Initial Study

1975 Cambrianna Drive Residential

File Nos.: PDC21-011 & PD21-012

Prepared by

CITY OF SAN JOSE

CAPITAL OF SILICON VALLEY

In Consultation with

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

ENVIRONMENTAL CONSULTANTS & PLANNERS

May 2022

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the 1975 Cambrianna Drive Residential Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California.

The project proposes to develop 21 new single-family homes and 14 accessory dwelling units next to an elementary school facility at 1975 Cambrianna Drive. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

City of San José
Cort Hitchens
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Phone: (408) 794-7386
Email: Cort.Hitchens@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

1975 Cambrianna Drive Residential Project

2.2 LEAD AGENCY CONTACT

Cort Hitchens
City of San José
200 E. Santa Clara Street,
San José, CA 95113
Phone: (408) 794-7386
Email: Cort.Hitchens@sanjoseca.gov

2.3 PROJECT APPLICANT

Mary Gourlay
Robson Homes
2185 The Alameda, Suite 150
San José, CA 95126
MGourlay@robsonhomes.com
(408) 423-7133

2.4 PROJECT LOCATION

The 2.85-acre project site is located at 1975 Cambrianna Drive in the City of San José. The project site is located within the eastern portion of a larger, approximately 10.00-acre parcel that is partially developed with an elementary school facility.

2.5 ASSESSOR'S PARCEL NUMBER

414-21-062

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: Residential Neighborhood (RN)
Zoning: Single Family Residential (R-1-8)

2.7 HABITAT PLAN DESIGNATION

Private Development Areas:	Area 4: Urban Development Equal to or Greater than two acres Covered
Land Cover:	Golf Courses / Urban Parks
Land Cover Fee Zone:	Fee Zone B (Agricultural and Valley Floor Lands)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The discretionary actions for the project include, but are not limited to, the following:

- Planned Development Rezoning
- Planned Development Permit
- Vesting Tentative Map
- Tree Removal Permits
- Public Work Clearances
- Density Bonus and Development Incentives
- Demolition and Building Permits

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The project site is located at 1975 Cambrianna Drive in the City of San José. The project site is located within the eastern portion of a larger, approximately 10.00-acre parcel (Assessor's Parcel Number 414-21-062) that is owned by the Cambrian School District and partially developed as the Metzler Elementary School. While the elementary school is no longer operating, the facility is used by the California Sports Center and two preschools (7 Magic Flowers Bilingual Montessori and ATLC). The project site is approximately 2.85-acres and consists of a vacant dirt, grass area and gravel parking lot along the eastern boundary of the school campus. The project site does not contain any existing structures. Regional, vicinity, and aerial maps of the project site are provided in Figure 3.2-1, Figure 3.2-2, and Figure 3.2-3, respectively.

3.1.1 General Plan and Zoning

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan) and is zoned Single Family Residential (R-1-8). The intent of the Residential Neighborhood designation is to preserve the existing character of residential neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The R-1-8 zoning allows up to eight dwelling units (DU) per acre.

3.1.2 California State Density Bonus Law

The project would reserve 19 percent of units for low-income households and therefore would qualify for a density bonus of 33.5 percent under the California State Density Bonus Law (California Government Code Sections 65915 – 65918), which equates to a maximum of 30 residential units.[1] Additionally, projects that reserve 17 percent of units or greater for low-income households are entitled to two incentives.[2] Applicants may also request an unlimited number of waivers or reductions in development standards that must be granted, so long as these waivers or reductions would not cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law.

3.2 PROPOSED PROJECT

3.2.1 Residential Development

The project would rezone the site to Planned Development and redevelop the site with 21 single-family homes, which would include four affordable units. Fourteen out of the 21 homes would also include an accessory dwelling unit (ADU). The single-family homes would be two-stories, approximately 26 to 28 feet in height, and would be between 1,600 square-feet (sf) and 3,500 sf in

[1] Low Income is defined by the California Department of Housing and Community Development (HCD) state income limits at 50 percent to 80 percent of the local area median income (AMI).
CA Department of Housing and Community Development. Income Limits. Accessed November 4, 2021. https://www.hcd.ca.gov/grants-funding/income-limits/index.shtml.

[2] Density Bonus incentives include reductions in site development standards or modifications of zoning code or architectural design requirements.

size. All but four of the single-family homes would be detached. The remaining four would be attached in two pairs. Four of the 14 ADUs would be attached to the single-family homes, and nine would be located above detached garages in the rear yards. The project would have a net density of 8.64 DU per acre.[3] A State Density Bonus is proposed to secure the additional units, which would allow a 33.5% density increase, or a total of 8 additional dwelling units if the project builds 4 low-income units on-site. The project requests two Density Bonus incentives. The first incentive pertains to San José Municipal Code 19.36.020, which requires the continuation of street that can be continued, whereas Browning Street is proposed to be a cul-de-sac. The second incentive pertains to Municipal Code 19.36.180, which requires minimum 5,000 square foot lot sizes, whereas the project would have lot sizes less than 5,000 square feet.

3.2.2 Site Access and Parking

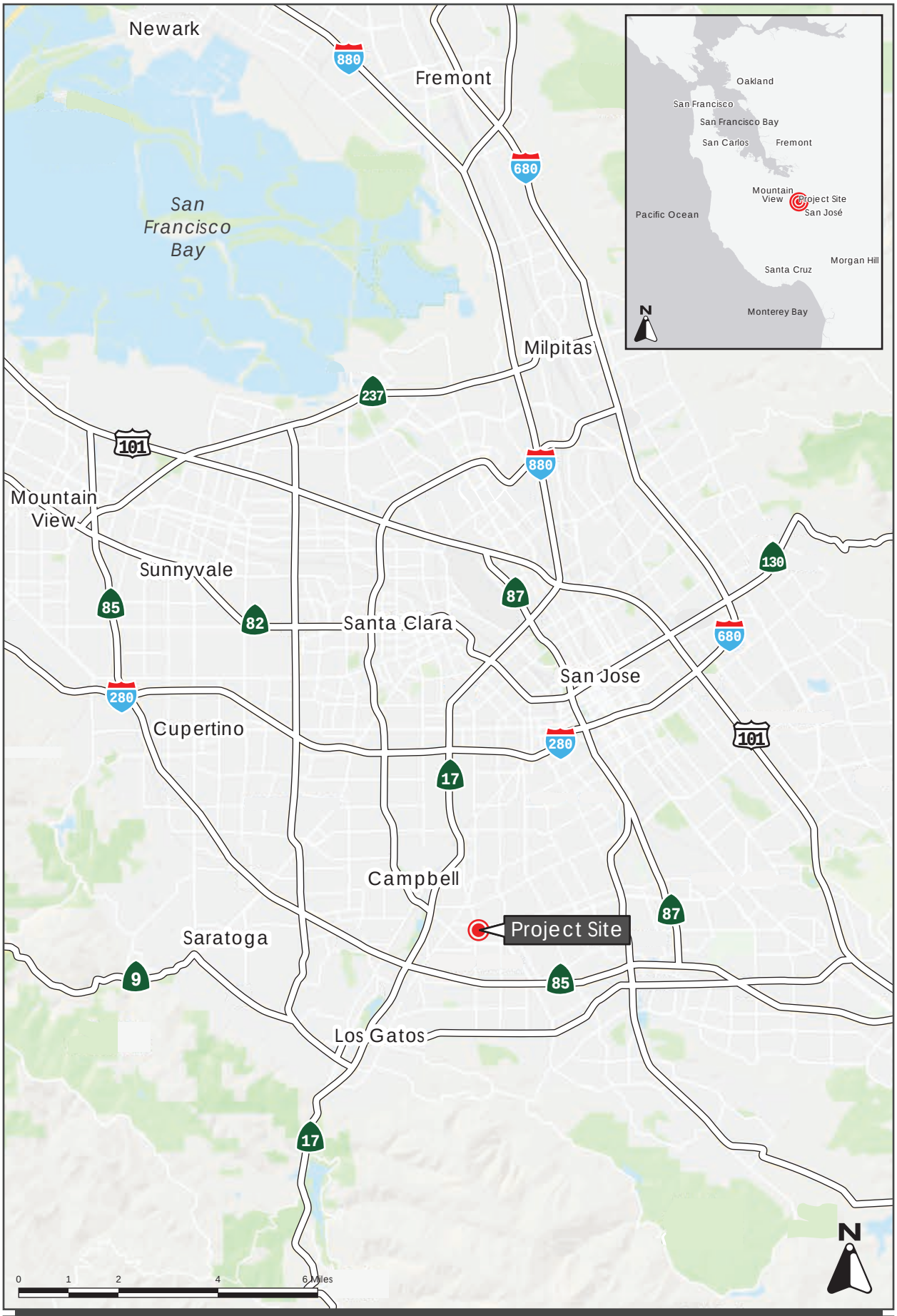
Access to the development would be provided with a new private street entered from Cambrianna Drive directly across from Browning Avenue. The new street would end with a cul-de-sac and restrict access north of the site to emergency vehicle access (EVA) and pedestrian access only, to Browning Avenue. Each single-family home would include a driveway off of the new street and a private garage. Additionally, approximately 17 street-side parking spaces would be provided for ADU and guest parking. San José Municipal Code (Chapter 20.90) requires a vehicle parking standard as two covered spaces per one family dwelling. The four attached single-family homes would have one covered parking space per unit. The State Density Bonus allows for reduced parking requirements.

3.2.3 Landscaping and Trees

Each single-family home would include at least 700 square feet of private open space. The project would remove 3 existing non-native Cedar trees and mitigate their loss with 12 trees at least 15 gallon in size. There is a total of 14 new street trees along the new private street and six along the frontage at Cambrianna Drive.

The project would build a sound wall consisting of pre-cast concrete approximately four inches thick and eight feet tall along the boundary with the elementary school facility (see Figure 3.2-7). A good neighbor fence approximately seven feet tall and made of solid wood of at least one inch thickness would be erected around the remaining boundary of the project with the elementary school property, adjacent residential uses, and in between the single-family homes.

[3] Residential density calculations reduce the net residential area by removing the public street dedication and onsite street area by 0.42 acres. Twenty-one single family homes on 2.43 acres yields a residential density of 8.64 dwelling units per acre.



