recreational facilities to a less than significant level. The General Plan FEIR concluded that payment of fees under the Quimby Act (i.e. the City's PDO/PIO fees) would reduce impacts to recreational facilities from buildout of the General Plan to a less than significant level.¹¹⁵ All cumulative projects identified in Table 3.0-1 are consistent with the growth and development assumed in the General Plan. For these reasons, the cumulative projects (including the project under either option) would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

¹¹⁵ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 636.

Conclusion for Recreation Cumulative Impacts discussion:

- **Both options:** The project (under either option) with the implementation of the standard permit condition under checklist question d) in Section 3.15 Public Services would not result in a cumulatively considerable contribution to a significant cumulative impact on recreational facilities. **(Less than Significant Cumulative Impact)**

3.17 TRANSPORTATION

The following discussion is based, in part, on a Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. The report, dated October 6, 2021, is attached to this EIR as Appendix I.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

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

Regional

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Local

Envision San José 2040 General Plan

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

Policies	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	<p>Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.</p> <ul style="list-style-type: none"> • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. • Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects’ effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in

Policies	Description
	proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
TR-8.2	Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.
TR-8.3	Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
IN-3.5	Require mitigation for development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”. Mitigation measures to improve the LOS to “D” or better can be provided by either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
LU-9.1	Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas.
LU-10.5	Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

El Paseo de Saratoga Urban Village

The project sites are located within the El Paseo de Saratoga Urban Village in the General Plan, although an official Urban Village Plan has not yet been approved for the area. The El Paseo de Saratoga Urban Village boundaries include the segment of Saratoga Avenue between Kosich Drive and Graves Avenue (refer to Figure 2.1-3). Urban Villages are designated to provide a vibrant and inviting mixed-use settings to attract pedestrians, bicyclists, and transit users of all ages and to promote higher density housing growth in combination with a significant amount of job growth, thus supporting the General Plan’s environmental goals. The urban village strategy fosters:

- Engagement of village area residents in the urban village planning process;
- Mixed residential and employment activities that are attractive to an innovative workforce;

- Revitalization of underutilized properties that have access to existing infrastructure;
- Densities that support transit use, bicycling, and walking; and
- High-quality urban design.

San José Grand Boulevards

The project sites are located on Saratoga Avenue, which is a City-designated Grand Boulevard in the General Plan. Grand Boulevards are intended to serve as major transportation corridors with priority given to public transit. Signal priority for transit vehicles, bus stops, and, where appropriate, exclusive transit lanes, are or can be provided. Other travel modes, including automobiles, bicycles, and trucks, are accommodated in the roadway, but if there are conflicts, transit has priority.

Grand Boulevards contribute to the City’s overall identity through cohesive design along the boulevard. Within the public right-of-way, special features could include enhanced landscaping, distinctive and attractive lighting, and identification banners. These streets accommodate moderate to high volumes of through traffic within and beyond the city. Pedestrians are accommodated with ample sidewalks on both sides, and pedestrian amenities are enhanced around transit stops.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact. Under Policy 5-1, the screening criteria are:

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

For a project that does not meet the screening criteria, the project’s VMT is calculated using the San José VMT Evaluation Tool and/or the City’s Travel Demand Model and the project’s impact is determined by comparing the project VMT to the appropriate thresholds of significance based on the type of development. The VMT thresholds of significance are established based on the existing citywide average VMT level for residential uses and the existing regional average VMT level for employment uses. The thresholds of significance for the proposed residential, commercial, and educational uses are shown below in Table 3.17-1.

If a project is found to have a significant impact on VMT, the impact must be reduced by modifying the project to reduce its VMT to an acceptable level (below the established thresholds of significance applicable to the project) and/or mitigating the impact through multimodal transportation improvements or establishing a trip cap. The VMT Evaluation Tool evaluates a list of selected VMT

reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the VMT Evaluation Tool:

1. Project characteristics (e.g., density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses;
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians;
3. Parking measures that discourage personal motorized vehicle-trips; and
4. TDM measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

Land Use	Significance Criteria	Current Level	Threshold
Residential	Project VMT per capita exceeds existing Citywide average VMT per capita minus 15 percent, or existing regional average VMT, whichever is lower.	11.91 VMT per capita (Citywide average)	10.12 VMT per capita
Retail/Commercial	Net increase in existing regional VMT.	Regional Total VMT	Net Increase
Educational	Net increase in existing regional VMT.	Regional Total VMT	Net Increase
Mixed-Uses	Evaluate each land use component of a mixed-use independently, and apply the threshold of significance for each land use type included.	Appropriate levels listed above	Appropriate thresholds listed above

Source: City of San José, *Transportation Analysis Handbook*. 2018.

The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements.¹¹⁶

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

City of San José Bike Plan 2020

The City of San José Bike Plan 2020, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a

¹¹⁶ With the passage of SB 743 amending CEQA’s evaluation of transportation impacts and the effective date of the Guidelines implementing SB 743, a project’s effects on level of service shall no longer be considered an impact on the environment. Ergo, a project’s effect on level of service is a non-CEQA effect.

five percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community Status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways. The City is in the process of preparing the San José Better Bike Plan 2025, an update to the Bike Plan 2020.¹¹⁷ The updated plan is currently in draft form and has not yet been adopted by City Council.

Vision Zero San José

Saratoga Avenue between I-280 and Quito Road is designated as a “Priority Safety Corridor” as part of Vision Zero San José. The goal of Vision Zero San José is to create a community culture that prioritizes traffic safety and ensures that mistakes on roadways do not result in severe injury or death. Vision Zero is designed to create policies that focus on roadway safety for all modes, particularly non-automobile modes. Priority Safety Corridors are identified as major street segments that have the highest frequency of fatal and severe injury for people walking, bicycling, motorcycle riding, and driving. Streets with these “Priority Safety Corridor” designations are given priority within the City’s Transportation Capital Improvement Program (CIP) to provide safer transportation systems for all users. Saratoga Avenue was added to the Priority Safety Corridor list in 2017, and the current Vision Zero San José has not identified safety improvement plans for the corridor.

Although the current Vision Zero San José has not identified safety improvement plans for the corridor, the City has considered the following improvements for the Lawrence Expressway/Saratoga Avenue intersection:

- Remove pork chop islands and tighten the corner radius at the southeast and northeast corners along the project frontages and modify the signal to accommodate pork chop removals.

Removal of pork chop islands would improve the multi-modal environment by eliminating unsignalized pedestrian/vehicle conflict points, increasing visibility of pedestrians at the intersection corner, decreasing the crossing distance for pedestrians, providing safer refuge for pedestrians waiting to use the crosswalks, and providing ADA standard curb ramps.

3.17.1.2 Existing Conditions

Roadway Network

Regional and local roadways providing access to the project site are described below. Additional detail about the existing roadway network is provided in Appendix I.

- SR 85 is a six-lane freeway (two mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction) in the vicinity of the site. It extends from its starting point at U.S. 101 in South San José westward and northward to Mountain View, where it ends as it again merges with U.S. 101. Access to the project sites is provided via its interchange with Saratoga Avenue.

¹¹⁷ City of San José. “San José Better Bike Plan 2025.” Accessed April 13, 2021. <https://www.bikesanjose.com/>

- Lawrence Expressway is a six-lane north-south expressway that extends from Quito Road at Saratoga Avenue in the south to Santa Clara in the north. Near the project sites, Lawrence Expressway has a raised, landscaped median with left-turn pockets provided at intersections. Lawrence provides access to both the 1777 Saratoga Avenue and El Paseo sites via its intersection with Saratoga Avenue.
- Saratoga Avenue is a north-south designated Grand Boulevard extending from Fallon Avenue in the north to the City of Saratoga in the south. In the vicinity of the project sites, Saratoga Avenue has six lanes north of Quito Road and four lanes south of Kosich Drive. It transitions from six lanes to four lanes between Quito Road and Kosich Drive. Saratoga Avenue provides direct access to both the Saratoga and El Paseo sites.
- Quito Road is a two-lane connector that runs in a north-south direction in the vicinity of the site. Quito Road transitions into Lawrence Expressway at Saratoga Avenue in the north and extends southward to the City of Saratoga. Quito Road provides direct access to the El Paseo site via a right-turn in and out driveway and its intersection with Saratoga Avenue and provides access to the Saratoga site via its intersection with Saratoga Avenue.
- Hamilton Avenue is a four-lane connector that runs in the east-west direction and continues from West Campbell Avenue in the west to the City of Campbell in the east. Hamilton Avenue provides access to both the Saratoga site and El Paseo site via its intersection with West Campbell Avenue.
- West Campbell Avenue is a four-lane city connector street that runs in the east-west direction and continues from Saratoga Avenue in the west to the City of Campbell in the east. West of Saratoga Avenue, Campbell Avenue becomes Prospect Road. West Campbell Avenue provides direct access to the El Paseo site and provides access to the Saratoga site via its intersection with Saratoga Avenue.
- Prospect Road is a four-lane east-west connector transitioning from West Campbell Avenue at Saratoga Avenue in the east and continues to Cupertino in the west. Prospect Road provides access to both the Saratoga and El Paseo site via its intersections with Saratoga Avenue and Lawrence Expressway.

Bicycle Facilities

Existing bicycle facilities within the project vicinity are shown below on Figure 3.17-1. Existing bicycle facilities within the vicinity of the project site include bike paths (Class I bike path) and striped bike lanes (Class II bike path). These facilities are described below.

Class I Bicycle Facilities

Class I bicycle facilities (multi-use paths or bike trails) are off-street, two-way bikeways physically separated from motor vehicle traffic. The San Tomas Aquino/Saratoga Creek Trail is a Class I bike path located along the west side of Lawrence Expressway. Biking is also permitted along both sides of Lawrence Expressway. However, due to high speeds and traffic volumes, it is recommended for use only by bicyclists with advanced skills.

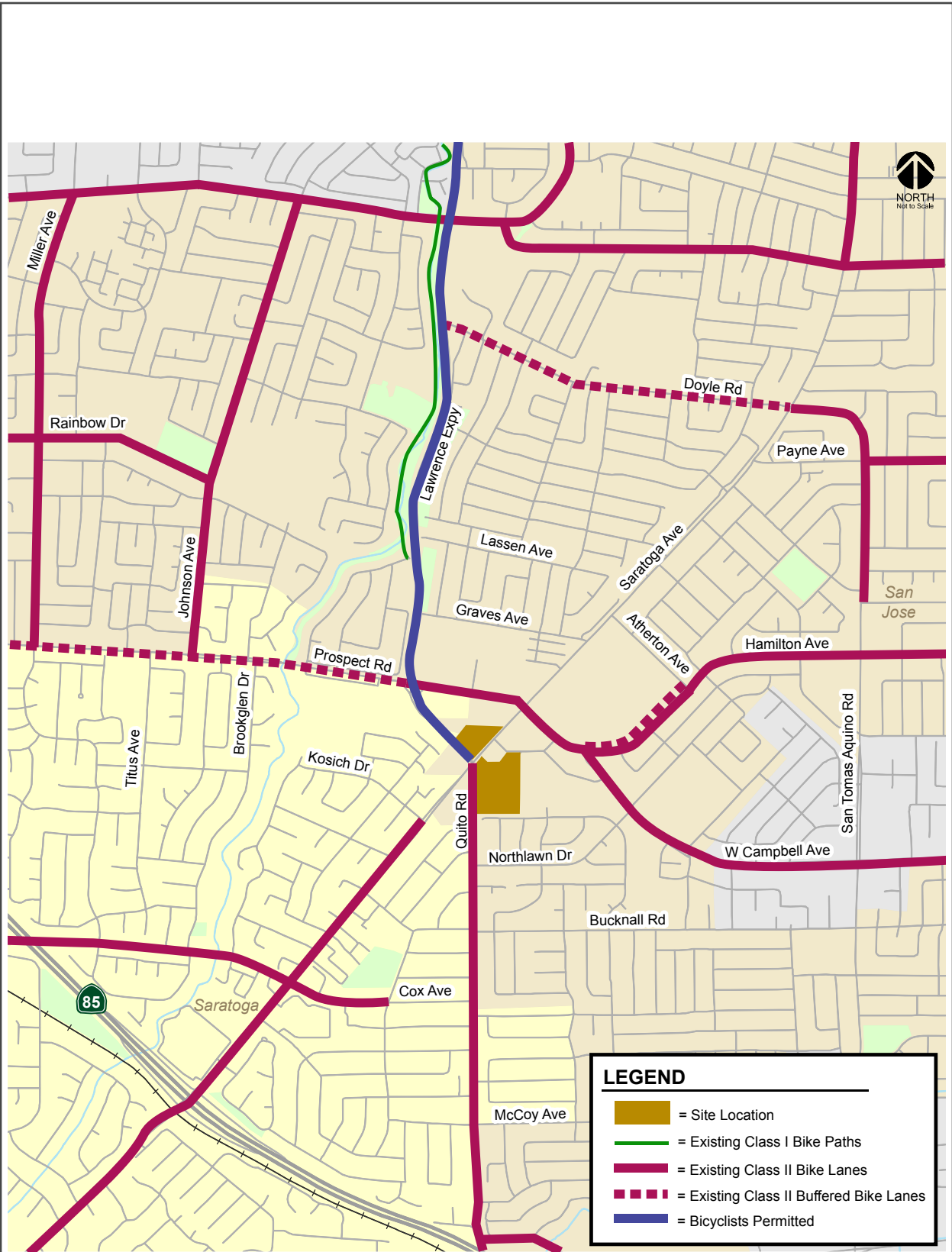
Class II Bicycle Facilities

Class II bicycle facilities, or unprotected bike lanes, provide dedicated on-street space for bicyclists in the roadway, delineated with painted pavement stripes and symbols on the roadway surface. In the immediate vicinity of the project site, there are Class II bike lanes on Johnson Avenue, Prospect Road, Quito Road, Saratoga Avenue, West Campbell Avenue, West Hamilton Avenue, Cox Avenue, and Doyle Road. Of these bike lanes, the bike lanes on Prospect Road (west of Lawrence Expressway), Hamilton Avenue (west of Atherton Avenue along the north side of the street), and Doyle Road are buffered. Buffered bike lanes separate the bike lane from the vehicle travel lane with a designated buffer space.

Pedestrian Facilities

The existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes to the project site and transit stops. A network of sidewalks is present along the streets in the vicinity of the project site, including Quito Road, Saratoga Avenue, Hamilton Avenue, West Campbell Avenue, and Prospect Road. Marked crosswalks with pedestrian signal heads and ADA curb ramps are present at the majority of signalized intersections in the area. All corners of the Lawrence Expressway/Quito Road and Saratoga Avenue intersection have ADA curb ramps with truncated domes. Truncated domes are also provided on the southwest and southeast corners of the West Campbell Avenue and Saratoga Avenue intersection.

The Saratoga Avenue/Mall Entrance intersection is missing crosswalks across Saratoga Avenue, and the West Campbell/Hamilton Avenue intersection is missing a crosswalk in the south leg of the intersection.



Source: Hexagon Transportation Consultants, Inc., March 12, 2021.

EXISTING BICYCLE FACILITIES FIGURE 3.17-1

Transit Services

Existing transit service to the project area is provided by the VTA, as shown on Figure 3.17-2. One local bus route (Route 56), two frequent bus routes (Routes 26 and 57), and one express bus route (Route 101) serve the vicinity of the project area. The bus stop closest to the project sites is located on Saratoga Avenue along the project frontage and serves Routes 26 and 57. The operational details of existing transit facilities is shown below in Table 3.17-2.

Table 3.17-2: Existing Transit Facilities Operational Details				
Bus Route	Route Description	Closest Stop (Distance to Project Site)	Weekday Hours of Operation¹	Headway (minutes)¹
Frequent Bus 26	West Valley College – Eastridge	West Campbell Avenue & Mall Entrance (520 ft.)	5:15am – 11:00pm	15
Local Bus 56	Lockheed Martin – Tamien Station	West Campbell Avenue & Mall Entrance (830 ft.)	6:00am – 10:30pm	30
Frequent Bus 57	West Valley College – Old Ironsides Station	Saratoga Avenue & Project Frontage (150 ft.)	6:00am – 10:30pm	15
Express 101	Camden & Highway 85 – Stanford Research Park	Prospect Road west of Saratoga Avenue (1,920 ft.)	6:20am – 8:30am; 4:10pm – 6:40pm	60
Notes: ¹ Approximate weekday operation hours and headways during peak commute periods in the project area, as of January 2021.				



Source: Hexagon Transportation Consultants, Inc., March 12, 2021.

EXISTING TRANSIT FACILITIES

FIGURE 3.17-2

3.17.2 Impact Discussion

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

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?
- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?

3.17.2.1 *Project Impacts*

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

Both Options

Roadway Facilities

While a project's effect on automobile delay is no longer considered an impact under CEQA, local jurisdictions have roadway LOS standards. As discussed in Section 3.17.3 Non-CEQA Effects and detailed in Appendix I, the results of the LOS analysis show that, measured against applicable municipal and CMP LOS standards, all signalized study intersections are currently operating at an acceptable LOS during the AM and PM peak hours and would continue to do so with the addition of traffic from the proposed project (either option). For this reason, the project (under either option) would be consistent with applicable LOS standards and the CMP. The freeway segment analysis (also summarized in Section 3.17.3 Non-CEQA Effects and detailed in Appendix I) found that the project under the Non-Education option would not add substantial traffic to freeway segments and, therefore, would not result in substantial freeway LOS deficiencies. Under the Education option, the SR 85 freeway segment from Winchester Boulevard to Saratoga Avenue, which currently operates at LOS F, would experience a 2.2 percent increase in traffic volumes. Based on the CMP freeway LOS deficiency threshold, this is considered to be an adverse LOS effect on the Winchester Boulevard to Saratoga Avenue freeway segment; however, this deficiency would not be significant impact under CEQA (pursuant to SB 743).

As discussed in Section 3.17.1.1 above, the current Vision Zero San José does not identify safety improvement plans for the corridor. Nonetheless, the project (under either option) could include the following improvements to the Lawrence Expressway/Saratoga Avenue intersection to enhance the multi-modal environment.

- **Both options:** Remove the pork chop islands and tighten the corner radius at the southeast and northeast corners of the Lawrence Expressway/Saratoga Avenue intersection along the project frontages and modify the signal to accommodate pork chop removals.

The proposed removal of pork chop islands would improve the multi-modal environment by eliminating unsignalized pedestrian/vehicle conflict points, increasing visibility of pedestrians at the intersection corner, decreasing the crossing distance for pedestrians, providing safer refuge for pedestrians waiting to use the crosswalks, and providing ADA standard curb ramps. The above improvements are consistent with the improvements the City was considering to incorporate into the Vision Zero San José for this intersection.

Transit Facilities

Due to the proximity of existing the bus stops to the project site as described in Section 3.17.2 Existing Conditions and shown on Figure 3.17-2, it is assumed that some residents and employees of the project (under either option) would utilize existing transit services.

Based on the project's trip generation rates (which are discussed in Section 3.17.3 Non-CEQA Effects), it is anticipated that the project (under either option) would generate approximately 8-16 new transit riders during the AM peak hour and 9-18 new transit riders during the PM peak hour.¹¹⁸ The increase in new riders could be accommodated by the currently available capacity of the bus services in the project area, given that there are two frequent routes with headways of 15 minutes that stop along Saratoga Avenue and West Campbell Avenue. Accordingly, improvement of the existing transit service would not be necessary due to project implementation.

The project (under either option) would add a driveway on Saratoga Avenue opposite the 1777 Saratoga Avenue site that would conflict with the location of an existing VTA bus stop. The project (under either option) plans to move the current bus stop approximately 300 feet northward to the north side of the Mall Entrance driveway. In order to be consistent with the City's Urban Village and Grand Boulevard concepts, applicable sites must incorporate additional urban design and architectural elements that facilitate a building with pedestrian-oriented design and activate the pedestrian public right-of-way. The project (under either option) includes the following improvement to the existing VTA bus stop on Saratoga Avenue to enhance transit facilities.

- **Both options:** Improve the relocated VTA bus stop to meet current Santa Clara Valley Transportation Authority shelter and bus stop standards. Bus stop improvements would include live schedule displays, a new bus pad (10 feet by 55 feet, at minimum), and a new standard shelter.

Improvements to the VTA bus stop would ensure that it meets current VTA standards. Therefore, the project (under either option), would not conflict with a program, plan, ordinance, or policy regarding transit facilities.

Bicycle Facilities

As discussed under Section 3.17.1.2 Existing Conditions, Class I and Class II bicycle facilities are located adjacent to the project sites and within the project vicinity. These bicycle facilities would be unchanged by implementation of the project (under either option) and, therefore, continue to provide

¹¹⁸ Transit ridership was estimated assuming 15 percent of the non-vehicle mode share for residential and retail trips and 15 percent of the project-specific reduction for residents would use transit.

adequate access to the site for bicyclists. The San José Better Bike Plan 2025 identifies proposed Class IV bikeways (protected bike lanes) along Saratoga Avenue Quito Road. The project (under either option) includes implementation or fair share contribution to the below improvement along the project frontages.

- **Both options:** Construct a Class IV bike lane along the project frontages on Saratoga Avenue and Quito Road.

The proposed construction (or contribution toward construction) of a Class IV bike lane would improve bicycle facilities along the project frontages. Therefore, the project (under either option) would not conflict with a program, plan, ordinance, or policy regarding bicycle facilities.

Pedestrian Facilities

As discussed in Section 3.17.1.2 Existing Conditions, the existing network of sidewalks and crosswalks within the project vicinity has good connectivity and provides pedestrians with safe routes to transit stops and other destinations despite the Saratoga Avenue/Mall Entrance intersection missing crosswalks across Saratoga Avenue and the West Campbell/Hamilton Avenue intersection missing a crosswalk in the south leg of the intersection.

The project (under either option) would improve pedestrian facilities by providing crosswalks along the north and south legs of the Saratoga Avenue/Mall Entrance intersection. To be consistent with the City's Urban Village and Grand Boulevard concepts, applicable sites must incorporate urban design and architectural elements that facilitate pedestrian-orientated design and activate the pedestrian public right-of-way. The project (under either option) would complete the following improvements to pedestrian facilities.

- **Both options:** Widen the Saratoga Avenue sidewalks on project site frontages from eight to 22 feet. Widen the Quito Road/Lawrence Expressway sidewalks on project site frontages from six and eight feet to 15 feet.

The proposed sidewalk improvements would ensure the project (under either option) complies with the City's Urban Village and Grand Boulevard concepts.

The project (under either option) would not conflict with a program, plan, ordinance, or policy regarding pedestrian facilities.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 3.17.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects.

The City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects. For non-residential or non-office projects, very large projects, or projects that can potentially shift travel patterns, the City's Travel Demand Model is used to determine project-generated VMT. For mixed-use projects, such as the proposed project, each land use is analyzed independently.

The City's VMT Evaluation Tool was used to evaluate the proposed residential uses under both project options. The City's Travel Demand Model was used to determine the project-generated VMT for the commercial and office component of the Non-Education Mixed-Use Option, and the educational component of the Education Mixed-Use Option. More information on the methodology used to determine the project's VMT impacts can be found in Appendix I of this EIR.

Non-Education Mixed-Use Option

Under the Non-Education Mixed-Use Option, the project would result in a net reduction of 20,068 square feet of commercial space.¹¹⁹ As the project would result in a net decrease of commercial space and a corresponding decrease in VMT, the proposed commercial component of the Non-Education Mixed-Use Option would result in a less than significant VMT impact. The Non-Education Mixed-Use Option proposes to construct 1,100 dwelling units, which exceeds of the City's Transportation Analysis Handbook's threshold of 15 single-family detached dwelling units or 25 attached dwelling units. Therefore, a detailed VMT analysis is required for the Non-Education Mixed-Use Option. The project also proposes to construct 52,508 square feet of commercial office space and 36,120 square feet of medical office space under the Non-Education Mixed-Use Option. The total daily trips generated by the medical office and office uses are equivalent to 181,608 square feet of office space, which is greater than the screening criterion for office developments (10,000 square feet or less). Therefore, a detailed VMT analysis is required.

Residential Component

The results of the VMT evaluation indicate that the residential component of the project (under either option) is projected to generate 11.07 VMT per capita, which exceeds the City's residential threshold of 10.12 VMT per capita. Therefore, the residential component of the project (under either option) would result in a significant VMT impact without mitigation.

¹¹⁹ Under the Non-Education option, the project would remove a total of 96,440 square feet of commercial space and construct 76,372 square feet of retail space.

Impact TRN-1: Both Options: The residential component of the project (under either option) would exceed the City's residential threshold of 10.12 VMT per capita resulting in a significant impact.

Mitigation Measures:

MM TRN-1.1: Both Options: The project applicant shall implement the following pedestrian network improvements to reduce the project's VMT per capita by 2.21, from 11.07 to 10.09 VMT per capita, which would be below the Citywide average VMT per capita minus 15 percent (10.12).

- The project applicant shall remove the pork chop island located at the southwest corner of the Campbell Avenue/Hamilton Avenue intersection and implement the following traffic calming measures at the intersection to improve pedestrian access between West Campbell Avenue and the south side of Hamilton Avenue:
 - Modify the existing signal to provide a 5-phase signal operation;
 - Provide a signalized pedestrian crosswalk for the south leg;
 - Provide bike signal heads at near and far sides for eastbound through bicycle movement;
 - Install new signal poles with mast arms lengths shadowing opposing left-turn pockets at the northwest and southeast intersection corners; construct two new directional ADA curb ramps at the southeast corner and one new directional ADA curb ramp at the northwest corner;
 - Install a new signal pole with mast arm at the southwest intersection corner; construct new directional ADA curb ramp;
 - Replace the existing signal pole at the north leg of the intersection with a signal pole and mast arm for the northbound Campbell Avenue movements;
 - Remove the existing signal poles from the raised medians along Campbell Avenue;
 - Construct a new ADA directional curb ramp at the northeast corner;
 - Retain the existing accessible pedestrian signal equipment for all pedestrian crosswalks and existing video detection for all intersection approaches;
 - Provide and install a Point-Zoom camera;
 - Replace the existing signal cabinet at the northwest corner with a new architecture control signal cabinet;
 - Construct a 550-foot-long, 10-foot wide sidewalk with a curb/gutter along eastbound Campbell Avenue with tree wells at 35 feet off-center;
 - Remove existing asphalt concrete along the portion of Campbell Avenue being abandoned and replace with decomposed granite;

- As part of the removal of the pork chop island, the project applicant shall retain the existing 30-foot reinforced concrete pipe located along the portion of Campbell Avenue being abandoned, relocate the existing drainage inlet to the west, conform with the existing drainage inlet to the east, and abandon the drainage inlets in between.
- The project applicant shall also complete streetlight and communications improvements, which include providing a new streetlight every 150 feet along the new sidewalk along eastbound Campbell Avenue and providing LED lighting for each new signal pole.

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report describing the plans and schedules for completing the agreed-upon improvements to the Director of Public Works, or the Director’s designee, for review and approval. A copy of the report shall also be provided to the Director of Planning, Building and Code Enforcement or the Director’s designee.

MM TRN-1.2: Non-Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement a Transportation Demand Management (TDM) plan that provides unbundled on-site parking costs, which would allow residents without cars to rent a unit without having to pay for a parking spot.

Prior to the issuance of any occupancy permits, the project applicant shall submit the TDM plan to the Director of Department of Public Works or Director’s designee and the Director of Planning, Building and Code Enforcement or Director’s designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically would not exceed six months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.

Implementation of mitigation measures MM TRN-1.1 and MM TRN-1.2 was shown in the City’s VMT Evaluation Tool to reduce the project’s VMT per capita by 2.21, from 11.07 to 10.09 VMT per capita, which would be below the Citywide average VMT per capita minus 15 percent (10.12). Therefore, the residential component of the project (under either option) would result in a less than significant VMT impact with mitigation incorporated.

Commercial Office and Medical Office Component

The results of the VMT evaluation indicate that the office component of the Non-Education Mixed-Use Option is projected to generate 13.38 VMT per employee, which exceeds the City’s employee

threshold of 12.21 VMT per employee. Therefore, the commercial office component of the Non-Education Mixed-Use Option would result in a significant VMT impact without mitigation.

Impact TRN-2: Non-Education Option only: The commercial office component of the project would generate 13.38 VMT per employee which exceeds the City's employee threshold of 12.21 VMT per employee resulting in a significant impact.

Mitigation Measures:

MM TRN-2.1: Non-Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement the following measures to reduce the project's VMT per employee by 1.35, from 13.38 to 12.15 VMT per employee, which would be below the Citywide average 12.21 VMT per employee:

- Commute Trip Reduction Marketing and Education. The office would be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, therefore lowering the number of single occupancy vehicle (SOV) trips and VMT.
- Telecommuting and Alternative Work Schedule Program. The office tenants would be required to implement a flexible work schedule to encourage employees telecommuting, commuting outside of peak congestion periods, or working with alternative schedules. This program would allow some employees to work a few days from home, and thus reducing the number of trips and VMT.

Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall submit the TDM plan to the Director of Public Works or the Director's designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically would not exceed six months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.

Implementation of mitigation measure MM TRN-1.1 and MM TRN-2.1 was shown in the City's VMT Evaluation Tool to reduce the project's VMT per employee by 1.35, from 13.38 to 12.15 VMT per employee, which would be below the Citywide average VMT per employee. Therefore, the commercial office component of the Non-Education Mixed-Use Option would result in a less than significant VMT impact with mitigation incorporated.

Education Mixed-Use Option

Under the Education Mixed-Use option, the project would remove 96,440 square feet of commercial space and construct 67,500 square feet of commercial space. As the project would result in a net decrease of commercial space and a corresponding decrease in VMT, the proposed commercial component of the Education Mixed-Use Option would result in a less than significant VMT impact. However, the proposed 730 dwelling units would exceed the City's small infill project threshold, and the City's Transportation Analysis Handbook requires the comparison of project-generated student VMT with the existing regional VMT per student. Therefore, a detailed VMT analysis was required for the residential and educational components of the Education Mixed-Use Option.

Residential Component

The results of the VMT evaluation of the residential component of the Education Mixed-Use Option, is the same as disclosed above under the Non-Education Mixed-Use Option. As discussed above, with implementation of mitigation measures MM TRN-1.1 and MM TRN-1.2, the residential component of the project (under either options) would result in a less than significant VMT impact.

Educational Component

As discussed under CEQA Transportation Analysis Screening Criteria, the City's Transportation Analysis Handbook requires the comparison of project-generated student VMT with the existing regional VMT per student. Any proposed educational development that results in a net increase in regional student VMT would be considered to have a significant VMT impact.

Based on the results of the analysis (which is included in Attachment A of Appendix H of this Initial Study), the existing VMT per student average for regional private schools is 7.85. The VMT per student generated by the educational component of the Education Mixed-Use Option would be 8.75, which is a net increase in VMT compared with existing conditions. Therefore, without mitigation, the educational component would result in a significant VMT impact.

Impact TRN-3: Education Mixed-Use Option only: The educational component would result in 8.75 VMT per student, which is a net increase in VMT compared with the 7.85 VMT per student average for regional private schools.

Mitigation Measures:

MM TRN-3.1: Education Mixed-Use Option only: Prior to the issuance of any occupancy permits (temporary or final), the project applicant shall implement a Transportation Demand Management (TDM) plan that offers the following commute trip reduction measures to all students and employees to reduce the project's VMT per student by 10.3 percent, from 8.75 to 7.84 VMT per student, which would be below the average VMT per student for regional private schools.

- The project applicant shall provide commute trip reduction marketing and education. The school shall routinely provide commute trip reduction

marketing/ educational campaign to faculty, staff, student drivers, and parents to promote the use of transit, shared rides, walking, and bicycling.

- The project applicant shall provide a rideshare/carpool program. The school shall implement a rideshare/carpool program to coordinate carpools amongst parents, student drivers, and employees.

Prior to the issuance of any occupancy permits, the project applicant shall submit the TDM plan to the Director of Department of Public Works or the Director's designee. The TDM Plan shall include a trip cap for VMT monitoring purposes. Annual trip monitoring reports shall be submitted that demonstrate that project VMT is below threshold. If the annual trip monitoring report finds that the project is exceeding the established trip cap, the project applicant shall be required to submit a follow-up report that demonstrates compliance with the trip cap requirements within a grace period, which typically would not exceed six months. Penalties shall be assessed if a project does not meet the trip cap requirements by the end of the grace period. Penalties for non-compliance shall be assessed by the City as defined in the Council Policy 5-1.

The mitigation measures above were identified by inputting the proposed educational component (2,500 students) as an equivalent office development (493,000 square feet) into the City's VMT Evaluation Tool. Assuming that five percent of the students and employees would participate in the rideshare/carshare programs, the City's VMT Evaluation Tool predicts that the aforementioned mitigation measures would reduce the project's VMT per student by 10.44 percent, from 8.75 to 7.84 VMT per student, which would be below the average VMT per student for regional private schools. Therefore, as VMT per student would be below the regional average, the educational component of the Education Mixed-Use Option would result in a less than significant impact with mitigation incorporated.

Conclusion for checklist question b):

- **Non-Education Mixed-Use Option:** The Non-Education Mixed-Use Option would not result in significant VMT impacts with the implementation of mitigation measures TRN-1.1, TRN-1.2, and TRN-2.1. **(Less than Significant Impact with Mitigation Incorporated)**
- **Education Mixed-Use Option:** The Education Mixed-Use Option would not result in significant VMT impacts with the implementation of mitigation measures MM TRN-1.1 and MM TRN-3.1. **(Less than Significant Impact with Mitigation Incorporated)**

-
- c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
-

Both Options

Geometric Design

Under both options, the existing driveways along Saratoga Avenue and West Campbell Avenue that provide access to the El Paseo and 1777 Saratoga sites would remain unchanged. Under both options, the existing Quito Road driveway would be relocated 120 feet north of the original driveway, which would provide access to the proposed below-grade parking garage. No landscaping changes are proposed along West Campbell Avenue. Street trees would be planted along the project frontages on Saratoga Avenue and Quito Road. The type and location of street trees would be determined in coordination with the City of San José Public Works Department, and the City would ensure the tree type would have high canopies and the tree location would not block the view of drivers exiting the project driveways. Based on the above discussion, the project (under either options) with the City's standard review of new street tree plantings, would ensure adequate driveway sight distance.

Both options would construct a new right-turn only driveway on Saratoga Avenue approximately 170 feet northeast of Quito Road. Vehicles traveling from northbound Quito Road to eastbound Saratoga Avenue would be traveling at a speed of approximately 25 miles per hour, which would require a stopping sight distance of 150 feet.¹²⁰ The sight distance from the proposed driveway would be approximately 170 feet, which exceeds the recommended stopping sight distance. Based on the above discussion, the project (under either option) would provide adequate site distance and, therefore, would have less than significant impacts related to hazards due to geometric design.

Incompatible Uses

As shown in Figure 2.1-3, residential, commercial, and educational uses are existing land uses within the vicinity of the project sites. In addition, as discussed under Section 3.11 Land Use and Planning, the proposed land uses (under both project options) are consistent with the site's General Plan land use designations and, therefore, has been found programmatically compatible by the General Plan FEIR.¹²¹ The project (under either option) does not propose a use that is incompatible with the existing mix of uses in the project area or propose a use that would bring unusual equipment on the roadways (e.g., farm equipment). Thus, the project would not result in a significant impact due to incompatible uses.

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

¹²⁰ The minimum acceptable sight distance is equivalent to the American Association of State Highway Transportation Officials (AASHTO) stopping sight distance, which varies depending on the roadway speeds. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway and provides drivers with the ability to locate sufficient gaps in traffic and exit a driveway.

¹²¹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

d) Would the project result in inadequate emergency access?

Both Options

Under both options, emergency vehicles would be able to access the El Paseo site via Quito Road. Emergency vehicles would access 1777 Saratoga Avenue via the driveway located on Saratoga Avenue. The SJFD requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line to all sides of the buildings. Both options would meet the SJFD 150-foot fire access requirement and six-foot clearance requirement. For these reasons, adequate emergency access would be provided by the project (under either option).

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not result in inadequate emergency access. (**Less than Significant Impact**)

3.17.2.2 Cumulative Impacts

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

The geographic area for cumulative transportation resource impacts is the City of San José. Pending developments in the City of Saratoga and City of Campbell would not contribute a significant number of trips to the intersections affected by the project; thus, these pending developments would not contribute to a cumulatively significant impact.

Both Options

Program, Plan, Ordinance, or Policy Addressing the Circulation System

As discussed in detail in Section 3.17.3 Non-CEQA Effects, the results of the LOS analysis show that, measured against applicable municipal and CMP LOS standards, all signalized study intersections would continue to operate at an acceptable LOS under background conditions (which includes existing traffic volumes plus traffic volumes from approved but not yet occupied projects) with the addition of traffic from the project (under either option). For this reason, the cumulative projects (including the proposed project) would be consistent with applicable LOS standards and the CMP.

There are no other cumulative projects in the vicinity of the project sites that would contribute to the same less than significant transit, bicycle, or pedestrian facilities impacts as the proposed project (either option). For this reason, there is no cumulative transit, bicycle, or pedestrian facilities impact.

Vehicle Miles Traveled

Projects must demonstrate consistency with the General Plan to address cumulative VMT impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance

to the General Plan goals and policies. The General Plan Circulation Element includes a set of long-range, multi-modal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable (i.e., minimizes environmental, financial, and neighborhood impacts). These transportation goals and policies are intended to improve multi-modal accessibility to all land uses and create a city where people are less reliant on driving to meet their daily needs. As identified under Section 3.17.1.1 Regulatory Framework, the General Plan policies listed encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT. If a project is consistent with General Plan, it is considered as part of the cumulative solution to meet the General Plan's long-range transportation goals, and therefore, would result in a less than significant cumulative impact. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required per the City's Transportation Analysis Handbook.

The project (under either option) is consistent with the General Plan and its policies because the proposed land uses are consistent with the existing General Plan land use designations on the project sites and the project would:

- Be a mixed-use development with higher intensity commercial development
- Increase the equivalent employment density in the project area
- Include ground floor-commercial spaces fronting Saratoga Avenue
- Provide a public plaza at the corner of the Saratoga Avenue/Lawrence Expressway intersection
- Provide 22-foot sidewalks (refer to the condition of approval listed under checklist question a) with planters and landscaping on Saratoga Avenue along the Saratoga site project frontage that would improve pedestrian access to the transit stop and other destinations.
- Provide 15-foot sidewalks with planters along Quito Road (refer to the condition of approval listed under checklist question a) and 18-foot sidewalks with landscaping along Lawrence Expressway, which meets typical Urban Village requirements.
- Provide a parking garage that it is not attached to a single development but can be shared by land uses on the site
- Provide the minimum amount of parking required to adequately serve the residential, retail, and school parking demand of the project, thereby avoiding excessive parking supply
- Be integrated with the City's transportation system, including transit, roads, and pedestrian facilities
- Not negatively impact existing transit, bicycle, or pedestrian infrastructure, nor conflict with any adopted plans or policies for new transit, bicycle, or pedestrian facilities
- Implement transportation demand management measures to reduce vehicle trips and vehicle miles traveled generated by the residential and school uses (refer to mitigation measures MM TRN-1.1, TRN-1.2, TRN-2.1, and TRN-3.1 identified under checklist question b)

Based on the above reasons, the project (under either option) would not result in a significant, cumulative VMT impact.

Hazards from Geometric Design or Incompatible Uses

There are no other cumulative projects in the vicinity of the project sites that would contribute to the same less than significant hazards from geometric design or incompatible uses as the proposed

project (under either option). Further, cumulative projects would be subject to the City’s standard review to ensure adequate driveway sight distance. For this reason, there is no cumulative hazards from geometric design or incompatible uses.

Emergency Access

There are no other cumulative projects in the vicinity of the project sites that would contribute to the same less than significant impact to emergency access as the proposed project (under either option). Further, cumulative projects would be subject to the SJFD minimum fire access and clearance requirements. For this reason, there is no cumulative impact to emergency access.

Conclusion for Transportation Cumulative Impact discussion:

- **Non-Education Mixed-Use Option:** With the implementation of mitigation measures MM TRN-1.1, TRN-1.2, and TRN-2.1, the Non-Education Mixed-Use option would have less than significant cumulative transportation impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**
- **Education Mixed-Use Option:** With the implementation of mitigation measure MM TRN-1.1 and TRN-3.1, the Education Mixed-Use option would have less than significant cumulative transportation impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.17.3 Non-CEQA Effects

Level of Service

Both Options

As noted above in Section 3.17.2.1, a project’s effects on LOS shall no longer be considered an impact on the environment. This discussion on LOS is included because City General Plan Policy IN-3.5 addresses LOS as a planning or growth management matter, outside the CEQA process. In the event a project causes an LOS deficiency, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the level of service, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, not whether LOS has degraded below the condition considered acceptable.

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. Trips generated by the existing developments located at the El Paseo and 1777 Saratoga sites are then subtracted from project-generated trips to determine the project’s true effect on intersection LOS. More information on how project trip generation rates were calculated can be found in Appendix I. A summary of the trip generation rates for both project options is provided below in Table 3.17-3.

Table 3.17-3: Summary of Project Trip Generation Rates							
Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Non-Education Mixed-Use Option							
A. Proposed Uses							
<ul style="list-style-type: none"> • Residential (1,100 dwelling units) • Commercial (76,372 square feet) 	4,207	73	219	293	208	129	333
<ul style="list-style-type: none"> • General Office (52,508 square feet) • Medical Office (36,120 square feet) 	411	41	8	49	8	40	48
<ul style="list-style-type: none"> • Medical Office (36,120 square feet) 	1,010	63	17	80	28	72	100
B. Existing Land Use Trip Reduction Credits	-2,454	-41	-27	-89	-87	-112	-199
Total Gross Net Project Trips (A - B)	5,159	147	238	386	231	207	434
Education Mixed-Use Option							
A. Proposed Uses							
<ul style="list-style-type: none"> • Residential (730 dwelling units) • Commercial (67,500 square feet) • Educational (2,520 teachers/students) 	2,736	49	146	195	134	82	216
<ul style="list-style-type: none"> • Commercial (67,500 square feet) • Educational (2,520 teachers/students) 	1,806	32	19	51	67	72	139
<ul style="list-style-type: none"> • Educational (2,520 teachers/students) 	4,322	834	534	1,368	125	166	291
B. Existing Land Use Trip Reduction Credit	-2,454	-41	-27	-89	-87	-112	-199
Total Gross Net Project Trips (A - B)	6,410	853	672	1,525	239	208	447
Source: Hexagon Transportation Consultants. <i>El Paseo Mixed-Use Development Transportation Analysis</i> . October 6, 2021.							