REGIONAL MAP | FIGURE 3.2-1

VICINITY MAP

FIGURE 3.2-2

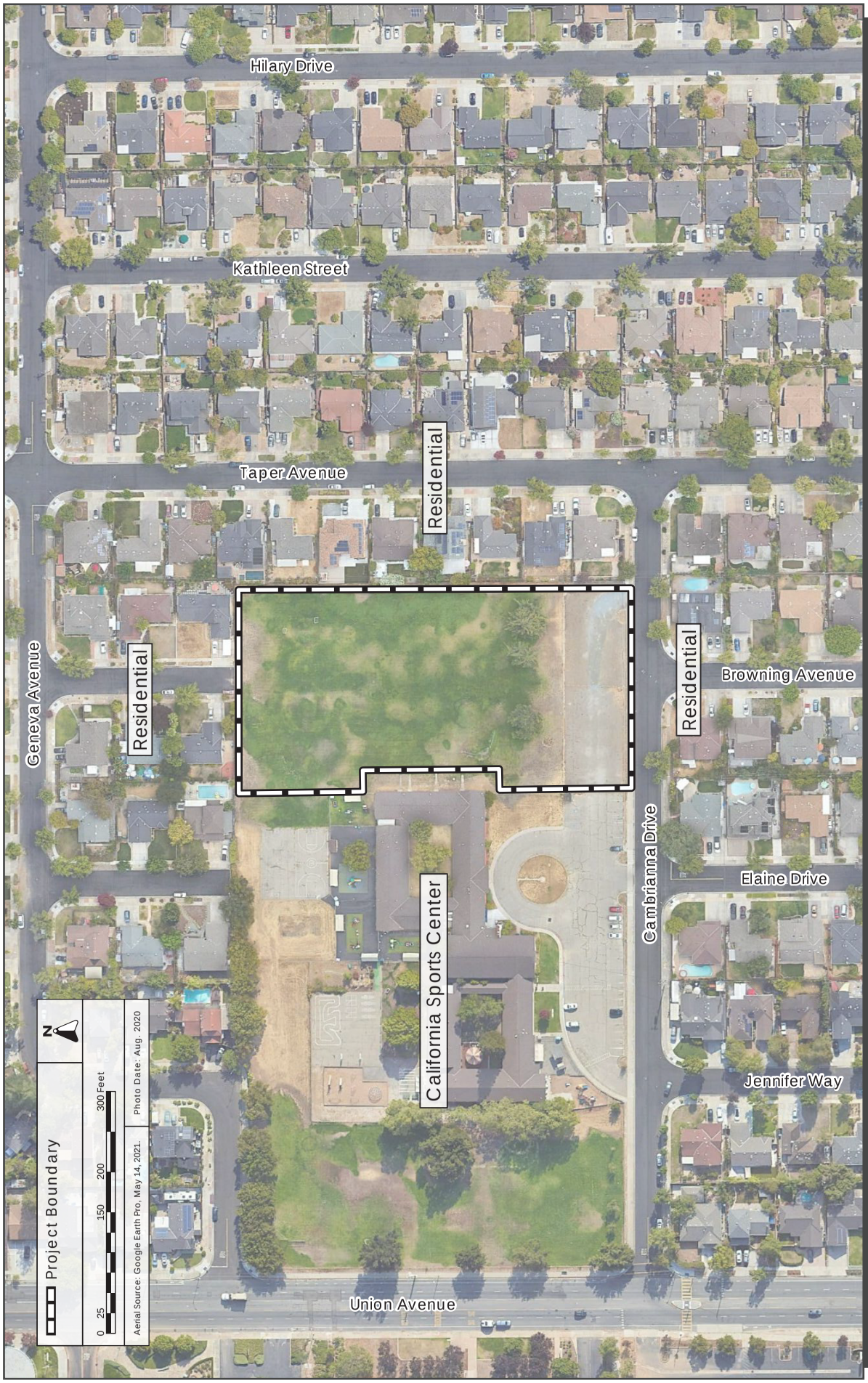
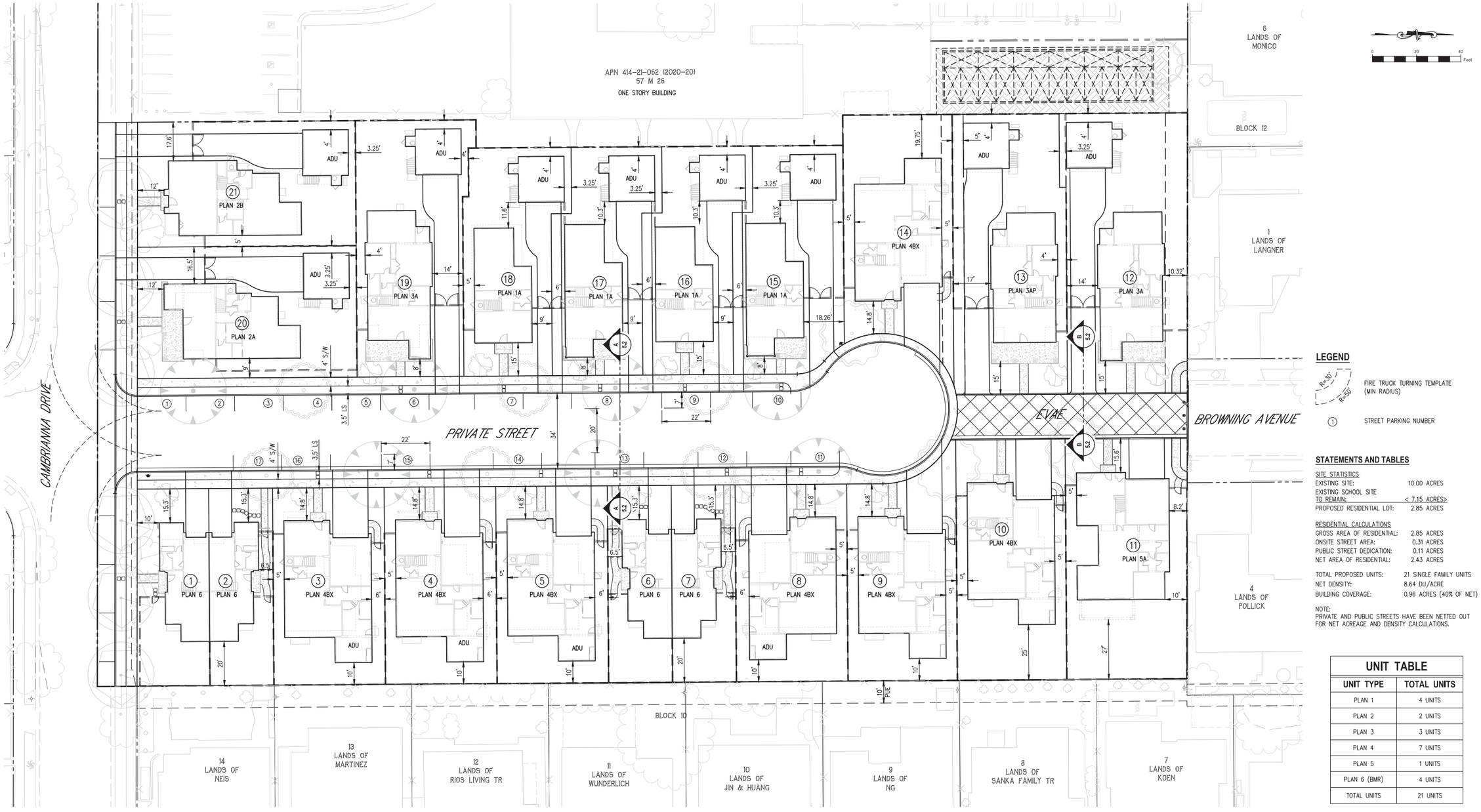


FIGURE 3.2-3

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES



LEGEND

FIRE TRUCK TURNING TEMPLATE (MIN RADIUS)

STREET PARKING NUMBER

STATEMENTS AND TABLES

SITE STATISTICS

EXISTING SITE:	10.00 ACRES
EXISTING SCHOOL SITE TO REMAIN:	< 7.15 ACRES>
PROPOSED RESIDENTIAL LOT:	2.85 ACRES

RESIDENTIAL CALCULATIONS

GROSS AREA OF RESIDENTIAL:	2.85 ACRES
ONSITE STREET AREA:	0.31 ACRES
PUBLIC STREET DEDICATION:	0.11 ACRES
NET AREA OF RESIDENTIAL:	2.43 ACRES
TOTAL PROPOSED UNITS:	21 SINGLE FAMILY UNITS
NET DENSITY:	8.64 DU/ACRE
BUILDING COVERAGE:	0.96 ACRES (40% OF NET)

NOTE:
PRIVATE AND PUBLIC STREETS HAVE BEEN NETTED OUT FOR NET ACREAGE AND DENSITY CALCULATIONS.

UNIT TABLE

UNIT TYPE	TOTAL UNITS
PLAN 1	4 UNITS
PLAN 2	2 UNITS
PLAN 3	3 UNITS
PLAN 4	7 UNITS
PLAN 5	1 UNITS
PLAN 6 (BMR)	4 UNITS
TOTAL UNITS	21 UNITS

Source: Civil Engineering Associates, July 22, 2021.

SITE PLAN

FIGURE 3.2-4

COTTAGE ELEVATIONS


LEFT ELEVATION


FRONT ELEVATION


RIGHT ELEVATION


REAR ELEVATION

CRAFTSMAN ELEVATIONS


LEFT ELEVATION


FRONT ELEVATION


RIGHT ELEVATION


REAR ELEVATION

FARMHOUSE ELEVATIONS


LEFT ELEVATION


FRONT ELEVATION


RIGHT ELEVATION


REAR ELEVATION

MONTEREY ELEVATIONS


LEFT ELEVATION


FRONT ELEVATION


RIGHT ELEVATION


REAR ELEVATION

RANCH ELEVATIONS


LEFT ELEVATION


FRONT ELEVATION

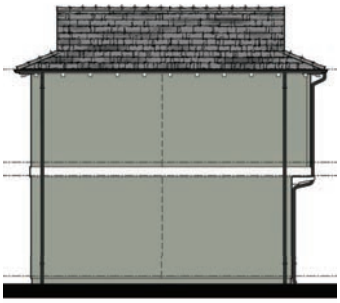

RIGHT ELEVATION


REAR ELEVATION

Source: Robert Hidey Architects, July 21, 2021.

SINGLE-FAMILY BUILDING ELEVATION | FIGURE 3.2-5

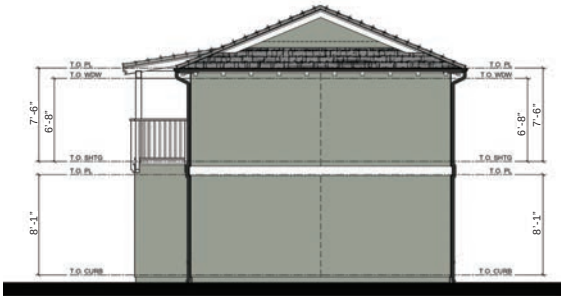
CRAFTSMAN ELEVATIONS



LEFT ELEVATION

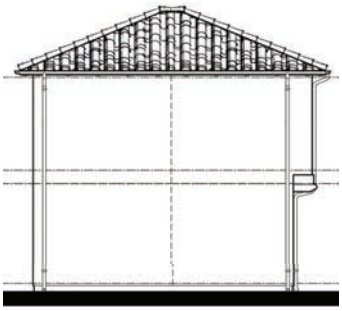
FRONT ELEVATION

RIGHT ELEVATION



REAR ELEVATION

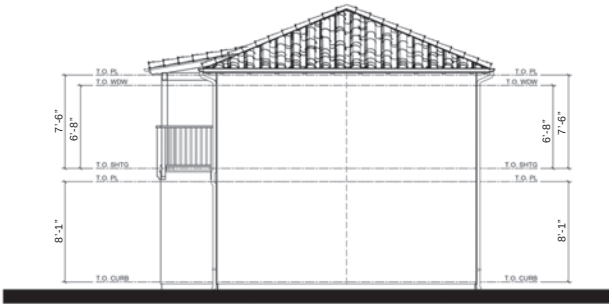
MONTEREY ELEVATIONS



LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

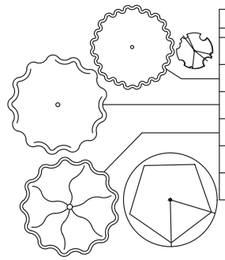


REAR ELEVATION

Source: Robert Hidey Architects, July 21, 2021.

ADU BUILDING ELEVATION | FIGURE 3.2-6

LEGEND		
	FENCE	DECORATIVE LATTICE
	FENCE	GOOD NEIGHBOR, 7' TALL
	FENCE	LOW PICKET FENCE
	FENCE	TRASH ENCLOSURE, 4' TALL
	GATE	PEDESTRIAN GATE
	GATE	VEHICULAR GATE
	PAVING	DECORATIVE PAVING
	STEP STONES	
	TRASH BINS	
	WALL	PRECAST WALL



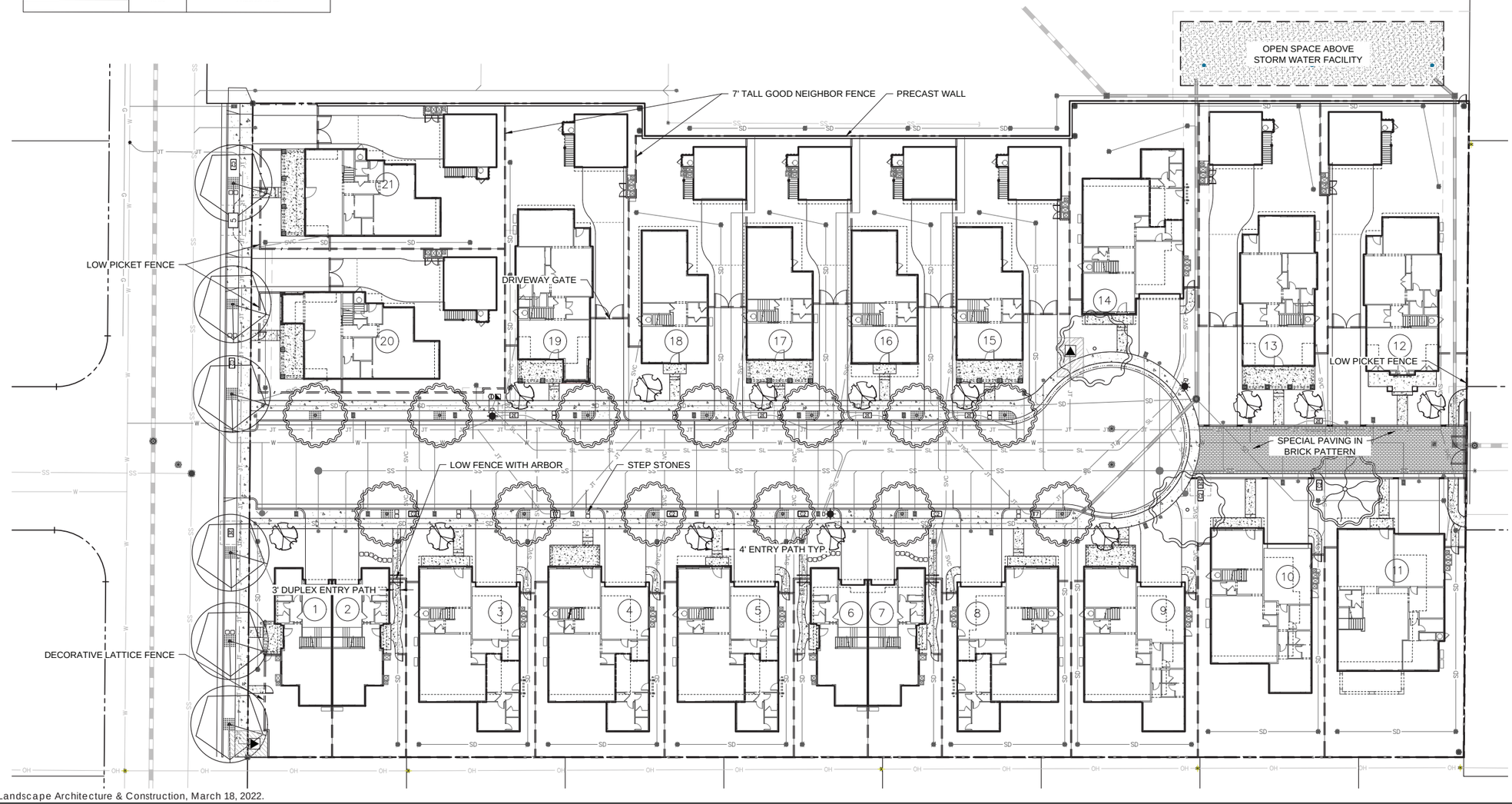
SITE TREES				
NAME	COUNT	SIZE	WUCOLS	NOTES
LAGERSTROEMIA X 'MUSKOGEE'	13	24"	L	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA'	13	24"	M	
QUERCUS AGRIFOLIA	2	24"	VL	
QUERCUS LOBATA	1	24"	L	
ZELKOVA SERRATA 'VILLAGE GREEN'	6	24"	M	REQUIRED STREET TREE
				TOTAL: 35-24" BOX TREES PROVIDED

NOTE: INCLUDE 3" OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTINGS AND SIDE SLOPES

TREE MITIGATION						
TREE #	EXISTING TREE NAME	TRUNK DIA.	TRUNK CIR.	RATIO	STATUS	REPLACEMENT TREES
1	CEDRUS DEODARA	26"	82	4:1	NOT NATIVE	4 - 15G TREES
2	CEDRUS DEODARA	20"	63	4:1	NOT NATIE	4 - 15G TREES
3	CEDRUS DEODARA	28"	88	4:1	NOT NATIVE	4 - 15G TREES
						TOTAL: 12 - 15G REPLACEMENT TREES REQUIRED

0 40 80 Feet

APPROXIMATE SCALE



Source: Design Focus Landscape Architecture & Construction, March 18, 2022.

LANDSCAPE PLAN | FIGURE 3.2-7

3.2.4 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the project is required to be designed and constructed to achieve, at a minimum, the Build It Green's GreenPoint Rated checklist and meet a certification of 50 points. The project proposes to meet this green building standard by incorporating such measures as installation of photovoltaic cells combined with all-electric energy use for all homes, high-efficiency lighting, and reduced exterior light pollution. The project's landscape would include a water-efficient irrigation system and low-water use plantings.

3.2.5 Construction

It is anticipated that the project would be constructed over an approximate 20-month period, beginning in the fall of 2022. Grading onsite would result in approximately 3,644 cubic yards of cut and would require 1,670 cubic yards of fill. As such a net export of 1,971 cubic yards of soils would be required in order to achieve proposed elevations and stormwater basins. Construction equipment would be staged on the project site, as necessary.

Pursuant to Section 20.100.440 of the San Jose Municipal Code, construction is allowed within 500 feet of residences outside the hours of 7:00 AM to 7:00 PM Monday through Friday if expressly allowed by a Development Permit or other planning approval. The project requests an additional day of construction per week with the allowance of Saturday construction between 8:00 a.m. and 5:00 p.m. Construction activities on Saturday would be similar to weekday construction, however the project shall preclude demolition, rough grading, and roadway paving. Permitting Saturday construction from 8:00 a.m. to 5:00 p.m. would shorten the project schedule by three to four months, from 24 months without Saturday construction to 20 months with Saturday construction.

Construction of the project would include an initial cultural resources sensitivity training for all construction crew members prior to the ground-breaking activities of the project site, conducted by a qualified representative of the Tamien Nation, as outlined below:

- **Tribal Cultural Resources Sensitivity Training:** A qualified representative of the Tamien Nation shall provide in-person tribal cultural sensitivity training for workers during the first day of ground disturbing activities; no video trainings would be available. If ground-disturbing activities would occur with new construction crew members after the initial training was conducted, those new teams or workers would need to also have additional training provided by the Tamien Nation on their first day at the site.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate (I) 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[4]

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

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are germane to visual character and scenic resources and would be applicable to the proposed project:

Envision San José 2040 General Plan Relevant Aesthetics Policies

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

[4] California Department of Transportation. "Scenic Highways." Accessed May 14, 2021. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
	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-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-5.6	Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.
Policy CD-10.2	Require that new public and private development adjacent to Gateways, freeways (including U.S.101, I-880, I-680, I-280, SR-17, SR-85, SR-237, and SR-87), and Grand Boulevards consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José.
Policy H-3.1	Require that new housing development sing incorporates the highest possible level of urban design, architectural quality, amenities, fit and finish.

City Council Private Outdoor Lighting Policy 4-3

On March 1, 1983, the City of San José implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities, while benefiting from the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

4.1.1.2 *Existing Conditions*

The project site is located in an urbanized area of San José. The project site is surrounded by single-family homes to the north, east, and south. A former elementary school facility used currently as a recreation center and two preschools is directly to the west. Views from the project site include the existing neighborhood, trees, and surrounding hills and mountains. The project site is currently a vacant, grass lot with exposed dirt and three large deodar cedar trees located on the south side of the lawn (see Photos 1-4). A gravel overflow parking lot is at the southern boundary of the project site

along Cambrianna Drive (see Photos 5-8). The nearest State-designated Scenic Highway is SR-9, 3.6 miles to the southwest of the project site.[5] The project site is not visible from SR-9 at this distance.

[5] California Department of Transportation. California State Scenic Highway System Map. Accessed May 14, 2021. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa

Photo 1: View of the school facility and grass lot looking south from Browning Avenue.

Photo 2: View of single-family residences and Browning Avenue looking north from the grass lot.

PHOTOS 1 & 2

Photo 3: Elementary school facility to the west of the site.

Photo 4: Single family residences to the east of the site.

PHOTOS 3 & 4

Photo 5: View of the grass lot, on-site trees, and single-family residences to the south.

Photo 6: View of the gravel lot and Browning Avenue looking to the south.

PHOTOS 5 & 6

Photo 7: View of the project site looking north from Browning Avenue.

Photo 8: View of the project site looking northwest from Cambrianna Drive.

PHOTOS 7 & 8

The project site is not located within a City-designated Gateway. The nearest Gateways to the project site are located 1.0 mile to the west of the project site where Camden Avenue meets SR-17, 3.8 miles to the northwest where Campbell Avenue meets Saratoga Avenue, and 3.7 miles to the northeast where SR-87 meets Almaden Expressway. The project site is located 1.0 mile east of SR-17, which is a designated Urban Throughway, or Urban Corridor, in the General Plan as are all State and Interstate Highways within the City's Sphere of Influence.[6]

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[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?	☐	☐	☒	☐

[6] City of San José. Envision San José 2040 General Plan. Chapter 4, Scenic Corridors Diagram, page 27.
[7] Public views are those that are experienced from publicly accessible vantage points.

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

The project site is a flat area surrounded by urban development. The project site is not considered a scenic vista. The proposed single-family residences would reach a maximum height of 26 to 28 feet, consistent with the existing neighborhood. Therefore, the project would not substantially obstruct views from the project vicinity, which are already limited due to the site topography and surrounding urban development. Development of the proposed residences would not adversely affect views from scenic vistas overlooking the project area. There are no existing scenic resources on-site and the project would be considered in-fill urban development. While the existing trees on-site would be removed, the project would result in a net increase of trees on-site. Therefore, the project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

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

Due to the flat topography and surrounding urban development, the project site is not visible to the nearby City-designated gateways and Urban Throughway identified in the Existing Conditions discussion, above.

As previously discussed, the nearest state scenic highway, SR-9, is approximately four miles from the project site. Due to the distance and the surrounding urban development, the project site is not visible from SR-9. Therefore, the project would not substantially degrade scenic resources within a state scenic highway. **(Less than Significant Impact)**

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

The project site is in an urbanized area and subject to City design guidelines governing scenic quality. The project constructs new single-family homes on a grassy lot. This would constitute a significant change to the existing visual character of the site. The proposed project, however, would not constitute a significant adverse change to the local aesthetic environment, as the portion of the school district property being developed is not readily visible from Union Avenue, such that the new homes would not contribute to the aesthetic character of the street. The new single-family homes would be consistent with the existing residential character of the surrounding area. The project's height and setback would be comparable to current neighborhood zoning patterns of R-1-8. The setbacks proposed for Lot 1, Lot 20, and Lot 21 would be similar to other homes on Cambrianna Drive. Two-story buildings would not be out of character for a single-family neighborhood, where two story additions are by right in conventional residential zoning districts. Therefore, the proposed project would have a less than significant impact on the visual character or quality of the project site and the surrounding area. **(Less than Significant Impact)**

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Sources of light and glare are abundant in the urban environment of the immediate project area, and include streetlights, parking lot lighting, security lights, vehicular headlights, and reflective building surfaces and windows. The proposed project would incrementally increase light and glare in the area, due to windows and similarly reflective surfaces included in the new single-family homes. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Design and construction of the project in conformance with General Plan Policies and lighting policies would not create a substantial new source of nighttime light that would adversely affect views.

The design of the proposed project would be subject to the City's design review process and would utilize exterior materials that do not result in daytime glare, such as fiber cement and stucco siding, consistent with General Plan policies and the City's Residential Design Guidelines. Therefore, the project would not significantly impact adjacent uses with daytime glare from building materials. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

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

[8] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed May 14, 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.

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 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]

4.2.1.2 *Existing Conditions*

The project site is designated as Urban and Built-Up Land, which means the site 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] Neither the project site nor the surrounding properties are under a Williamson Act contract.[13] Additionally, according to the current and surrounding urban land uses at the project site, the project site is not designated as woodland or forest land cover.

4.2.2 Impact Discussion

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

[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 May 14, 2021. http://frap.fire.ca.gov/.

[12] California Department of Conservation. California Important Farmland Finder. Accessed May 14, 2021. https://maps.conservation.ca.gov/DLRP/CIFF/.

[13] County of Santa Clara. Interactive Map of Williamson Act Properties. Accessed May 14, 2021. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	☐	☐	☐	☒

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

The project site is designated as Urban and Built-Up Land, as discussed in Section 4.2.1.2 Existing Conditions, and is not designated as farmland of any type. There is no farmland in the vicinity of the project site. For these reasons, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

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

The project site is not zoned for agricultural use. The project site is currently zoned Single Family Residential (R-1-8). The project site is not under a Williamson Act contract. The project, therefore, would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

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

The project site is zoned for Single Family Residential (R-1-8). The project site and surrounding properties are not zoned for forestland or timberland. The project, therefore, would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

The project site and surrounding properties do not contain forest land. The project, therefore, would not result in a loss of forest land or conversion of forest land to 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?

As previously discussed, the project site and surrounding properties are not designated, zoned, or used for agricultural or forest land uses. Therefore, the project would not involve changes in the existing environment which could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on a construction and on-site community risk assessment prepared for the project by Illingworth & Rodkin, Inc. dated July 28, 2021. A copy of the assessment report is included as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[14] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

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

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

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

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

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

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[15] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

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

[15] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed May 14, 2021. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

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

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[16]

CEQA Air Quality Guidelines

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

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

Local

Envision San José 2040 General Plan

In connection with the implementation of BAAQMD's Bay Area 2017 Clean Air Plan (CAP), various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The proposed project would be subject to the air quality policies listed in the General Plan, including the following:

Envision San José 2040 General Plan Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	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.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Action MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered non-attainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

Sensitive Receptors

The closest sensitive existing receptors are single-family homes adjacent to the north, east, and south of the project site. A recreation center, California Sports Center – Cambrianna, and two preschools, ATLC Preschool and 7 Magic Flowers Bilingual Montessori Preschool, are located in the building adjacent to the project site on the west. The Springs of Life Christian Preschool is located approximately 700 feet to the west. Two assisted living facilities are also located within the residential neighborhoods surrounding the site. Once constructed, the project would introduce new sensitive receptors (i.e., residents) to the area.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

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

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

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

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	
Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.			

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

The proposed project would not conflict with the 2017 CAP because it would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size. The 2017 BAAQMD CEQA Air Quality Guidelines contain a screening table that lists the minimum unit count for residential projects, below which the project would not result in the generation of operational criteria air pollutants that exceed the threshold of significance. The screening threshold for single family residences is 325 dwelling units for operational criteria pollutants and 114 dwelling units for construction criteria air pollutants. The project, proposing 21 new single-family dwellings and an additional 14 accessory dwelling units, is well below this screening threshold.