Table 3.17-4: Intersection Level of Service Summary

Study Intersection	LOS Standard	Peak Hour	Existing Conditions		Background Conditions		Background Plus Non-Education Mixed-Use Option				Background Plus Education Mixed-Use Option			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C
1. Saratoga Ave. and Payne Ave. (City of San José)	D	AM	15.5	B	15.4	B	15.1	B	-0.5	0.023	14.5	B	-1.1	0.060
		PM	15.0	B	14.9	B	14.5	B	-0.7	0.019	14.4	B	-10.9	0.025
2. Saratoga Ave. and Graves Ave. (City of San José)	D	AM	21.2	C	21.0	C	20.5	C	-0.3	0.012	19.2	B	-1.8	0.053
		PM	24.1	C	23.8	C	23.0	C	-0.6	0.022	23.0	C	-0.9	0.023
3. Saratoga Ave. and Prospect Road/Campbell Ave.* (City of San José)	E	AM	39.2	D	39.3	D	39.5	D	0.3	0.018	40.7	D	2.6	0.074
		PM	40.6	D	40.9	D	41.2	D	0.6	0.018	41.3	D	1.0	0.022
4. Saratoga Ave. and Mall Entrance (City of San José)	D	AM	14.2	B	13.8	B	26.9	C	11.2	0.089	33.0	C	19.4	0.240
		PM	17.5	B	17.4	B	28.5	C	9.6	0.101	29.7	C	10.2	0.109
5. Lawrence Expwy./Quito Rd. and Saratoga Ave.* (City of San José)	E	AM	42.8	D	53.5	D	55.8	E	-11.2	0.113	68.4	E	9.6	0.188
		PM	45.0	D	45.3	D	45.9	D	0.2	0.006	46.2	D	0.3	0.008
6. Saratoga Ave. and Cox Ave. (City of Saratoga)	D	AM	37.7	D	38.0	D	37.9	D	0.0	0.008	37.8	D	0.1	0.024
		PM	40.9	D	41.9	D	42.0	D	0.3	0.010	41.9	D	0.3	0.010
7. Saratoga Ave. and SR85	D	AM	19.0	B	20.1	C	20.3	C	0.2	0.007	21.1	C	0.8	0.032
		PM	26.5	C	26.9	C	27.1	C	0.5	0.014	27.1	C	0.5	0.015

Table 3.17-4: Intersection Level of Service Summary

Study Intersection	LOS Standard	Peak Hour	Existing Conditions		Background Conditions		Background Plus Non-Education Mixed-Use Option				Background Plus Education Mixed-Use Option			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C
Northbound Ramps (City of Saratoga)														
8. Saratoga Ave. and SR85 Southbound Ramps (City of Saratoga)	D	AM PM	17.3 18.1	B B	17.6 18.6	B B	18.0 18.7	B B	0.4 -0.1	0.010 0.010	18.5 18.6	B B	1.0 -0.1	0.027 0.008
9. Johnson Ave. and Prospect Rd.* (City of San José)	D	AM PM	14.5 15.7	B B	14.5 15.7	B B	14.4 15.6	B B	-0.1 0.0	0.007 0.007	14.1 15.6	B B	-0.2 0.0	0.022 0.010
10. Lawrence Expwy. and Prospect Rd.* (City of San José)	E	AM PM	55.3 45.3	E D	56.6 46.0	E D	57.4 46.4	E D	0.6 0.3	0.015 0.020	58.5 46.4	E D	1.5 0.4	0.047 0.021
11. Mall Entrance and Prospect Rd. (City of San José)	D	AM PM	15.1 27.0	B C	15.1 26.9	B C	14.9 26.6	B C	-0.2 -0.2	0.006 0.008	14.3 26.6	B C	-0.7 -0.2	0.028 0.010
12. Mall Entrance and Campbell Ave. ¹ (City of San José)	D	AM PM	10.4 23.1	B C	10.3 22.8	B C	14.0 ¹ 30.0 ¹	B C	0.0 -0.1	0.000 0.002	27.7 ¹ 31.6 ¹	C C	11.6 -0.1	0.118 0.002
13. Campbell Ave. and Hamilton Ave.* (City of San José)	E	AM PM	24.9 25.1	C C	25.1 25.3	C C	23.0 ¹ 23.3 ¹	C C	0.0 0.0	0.003 0.005	23.3 ¹ 23.4 ¹	C C	0.2 0.0	0.032 0.007

Table 3.17-4: Intersection Level of Service Summary

Study Intersection	LOS Standard	Peak Hour	Existing Conditions		Background Conditions		Background Plus Non-Education Mixed-Use Option				Background Plus Education Mixed-Use Option			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C
14. Northlawn Dr./Fallbrook Ave. and Campbell Ave. (City of San José)	D	AM	22.6	C	22.5	C	22.4	C	0.0	0.002	22.2	C	-0.2	0.013
		PM	17.7	B	17.7	B	17.7	B	0.0	0.003	17.7	B	0.0	0.003
15. San Tomas Aquinas Rd. and Hamilton Ave. (City of San José)	D	AM	39.8	D	39.8	D	39.8	D	0.0	0.003	39.6	D	0.2	0.024
		PM	41.2	D	41.4	D	41.3	D	0.0	0.004	41.3	D	-0.2	0.005
16. San Tomas Aquinas Rd. and Campbell Ave. (City of Campbell)	D	AM	32.5	C	32.9	C	32.9	C	0.0	0.002	32.9	C	0.0	0.013
		PM	34.5	C	35.4	D	35.4	D	0.1	0.003	35.4	D	0.1	0.003
17. Quito Rd. and Bucknall Rd. (City of San José)	D	AM	42.6	D	42.7	D	42.7	D	0.1	0.002	44.3	D	2.3	0.041
		PM	37.0	D	36.9	D	36.8	D	0.0	0.000	36.8	D	0.0	0.001
21. Lawrence Expwy. and Calvert Dr./I-280 Southbound On-Ramp* (City of San José)	E	AM	44.0	D	54.1	D	58.1	E	5.1	0.013	65.3	E	14.4	0.033
		PM	31.7	C	34.7	C	35.1	D	0.7	0.009	35.1	D	0.7	0.010

Table 3.17-4: Intersection Level of Service Summary

Study Intersection	LOS Standard	Peak Hour	Existing Conditions		Background Conditions		Background Plus Non-Education Mixed-Use Option				Background Plus Education Mixed-Use Option			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C	Avg. Delay (sec)	LOS	Incr. in Critical Delay	Incr. in Critical V/C
22. Lawrence Expwy. and Mitty Way (City of San José)	E	AM	11.3	B	11.9	B	12.1	B	-0.3	0.006	12.6	B	-1.0	0.025
		PM	14.7	B	14.7	B	14.8	B	0.0	0.012	14.7	B	0.0	0.013
23. Lawrence Expwy. and Bollinger Rd./Moorpark Ave.* (City of San José)	E	AM	59.2	E	65.0	E	67.2	E	3.4	0.013	70.9	E	9.6	0.034
		PM	51.9	D	55.0	E	56.3	E	2.5	0.020	56.3	E	2.6	0.020
24. Lawrence Expwy. and Doyle Rd. (City of San José)	E	AM	46.9	D	48.2	D	48.2	D	-3.0	0.008	44.7	D	-12.1	0.035
		PM	13.5	B	13.5	B	13.5	B	-0.1	0.015	13.4	B	-0.1	0.016

Source: Hexagon Transportation Consultants. *El Paseo Mixed-Use Development Transportation Analysis*. October 6, 2021.

Notes:

* Denotes a CMP designated intersection.

¹ With mitigation incorporated.

In accordance with standard City practice and methodology, the project's effect on LOS was analyzed on study intersections. The analysis found that, measured against applicable municipal and CMP LOS standards, all signalized study intersections are currently operating at an acceptable LOS during the AM and PM peak hours and would continue to do so with the addition of traffic from the proposed project (under either option). A summary of the existing, background, and background plus project LOS conditions are shown in Table 3.17-4. Extensive detail about the Non-CEQA LOS analysis, including methodology, trip distribution, and trip assignment is included in Appendix I.

Unsignalized Intersection Analysis

Both Options

The Cities of San José, Campbell, and Saratoga have not established an LOS standard for unsignalized intersections; instead, the unsignalized intersections identified below were analyzed for potential operational issues on the basis of the Peak-Hour Volume Signal Warrant.

- Quito Road and Northlawn Drive
- Quito Road and Cox Avenue
- Quito Road and McCoy Avenue

The Peak-Hour Signal Warrant provides an indication whether peak-hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. Intersections that meet the peak hour warrant are subject to further analysis¹²² before determining that a traffic signal is necessary.

For either project option, the results of the peak-hour signal warrant checks (refer to Appendix I) indicate that the AM and PM peak-hour volumes at the unsignalized study intersections of Quito Road/Northlawn Drive and Quito Road/Cox Avenue would warrant signalization under existing, background, and background plus project conditions. However, signalization of the Quito Road/Cox Avenue intersection is not recommended because the upstream and downstream signal-controlled intersections on Quito Road allow the eastbound traffic to easily find gaps in traffic to make a left or right turn from Cox Avenue onto Quito Road. The eastbound traffic also has the option of using the Quito Road/Bucknall Road intersection.

The Quito Road/McCoy Avenue intersection is estimated to operate adequately (equivalent to LOS E) during both the AM and PM peak hours under either project option.

Condition of Approval:

- **Both options:** Prior to issuance of occupancy permits, the applicant shall complete traffic counts and field observations to determine whether a signal is warranted at the intersection of

¹²² Additional analysis may include unsignalized intersection level of service analysis and/or operational analysis such as evaluating vehicle queuing and delay. Other options such as traffic control devices, signage, or geometric changes may be preferable based on existing field conditions.

Quito Road/Northlawn Drive. The data and analysis shall be submitted to the City for review and concurrence.¹²³

Intersection Queues

Both Options

An intersection queuing analysis for both project options was completed for informational purposes, since the City of San José has not defined a policy related to queuing, for intersections where the project (under either option) would add a substantial number of trips to the left-turn movements. Based on the results of the queuing analysis, detailed in Appendix I, the following intersections would have queuing deficiencies under both project options:

- Southbound left-turn from Lawrence Expressway to eastbound Prospect Road

The queue is expected to increase by one vehicle during the PM peak hour under background conditions. However, the project trips would not cause a noticeable increase in the queue length.

Education Mixed-Use Option

Based on the results of the queuing analysis, detailed in Appendix H, the following intersections would have queues queuing deficiencies under the Education Mixed-Use Option:

- Southbound left turn from Lawrence Expressway to eastbound Saratoga Avenue (AM peak hour)
- Southbound/Westbound left turn from Saratoga Avenue to southbound Quito Road (AM and PM peak hours)

The extended queue length at the southbound left-turn from Lawrence Expressway to Saratoga Avenue would have an insignificant effect on traffic operations at the intersection due to the Education Option since the left-turn spillback would last for a short period of time.

The project includes the following improvement to queuing operations at the southbound left-turn from Saratoga Avenue to Quito Road under the Education Option.

- **Education Mixed-Use Option only:** Construct a second left-turn lane from southbound Saratoga Avenue to southbound Quito Road. The addition of the second southbound left-turn lane can be achieved by implementing a lane reduction along northbound Saratoga Avenue between Quito Road and the Mall Entrance.

¹²³ Due to COVID-19 and regional shelter-in-place orders, new traffic counts cannot be collected, and traffic volumes at the intersection were estimated from the traffic volumes of the adjacent study intersections. Additionally, field observations cannot be conducted to identify whether there are traffic operational issues at the intersection under normal traffic conditions. For this reason, this condition of approval has been identified.

Freeway Effects

Freeway Ramp Operations

Both Options

An analysis of freeway ramps providing access from SR 85 to the project site was performed to identify the effects of traffic generated by both project options on the vehicle queues at the off ramps.¹²⁴ The SR 85/Saratoga Avenue interchange provides access to SR 85 from the project sites. Ramp operations at the interchange were evaluated based on vehicle queue lengths (refer to Appendix I for additional detail on vehicle volumes and ramp capacities). The analysis found that, because the vehicle queues are well contained on both the SR 85 northbound and southbound off-ramps, the project (under either option) is not expected to result in a noticeable increase in vehicle queuing or delay at the off-ramps.

Freeway Segment Capacity

The City is required to conform to the requirements of the VTA, which establishes a uniform program for evaluating the transportation impacts of land use decisions on the designated CMP roadway system. The VTA's CMP has yet to adopt and implement guidelines and standards for the evaluation of the CMP roadway system using VMT. Therefore, the effects of the proposed project on freeway segments in the vicinity of the project area following the current LOS methodologies as outlined in the VTA Transportation Impact Analysis Guidelines, was completed. However, this analysis is presented for informational purposes only.

Non-Education Mixed-Use Option

The results of the freeway segment analysis show that the trips from the Non-Education Mixed-Use Option represent less than one percent of capacity to freeway segments on SR 85 in the project vicinity (refer to Appendix I for additional detail about CMP thresholds and vehicle volumes). Accordingly, under the CMP freeway impact criteria, the Non-Education Mixed-Use Option would not have an adverse effect on the traffic operations on nearby freeway segments.

Education Mixed-Use Option

The Education Mixed-Use Option would increase traffic volumes at the Winchester Boulevard to Saratoga Avenue freeway segment, which currently operates at LOS F, by more than one percent (which is the threshold identified in the VTA's CMP to determine if a project would cause a freeway LOS deficiency); therefore, the Education Mixed-Use Option would adversely affect this freeway segment.

Improvements to address the adverse effect on the freeway segment would require either widening the freeway or reducing the project trips. Caltrans has no plans to widen SR 85, and the cost of widening the freeway is beyond the capability of the project. In order to eliminate the adverse effect through TDM, it would be necessary to reduce project trips by 55 percent. At most, the Education Mixed-Use Option can reduce the school trips by 10 percent and the residential trips by 18 percent

¹²⁴ On-ramps were not analyzed as the SR 85 on-ramps are not metered. Thus, traffic is able to flow freely onto the freeway.

with implementation of the proposed improvements to pedestrian facilities (refer to the COAs identified under checklist question a) and mitigation measures MM TRN -1.1 and TRN-3.1. The City has proposed multimodal improvements surrounding the project sites, which the project applicant would facilitate. These multimodal improvements would encourage the use of alternative modes of transportation and minimize the adverse effects to the freeways.

Site Access Analysis

A review of the site plans for both development options was completed to determine the adequacy of the site's access points with regard to the following: traffic volume, vehicle queues, geometric design, and stopping sight distance. The full Site Access Analysis, including traffic volumes, vehicle queues, geometric design elements, and stopping sight distances can be found in Appendix I.

The project (under either option) would complete the following to improve site access:

- **Both Options:**
 - Modify the northbound left-turn pocket on Saratoga Avenue to the 1777 Saratoga Site to a minimum of 120 feet long, add a second left-turn lane from Saratoga Avenue to southbound Quito Road, and implement a lane reduction along northbound Saratoga Avenue between the Quito Road/Lawrence Expressway intersection and the Mall Entrance intersection.
 - Modify the Saratoga Avenue and Lawrence Expressway signal to provide an eight-phase operation. This would require left-turn lanes and protected left-turn phases to be provided for the outbound approaches from both the Saratoga and El Paseo sites. Therefore, the driveway would include a separate left-turn lane so that the signal could run eight phases if required by the City.

- **Education Mixed-Use Option only:**
 - Remove the slip right-turn lane from northbound Quito Road to eastbound Saratoga Avenue and the pork chop island at the southeast corner of the intersection to eliminate the conflicts between the right-turn traffic entering the site and the right-turn traffic from northbound Quito Road. This improvement would also improve the pedestrian crossing at the Saratoga Avenue/Quito Road intersection.

Implementation of the above improvements would address the site access issues identified in the Site Access Analysis. Refer to Appendix I for more information regarding recommended on-site modifications to improve on-site, internal circulation.

Parking Assessment

Both Options

Vehicle and bicycle parking for the project (under either option) was evaluated for both (1) the development size shown on the site plans and (2) the maximum development proposed and studied in this EIR.

Vehicle Parking

The City of San José Municipal Code vehicle parking requirements for both project options with and without Urban Village reductions is summarized below in Table 3.17-5. The parking assessment (included in Appendix I) assumes that the project (under either option) would comply with the City's conditions of approval regarding bicycle parking and would, therefore, be eligible for vehicle parking reductions since the project site is within an Urban Village.

Table 3.17-5: Vehicle Parking Requirements				
Land Use	Proposed Site Plan		Maximum Development Scenario	
	Required Spaces	With Reduction¹	Required Spaces	With Reduction
El Paseo Site (Non-Education Mixed-Use Option)				
A. Residential	1,068	854	1,173	938
B. Retail	294	147	299	150
C. Office	179	90	179	90
D. Medical Office	123	62	123	62
Total Proposed Number of Spaces (A+B+C+D)	1,613		–	
Total Required Number of Spaces	1,664	1,153	1,774	1,240
El Paseo Site (Education Mixed-Use Option)				
A. Residential	484	387	645	515
B. School	572	458	572	458
C. Retail	261	131	255	128
Total Proposed Number of Spaces (A+B+C)	1,089		–	
Total Required Number of Spaces	1,317	976	1,478	1,104
Saratoga Site (Non-Education Mixed-Use Option)				
A. Residential	345	276	292	234
B. Retail	22	11	26	13

Table 3.17-6: Bicycle Parking Requirements				
Land Use	Required Spaces (Proposed Site Plan)¹		Required Spaces (Maximum Development Scenario)¹	
	Long-Term	Short-Term	Long-Term	Short-Term
El Paseo Site (Non-Education Option)				
Residential	150	37	164	41
Retail	16	4	16	4
Office	10	2	10	2
Medical Office	7	1	7	1
Proposed Number of Spaces	123	117	---	---
Total Required Number of Spaces	183	44	197	48
El Paseo Site (Education Option)				
Residential	68	17	91	22
School	50	² -	50	² -
Retail	14	3	14	3
Proposed Number of Spaces	158	1,426	-	-
Total Required Number of Spaces	132	² -	155	² -
Saratoga Site (Both Options)				
Residential	50	12	56	14
Retail	2	0	2	0
Proposed Number of Spaces	38	27	-	-
Total Required Number of Spaces	52	12	58	14
<p>Source: Hexagon Transportation Consultants. <i>El Paseo Mixed-Use Development Transportation Analysis</i>. October 6, 2021.</p> <p>Notes:</p> <p>¹ Bicycle parking requirements per Table 20-190 of the San José Zoning Code</p> <p>² According to the Zoning Code, at least 80% of the required bicycle parking spaces should be provided in short-term bicycle parking facilities and at most 20% should be provided in long-term bicycle facilities.</p>				

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

3.18.1.2 *Existing Conditions*

There are no known TCRs on the project sites. The Ohlone tribe has sent a written request for notification of all projects within the City of San José. As discussed in Section 3.5 Cultural Resources, the project sites are not archaeologically sensitive.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

3.18.2.1 *Project Impacts*

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

Both Options

The project sites do not contain any known TCRs on-site.

The City received written notice from the Ohlone Indian Tribal Representative on July 9, 2018, requesting notification of projects in accordance with Public Resources Code Section 21080.31 subdivision (b). The City also received a verbal request in a meeting with the tribal representative on July 12, 2018, that such notification be sent only for projects in the City of San José that involve ground-disturbing activities, and that such requests may be sent by email only for future projects that require a Negative Declaration, Mitigated Negative Declaration, or EIR. On July 16, 2021, the Ohlone Indian Tribal Representative was notified via email of the proposed project. At the time of preparation of this EIR, no response was received, and it is presumed the consultation request has been declined.

At the time of preparation of this document, two additional tribes have either sent written requests for notification of projects to the City of San José or provided a verbal request.

- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and the written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification was sent electronically and via certified mail to Tamien Nation on July 16, 2021. City staff met with the Tamien Nation representative on September 2, 2021 and concluded consultation on September 20, 2021. The Tamien Nation specifically requested tribal cultural sensitivity training for the construction crew prior to construction activities and on-site monitoring for major ground-disturbing activity. As described in Section 2.2.4.3, the project would include both of these project features.
- On June 30, 2021, Kanyon Sayers-Roods of the Band of Costanoan Ohlone people verbally requested AB 52 notification for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report. Accordingly, the project's AB 52 notification was sent electronically on July 16, 2021. To date, no response has been provided.

The project (under either option) would implement the standard permit conditions under checklist question b) in Section 3.5 Cultural Resources and conduct cultural sensitivity training and monitoring as described in Section 2.2.4.3 to reduce the potential for adverse impacts to buried cultural resources (including TCRs) to a less than significant level.

Conclusion for checklist question a):

- **Both options:** With the implementation of the standard permit condition identified under checklist question b) in Section 3.5 Cultural Resources and the cultural sensitivity training and monitoring described in Section 2.2.4.3, the project (under either option) would not cause a substantial adverse change in the significance of a TCR. **(Less than Significant Impact)**

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

Both Options

The project sites do not contain any known TCRs. Refer to the discussion under checklist question a).

Conclusion for checklist question b):

- **Both options:** With the implementation of the standard permit condition identified under checklist question b) in Section 3.5 Cultural Resources and the cultural sensitivity training and monitoring described in Section 2.2.4.3, the project (under either option) would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

3.18.2.2 Cumulative Impacts

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

Both Options

The geographic area considered for tribal cultural resources is the project site and adjacent parcels (within 1,000 feet of the project sites). The cumulative projects listed in Table 3.0-1 may require excavation and grading or other activities that may affect tribal cultural resources. No cultural resources were identified in the project area. Nevertheless, the project (under either option) and other cumulative projects would be required to implement standard permit conditions or mitigation measures that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. Therefore, the project (under either option) in combination with other cumulative projects would not result in a significant cumulative tribal cultural resources impact.

Conclusion to the Tribal Resources Cumulative Impacts discussion:

- **Both options:** With the implementation of the standard permit condition identified under checklist question b) in Section 3.5 Cultural Resources and the cultural sensitivity training and monitoring described in Section 2.2.4.3, the project (under either option) would not result in a cumulatively considerable contribution to a significant cumulative impact on TCRs. **(Less than Significant Cumulative Impact)**

3.19 UTILITIES AND SERVICE SYSTEMS

The following discussion is based, in part, on a Water Supply Assessment completed for the project by San José Water Company (SJWC) dated May 2020. A copy of this report is included in Appendix J.

3.19.1 Environmental Setting

3.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Assembly Bill 341

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

Senate Bill 1383

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

Assembly Bill 1826

AB 1826 requires that local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. In San José, businesses are required to recycle food scraps and yard trimmings, and multi-family dwellings required to recycle yard trimmings.

California Green Building Standards Code

In January 2010, the State of California adopted CALGreen, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris or meet a local construction and demolition waste management ordinance, whichever is more stringent.; and
- Providing readily accessible areas for recycling by occupants.

Regional and Local

Countywide Integrated Waste Management Plan

Pursuant to AB 939, solid waste facility compliance requires that each county prepare and adopt a Countywide Integrated Waste Management Plan. The Santa Clara County Integrated Waste Management Plan (CIWMP) was approved in 1996 and contains goals, policies, and objectives aimed to ensure an effective and efficient integrated waste management system. Public Resources Code Sections 41770 and 41822, and Title 24, California Code of Regulations Section 18788 require that each countywide or regional agency integrated waste management plan (CIWMP/RAIWMP), and elements thereof, be reviewed, revised (if necessary), and submitted to the CalRecycle every five years. The last such review was completed in 2016 and concluded that despite population growth, solid waste diversion has increased, Santa Clara County has adequate disposal capacity (i.e., greater than 15 years), and no revisions to the CIWMP are warranted.¹²⁵

Envision San José 2040 General Plan

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

¹²⁵ California Department of Resources Recycling and Recovery. *Five-Year CIWMP/RAIWMP Review Report Template*. October 27, 2016.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.
IN-3.1	Achieve minimum level of services: <ul style="list-style-type: none"> • For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwater and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

In addition to the above-listed General Plan policies, new development in San José is also required to comply with programs (outlined below) that mandate the use of water-conserving features and appliances and the CIWMP to minimize solid waste.

City of San José Municipal Code

The City’s Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include an Energy and Water Building Performance Ordinance (Chapter 17.85) to minimize the use and waste of energy, water and other resources in commercial and multi-family residential buildings, Water Efficient Landscape Standards for New and Rehabilitated Landscaping

(Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion (CDD) Program that requires recycling of construction and demolition materials (Chapter 9.10).

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Reach Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires electric vehicle (EV) charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

San José Sewer System Management Plan

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

Private Sector Green Building Policy [City Council Policy 6-32]

City Council Policy 6-32 encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is \$2,000 for an alteration-renovation residential project and \$5,000 for a non-

residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

3.19.1.2 Existing Conditions

Water Service and Supply

Water service to the project sites is provided by SJWC. The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water, and local surface water. SJWC estimates that total system demand was 144,508 acre-feet per year (AFY) in 2020 and is projected to increase to 169,246 AFY by 2040. The water demand of the existing development on the project sites is approximately 71,152 gallons per day.¹²⁶

The South Bay Water Recycling's (SBWR) is the regional permit holder for recycled water in San José, Santa Clara and Milpitas, ensuring compliance with State regulations for recycled water quality and use. SBWR's recycled water system consists of over 150 miles of pipeline, five pump stations, and 10 million gallons of storage in reservoirs. Recycled water is used to irrigate large landscape areas and other non-potable applications.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project sites is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons per day (mgd) of wastewater during dry weather flow, with 108.6 mgd of existing capacity allocated for the City.¹²⁷ The City of San José currently generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 mgd of excess treatment capacity at the RWF for the City's wastewater treatment demands.¹²⁸

¹²⁶ San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020. Page 5.

¹²⁷ San José-Santa Clara Regional Wastewater Facility, 2018.

<https://www.sanjoseca.gov/Home/ShowDocument?id=45333>. Accessed March 30, 2021.

¹²⁸ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 648.

Wastewater from the project sites is conveyed to the City's sewer system via a 12-inch diameter main in Saratoga Avenue.¹²⁹ Based on the project sites' approximate existing water demand, the sites currently generates approximately 60,480 gallons of wastewater per day.¹³⁰

Storm Drainage

The project sites are located within an urbanized area served by an existing storm drainage system. Surface runoff from the project sites flow untreated into a 21-inch diameter storm drain line in Saratoga Avenue or a 12-inch diameter storm drain line in Quito Road. Surface runoff from the Quito Road storm drain is discharged into Saratoga Creek (0.3-mile northwest of the project sites), and then travels north before discharging into San Tomas Aquinas Creek. Surface runoff from the Saratoga Avenue storm drain discharges directly into San Tomas Aquinas Creek via the West Hamilton Avenue discharge point located approximately two miles south of the project sites. San Tomas Aquinas Creek flows are ultimately conveyed to the South San Francisco Bay.¹³¹

Solid Waste

The City has an existing contract with Newby Island Sanitary Landfill (NISL). The NISL has approximately 12.7 million tons of capacity remaining and an estimated closure date of 2041.¹³² The City has an annual disposal allocation at NISL for 395,000 tons per year.¹³³

In addition to NISL, other landfills within Santa Clara County include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to CIWMP, the County has adequate disposal capacity beyond 2030.¹³⁴ The total permitted landfill capacity of the five operating landfills in the County is approximately 5.3 million tons per year.¹³⁵

The City of San José currently generates approximately 1.7 million tons of solid waste annually.¹³⁶ The existing uses on the project sites generate approximately 37.73 tons of solid waste.¹³⁷

¹²⁹ City of San José. "Utility Viewer".

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1> Accessed March 30, 2021

¹³⁰ Based upon the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85% of total water usage. 71,152 gallons water per day x 0.85 = 60,480 gallons wastewater per day

¹³¹ City of San José. "Utility Viewer." Accessed April 2, 2021.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

¹³² North, Daniel. General Manager. Republic Services. Personal Communication. April 19, 2021,

¹³³ San Jose Environmental Services Department. Memorandum on the Amendment to the Agreement with International Disposal Corporation of California, Inc. for Disposal of Municipal Solid Waste and Related Services. June 2, 2009.

¹³⁴ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

¹³⁵ City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. November 3, 2008. Section 2-2.

¹³⁶ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 650.

¹³⁷ Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment*. July 20, 2021.

3.19.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

3.19.2.1 ***Project Impacts***

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

Both Options

Water Facilities

The potable and irrigation water demands of the project (under either option) would be met by existing service provider (SJWC), as is discussed under checklist question b) below. The project (under either option) would connect to the existing water lines in Saratoga Avenue and Quito Road. The project (under either option) would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. Therefore, the project (under either option) would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Sanitary Sewer System

The project (under either option) would be served by the City's existing sanitary sewer system and connect to the existing sanitary sewer lines in Saratoga Avenue and Quito Road. Under the Non-Education option, it is estimated the project would generate 283,803 gallons per day (gpd) of

wastewater, a net increase of 223,323 gpd of wastewater in comparison to existing conditions.¹³⁸ It is estimated that the Education option would generate 314,914 gpd of wastewater, which is a net increase in 254,434 gpd of wastewater compared to existing conditions.¹³⁹ The City has confirmed there is sufficient capacity in the existing sewer lines serving the site and downstream to accommodate project flows (under either option) The project (under either option), therefore, does not require the construction of any additional sewer mains or sewer lines, aside from lateral connections to existing mains. There is an existing 12-inch sanitary sewer main along Saratoga Avenue and an existing 6-inch sanitary sewer main along the Campbell Avenue project frontages, which may serve the proposed project sites. Installation of 6-inch sanitary sewer laterals for the new buildings would occur during grading of the site and would result in minimal impacts.

Refer to checklist question c) for a discussion of the availability of treatment capacity at the RWF for the project (under either option).