Given that the project would not exceed the BAAQMD screening criteria, it would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-2. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit

BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, the project will have a less than significant impact on the implementation of applicable air quality plans. The project's consistency with relevant 2017 CAP control measures is provided below in Table 4.3-3. **(Less than Significant Impact)**

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
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.	The project would include sidewalks with street trees, planter strips, and streetlights, as well as extend sidewalks north to Browning Avenue along an emergency vehicle access (EVA) road. The project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project would be located in proximity to bus transit services; therefore, the project is consistent with this measure (refer to Section 4.17 for more information).
Building Measures		
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.	The project would install photovoltaic panels on each residence and 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.
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.	The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements which would increase building efficiency over standard construction. In addition, street trees and planter strips would absorb solar radiation and would contribute to the reduction of heat island effect. Therefore, the project is consistent with this control measure.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Natural and Working Lands Measures		
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.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.
Waste Management Measures		
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.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

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

The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors (refer to Appendix A), which apply to both construction period and operational period impacts. As discussed above in checklist question a, the project falls below BAAQMD screening levels, however construction period emissions were nonetheless modeled for the project. The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction of the site assuming full build-out of the project.

Construction Emissions

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. Inputs to CalEEMod were developed that take into account demolition of the on-site uses, excavation, and building construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on information provided by the project applicant. Table 4.3-4 summarizes the project's average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust and shows that the predicted construction period emissions would not exceed BAAQMD significance thresholds.

Table 4.3-4: Estimated Average Daily Project Construction Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Construction Emissions (tons)	0.62	1.44	0.07	0.07
Average Daily Emissions (pounds per day)[1]	3.20	7.40	0.38	0.34
BAAQMD thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed threshold?	No	No	No	No

Notes:

[1] Assumes 390 workdays

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to

be less than significant if the following Standard Permit Conditions are implemented to reduce these emissions.

Standard Permit Conditions: During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level:

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

The measures above are consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines. Therefore, construction of the proposed project would not result in a significant air quality impact from construction emissions. **(Less than Significant Impact)**

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by future residents. As described above, the project's dwelling units are below the screening level and would not exceed the BAAQMD thresholds of significance. Therefore, operation of the proposed project would not result in a significant air quality impact from operational emissions. **(Less than Significant Impact)**

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

Project construction activities would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. A construction community health risk assessment was prepared to address project construction impacts on the surrounding off-site sensitive receptors. Operation of the project is not expected to be a source of TAC or localized air pollutant emissions, as the project would not generate substantial truck traffic or include stationary sources of emissions, such as generators powered by diesel engines. During project operation, new trips generated would be for residential purposes and comprise of personal trips taken by automobile, bicycle, and public transit. Emissions from automobile traffic generated by the project would be spread out over a broad geographical area and not be localized to the project area. Additionally, passenger vehicles are not substantial sources of TACs given only a small percentage rely on diesel fuel.

The project would introduce residents that are sensitive receptors. There is one nearby roadway (Union Avenue) and two stationary sources that are existing sources of TACs in the vicinity of the project. The stationary sources include a Verizon Wireless generator located at 3151 Union Avenue, approximately 850 feet to the west of the project site, and a Speedway Express gas station at 3010 Union Avenue, approximately 670 feet northwest of the project site. Impacts of the existing roadway and stationary sources of TAC upon the existing sensitive receptors and new incoming sensitive receptors was assessed in Appendix A, the Cumulative Community Risks of Existing and Project TAC Sources.[17]

Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. This involved the modeling of TAC and $PM_{2.5}$ emissions, dispersion modeling and cancer risk computations.

Community Health Risks from Project Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As discussed under checklist question b), construction exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions, however, may pose health risks for sensitive receptors such as surrounding residents and nearby schools. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$.

A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$.[18] Refer to the project's construction and on-site community risk assessment in Appendix A for details about the community health risk modeling, data inputs, and assumptions.

Table 4.3-5 summarizes the maximum excess cancer risk, annual $PM_{2.5}$ concentration, and non-cancer Hazard Index (HI) based on the maximum DPM concentration affecting the maximally exposed individual (MEI), which is the sensitive receptor affected the most by project construction

[17] Illingworth & Rodkin, Inc. Construction and On-Site Community Risk Assessment. July 28, 2021.
[18] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

emissions. The MEI during the construction period would occur at a single-family residence adjacent to the southeastern boundary of the project site and the most effected nearby school would be the 7 Magic Flowers Bilingual Montessori Preschool. Table 4.3-5 shows that the project's cancer and annual $PM_{2.5}$ risks would be 31.54 excess cancer cases per million, which would exceed the BAAQMD thresholds of significance of cancer cases per million.[19] The project's annual $PM_{2.5}$ risks of 0.13 µg/m^3 and non-cancer HI value of 0.02 would not exceed the BAAQMD threshold of significance of 0.3 µg/m^3 annual $PM_{2.5}$ concentration and non-cancer HI value of 1.0, respectively.

Table 4.3-5: Construction Risk Impacts at the Off-Site Residential MEI and School MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ (µg/m^3)	Hazard Index
Project Impact			
Project Construction			
Unmitigated	**31.54 (infant)**	0.13	0.02
Mitigated*	2.18 (infant)	0.01	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold?			
Unmitigated	**Yes**	No	No
Mitigated	No	No	No
Most Affected Nearby School – 7 Magic Flowers Bilingual Montessori Preschool			
Project Construction	**25.82 (infant)**	0.06	0.01
Unmitigated	1.81 (infant)	<0.01	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold?	**Yes**	No	No
Unmitigated	No	No	No

Note:
Bold text indicates a significant impact.
* Construction equipment with Tier 4 interim engines and Best Management Practices as Mitigation.

Impact AIR-1: Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) at the maximally affected sensitive receptor.

Mitigation Measures: Construction activities involving diesel particulate matter (DPM) exhaust emissions at the project site would result in significant cancer risk (significant cancer risk threshold is greater than 10.0 chances per million) at the maximally affected sensitive receptor in adjacent

[19] Illingworth & Rodkin, Inc. Construction and On-Site Community Risk Assessment, Figure 1: Locations of Project Construction Site, Off-Site Sensitive Receptors, and Maximum TAC Impact. July 28, 2021.

residences to the southeast (31.54 chances per million) and the most effected nearby school (25.82 chances per million).

MM AIR-1.1: Prior to the issuance of any demolition or grading permits (whichever occurs first), a qualified air quality consultant shall prepare a construction operations plan demonstrating use of construction equipment with low diesel particulate matter exhaust or meets a fleet-wide average 70-percent reduction in DPM exhaust emissions. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

1. All diesel construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards (i.e., Tier 4 Interim or Final engine standard) for PM (PM10 and PM2.5), if feasible, otherwise,

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

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

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

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

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer’s specifications for each equipment that provides the emissions level; or the manufacturer’s specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
- How the construction contractor will ensure that the measures listed are monitored.

- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for review and approval. Implementation of this mitigation will reduce the project's construction cancer risk impact from 31.54 chances per million to 2.18 chances per million, consistent with BAAQMD standards.

Modeling of project construction activities with the assumption of Tier 4 interim engines was completed to determine the effectiveness of the required mitigation measures. Implementation of this mitigation, the on-site diesel exhaust emissions would be reduced by at least by 81 percent. With the implementation of mitigation measure MM AIR-1.1, the project's health risk from construction sources would be reduced to 2.18 excess cancer cases per million (Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures. With the implementation of the required mitigation measures, the health risks are below the BAAQMD thresholds of significance. **(Less than Significant Impact with Mitigation Incorporated)**

Cumulative Community Risks of Existing and Project TAC Sources

The geographic area for cumulative impacts to sensitive receptors is within 1,000 feet of the project site. This distance is recommended by BAAQMD because adverse effects are the greatest within this distance. At further distances, health risk diminishes. A review of the project area indicates that traffic on Union Avenue exceeds the average daily traffic (ADT) threshold of 10,000 vehicles. All other roadways within the area are below the 10,000 ADT threshold. Two stationary sources of TACs are located within the 1,000-foot influence area that include a Verizon Wireless generator located (approximately 850 feet to the west) a Speedway Express gas station (approximately 670 feet northwest). The community risk impacts from the cumulative sources to the project MEI were modeled and the results are summarized in. Refer to Appendix A for details about the modeling, data inputs, and assumptions.

As shown in Table 4.3-6, the health risk from the cumulative sources (including project construction) would not be significant. The estimated maximum cancer risk of 31.54 and the annual $PM_{2.5}$ concentration of 0.13 $\mu g/m^3$ would not exceed the BAAQMD cumulative source thresholds of significance of 100 excess cancer cases per million and 0.8 $\mu g/m^3$, respectively.

Table 4.3-6: Cumulative Community Risk Impacts at the Location of Project MEI			
Source	**Maximum Cancer Risk (per million)**	**$PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Hazard Index**
Project Impacts			
Project Construction			
Unmitigated	**31.54 (infant)**	0.13	0.02
Mitigated	2.18 (infant)	0.01	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Exceed Single-Source threshold?			
Unmitigated	**Yes**	No	No
Mitigated	No	No	No
Cumulative Sources			
Union Avenue, 16,810 ADT	0.51	0.03	<0.01
Verizon Wireless Camden & Union (Facility ID #16517, Generator), MEI at 1000+ feet	0.11	--	--
Mobil SS#63060 (Facility ID #110687, Gas Dispensing Facility), MEI at 1000+ feet	0.37	--	--
Combined Sources			
Unmitigated	32.53	0.16	<0.03
Mitigated	3.17	0.04	<0.02
BAAQMD Cumulative Source Threshold	*>100*	*>0.8*	*>10.0*
Exceed Threshold?			
Unmitigated	No	No	No
Mitigated	No	No	No
Note: **Bold** text indicates a significant impact.			

Modeling was completed to determine the effectiveness of the previously identified required measures and found the cumulative health risk to the project MEI would be reduced to 2.91 excess cancer cases per million and 0.04 $\mu g/m^3$ annual $PM_{2.5}$ concentration (see Table 4.3-6). With implementation of the required measures the cumulative community health risks would not exceed the BAAQMD cumulative-source thresholds of significance. **(Less than Significant Impact)**

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

The proposed project would not introduce land uses to the area that generate odors, such as dairy farms, wastewater treatment plants, landfills, or coffee roasting. The project proposes residential uses on-site. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses; therefore the project would have a less than significant impact. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based on a tree inventory and assessment prepared by Monarch Consulting Arborists, LLC., dated July 6, 2021. A copy of the assessment report is included as Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[20] 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

[20] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed May 14, 2021. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

The Habitat Plan offers the Santa Clara Valley Habitat Geobrowser to identify key policy and planning areas relevant to the plan. The project's parcel is identified in the Habitat Geobrowser as within the Habitat Plan Permit Area consisting of a 9.7-acre area of Urban Development.[21] This area is divided into 9.4-acres containing Land Cover as Golf Courses / Urban Parks and the Land Cover Fee Zone B pertaining to Agricultural and Valley Floor Lands. The remaining 0.3-acres are identified with Land Cover as Urban – Suburban and the Land Cover Fee Zones of Urban Area that has No Land Cover Fee.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Biological Resources Policies

Policy	Description
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.

[21] Santa Clara Valley Habitat Agency. Project Report for APN 41421062, San Jose. Accessed July 21, 2021. http://www.hcpmaps.com/habitat/

Policy 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.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, 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.

San José Tree Removal Ordinance

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

4.4.1.2 *Existing Conditions*

The project site consists of approximately 2.85-acres, located on the eastern portion of an approximately 10.00-acre site. The project site is located in a developed, urban area of San José, and the site currently contains dirt mounds, grassy areas, and three trees. Surrounding properties are also developed with urban uses. The project site's use as a recreational field for two preschools and a children's recreation center generally conflicts with its use as suitable habitat for special-status plants

or wildlife species. Canada geese, a regionally abundant migratory waterfowl species protected under the MBTA, are known to roost and forage on large grassy fields, including the project site, however, with no aquatic habitat present on or adjacent to the site, suitable nesting habitat is not present.[22] Additionally, the project site is not adjacent or near aquatic habitat including riparian corridors or areas designated as wetlands.[23]

There are three trees of the same species, Deodar cedar, on the southern portion of the approximately 2.85-acre project site in a row parallel to Cambrianna Drive (see Table 4.4-1). All three trees are considered to be "ordinance size" greater than 38 inches in circumference, are in good health and structure, and are suitable for preservation. The project proposes to remove the three trees.

Table 4.4-1 Ordinance Sized Trees On-site

Number	Scientific Name	Common Name	Trunk Circumference (in.)	Height / Canopy Diameter (ft.)	Removed?
1	Cedrus deodara	Deodar cedar	82	65 / 55	Yes
2	Cedrus deodara	Deodar cedar	63	55 / 55	Yes
3	Cedrus deodara	Deodar cedar	88	65 / 55	Yes

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒

[22] Carle, Robin. Associate Ecologist, H.T Harvey and Associates. Personal Communication. March 24, 2022.
[23] United States Fish and Wildlife Service. National Wetlands Inventory, Wetlands Mapper. Accessed May 14, 2021. https://fwsprimary.wim.usgs.gov/server/rest/directories/arcgisoutput/Utilities/PrintingTools_GPServer/_ags_c402a0358d0a434e8f3d742a41bc4e64.pdf.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

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

As described above, the project is adjacent to a recreation center and two preschools. The site contains an open grassy space with disturbed soil mounds and lacks suitable nesting habitat for special-status plant and animal species. Canada geese will use a recreational field for roosting and foraging year-round, however if no aquatic habitat is present on or adjacent to the site then no suitable nesting habitat would be present. The development of a recreational field that is used by Canada geese but lacks nearby aquatic habitat would not be a significant impact under CEQA, as this is not a candidate, sensitive, or special status species and the removal of some roosting and foraging habitat for geese will not result in substantial effects on the species' population. If Canada geese are present on site at the start of construction, it is expected the birds would fly away unharmed if they are disturbed.[24] As noted above, Canada geese would not nest on the site, and therefore, MBTA protections (discussed below) for nesting disturbance are not applicable. Additionally, the geese would be expected to find an alternative location to roost and forage in the vicinity, as similar habitat is abundant in the region. Based on the highly urbanized and developed nature surrounding the project site, the proposed development of the project site would not adversely affect any candidate, sensitive, or special-status species.