Storm Drainage

As discussed in Section 3.10 Hydrology and Water Quality, the project (under either option) would result in a net reduction of impervious surface at the project sites. This net decrease in impervious surfaces would result in a corresponding decrease in stormwater runoff. As a result, the existing storm drainage system would continue to be able to accommodate runoff from the project sites. Therefore, the proposed project (under either option) would not require the construction or relocation of storm drainage facilities, aside from the lateral connections to the existing lines. There are existing 15-inch and 21-inch storm drain mains along Saratoga Avenue, an existing 21-inch storm drain main along Quito Road, an existing 30-inch storm drain main on Lawrence Expressway, and an existing 30-inch storm drain main on Campbell Avenue, all of which may serve the proposed project sites. Installation of 12-inch storm drains for the site would occur during grading of the site and would result in minimal impacts.

Electric Power, Natural Gas, and Telecommunications

Existing utility lines would be utilized by the project (under either option) for electric power, natural gas, and telecommunications services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and would result in minimal impacts. The project (under either option) would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. The project would coordinate with the appropriate electric power, natural gas, and telecommunication providers, including Pacific Gas & Electric, on providing service to the site. Therefore, the proposed project would not result in significant impacts from construction or relocation of new or expanded electric power, natural gas, or telecommunications utilities.

¹³⁸ The Non-Education option has a total water demand of 374 AFY. Assuming the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use, this equates to 317.9 AFY of wastewater, or 103,588,170 gallons per year, or 283,803 gpd. Subtracting the existing wastewater generation (60,480 gpd) produces a net increase of 223,323 gpd.

¹³⁹ The Education option has a total water demand of 415 AFY. Assuming the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use, this equates to 352.75 AFY of wastewater, or 114,943,920 gallons per year, or 314,914 gpd. Subtracting the existing wastewater generation (60,480 gpd) produces a net increase of 254,434 gpd.

Conclusion for checklist question a):

- **Both options:** The project (under either option) would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

Both Options

The existing uses on the project sites have a water demand of approximately 79.7 acre-feet per year (AFY).¹⁴⁰ The project, under the Non-Education Option, would result in a net increase of approximately 294.3 AFY (or an approximately 369 percent increase) compared to existing conditions.¹⁴¹ The project, under the Education Mixed-Use Option, would result in a net increase of approximately 335.3 AFY (or an approximately 421 percent increase) compared to existing conditions.¹⁴² In comparison with SJWC's overall water demand of 144,508 AFY, the project at maximum (under the Education Mixed-Use option) would increase demand by 0.23 percent, which SJWC considers to be within normal growth projections for the system and would not require new or expanded water facilities.¹⁴³

For the project specific WSA completed for the project (refer to Appendix J), SJWC modeled water supply and demand scenarios for every five years, beginning with 2020 and ending with 2040. For average and single dry years, SJW anticipates that demands of the service area can be met through 2035 without any use of conservation. SJW has the capacity to serve the project (under either option) through buildout based on current water supply capacity and Valley Water's proposed water supply projects.

During a single-dry year event, SJWC anticipates that system-wide demand can be met without the use of conservation measures through 2035, assuming reserves are at healthy levels at the start of a year. While SJW anticipates a water shortage for the year 2040 under the single dry-year scenario, it is also anticipated that the shortage could be met through water conservation efforts. SJW has conservation measures identified that would go into effect during a drought.

Under the multiple dry-year scenario, water shortages are anticipated for each year evaluated during the second and third years of drought. During multiple dry-year droughts, voluntary and mandatory conservation would be needed. Valley Water will reduce multiple dry-year water shortages by securing more reliable and diverse water supplies and increasing the use of recycled water and other strategies for increasing water supply reliability.¹⁴⁴

¹⁴⁰ San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020. Page 5.

¹⁴¹ 294.3 when divided by the original water demand and multiplied by 100, equals approximately 369 percent.

¹⁴² 335.3 when divided by the original water demand and multiplied by 100, equals approximately 420 percent.

¹⁴³ 335.3, when divided by the original water demand and multiplied by 100, equals approximately 0.23 percent.

¹⁴⁴ Valley Water influences over 90 percent of SJW's annual water supply.

The project (under either option) would not impede implementation of SJW’s water conservation measures to be used during drought years and would not conflict with Valley Water’s ongoing efforts to secure greater water supply reliability. The WSA for the project concluded there would be sufficient water supplies during normal, dry, and multiple-dry years to serve project demands (under either option).¹⁴⁵

Conclusion for checklist question b):

- **Both options:** The project (under either option) would have sufficient water supplies available during normal, dry, and multiple-dry years. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

Both Options

The project (under either option) would dispose of wastewater at the RWF. Given the project’s maximum net increase in wastewater generation (285 AFY under the Education Mixed-Use option) and the City’s available capacity at the RWF (43,462 AFY), the RWF has adequate capacity to accommodate the increased demand created by the project.¹⁴⁶ No relocation or construction of new or expanded treatment facilities would be required to serve the project (under either option).

Conclusion for checklist question c):

- **Both options:** The project (under either option) would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project’s projected demand **(Less than Significant Impact)**

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

Both Options

At most, the project (under the Education option) is estimated to generate up to 861 tons of solid waste per year. Compared to existing conditions, the project (under either option) would generate a net increase of up to 823 tons of solid waste per year.¹⁴⁷

The project (under either option) would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and

¹⁴⁵ San José Water Company. *El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Water Supply Assessment*. May 2020. Page 16.

¹⁴⁶ Based upon the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use.

¹⁴⁷ Illingworth & Rodkin, Inc. *El Paseo and 1777 Saratoga Avenue Mixed-Use Project Air Quality Assessment*. July 20, 2021.

General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The project (under either option) would be required to meet the City's current diversion goal of 75 percent waste reduction and zero waste goal post-2022 by complying with the policies and strategies mandated in the City's Zero Waste Strategic Plan. In addition, in compliance with the 2030 GHGRS, the project would include provide organic waste collection containers within the loading dock waste collection areas as required by AB 1826. Given the City's annual disposal allocation at NISL (395,000 tons per year), NISL's remaining capacity (12.7 million tons), and the project's net increase in solid waste generation (823 tons), there is sufficient capacity at NISL to serve the project. In addition, according to the CIWMP, the County has adequate disposal capacity beyond 2030.¹⁴⁸ The General Plan FEIR determined that the increase in waste generated by build out of the General Plan (which includes the development of the project under either option) would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.¹⁴⁹

Conclusion for checklist question d):

- **Both options:** The project (under either option) would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

Both Options

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

Conclusion for checklist question e):

- **Both options:** The project (under either option) would be compliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

¹⁴⁸ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

¹⁴⁹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 685.

3.19.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant utilities and service systems impact?

Both Options

The geographic study area for cumulative impacts to utilities and service systems is citywide or within the applicable utility's service area.

Relocation or Construction of New or Expanded Facilities

Water Facilities

The geographic area for cumulative water system impacts is the area serviced by the same water lines as the project sites. There are no cumulative projects upstream or downstream of the project sites within the City of San José that the project would contribute to that could result in a cumulative impact to the water system. For this reason, the project (under either option) would not contribute to a significant cumulative impact on water facilities.

Sanitary Sewer System

The geographic area for cumulative sanitary sewer impacts is the area serviced by the same downstream sewer lines as the project sites. There are no cumulative projects upstream or downstream of the project sites within the City of San José that the project would contribute to that could result in a cumulative impact to the sewer system. For this reason, the project (under either option) would not contribute to a significant cumulative impact to the sanitary sewer system.

Storm Drainage

The geographic area for cumulative storm drain system impacts are the areas upstream and downstream of the project sites. As discussed under checklist question a), development of the project sites (under either option) would result in a net decrease in surface runoff from the project sites compared to existing conditions. Therefore, the project (under either option) would not contribute to a significant cumulative impact to storm drainage facilities.

Electric Power, Natural Gas, and Telecommunications

As described above, existing utility lines would be utilized by the project (under either option) for electricity, natural gas, and telecommunication services. Cumulative projects in San José would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. As such, the project (under option) would not contribute to a cumulatively considerable impact to electric power, natural gas, or telecommunications utilities.

Water Supply

The geographic area for cumulative water supply is the service area of the SJWC. The project (under either option) would be within normal growth projections for the SJW system. As described above,

SJW has determined that there is sufficient capacity to serve future development within the SJWC service area and the project (under either option). For these reasons, there is no significant cumulative water supply impact.

Wastewater Treatment Capacity

The geographic area for cumulative wastewater treatment is the service area of the RWF. As discussed under checklist question c), there is sufficient treatment capacity at the RWF for the buildout of the General Plan and the project (under either option).

Solid Waste

The geographic area for cumulative landfill capacity is the County. As discussed under checklist question d), the General Plan FEIR determined that the increase in waste generated by build out of the General Plan (which includes the project under either option and the cumulative projects) would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals. Cumulative projects in the City (including the project under either option) would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. As such, the cumulative project would not result in a significant cumulative solid waste impact.

Solid Waste Reduction Regulations

All cumulative projects (including the project under either option) are required to adhere to the requirements of the Zero Waste Strategic Plan and General Plan policies, thereby complying with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. Therefore, the cumulative projects (including the project under either option) would not contribute to a significant cumulative impact due to noncompliance with federal, state, or local management and reduction statutes and regulations related to solid waste.

Conclusion for Utilities and Service Systems Cumulative Impact discussion:

- **Both options:** The project (under either option) would not result in a cumulatively considerable contribution to a significant cumulative utilities and service systems impact. **(Less than Significant Cumulative Impact)**

3.20 WILDFIRE

3.20.1 Environmental Setting

3.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs).

3.20.1.2 *Existing Conditions*

The project sites are located in an urbanized area of San José. The project sites are not located in or near SRA or lands classified as very high fire hazard severity zones.¹⁵⁰

3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

3.20.2.1 *Project Impacts*

The project sites are not located in or near SRAs or lands classified as very high fire hazard severity zones; therefore, the project (under either option) would not result in any impact related to emergency response or evacuation, exposure of project occupants to pollutant concentrations from or uncontrolled spread of wildfire, installation of infrastructure to combat wildfire, or exposure of

¹⁵⁰ California Department of Forestry and Fire Protection. "Fire Hazard Severity Viewer". Accessed October 8, 2021. <https://egis.fire.ca.gov/FHSZ/>

people or structures to risks of flooding or landslides resulting from post-fire runoff, slope instability, or drainage changes.

Conclusion for Wildfire project-level impact discussion:

- **Both options:** The project (under either option) would not result in a significant wildfire impact. **(No Impact)**

3.20.2.2 *Cumulative Impacts*

The project (under either option) would have no impact related to wildfires; therefore, the project would not contribute to a significant cumulative wildfire impact.

Conclusion for Wildfire Cumulative impact discussion:

- **Both options:** The project (under either option) would not contribute to a significant cumulative wildfire impact. **(No Cumulative Impact)**

SECTION 4.0 GROWTH-INDUCING IMPACTS

Would the project foster or stimulate significant economic or population growth in the surrounding environment?

Both Options

The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (Section 15126.2[d]). This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include removing obstacles to population growth, for example by extending or expanding infrastructure beyond what is needed to serve the project. Other examples of growth inducement include increases in population that may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

The project (under either option) would result in direct economic growth because the proposed uses include new employment, and other land uses that generate tax revenues for public services. The project would also result in direct population growth as it includes new residential units. As discussed in Section 3.11 Land Use and Planning, the proposed land uses and density, under either option, are consistent with what is allowed under the General Plan for the project sites. The Paseo de Saratoga Urban Village, which includes the project sites, is planned to accommodate 1,500 new jobs (which equate to approximately 450,000 square feet of employment development)¹⁵¹ and 2,500 new dwelling units in the City’s General Plan.¹⁵² As shown in Table 3.14-1, the number of jobs and residential units proposed under either project option is within the amount planned for the Paseo de Saratoga Urban Village. As discussed in Section 3.15 Public Services and Section 3.19 Utilities and Service Systems, the existing fire and police protection services, schools, park and recreational facilities, libraries, and utility service system have sufficient capacity to serve the proposed project while continuing to serve existing and planned development.

Based on the above discussion, the project (under either option) would not result in unplanned growth.

Conclusion to the Growth-Inducing Impacts discussion:

- **Both options:** The project (under either option) would not result in significant, unplanned growth inducing impacts. **(Less than Significant Impact)**

¹⁵¹ The City’s General Plan assumes 300 square feet of employment development (e.g., retail, office, industrial, and other commercial uses) equate to one planned new job in Urban Villages. Source: City of San José. *Envision San José 2040 General Plan*. Adopted November 1, 2011. Appendix 6.

¹⁵² City of San José. *Envision San José 2040 General Plan*. Adopted November 1, 2011. Appendix 5.

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Pursuant to CEQA Guidelines Section 15126.2(d), an EIR must identify significant irreversible environmental changes that would be caused by the proposed project being analyzed. Significant irreversible changes include the 1) irreversible use of nonrenewable resources, 2) commitment of future generations to similar use, and 3) irreversible damage resulting from environmental accidents associated with the project.

5.1 IRREVERSIBLE USE OF NONRENEWABLE RESOURCES

Both Options

During construction and operation of the project (under either option), nonrenewable resources would be consumed. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals. Renewable resources, such as lumber and other wood byproducts, could also be used.

The construction of the project (under either option) would require the use of nonrenewable construction materials, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, site preparation, and construction of the buildings. The City of San José encourages the use of building materials that include recycled materials and requires new development to meet minimum green building design standards. The project (under either option) would be built to current codes (including Title 24, CalGreen, and Municipal Code), which require insulation and design to minimize wasteful energy consumption. The project would be constructed to minimum LEED Silver standards (non-residential components) and LEED Certified standards or GreenPoint Rated 50 points (residential components) pursuant to the City's Private Sector Green Building Policy and would, as a result, use less energy for heat and light and less water than a standard design building.

The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, appliances, and electronics. The project (under either option) proposes to enroll in the San José Clean Energy program at the Total Green level, which would provide electricity to the project from 100 percent carbon-free sources. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project sites. The project (under either option), as required by mitigation measures MM TRN-1.2, MM TRN-2.1, and MM TRN-3.1 in 3.17 Transportation, would implement TDM measures to reduce single-occupancy vehicle trips (thereby reducing fossil fuel use). In addition, the project (under either option) is an infill development which would make use of underutilized land in proximity to existing regional roadways, transit, and amenities. For the reasons discussed above, the project (under either option) would minimize the use of nonrenewable resources.

5.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

Both Options

The project (under either option) would be developed on two sites that are currently developed and located within an urban area. Development of the project (under either option) would commit resources to prepare the site, construct the buildings, and operate the buildings, but it would not result in development of undeveloped land. In addition, the project (under either option) is an infill development which would make use of underutilized land by developing the sites at a higher density than it is currently. This would limit commitment of the project sites to these uses for the useful life of the buildings, consistent with the City's General Plan. Development of the project is not anticipated to result in other land use changes in the surrounding area. For these reasons, the project (under either option) would not commit future generations to changes in land use.

5.3 IRREVERSIBLE DAMAGE RESULTING FROM ENVIRONMENTAL ACCIDENTS ASSOCIATED WITH THE PROJECT

Both Options

The project (under either option) does not propose hazardous uses, and its operation would not be expected to cause environmental accidents. As discussed in Section 3.9 Hazards and Hazardous Materials, there are no significant unmitigable hazards and hazardous materials conditions on-site or off-site that would substantially affect the public and surrounding environment. There are no significant unmitigable geology and soils impacts which would result from implementation of the project (under either option). For these reasons, the project (under either option) would not result in irreversible damage that may result from environmental accidents.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant, unavoidable impact is an impact that cannot be mitigated to a less than significant level. As described in the Section 3.0 of this EIR, the project (under either option) would not result in any significant and unavoidable impacts.

SECTION 7.0 ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The purpose of the alternatives discussion is to determine whether there are alternatives of design, scope, or location which would substantially lessen the significant impacts, even if those alternatives “impede to some degree the attainment of the project objectives” or are more expensive (CEQA Guidelines Section 15126.6).

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts anticipated to occur if the project is implemented and try to meet as many of the project’s objectives as possible. The CEQA Guidelines emphasize a common sense approach – the alternatives should be reasonable, “foster informed decision making and public participation,” and focus on alternatives that avoid or substantially lessen the significant impacts. The range of alternatives selected for analysis is governed by the “rule of reason” which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. An EIR is not required to consider alternatives which are infeasible.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: (1) the significant impacts from the proposed project which could be reduced or avoided by an alternative, (2) the project objectives, and (3) the feasibility of the alternatives available. These factors are discussed below.

7.1 FACTORS IN SELECTING AND EVALUATING ALTERNATIVES

7.1.1 Significant Impacts of the Project

As explained above, the CEQA Guidelines Section 15126.6 states that the alternatives analysis in an EIR should be limited to alternatives that are feasible and would avoid or substantially lessen any of the significant effects of the project and achieve most of the basic project objectives. As discussed throughout this EIR and summarized in Section 6.0 Significant and Unavoidable Impacts, the project (under either option) would not result in any significant, unavoidable impacts. Under CEQA, however, alternatives may also be considered if they would further reduce impacts that are already less than significant because of required or proposed mitigation. Impacts that would be significant, and for which the project includes mitigation to reduce them to less than significant levels include:

- **Impact AIR-1 (Both Options):** Without mitigation, the emissions resulting from the construction of the project (under either option) would exceed the BAAQMD thresholds for ROG and NO_x.
- **Impact BIO-1 (Both Options):** Development of the proposed project (under either option) would result in impacts to nesting birds, if present on or adjacent to the sites at the time of construction.
- **Impact HAZ-1 (Both Options):** Construction of the project (under either option) could result in exposure of construction workers, adjacent uses, and the environment to soil contamination.

- **Impact NOI-1 (Both Options):** The project (under either option) would exceed the City’s construction noise standards at the adjacent residential and commercial uses.
- **Impact NOI-2 (Both Options):** Nighttime construction activities would result in noise levels in excess of the existing ambient noise levels at residences south and southwest of the El Paseo site.
- **Impact NOI-3 (Both Options):** The project (under either option) would exceed the City’s vibration limit of 0.2 in/sec PPV for buildings of normal conventional construction at adjacent uses to the north and east.
- **Impact TRN-1 (Both Options):** The residential component of the project (under either option) would result in a significant VMT impact.
- **Impact TRN-2 (Non-Education Mixed-Use Option only):** The commercial office component of the project would result in a significant VMT impact.
- **Impact TRN-3 (Education Mixed-Use Option only):** The educational component would result in a significant VMT impact.

7.1.2 Project Objectives

While CEQA does not require that alternatives must be capable of meeting all of the project objectives, their ability to meet most of the basic objectives is considered relevant to their consideration. As identified in Section 2.3 Project Objectives, the applicant’s objectives for the project are as follows:

1. Provide a high-quality, mixed use Signature Project for the Paseo de Saratoga Urban Village (Horizon 3) in accordance with the City of San José’s General Plan’s Major Strategy #5.¹⁵³
2. Redevelop the project sites with a mix of uses that includes over 700 market-rate, multifamily residential units and 165,000 square feet of commercial retail uses or a K-12 educational facility and 60,000 square feet of commercial retail uses to meet the demand for these land uses in the site area;
3. Increase housing opportunities in the City of San José and expand the supply of higher density housing product by providing approximately 700-1,100 multifamily units;
4. Redevelop the underutilized project sites to allow for new retail, higher density housing, and possibly educational use on a Signature site near existing residential and commercial uses and major transportation thoroughfares including SR 85, Saratoga Avenue, and Lawrence Expressway in western San José;
5. Provide a mix of land uses and public amenities that promote walking, bicycling, telecommuting, transit, and other transportation alternatives;
6. Respect the surrounding neighborhood and community through quality design, materials, and landscaping;
7. Implement sustainable building practices promoting energy and water efficiency;
8. Create new outdoor plaza and publicly-accessible open space areas to allow for the passive enjoyment by all residents and educational facility/office building users as well as the general public.

¹⁵³ Major Strategy #5 is one of 12 major strategies identified in the City of San José General Plan. Major Strategy #5 establishes the concept of Urban Villages and creates a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities.

7.1.3 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and case law interpreting CEQA and the CEQA Guidelines have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines state that such factors can include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site (Section 15126.6[f][1]).”

7.2 PROJECT ALTERNATIVES

7.2.1 Project Alternatives Considered But Rejected for Further Analysis

7.2.1.1 *Location Alternative*

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project. An alternative site may be considered when impacts of the project might be avoided or substantially lessened, and the project proponent can feasibly attain control of the site. Only alternative locations that would avoid or substantially lessen any of the impacts of the project and meet most of the basic project objectives need to be considered for inclusion in the EIR (CEQA Guidelines Sections 15126.6[f] and 15126.6[f][2][A]).

In other words, an alternative location for the project would need to: avoid or substantially lessen the project’s mitigated impacts; be of similar size to the project sites; have the appropriate General Plan land use designation; and be under the control of the applicant.

The project’s impacts pertaining to construction-related air quality, construction-related noise, and nesting birds would be similar at any infill, urbanized location alternative if it is nearby sensitive receptors or contains on- or off-site trees. It is also common for sites within the City to have the potential for soil contamination due to historic agricultural use, as it is for the project sites. For these reasons, an alternative location to the project sites would not likely avoid the project’s construction-related air quality, construction-related noise, nesting bird, or hazardous materials impacts. In addition, the applicant does not have control of other property within the City of similar size or General Plan designation.

Based on the above reasons, an alternative location was considered but rejected for further analysis. Case law interpreting CEQA Guidelines Section 15126.6(a), supports the conclusion that an EIR need not include a potentially feasible alternative location in every instance, based on the rule of reason and considerations of feasibility.¹⁵⁴ In addition, no statutory provision in CEQA expressly require a discussion of alternative project locations.

7.2.1.2 *Substantially Reduced Development Alternative*

As discussed in Section 3.3 Air Quality, the construction air quality emissions from the project (under either option) would be mitigated to a less than significant level. A Substantially Reduced

¹⁵⁴ California Native Plant Society v City of Santa Cruz (2009) and Mira Mar Mobile Community v City of Oceanside (2004)

Development Alternative was considered to avoid the project's less than significant with mitigation construction air quality emissions. Based on a preliminary assessment, the total square footage of development proposed would need to be reduced by approximately one-third from 1,454,657¹⁵⁵ to roughly 484,885 square feet in order to reduce construction emissions to below BAAQMD threshold without mitigation.¹⁵⁶ Under this alternative, it is assumed that the site would be developed with 366 multifamily units and 55,000 square feet of commercial. According to the applicant, this alternative would require above-grade parking since there is not enough residential units to justify the efforts to construct underground parking. This alternative would require approximately 830 parking spaces, which could not be accommodated on site via surface parking alone. Therefore, this alternative would need two to three stories of above-grade podium parking, with the residential units above. This would result in buildings that are approximately eight to nine stories, similar to the proposed project's eight to 12 story buildings. As described above, the intent of this alternative was to reduce construction emissions below the BAAQMD threshold without mitigation. However, the need for podium parking would result in a similar construction impact to the proposed project (under either option).

This Substantially Reduced Development Alternative was considered but rejected from further analysis because it would not substantially lessen any significant effects of the project. Further, this alternative would not be consistent with the General Plan land use designation and vision for the project sites (which require a minimum development of 571,624 square feet of development¹⁵⁷). Nor would the alternative meet the project's basic objectives of:

- Providing a mixed-use Signature Project (objective 1) (i.e., per General Plan Policy IP-510, a Signature Project is to provide higher job capacity and a minimum residential density of 55 du/ac), and
- Providing higher-density residential development with at least 700 residential units (objectives 2, 3, and 4) (it is estimated that 439,535 square feet would equate to approximately 468 units¹⁵⁸).

Without a higher density, the Substantially Reduced Development Alternative would not meet the City of San José's Signature Project requirements and guidelines in the San José 2040 General Plan for the Paseo de Saratoga Urban Village, including contributing to the fair share of job-producing uses and housing density. In addition, according to the applicant, this Substantially Reduced Development Alternative is economically infeasible given the land cost basis of the project sites and the need to generate sufficient project value to justify demolition and redevelopment of the site.

7.2.1.3 *100 Percent Affordable Housing Alternative*

The project (under either option) results in a mitigated residential VMT impact. According to the City's VMT Policy, 100 percent affordable housing projects near transit are considered to have a less

¹⁵⁵ Then Non-Education option consists of 165,000 square feet of commercial and 1,289,657 square feet of residential (total of 1,318,606 square feet).

¹⁵⁷ This includes the Urban Village the planned development assumptions (450,000) + the existing commercial square footage that would be removed by redevelopment of the site (121,624) = 571,624.

¹⁵⁸ This assumes an average unit size of 940 square feet.

than significant VMT impact.¹⁵⁹ Therefore, a 100 Percent Affordable Non-Education Mixed-Use Alternative would avoid the project's significant-but-mitigable residential VMT impact. Affordable housing near transit is assumed to have a less than significant VMT impact because the City finds these projects tend to have a lower VMT footprint than market rate residential projects. Under the 100 Percent Affordable Housing Alternative, the project sites would be developed as proposed under the Non-Education Mixed-Use Option configuration and layout, except that all residential units would be affordable units.

Based on the City's General Plan, in order to develop 100 percent affordable housing projects in the Regional Commercial or Neighborhood Community Commercial designations, the project must be consistent with General Plan Policy IP-5.12. General Plan Policy IP-5.12 includes a number of criteria that must be met in order for 100 percent affordable housing projects to proceed within an Urban Village ahead of Growth Horizon, or in a Village in a current Horizon that does not have a council approved plan. One of the criteria listed under Policy IP-5.12 states that projects located at major intersections, such as the project site, are precluded from 100 percent affordable housing development. Therefore, the City would not allow this alternative to be developed given its inconsistency with General Plan Policy IP.5-12.

The 100 Percent Affordable Alternative was considered but rejected from further analysis because it would not be consistent with the General Plan Policy IP-5.12. Nor would the alternative meet the project's basic objectives of:

- Prove a mixed-use Signature Project (objective 1)
- Redevelop the project sites with a mix of uses that includes market rate multi-family residential units (objective 2)

7.2.2 Selected Alternatives

The selected alternatives for analysis are the No Project alternatives and Reduced Development Alternative. A breakdown of the development assumptions for each of the selected alternatives is provided in Table 7.2-1 below.

¹⁵⁹ City of San José, *Transportation Analysis Policy (Policy 5-1)*. February 27, 2018.

summary comparison of the mitigated environmental impacts of the project (under either option) and the project alternatives is provided in Table 7.2-2.

Relationship to Project Objectives

The No Project, No New Development Alternative would not meet any of the eight project objectives because it would not redevelop the project sites with a high-quality, sustainable, mixed-use Signature Project that provides a mix of uses and public amenities and supports a variety of transportation alternatives. In addition, this alternative would not increase homeownership opportunities or expand the supply of higher density housing in San José nor would it deliver a signature project that creates new outdoor plazas and publicly accessible open spaces.

Conclusion

The No Project, No New Development Alternative would avoid the project's impacts (under either option) but would not meet any of the project objectives.

7.2.2.2 No Project Redevelopment Alternative

Given the project sites' land use designations and location within the Paseo de Saratoga Urban Village and the General Plan's vision, goals, and policies for Urban Villages (including Policy IP-5.10), it is reasonable to assume that if the proposed project were not approved, a similar development to the one proposed could be developed on the project sites. The proposed project (under either option) is consistent with and allowed by the City's General Plan. The City's General Plan has identified the sites (which is part of the Paseo de Saratoga Urban Village) for more intensive development. Because this policy decision was made when the City's General Plan was adopted, a specific development proposal need not trigger ad hoc reconsideration of this policy.¹⁶¹ Nonetheless, for the purposes of this EIR, an alternative redevelopment of the sites is considered which would conform to the RC/NCC land use designations, underlying zoning, and within the planned development assumptions for the Paseo de Saratoga Urban Village.¹⁶² Based on those assumptions, it is assumed under the No Project Redevelopment Alternative that the project sites would be developed with 571,624¹⁶³ square feet of commercial uses, without any residential or educational uses.

Comparison of Environmental Impacts

A summary comparison of the mitigated environmental impacts of the project (under either option) and the No Project Redevelopment Alternative is provided in Table 7.2-2. Given that this alternative would still redevelop the projects sites, the alternative's construction-related air quality and noise impacts would be comparable to the project (under either option) because amount of demolition and

¹⁶¹ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553.

¹⁶² The Paseo de Saratoga Urban Village, which includes the project sites, is planned to accommodate 1,500 new jobs. The General Plan assumes an Urban Village Plan should support employment development equal to 300 square feet for each new job (which equates to approximately 450,000 square feet of employment development).