[24] Carle, Robin. Associate Ecologist, H.T Harvey and Associates. Personal Communication. January 27, 2022.

Nesting Birds

Development of the project would result in the removal of three large Deodar cedar trees on the project site. These trees could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future construction activities on-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. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact.

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan policies ER-5.1 and ER-5.2, future redevelopment under the proposed land use designation would be required to implement measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

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

Mitigation Measures: The following mitigation measures would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

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

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

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

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

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(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?

The project site is not located within a riparian corridor, and it does not contain any other sensitive natural communities as identified in local regional, state, or federal plans, policies, or regulations. The three existing trees on-site are non-native and thereby do not offer native habitat for natural communities. The proposed project would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS and therefore have a less than significant impact. **(Less Than Significant Impact)**

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

There are no wetlands on or adjacent to project site and, as a result, the project will not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act**. (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?

The project site does not contain any creeks or aquatic habitat that would support fish. The project site is surrounded by urban uses and thus, the project site is not within an important wildlife corridor. Wildlife species that are common to the project area and are adapted to urban settings would continue to move through the project site during and after project construction. Potential impacts to migratory birds during construction would be kept to a minimum with implementation of **MM BIO-1.1** through **MM BIO-1.4**. Therefore, the project's mitigation measures would cause a less than significant impact that would 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 impeded the use of native wildlife nursery sites. **(Less than Significant Impact with Mitigation Incorporated)**

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

The project proposes to remove three non-native trees on the 2.85-acre project site, all of which are ordinance size. The proposed project would adhere to all applicable local policies protecting biological resources, including trees, and would replace trees or pay replacement fees as required by the City of San José policies protecting biological resources, including several policies protecting trees and existing plant communities. In order to preserve the urban forest to maintain tree cover, removal of ordinance trees must be permitted. There are a total of three ordinance sized trees on the project site located along the southern portion the grassy area, all of which have good suitability for protection and preservation. Tree removal and replacement would be consistent with City removal restrictions and replacement ratios.

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. Tree replacement would occur on-site. The project would plant approximately 40 new trees, according to the Landscape Plan (see Figure 3.1-4), including four individual trees representing California native species.

Standard Permit Conditions:

1. **Tree Replacement.** Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 4.4-2 below, as amended.

Table 4.4-2 City of San José Tree Replacement Ratios

Circumference of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Replacement Tree**
	Native	Non-Native	Orchard	
38 inches or more	5:1*	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

*x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

**A 24-inch box replacement tree = two 15-gallon replacement trees

Single Family and Two-dwelling properties may replace trees at a ratio of 1:1

- Three non-native ordinance-size trees onsite would be removed. Three trees would be replaced at a 4:1 ratio. The total number and size of replacement trees required to be planted is 12 trees, and each replacement tree would be a minimum size of 15-gallons.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance to the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With implementation of the above standard permit condition, the proposed project would conform to the City's tree preservation ordinance and have a less than significant impact. **(Less than Significant Impact)**

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

The project site has two land cover designations as Golf Course / Urban Park and Urban - Suburban land and the proposed project would be a covered activity under the SCVHP. The project site is not located in a survey area for any special-status plant or wildlife species. The SCVHP considers covered activities to result in a certain amount of indirect impacts from urban development, mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition.

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

Standard Permit Conditions: The following standard permit condition would be applied to the proposed project, consistent with the Habitat Plan.

- The project 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, Building, and Code Enforcement or 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.

With implementation of the identified Standard Permit Condition, the project would be consistent with the SCVHP. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

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

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

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

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.

[25] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed May 14, 2021. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy LU-13.8	Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

City of San José Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) promotes the preservation of old historic or architecturally worthy structures and neighborhoods which impart a distinct aspect to the City and serve as visible reminders of the historical and cultural heritage of the City, the state, and the nation. The City contains over 200 designated City Landmarks, structures which represent a physical connection with significant persons, activities, or events from the City's past. Any historic property may be nominated for designation as a City Landmark by either the City Council or the Historic Landmarks Commission; property owners may also apply for nomination and consideration by the Historic Landmarks Commission. Factors to be considered when making a finding regarding Landmark designation of a historic structure include the following:

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

4.5.1.2 *Existing Conditions*

The project site does not contain any historic resources listed in the City's Historic Resource Inventory database.[26] There are no structures on-site, historic or otherwise. The adjacent elementary school facility was built in the late 1950s. The nearest City-designated historic resource is the Hamilton Residence at 2295 South Bascom Avenue, approximately one mile north of the project site.[27]

There are no known archaeological resources on-site. According to the General Plan DEIR Figure 12B, the project site is not in a known archeologically sensitive area.

[26] City of San José. Historic Resource Inventory. Accessed May 14, 2021. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory
[27] Ibid.

4.5.2 Impact Discussion

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

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

The project would not result in the demolition of any existing structures. As noted above, the historic Hamilton Residence at 2295 Bascom Avenue is approximately one mile from the site, and at this distance, the project would not result in any physical impacts to the Hamilton Residence. Therefore, the project would have no impact that would 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?

There are no known archaeological resources on-site and it is not located within an archeologically sensitive area.[28] However, as with any site that has not undergone substantial prior ground disturbance, there is potential to encounter previously undiscovered archaeological resources during project construction. In accordance with General Plan policy ER-10.3, the proposed project would be consistent with the following condition to reduce or avoid impacts to subsurface cultural resources.

Standard Permit Condition:

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

[28] City of San José. *Envision San Jose 2040 General Plan* City of San Jose Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources.

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

According to the General Plan EIR, implementation of the City's General Plan policies and existing regulations and programs would reduce potential impacts to undiscovered archaeological resources to a less than significant level. **(Less than Significant Impact)**

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

There are no known human remains on-site. However, there is potential for the project to encounter previously undiscovered human remains during project construction. Consistent with General Plan policy ER-10.2, the proposed project would be required to comply with the following conditions to ensure human remains would not be disturbed.

Standard Permit Conditions:

1. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

    - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    - The MLD identified fails to make a recommendation; or

- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the standard permit conditions described above would ensure that potential impacts to previously undiscovered human remains would be less than significant. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[29] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[30]

[29] California Building Standards Commission. "California Building Standards Code." Accessed May 17, 2021. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[30] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed May 17, 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.[31]

Local

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City's Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-1.2	Increase the number and proportion of buildings within San José that make use of green building by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

[31] California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 17, 2021. https://www.arb.ca.gov/msprog/acc/acc.htm.

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching 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.

City of San José Reach Building Code

In 2019, the San José City Council approved ordinance No. 30311 and adopted the Reach Code Ordinance (Reach Code) to reduce energy related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San 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 Rating 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.

San José Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.[32] Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,456 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 19 percent (1,456 trillion Btu) for industrial uses, and 39 percent (3,073 trillion Btu) for transportation.[33] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

[32] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed July 22, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[33] Ibid.

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.[34]

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

Natural Gas

PG&E provides natural gas services within 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.[35] In 2019, residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 26 percent, the industrial sector used 35 percent, and other uses used six percent.[36] Transportation accounted for one percent of natural gas use in California. In 2019, Santa Clara County used approximately two percent of the state's total consumption of natural gas.[37]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[38] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.[39] 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. [40,41]

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[34] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 17, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[35] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed May 17, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[36] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed July 22, 2021. https://www.eia.gov/state/?sid=CA#tabs-2..
[37] California Energy Commission. "Natural Gas Consumption by County." Accessed May 17, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[38] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 17, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[39] 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?Dockey=P1010U68.pdf
[40] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed May 17, 2021. http://www.afdc.energy.gov/laws/eisa.
[41] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed May 17, 2021. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

4.6.2 Impact Discussion

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

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

Construction

The proposed project is estimated be constructed over a period of 15 months. Construction of the project would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition and grading), and construction of the building and other improvements. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The project would also comply with the City's Construction and Demolition Diversion Program.

Additionally, project construction would be required to implement BAAQMD BMPs discussed in Section 4.3 Air Quality to restrict equipment idling times and require signs be posted on the project site reminding workers to shut off idling equipment, thus reducing the potential for energy waste. The project is also required to participate in the City's Construction and Demolition Diversion Deposit Program, which ensures at least 75 percent of construction and demolition debris is recovered and diverted from landfills. Therefore, the project construction activities would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)**

Operation

The proposed project would be required to be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. Occupation and operation of the project would consume energy for multiple purposes, including building heating and cooling, lighting, and appliance use. Operational energy also includes gasoline consumption from vehicles traveling to and from the project site. The net increase in energy use from the project is shown below in Table 4.6-1.

Table 4.6-1: Estimated Existing and Project Energy Usage		
	Electricity Use (kWh per year)	**Gasoline (gallons per year)**
Proposed Development		
Accessory Units	56,854	9,465
Single-Family Housing	164,498	18,168
Total	221,352	27,633
Existing Development		
Vacant Lot	0	0
Total	0	0
Net Energy Demand	**221,352**	**27,633**
Notes: The estimated gasoline demand is based on the estimate of 94 new residents (see Section 4.14.2) driving an average 9.53 miles per day (see Section 4.17.2) totaling 235,672 for the Accessory Units, 452,383 for the Single-Family Housing, and an average fuel economy of 24.9 mpg.		

As shown in Table 4.6-1, the project would result in a net increase in energy demand compared to existing conditions, since the site is currently vacant and does not contain any uses that consume energy. The project proposes installation of photovoltaic cells combined with all-electric energy use for all homes. Therefore, no natural gas usage is anticipated. The project would not represent a wasteful or inefficient use of energy resources because the project is required to comply with the City's Green Building Program, Title 24, and CALGreen requirements to reduce energy consumption; therefore the project will have a less than significant impact on energy resources. **(Less than Significant Impact)**

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

The project is required to conform to General Plan policies and existing regulations, which promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. By conforming to applicable General Plan policies related to renewable energy and energy efficiency, and the Green Building Ordinance, the project would not preclude the City from meeting local or state renewable energy or energy efficiency goals. In addition, as discussed in Section 4.3 Air Quality, the project is consistent with the 2017 CAP which includes measures to reduce energy (including gasoline fuel) consumption. Implementation of these local policies and regulations would ensure the project is compliant with regional and statewide energy efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code). By adhering to adopted policies and regulations the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation prepared by Geo-Logic Associates, dated September 7, 2021. The report is included in this document in its entirety as Appendix C.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The proposed project would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Geology and Soil Policies

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

Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San 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 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

Regional Geologic Conditions

The project site is located within the seismically active San Francisco Bay Area. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or higher. The closest faults to the project site are the Monte Vista-Shannon (1.75 miles southwest), San Andreas (6.95 miles southwest), Sargent (9.20 miles south/southeast), and Hayward (9.15 miles northeast) faults[42]. Vicinity faults and their distances from the project site are listed below, in Table 4.7-1.

Table 4.7-1 Faults Nearest to Project Site

Fault Name	Approximate Distance (mi)	Orientation from Site
Monte Vista-Shannon	1.75	Southwest
San Andreas	6.95	Southwest
Sargent	9.20	South/Southwest
Hayward	9.15	Northeast
Calaveras	12.00	Northeast
San Gregorio	22.50	Southwest

[42] United States Geologic Survey. "Quaternary Fault and Fold Database of the United States." Accessed July 22, 2021. https://www.usgs.gov/natural-hazards/earthquake-hazards/faults?qt-science_support_page_related_con=4#qt-science_support_page_related_con

The proposed project is located within the Santa Clara Valley, a broad alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. 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.

The City of San Jose is susceptible to the effects of regional seismic activity that produces ground shaking intensity levels of 8 (severe shaking) and 9 (violent shaking) according to the Modified Mercalli Intensity (MMI) Scale.[43] In the event of a moderate to large earthquake occurring because of one of the faults mentioned above, strong seismic ground shaking is likely to occur on-site.

On-site Geologic Conditions

Seismicity

As described above, the project site is located in an area of high seismic activity. It should be anticipated that any structures on the project site will be subjected to at least one earthquake with a magnitude greater than 7. Structures within the project site would also be exposed to periodic small to moderate magnitude earthquakes throughout their operational lifespan. For these reasons, the likelihood of powerful ground shaking at the project site is very high.

The project site is not located within an Earthquake Fault Zone as delineated on the most recent Alquist-Priolo Map. The project site is not located within a Santa Clara County Fault Rupture zone. Because no active or potentially active faults are known to cross the site, the likelihood of fault rupture at the project site is low.

Soil and Groundwater

Based on soil encountered in test bores up to 45 feet below ground surface (bgs), subsurface soils at the project site can be categorized as alluvial. Some areas of the project site are underlain with near surface base rock. Predominantly, the soils underlying the project site consist of a surficial layer of silty clay. The surficial layer is underlain by dense, granular soils with sand, clay, and gravel to the maximum depth of 45 feet bgs.

Groundwater was not encountered in any test bores on-site. Historical high groundwater was estimated to be about 48 feet bgs, based on measurements published by the California Geological Survey in 2002. Groundwater levels can fluctuate for a variety of factors, including seasonal precipitation, extraction from wells, and recharge due to irrigation or other methods.

Liquefaction and Lateral Spreading

Liquefaction is low shear strength in soil layers due to high pore water pressure. Loose and coarse-grained soils can undergo liquefaction as a result of seismic shaking or cyclic loading. Soils such as low-density, saturated sands, with a high susceptibility to liquefaction, were not encountered in the

[43] Metropolitan Transportation Commission/Association of Bay Area Governments Hazard Viewer Map. "Probabilistic Earthquake Shaking Hazard". Map. Accessed July 22, 2021. https://www.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8

project site. The project site is not located in a liquefaction hazard zone according to the State Hazard Zones map.[44]

Lateral spreading is a type of ground failure related to liquefaction whereby a mass of overlying soil shifts horizontally toward a free face or downslope. The project site has a level surface topography. Due to the absence of saturated or liquefiable soils, or groundwater, within the uppermost 45 feet of soil, and the absence of a free face or downslope, the area is unlikely to present a liquefaction-related lateral spreading risk.

Landslides

Landslides occur when slopes become unstable and masses of earth material move downslope. Landslides are generally considered to be rapid events, often triggered during periods of rainfall or by earthquakes. Hilly or sloped areas have a tendency to fail and result in landslides. The project site is generally flat and is not located in Landslide Hazard area.[45]

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils; however, mammoth remains were found along the nearby Guadalupe River in San José in 2005. Depending on the location in San José, younger sediments have the potential to yield fossil resources or to contain significant paleontological resources. These recent sediments may contain Pleistocene sediments with high potential to contain paleontological resources at surface. Older sediments, often found at depths of greater than 10 feet below the ground surface, have more commonly yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the Envision San José 2040 General Plan DEIR Figure 3.11-1 found the project site to have a high sensitivity at the surface for paleontological resources.

[44] MTC/ABAG Hazard Viewer Map. "Earthquake Liquefaction Susceptibility". Map. Accessed July 22, 2021. https://www.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8
[45] MTC/ABAG Hazard Viewer Map. "Landslide Hazard (Rainfall Induced)". Map. Accessed July 22, 2021. https://www.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8

4.7.2 Impact Discussion

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

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults are located in the region, the proposed project is outside of the fault zone for any regional fault systems, and significant impacts from fault ruptures are not anticipated to occur. **(Less than Significant Impact)**

Seismic Ground Shaking and Ground Failures

The potential for severe ground shaking (MMI Level 8) at the project site exists due to the likelihood of seismic activity generated by faults in proximity to the site; however, adherence to the 2019 California Building Code and the recommendations of a design-level geotechnical report would ensure that the proposed structures would resist minor earthquakes without damage and major earthquakes without collapse.

Standard Permit Conditions:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- 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 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's Standard Permit Conditions will reduce potential impacts from seismic shaking and ground failure to less than significant. **(Less than Significant Impact)**

Liquefaction, Landslides and Lateral Spreading

As discussed above, the proposed project site is not located within a liquefaction hazard zone or a landslide hazard zone. Thus, there is minimal risk of the project exacerbating hazards in the area due to these geologic conditions. Lateral spreading is a geologic hazard commonly associated with liquefaction. This phenomenon occurs when ground-shaking induces the horizontal displacement of relatively flat-lying soil towards an open or "free" face such as an open body of water, drainage channel, or excavation. The project site is not located in a liquefaction hazard zone or adjacent to any waterway, drainage channel or excavation site; thereby, there is a less than significant risk impact from lateral spread affecting, or being exacerbated by, the proposed project. **(Less than Significant Impact)**

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

The proposed project could result in erosion or the loss of topsoil during demolition and grading; however, the project would be required to comply with the City's Grading Ordinance as a Standard Permit Condition (see Section 4.10 Hydrology and Water Quality), which includes the implementation of erosion and dust control during site preparation. Implementation of the City's Grading Ordinance would reduce the project's potential erosion impacts to a less than significant level. **(Less than Significant Impact)**

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

As discussed previously, the proposed project is not located in a Liquefaction Hazard Zone or a Landslide Hazard Zone. A design-level geotechnical investigation has been prepared for the proposed development that includes an analysis of the potential for other soil conditions, such as soil corrosion, soil compressibility, and settlement of non-engineered fill materials, to adversely affect proposed structures and uses. Any buildings constructed at the project site would be required to adhere to the recommendations set forth in the design-level geotechnical investigation for building design, engineering techniques, and general hazard avoidance related to on-site geologic conditions. For these reasons, the proposed development would adequately address and reduce potential impacts to less than significant that could result from unstable geologic units or soil. **(Less than Significant Impact)**

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

The project site does not contain hydric or expansive soils. In addition to design-level assessment of soil expansivity, the proposed project would adhere to the following standard permit condition to minimize risks related to expansive soils:

Standard Permit Condition: In conformance with the General Plan and current practices in the City of San José, the project shall implement the following Standard Permit Condition to reduce and/or avoid impacts related to expansive soils:

- Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, lime treat soils, and to design and construct improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

With adherence to the above permit condition, the proposed project would pose a less than substantial risk to life or property due to expansive soil conditions. **(Less than Significant Impact)**

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

The proposed development would not require the use of septic tanks or alternative wastewater disposal systems. The project site is located in a developed area, with adequate water supply and wastewater disposal systems available to serve the project. For these reasons, the proposed project would not result in an impact due to soils incapable of supporting wastewater disposal. **(No Impact)**

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

Although not anticipated, construction activities could disturb paleontological resources, if present. Project construction activity involving ground disturbance is limited to shallow trenching for utilities and foundation work for new structures, and would not extend beyond ten feet, the depth at which fossils are most likely to be encountered, if present on-site, therefore the likelihood of encountering fossils is low. Regardless, the project would implement the following condition, as necessary, to reduce potential impacts to paleontological resources.

Standard Permit Conditions: The following Standard Permit Conditions would be implemented by the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) 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.

The proposed project, with implementation of the conditions identified above in the unlikely event that paleontological resources are uncovered during construction, would not result in a significant impact to paleontological resources. **(Less Than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on a construction and on-site community risk assessment prepared for the project by Illingworth & Rodkin, Inc. dated July 28, 2021. A copy of the assessment report is included as Appendix A.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

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

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

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

Senate Bill 375

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

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

Regional and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Envision San José 2040 General Plan

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

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policy	Description
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building policies, 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 effectiveness of passive solar design.).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.8	Provide direct access from developments to adjacent parks or open spaces and encourage residential development to provide common open space contiguous to such areas.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching 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 Jose 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.

Reach Building Code

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

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's 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 and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.[46]

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs

[46] City of San José. 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.

accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is currently undeveloped lawn with three large trees and an overflow gravel parking lot. GHGs generated by the site are associated with landscape maintenance and vehicles traveling to and from the site that utilize the overflow gravel parking lot.

4.8.2 Impact Discussion

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

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

Construction Emissions

Construction activities on-site would result in temporary GHG emissions computed to be 310 MT of CO_2e for the construction period. Construction-related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 15 months (390 construction workdays) and would not result in a permanent increase in emissions. The proposed project would not interfere with the implementation of SB 32 in 2030.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. As discussed below in Section 4.8.2.b, the project incorporates mandatory GHG reduction measures required by the City, therefore, the project would have a less than significant GHG emissions impact. **(Less than Significant Impact)**

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

Greenhouse Gas Reduction Strategy

The 2030 GHGRS identifies GHG emissions reduction measures to be implemented by development projects within the general strategies for energy, buildings, land use and transportation, water, and waste sources. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. The project will include specific measures consistent with the categories described below under the sections of General Plan Consistency and 2030 Greenhouse Gas Reduction Strategy Compliance of the 2030 GHGRS table of the Compliance Checklist. Projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2030. A copy of the completed checklist is included in Appendix G.

The project is consistent with several measures listed in the Greenhouse Gas Reduction Strategy Compliance Checklist. As discussed in Section 4.1.2.a, the proposed project is consistent with physical characteristics of the General Plan and Land Use/Transportation Diagram designation of Residential Neighborhood. The project would support the implementation of green building measures including Policy MS-2.2 and Policy MS-2.11 with the construction of all-electric homes equipped with photovoltaic panels, and by including an owner option to install an electric car charging station. The project is also consistent with Measure MS-2.3 by using southern-facing solar orientation in the siting of the proposed buildings. The project has been designed as a single-family development that features pedestrian and bicycle design measures, including sidewalks with street trees, planter strips, and streetlights (City Policy CD-2.1 and CD-2.5), reducing the site's stormwater runoff though a stormwater treatment planter (CD-2.5), extending sidewalks north to Browning Avenue along an emergency vehicle access (EVA) road (City Policy CD-3.2 and CD-3.4), capturing and reduced parking provided for the four attached single-family homes (City Policy CD-2.1). The project is consistent with City Policy MS-2.11 by reducing energy use through construction techniques, mechanical systems, architectural design, and site design techniques. The project would comply with water conservation and urban forestry measures including City Policy MS-3.1 by including the use of low-water plants and climate-appropriate landscaping materials, and water efficient irrigation systems that conform to the State's Model Water Efficient Landscape Ordinance. In addition, the project includes the planting and maintenance of both street trees and trees on private property, which will help achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines, consistent with Measure MS-26.1. The project is also consistent with Measure MS-21.3 by proposing tree species that conform to the San José Community Forest guidelines.

The project would comply with the Zero Net Carbon Residential Construction by excluding natural gas infrastructure (GHGRS #4) and installing photovoltaic panels (GHGRS #3), which also supports Renewable Energy Development. The Zero Waste Goal would be achieved by meeting the City's Construction and Demolition Diversion Deposit Program (GHGRS #5) and would include designated areas for waste bin storage at each residence. The project would also conform with water conservation measures (GHGRS #7) including water efficient residential fixtures and irrigation system. In addition, the project would be required to be designed for energy efficiency and conservation per the Reach Code (GHGRS #2) which aligns with Climate Smart San José. The

project would comply with Building Energy Efficiency Standards (Title 24) and the City's Green Building Ordinance and the most recent CALGreen requirements.

The proposed project would be consistent with applicable GHGRS strategy and consistency options intended to reduce GHG emissions.

Climate Smart San José

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. 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.

As discussed in Section 4.6, Energy, the project would be subject to the Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. For this reason, the project is consistent with the City's climate action goals as set forth in Climate Smart San José.

The proposed project would not conflict or interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. The proposed project would be constructed in conformance with the Envisions San José 2040 General Plan policies, Greenhouse Gas Reduction Strategy, CALGreen, and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems; therefore, the project would have a less than significant impact on GHG emission reduction plans. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on the Phase I Environmental Site Assessment and Shallow Soil Investigation prepared for the project by Ramboll US Consulting, Inc. dated May 25, 2021. A copy of the report is included as Appendix D.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[47]

Resource Conservation and Recovery Act

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

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[48]

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

[47] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 14, 2021. https://www.epa.gov/superfund/superfund-cercla-overview.
[48] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 14, 2021. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[49]

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 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 (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the 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.

Local

Envision San José 2040 General Plan

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

[49] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 14, 2021. https://calepa.ca.gov/sitecleanup/corteselist/.

Envision San José 2040 General Plan Relevant Hazardous Materials Policies

Policy	Description
Policy EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
Policy EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5:	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
Policy EC 7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

Policy	Description
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Policy EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any 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.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.9.1.2 *Existing Conditions*

As a part of the Phase I Environmental Site Assessment (ESA) and Shallow Soil Investigation completed for the project site by Ramboll US Consulting, Inc., a review of federal, state, and local regulatory agency databases, interviews with site personnel, and soil sampling of the site were completed. The Phase I ESA did not identify any hazardous materials cases located on the 2.85-acre project site.

Agricultural Chemicals

Based on information obtained from the historical aerial photograph records review, the project site was occupied by agricultural land from at least 1939 (the earliest aerial photograph reviewed) to at least 1963. Based on this information, pesticides and other agricultural chemicals were possibly applied to the site during this time. Shallow soil samples at the site were analyzed for metals and organochlorine pesticides. All metals and organochlorine pesticide concentrations were below regulatory screening criteria for residential land use.