¹⁶³ This includes the Urban Village the planned development assumptions (450,000) + the existing commercial square footage that would be removed by redevelopment of the site (121,624) = 571,624. Under General Policy IP-5.10, the site must replace the commercial square footage that would be removed by redevelopment of the site (there is 121,624 square feet of existing commercial uses).

grading and proximity to sensitive receptors would be the same. However, the amount of excavation would be reduced because it is assumed less below ground parking would be required compared to the project because there would be less development. Since there would be less development, it is assumed the construction duration of the No Project Redevelopment Alternative would be less than the project (under either option). As a result, construction noise impacts would be similar though slightly less than the project (under either option). Construction-related air pollutant emissions under this alternative would exceed the significance thresholds and be mitigated to below the threshold, same as the project. Therefore, as stated above, construction-related air quality impacts for this alternative would be comparable to the project's impacts.

Other identified mitigated impacts to biological resources and hazardous materials would remain the same as the project (under either option) because this alternative would also include grading and excavation, as well as removal of all landscaping trees on-site.

The project (under either option) would result in a mitigable VMT impact. This is due to the project sites' location in a VMT area where the existing per capita VMT is greater than the thresholds of significance. The project sites are located in an area where the current VMT level per worker is close to the average VMT level but may be greater than the thresholds of significance depending on the types of employment uses. According to the City's VMT Policy, small retail developments (i.e., 100,000 square feet or less) are considered local-serving and result in less-than-significant VMT impacts according to the screening criteria. As discussed under checklist question b in Section 3.17, the commercial component of the project (under either option) would result in a less than significant impact. Under the No Project, Redevelopment Alternative, the proposed 571,624 square feet of commercial uses would result in a significant VMT impact.

Relationship to Project Objectives

The No Project Redevelopment Alternative could meet project objectives six, seven, and eight (refer to Section 7.1.2) by providing quality design, materials and landscaping, implementing sustainable building practices, and creating publicly accessible outdoor spaces. This alternative could partially meet objective five by providing amenities that promote transportation alternatives but it would not include a mix of land uses on the sites. This alternative would not redevelop the project sites with a mixed-use Signature Project that provides a mix of uses (which includes higher density residential uses and commercial uses) and, therefore, this alternative would not meet objectives one through four.

Conclusion

The No Project Redevelopment Alternative would result in similar mitigated impacts as the project (under either option). This alternative would result in new commercial VMT impact. This alternative could meet objectives six, seven, and eight, would partially meet objective five, but would not meet objectives one through four.

7.2.2.3 *Reduced Development Alternative*

Typically, less development results in less impact. For this reason, a Reduced Development Alternative is considered. Under this alternative, the project sites would be developed with a mixed-

use project at the minimum density and square footages stipulated in the General Plan. General Plan Policy IP-5.10 states the minimum density allowed is 55 dwelling units per acre, which equates to 586 residential units on the project sites. Under General Policy IP-5.10, a site must replace the commercial square footage that would be removed by redevelopment of that site (there is 121,624 square feet of existing commercial uses). Additionally, the City requires that 43,304 square feet of new commercial be provided on-site.¹⁶⁴ Therefore, under this alternative, the minimum requirement of 164,928 square feet of commercial uses would be developed on the project sites. In total, under this alternative, the project sites would be developed to meet the minimum requirement of 586 residential units and 164,928¹⁶⁵ square feet of commercial uses. It is assumed that the building footprints would be similar as the project (under either option) with a reduction in the number of stories from nine to 12 stories to four to eight stories, as shown on Figure 7.2-1 .

Comparison of Environmental Impacts

A summary comparison of the environmental impacts of the project and the Reduced Development Alternative is provided in Table 7.2-2. The project sites would still be redeveloped under this alternative, therefore, the Reduced Development Alternative's construction-related air quality and noise impacts would be comparable to the project (under either option) because the amount of demolition and grading and proximity to sensitive receptors would be the same as under the project (under either option). Since there would be less development, it is assumed the construction duration of the Reduced Development Alternative would be less than the project (under either option). This alternative would also require nighttime construction for a 15-day period. As a result, construction noise impacts would be similar though slightly less than the project (under either option). Construction-related air pollutant emissions under this alternative would exceed the significance thresholds and be mitigated to below the threshold, same as the project. Therefore, as stated above, construction-related air quality impacts for this alternative would be comparable to the project's.

The project's other identified mitigated impacts to biological resources and hazardous materials would remain the same under the Reduced Development Alternative because this alternative would redevelop the same project sites with the same building footprints as the project, requiring excavation for utility improvements and below ground parking structures.

Any alternative with residential uses proposed at the project sites (regardless of size or scale) would result in the same mitigable residential VMT impact as the project (under either option) due to the project sites' location in a high VMT area where the existing VMT is greater than the thresholds of significance. For this reason, the Reduced Development Alternative would result in the same residential VMT impact as the project. As with the project (under either option), the commercial component of the Reduced Development Alternative would result in a less than significant VMT impact.

¹⁶⁴ City of San José. Letter Correspondence to the Applicant. January 28, 2020.

¹⁶⁵ Existing commercial uses (121,624) + new commercial requirement (43,304) = 164,928.

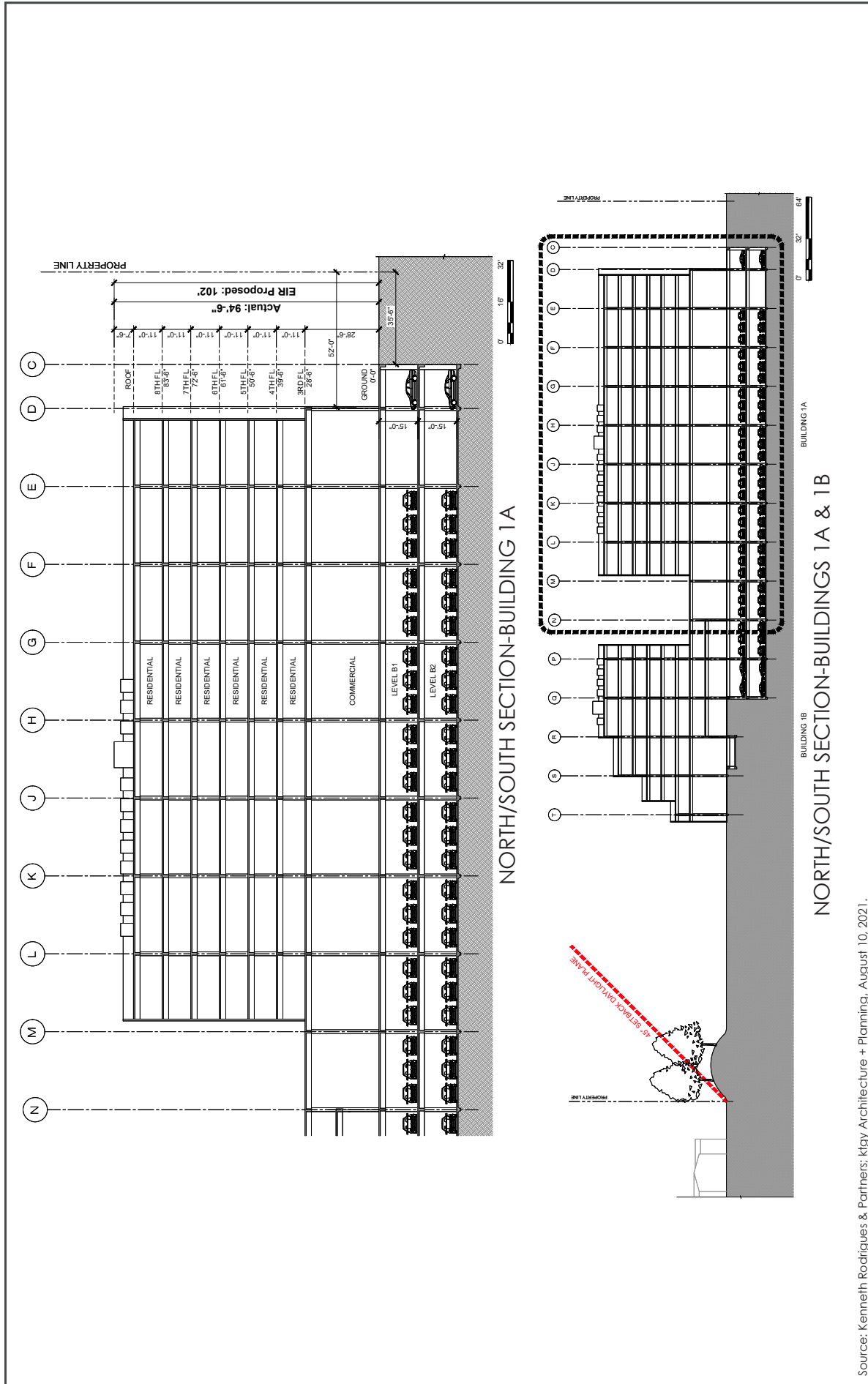


FIGURE 7.2-1

Source: Kenneth Rodrigues & Partners; Ktgy Architecture + Planning, August 10, 2021.

REDUCED DEVELOPMENT ALTERNATIVE

Relationship to Project Objectives

The Reduced Development Alternative would meet project objectives four, five, six, and seven by intensifying development on the project sites and developing a mixed-use project near existing residential and commercial uses and major transportation thoroughfares. This alternative could also meet objective eight of providing an outdoor plaza and open space, although not to the extent proposed under the project. However, this project alternative would not meet the City's Signature Project requirements and would not provide a minimum of 700 residential units. The Reduced Development Alternative, therefore, would not meet project objectives one, two, and three.

Conclusion

The Reduced Development Alternative would result in comparable construction related air quality and noise impacts because demolition and grading and proximity to sensitive receptors would be the same as under the project (under either option). Although, since there would be less development under this alternative compare to the project, it is assumed that construction duration would be slightly less than under the project (under either option). All other impacts would be the same as the project (under either option). The Reduced Development Alternative could meet five project objectives (objectives four, five, six, seven, and eight) and would not meet project objectives one, two, and three.

7.2.2.4 *Environmentally Superior Alternative*

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the discussion of project alternatives, the environmentally superior alternative to the project is the No Project, No New Development Alternative because it would avoid all of the project's mitigated environmental impacts. CEQA Guidelines Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." In addition to the No Project, No New Development Alternative, the Reduced Development Alternative would be the environmentally superior alternative to the project.

Table 7.2-2: Comparison of Impacts from Alternatives to the Proposed Project					
Impacts	Project		Project Alternatives		
	Non-Education Mixed-Use Option	Education Mixed-Use Option	No Project, No New Development	No Project Redevelopment Development	Reduced Development
Impact AIR-1 (Both Options): Construction-related criteria air pollutant emissions	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact BIO-1 (Both Options): Nesting bird impacts	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact HAZ-1 (Both Options): On-site soil contamination	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact NOI-1 (Both Options): Construction noise impacts	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact NOI-2 (Both Options): Nighttime construction noise impact	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact NOI-3 (Both Options): Construction vibration impacts	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact TRN-1 (Both Options): Residential VMT impact	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact TRN-2 (Non-Education Option only): Commercial Office VMT Impact	LTS/M	LTS/M	NI	LTS/M	LTS/M
Impact TRN-3 (Education Mixed-Use Option only): Educational facility VMT impact	NI	LTS/M	NI	NI	NI

Table 7.2-2: Comparison of Impacts from Alternatives to the Proposed Project					
Impacts	Project		Project Alternatives		
	Non-Education Mixed-Use Option	Education Mixed-Use Option	No Project, No New Development	No Project Redevelopment Development	Reduced Development
Meets All Project Objectives?	Yes	Yes	No	Partially	Partially
• Objective 1			No	No	No
• Objective 2			No	No	No
• Objective 3			No	No	No
• Objective 4			No	No	Yes
• Objective 5			No	Partially	Yes
• Objective 6			No	Yes	Yes
• Objective 7			No	Yes	Yes
• Objective 8			No	Yes	Yes
<p>Notes: LTS/M = less than significant impact with mitigation incorporated; LTS = less than significant impact; NI = no impact</p> <p>Bold text indicate being environmentally superior to the proposed project.</p>					

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SECTION 9.0 LEAD AGENCY AND CONSULTANTS

9.1 LEAD AGENCY

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SECTION 10.0 ACRONYMS AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
ACM	asbestos containing material
AFY	acre-feet per year
AIA	Airport Influence Area
APN	Assessor Parcel Number
BAAQMD	Bay Area Air Quality Management District
bgs	below ground surface
BMPs	Best Management Practices
Btu	British thermal units
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator model
CALGreen	California Building Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDD	Construction & Demolition Diversion Program
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CG	Commercial General
CGS	California Geological Survey
CH ₄	methane
CIP	Capital Improvement Program
CIWMP	Santa Clara County Integrated Waste Management Plan
CLUP	Comprehensive Land Use Plan

CMP	Congestion Management Program
CO ₂	Carbon dioxide
CP	Commercial Pedestrian
CRHR	California Register of Historical Resources
CREC	Controlled Recognized Environmental Concern
CUPA	Certified Unified Program Agency
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GMP	Groundwater Management Plan
GWh	gigawatt hours
GWP	global warming potential
HI	Hazard Index
HFCs	hydrofluorocarbons
HMP	Hydromodification Management Plan
HOV	high occupancy vehicle
HREC	Historical Recognized Environmental Condition
HRI	Historic Resources Inventory
HSP	Health and Safety Plan
HSWA	Hazardous and Solid Waste Amendments
HVAC	heating, ventilation, and air conditioning systems
kBtu	Kilo-British thermal units

kWh	kilowatt-hours
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development
LRA	local responsibility areas
LOS	Level of service
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MEI	maximally exposed individual
mgd	million gallons per day
MLD	Most Likely Descendant
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
mpg	miles per gallon
N ₂ O	nitrous oxide
NAHC	Native American Heritage Commission
NCC	Neighborhood/Community Commercial
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NISL	Newby Island Sanitary Landfill
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NO ₂	Nitrogen Dioxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O ₃	Ozone
OITC	Outdoor-Indoor Transmission Class
PCB	polychlorinated biphenyl
PDA	Priority Development Area
PDO	Parkland Dedication Ordinance
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM _{2.5}	Particulate Matter

PM ₁₀	Particulate Matter
PD	Planned Development
PIO	Park Impact Ordinance
RC	Regional Commercial
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Concerns
RHNA	Regional Housing Need Allocation
ROG	reactive organic gases
RCNM	Roadway Construction Noise Model
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SF ₆	sulfur hexafluoride
SFHA	Special Flood Hazard Area
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Company
SB	Senate Bill
SR	State Route
SRA	state responsibility areas
SSMP	Sewer System Management Plan
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TAZ	Transportation Analysis Zone
TCMs	Treatment Control Measures
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management

TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UWMP	urban water management plan
VMT	vehicle miles traveled
VTA	Valley Transit Authority
WSA	Water Supply Assessment
ZNE	Zero Net Carbon Emissions