Soil Sampling Activities

In April 2021, eleven borings were advanced to approximately 5 feet below ground surface (bgs). The borings were screened for volatile organic compounds (VOCs). All metals concentrations were less than regulatory screening criteria for residential land use or, in the case of arsenic, below typical naturally-occurring background levels. No PCBs, TPH in the gasoline, diesel, or motor oil ranges, or VOCs were detected above laboratory reporting limits in any of the soil samples. All pesticide concentrations were less than the applicable regulatory screening criteria. Naturally-occurring asbestos was not detected in any of the four composite samples.

4.9.1.3 *Surrounding Land Uses*

A review of available databases from federal and state regulatory agencies was done to identify use, generation, storage, treatment and/or disposal of hazardous materials and chemicals or release incidents of such materials from the surrounding vicinity which may have impacted the site.

1948 Camden Avenue, approximately 0.2 miles south-southwest, is a gas station listed on the Statewide Cleanup Program Sites SLIC (CPS-SLIC) database. A leaky underground storage tank (LUST) was identified in 1988 and repaired. Soil samples from 1989 taken at a depth of 25 to 30 feet bgs identified petroleum-related impacts to the soil. In 1990, the LUST and three other underground storage tanks (UST) with their associated piping were removed, the cavity was over excavated up to 20 feet, and five double-walled USTs were installed. Four monitoring wells were installed in 1991 and detected elevated levels of petroleum hydrocarbons (TPH) and benzene in groundwater and soil. From 1991 to 2000, concentrations of TPH and benzene subsided to low-to-nondetectable levels and the case was closed in October 2000.

14200 Union Avenue, approximately 0.3 miles to the south-southwest, is a gas station listed on the State Water Resources Control Board GeoTracker database. In 1994, soil and groundwater testing was conducted to assess residual impacts from the removal of a waste oil tank and five USTs. The case was closed in September 2016 upon the findings that low or residual contamination remained in soil and groundwater.

4.9.1.4 *Other Hazards*

Airports

The nearest airports to the site are Reid-Hillview Airport, 7.5 miles northeast of the project site, and the Norman Y. Mineta San José International Airport, 5.9 miles north of the site. Given the distance of the project site from these airports, the site is not located within the airport influence area (AIA) of either airport; nor is the site located in an airport safety zone designated in the Comprehensive Land Use Plans for the airports.[50] The project site would not conflict with the Federal Aviation Administration's Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports.

Wildfire Hazards

The project site is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by California Department of Forestry and Fire Protection (CalFIRE).[51]

[50] County of Santa Clara, Department of Planning and Development. *Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents*. November 16, 2016. Accessed July 23, 2021. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.
[51] California Department of Forestry and Fire Protection. FHSZ Viewer. Accessed July 27, 2021. https://egis.fire.ca.gov/FHSZ/

4.9.2 Impact Discussion

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

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

Operation of the proposed residential project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Operation of the proposed project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses; therefore, the project will have a less than significant impact to public or the environment from the routine transport 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?

Soil Quality

Pesticides and other agricultural chemicals were possibly applied to the site from approximately 1939 until around 1963. Shallow soil samples at the site were analyzed for metals, PCBs, pesticides, and naturally-occurring asbestos. All concentrations of metals, PCBs, pesticide, and naturally-occurring abestos were measure to be below regulatory screening criteria for residential land use. As discussed in *Section 4.9.1.2,* there is no potential to encounter historic hazardous materials spills or releases during development and therefore the project would pose a less than significant impact. **(Less than Significant Impact)**

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

The nearest school to the project site is ATLC Preschool, located at 1975 Cambrianna Drive, directly east of the project site. The proposed project would be within one-quarter mile of a school; however, as discussed under checklist question a), the project would not result in hazardous emissions or hazardous materials being transported to and from the site, nor would hazardous waste be produced or disposed of during operation of the project. For these reasons, the project would not emit hazardous emissions or handle hazardous materials that would cause a significant impact to the nearby school. **(Less than Significant Impact)**

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

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5, and therefore, would not be located on a hazardous site (pursuant Government Code Section 65962.5) that would result in a significant hazard to the public or the environment.[52] **(No Impact)**

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

The Norman Y. Mineta San José International Airport, the nearest airport to the project site, is located approximately 5.9 miles north of the project site. The project site is not located within the airport influence area. Additionally, the proposed residences would be below 200 feet in height. Therefore, notification to the FAA is not required to determine the potential for the project to create

[52] California Department of Toxic Substances Control. DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List). Accessed July 29, 2020. http://www.envirostor.dtsc.ca.gov/?surl=ookx0

an aviation hazard.[53] The project would not result in a safety hazard or excessive noise for people residing in the project area due to proximity to an airport and therefore have a less than significant impact. **(Less than Significant Impact)**

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

The project would be constructed in accordance with current building and fire codes to ensure structural stability and safety. In addition, the San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would have no impact that would impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **(No Impact)**

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

The project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE. Therefore, the project would not lead to an impact exposing people or structures to hazards involving wildfire. **(No Impact)**

[53] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional and Local

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.[54] 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.

2016 Groundwater Management Plan

This 2016 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco

[54] California Regional Water Quality Control Board. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit No. CAS612008. November 19, 2015. Accessed July 27, 2021. https://www.cleanwaterprogram.org/images/uploads/R2-2015-0049.pdf

Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu recharge through the provision of treated surface water, acquisition of supplemental water supplies, and water conservation and recycling.[55]

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 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 No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 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.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[56]

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a

[55] Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2016. Accessed July 27, 2021. https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

[56] California Department of Water Resources, Division of Safety of Dams. Accessed May 14, 2021. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).

response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Envision San José 2040 General Plan

The proposed development would be subject to the hydrology policies of the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policy/Action	Description
Policy IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy 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.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.

Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The 2.85-acre project site is within the Guadalupe River Watershed, which encompasses a large portion of south and western San José. As identified in the Envision San José 2040 FEIR, the Guadalupe River Watershed drains approximately 171 square miles, beginning on the Santa Clara valley floor at the confluence of Alamitos Creek and Guadalupe Creek and discharging at the lower South San Francisco Bay. Runoff from the project site and the surrounding areas enter the City's storm drainage system, and outfalls to the Guadalupe River, located approximately 2.8-miles east of the project site. The project site is relatively flat with a gentle downward slope to the northeast, and includes an undeveloped grassy field and gravel parking lot.

Flooding and Other Hazards

The project site is not located within a 100-year flood zone, the project site is within Flood Zone D according to the FEMA Flood Insurance Rate Maps.[57] Flood Zone D designates areas with flood hazards due to levee. The project site is within the James J. Lenihan Dam/Lexington Reservoir Flood Inundation Zone.[58] Lexington Reservoir is located approximately six miles southwest of the project site.

The project site is not within a tsunami inundation zone.[59] Seiches are standing waves oscillating in an enclosed or semi-enclosed body or water. The site is approximately 11 miles south from San Francisco Bay and there are no large bodies of water in the project vicinity that would be subject to a seiche in the event of a large magnitude earthquake.

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

[57] Federal Emergency Management Agency. Flood Insurance Rate Map, Map No. 06085C0243H. Effective Date May 18, 2009. Accessed May 17, 2021. https://msc.fema.gov/portal/home.
[58] Santa Clara Valley Water District. Lenihan (Lexington) Dam Flood Inundation Maps. Sheet 4. Accessed May 21, 2021. https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf
[59] California Department of Conservation. Tsunami Inundation Map for Emergency Planning. Accessed May 17, 2021. https://www.conservation.ca.gov/cgs/Documents/Tsunami/Maps/Tsunami_Inundation_MountainView_Quad_Santa Clara.pdf

"non-point source" pollutants, are carried in runoff from streets, construction sites, parking lots, and other exposed surfaces into storm drains. As described above, surface runoff from the project site and surrounding area is collected by storm drains and discharged into the Guadalupe River, and ultimately into the San Francisco Bay. Runoff from the site can contain contaminants such as oil and grease, plant and animal debris (e.g. leaves, dust, and animal feces), pesticides, litter, and heavy metal. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

The project site includes 101,018 square feet of pervious surfaces comprised of an open grassy field, 18,985 square feet of an impervious compacted gravel parking lot, and 3,947 square feet of the public street Cambrianna Drive. The project site slopes downward towards Browning Avenue to the north. Runoff from the site flows untreated into storm drain inlets in the site vicinity, where it is conveyed to the City's storm drain system via a 10-inch diameter storm drain line under Browning Avenue.

Groundwater

The project site is within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. The San José Water Company (SJWC) is the water supplier for the project site. While the SJWC does obtain some of its water from local groundwater wells, water supplied to the project area primarily comes from surface water sources imported by Valley Water.[60] As described above in 4.7.1.2, no groundwater was encountered within a 45 foot depth from the surface; the California Geological Survey measured groundwater depth at 48 feet in 2002 that flows to the north-northwest down the topographic gradient to the San Francisco Bay.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐

[60] San José Water Company. Water Source Map. Accessed May 17, 2021. https://www.sjwater.com/water-source-map?q=work-usbuilders-contractors/water-source-map

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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

Construction Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to project site soils occurs, surface runoff that flows across the site may contain topsoil sediment that are ultimately discharged into the City storm drainage system. All ground disturbing demolition and construction activities that affect area equal to or greater than one acre must obtain coverage under the Construction General Permit, which is administered by the SWRCB. The project would disturb more than one acre of land, and therefore would be subject to the Construction General Permit.

In addition to the Construction General Permit, developments within San José must also comply with the City's Grading Ordinance. The City of San José Grading Ordinance 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 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions:

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown 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 remove mud from 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.

The proposed project, with implementation of the standard permit conditions listed above and design features included in the project, would result in less than significant construction-related water quality impacts.

Operational Impacts

The proposed project would result in the conversion of permeable ground surface to impermeable ground surface. As discussed under checklist question c), the proposed project would result in the increase of impermeable ground surface on-site by approximately 57,358 square feet. Because the project would create more than 10,000 square feet of impervious surface area, it would be subject to Provision C.3 of the MRP. This requires that the project incorporate site design, source control and runoff treatment controls to reduce the rates, volumes, and pollutant loads of runoff from the project.

Consistent with the General Plan FEIR, the project will be required to implement the following measures to avoid impacts on surface and groundwater quality. The project's Stormwater Control Plan and numeric sizing calculations shall be in conformance with City Policy 6-29. The proposed project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.

Final inspection and maintenance information on the post-construction treatment control measures shall be submitted prior to issuance of Public Works Clearance.

The project proposes landscaping in the form of a stormwater treatment planter to meet stormwater treatment requirements. The treatment area would be located along the northwest site boundary to treat runoff from the building roofs and hardscape. This LID-based treatment measure has been sized in accordance with Provision C.3 standards. Bioretention areas and landscaping would not only remove pollutants from storm water, but also help to reduce post-construction runoff rates.

The 2040 General Plan FEIR (as amended) has determined that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on water quality. By implementing Best Management Practices for construction activities and complying with the requirements of the MRP, the proposed project would have a less than significant impact on post-construction water quality. **(Less than Significant Impact)**

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

As described in Section 4.7.1.2, groundwater levels on-site are assumed to be greater than 45 feet bgs, and groundwater was not encountered in any test drill holes on-site. Groundwater levels can vary over time, and levels on-site may fluctuate due to seasonal conditions, rainfall, and irrigation practices. Development of the proposed project would include trenching and grading for utilities. Groundwater is not anticipated to be encountered during project implementation; however, if groundwater is encountered during excavation for utility lines, any necessary construction dewatering would follow local and regional requirements for safe transport and disposal of dewatered groundwater. Water discharge from construction dewatering is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB and the City's Environmental Services Division. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

The proposed project is located within the Santa Clara Plain groundwater basin, one of two groundwater basins within the City of San José Urban Growth Boundaries. Development on the site would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to Section 4.19, Utilities and Service Systems); however, this increase would be marginal and would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to one of Valley Water's 18 major groundwater recharge systems.[61] Development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels; therefore, the project would have a less than significant impact. **(Less than Significant Impact)**

[61] Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. Figure 1-3. November 2016. Accessed July 27, 2021. https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

The proposed project would increase the impervious surface area on-site by 250 percent from 22,932 square feet to 80,290 square feet, which would result in an increase in stormwater runoff from the site. Because the project would increase impervious surfaces on-site due to new streets, sidewalks and buildings, implementation of the proposed project would substantially alter the drainage pattern of the project site or project area. However, the project would not alter the course of any waterway. The project proposes to establish a single drainage management area that collects stormwater from the street and residential properties and conveys stormwater runoff to a bioretention basin located northwest and adjacent to the project site. Soil samples taken in the proposed bioretention basin (Appendix C) identified subsurface soil conditions unfavorable for water percolation at nine to 10 feet bgs, though the percolation rate improved at greater depth.[62] Stormwater conveyed in excess of the bioretention basin would be diverted to the existing storm drain on Browning Avenue. The table below compares the existing and proposed pervious and impervious surfaces at the project site.

Table 4.10 1 Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (square feet)	Percent	Project/Post-Construction (square feet)	Percent	Difference (S.F.)	Percent
Impervious	22,932	19%	80,290	65%	+57,358	+250%
Pervious	101,018	81%	43,660	35%	-57,358	-56%
Total	123,950	--	123,950	--	--	

Source: 1975 Cambrianna Drive Stormwater Control Plan Notes and Details

As discussed under Impact HYD-1, construction activities could result in temporary increase in stormwater pollutants during ground disturbing activities. The project applicant shall comply with the MRP and City Council Policy 6-29, removing pollutants and reducing the rate and volume of runoff from the site through post-construction Treatment Control Measures.

The proposed project is not located within a 100-year floodplain. As designated by the FEMA Flood Insurance Rate Map, the project site is located in a Flood Zone D, indicating an undetermined flood hazard. The project doesn't propose alteration of the course of a stream or river, actions which could potentially increase the risk of flooding on- or off-site. Standard conditions would be applied that

[62] Geo-Logic Associates. Percolation Testing, 1975 Cambrianna Drive. November 10, 2021.

will lower the rate and volume of stormwater runoff from the site to further reduce the risk of potential flood events.

In accordance with General Plan policies, the proposed project would be required to employ the following practices to reduce stormwater drainage impacts to a less than significant level. The project would meet the design and construct on-site storm drain systems requirements for the City's 10-year storm event design standard (GP Policies IN-3.1 and IN-3.7). A drainage plan defining needed improvements in accordance with City standards and MRP requirements would be developed in accordance with GP Policies IN-3.9 and IN-3.10.

Future projects shall be required to implement and maintain BMPs that facilitate the infiltration of water into the ground surface, reduce the rate and volume of runoff to the storm drain system, and minimize pollution in runoff.

Adherence to the Best Management Practices described above, as well as to the BMPs and Standard Permit Conditions listed under checklist question a), would ensure that the project reduces potential erosion and sedimentation during both construction and operation phases. Compliance with the MRP would ensure that stormwater flows generated at the project site would be reduced and treated to the maximum extent feasible using LID methods. In this manner, the proposed project would not result in significant storm drainage impacts. **(Less than Significant Impact)**

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

The project site is not within a tsunami or seiche inundation zone. The project site is designated as Flood Zone D by the FEMA. The project site is within the James J. Lenihan Dam/Lexington Reservoir Flood Inundation Zone. Dam inundation zones are based on the highly unlikely scenario of a catastrophic dam failure occurring in a very short period of time. Dam failure could result in the release of water held behind the dams and result in flooding in parts of the city, including the project site. A major seismic event, if sufficiently intense, would be the most likely cause of dam failure. The James J. Lenihan Dam is owned and operated by Valley Water. The dam inundation zone for Lexington Reservoir is based on the reservoir being completely full (i.e., at 100 percent storage capacity).

The probability of dam failure is extremely low and there is no historic record of dam failure in Santa Clara County or San José.[63] Dams in California are continually monitored by various governmental agencies, including the California Division of Safety of Dams (DSOD), which conducts inspections twice a year and reviews all aspects of dam safety. Valley Water also maintains Emergency Action Plans (EAPs) that include procedures for damage assessment and emergency warnings. Additionally, the City in conjunction with Santa Clara County, addresses the possibility of dam failure in the Local Hazard Mitigation Plan (LHMP), which also provides emergency response actions.

[63] County of Santa Clara. Santa Clara County Operational Area Hazard Mitigation Plan, Volume 1. October 15, 2017. Page 89. Accessed July 27, 2021. https://emergencymanagement.sccgov.org/partners

Therefore, there is not a substantial risk of flooding at the project site. Therefore, the project would not risk release of pollutants due to project inundation. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable 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, as Valley Water actively manages the basin by recharging to avoid overdraft.

The project site is not located within, or adjacent to, a SCVWD groundwater recharge pond or facility.[64] The nearest recharge ponds are located 1.1 miles to the west of the project. Implementation of the proposed project would not interfere with any actions set forth by Valley Water in its GMP in regard to groundwater recharge, transport of groundwater, and/or groundwater quality. The proposed project would not conflict with or obstruct implementation of the GMP; therefore the project would have a less than significant impact. **(Less than Significant Impact)**

[64] Santa Clara Valley Water District. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. Figure 1-3. November 2016. Accessed July 27, 2021. https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Land Use Policies

Policy	Description
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-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

4.11.1.2 *Existing Conditions*

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan) and is zoned Single Family Residential (R-1-8). The intent of the RN designation is to preserve the existing character of residential neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The R-1-8 zoning allows up to eight dwelling units (DU) per acre.

Surrounding land uses include single-family residences to the north, east, and south. The former school site, currently used by two preschools and a sports center, is adjacent to the project site on the west. The project area contains a mix of land uses, including single-family residential, multi-family residential, retail, and institutional uses.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The proposed project would not include any such dividing infrastructure. Additionally, consistent with the Residential Neighborhood designation, the project would construct single-family homes that closely conform to the prevailing existing neighborhood. The project would not physically divide an established community; therefore, it would have a less than significant impact. **(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?

The project is zoned R-1-8 and would dedicate a public street to provide access to the proposed homes. The street dedication would reduce the net residential acreage to 2.43 acres, which at eight dwelling units per acre, would yield approximately 19 homes. With the dedication of four low-income homes, the project would be entitled to an additional eight units.[65] The project requests the approval of a Density Bonus to increase the allowable density on the residential acreage to permit 21 single-family homes.

The project is subject to mitigation measures to minimize environmental impacts, including hazardous materials and biological resources impacts, and would be consistent with General Plan policies adopted to avoid or mitigate environmental effects as described in the individual resource sections of this Initial Study. For these reasons, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and therefore have a less than significant impact. **(Less than Significant Impact)**

[65] Myers Nave. Guide to the California Density Bonus Law. January 2021.

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

4.12.1.2 *Existing Conditions*

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

4.12.2 Impact Discussion

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

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

The project site does not contain any known or designated mineral resources. The only area designated by the SMARA as containing mineral deposits which are of regional significance is Communications Hill, which is located approximately 3.6 northeast miles from the project site. The

project, therefore, would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

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

The project site is not delineated in the General Plan or other land use plan as a locally important mineral resource recovery site. As a result, the project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

4.13 NOISE

The following discussion is based in part on a noise and vibration assessment prepared by Illingworth & Rodkin, Inc. on August 25, 2021. The report is included in this document in its entirety as Appendix E.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[66] 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.

4.13.1.2 *Regulatory Framework*

State and Local

California Building Standards Code

[66] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

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

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.13-1, below. The City's Envision San José 2040 General Plan establishes an acceptable exterior noise level of 60 dBA DNL or less for residential and most institutional land uses, including schools. Outdoor sports and recreation areas and playgrounds are considered acceptable in noise environments of 65 dBA DNL or less.

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

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

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

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Envision San José 2040 Relevant Noise Policies

Policy	Description
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • 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). The acceptable exterior noise level objective is established for the City, except in the environs of the San Jose International Airport and the Downtown, as described below: o For single-family residential uses, use a standard 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

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

Municipal Code

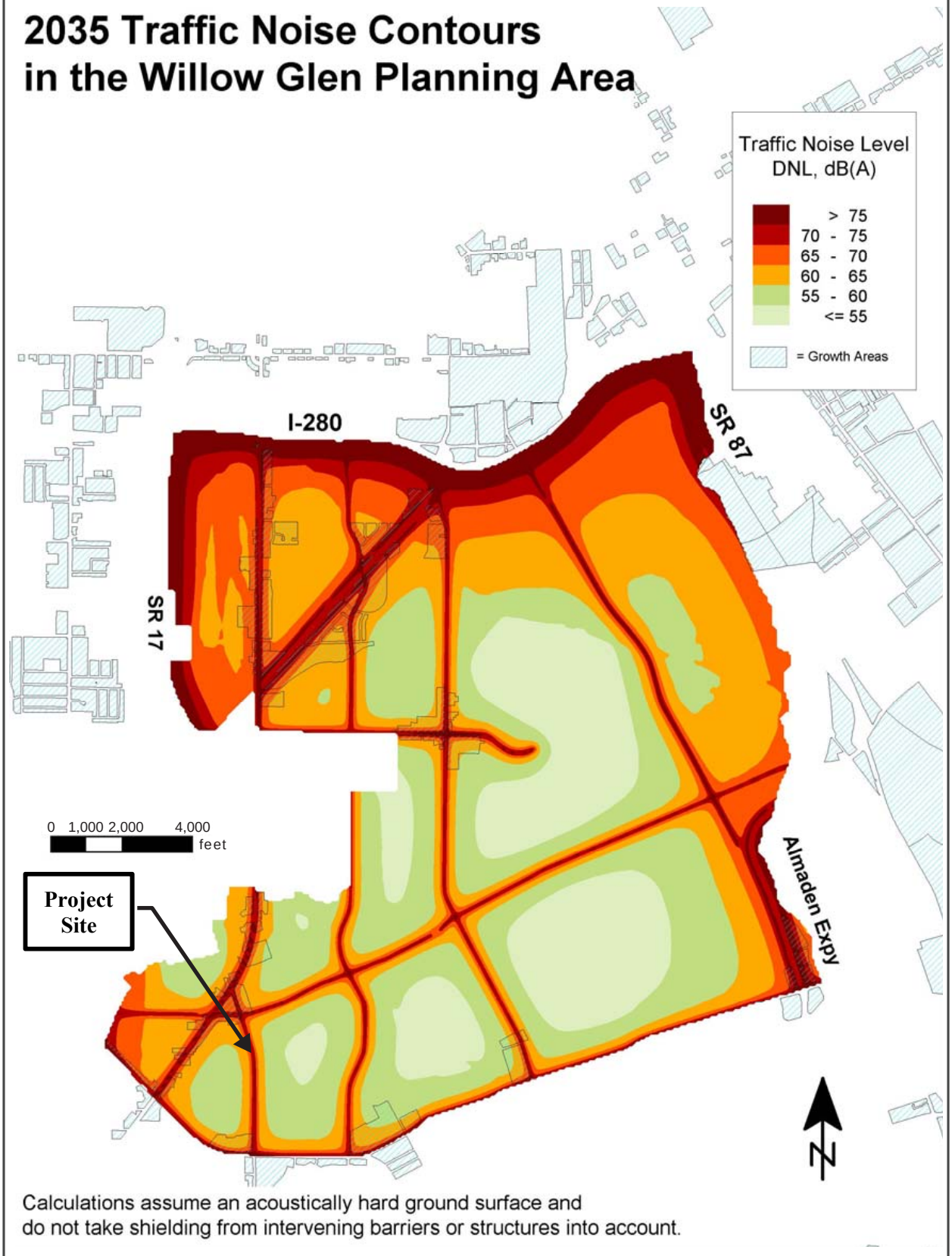
Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a development permit or other planning approval and does not allow any construction activity on a site located within 500 feet of a residential unit at any time on weekends. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

The Zoning Ordinance limits standard 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 AM to 7:00 PM, Monday through Friday.

4.13.1.3 *Existing Conditions*

The project site is located to the north of the intersection of Cambrianna Drive and Browning Avenue, between Union Avenue on the west and Taper Avenue on the east. The project site is bordered by residential uses on the north, east, and south, with former elementary school operating as a recreation center and two preschools to the west. The predominant noise source affecting the site and surrounding properties is vehicles on streets, with Union Avenue carrying the largest daily volumes of roads in the vicinity. Ambient daytime noise levels in San Jose are estimated to range from 40 to 60 dBA.[67]

[67] Thill, Michael. Principal, Illingworth & Rodkin, Inc. Personal Communication. January 4, 2022.



Source: Illingworth & Rodkin, Inc., "Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment," December 2010.

TRAFFIC NOISE CONTOURS | FIGURE 4.13-1

4.13.2 Impact Discussion

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

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise Impacts

It is anticipated that construction of the project would take approximately 20 months, starting as early as September 2022 and completing by winter of 2024, considering the ability to construct the project on Saturdays. Construction hours are assumed to be 7:00 a.m. to 7:00 p.m. Monday through Friday, and Saturday from 8:00 a.m. to 5:00 p.m. Saturday construction shall preclude demolition, rough grading, and roadway paving. Construction activities generate considerable amounts of noise, especially during demolition and earth-moving activities when heavy equipment is used. The construction of the proposed project would involve tree removal, surface demolition, grading, excavation to lay foundations, trenching, building framing, and paving. The hauling of imported and exported soil and materials would generate truck trips on local roadways as well.

During each phase 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. Typical construction noise levels at 50 feet are shown in Table 4.13-2. Average noise levels are shown in ranges, by construction phase. Most construction noise falls within the range of 81 to 88 dBA at 50 feet from the source.

Table 4.13-2: Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)		
	Domestic Housing	
	All pertinent equipment present at site	Minimum required equipment present at site
Ground Clearing	83	83
Excavation	88	75
Foundations	81	81
Erection	81	65
Finishing	88	72
Source: U.S. Environmental Protection Agency. Legal Compilation on Noise, Vol. 1, p. 2-104. 1973.		

Noise sensitive residential land uses are immediately to the north and east, and the school facility with the recreation center and two preschools which are located immediately to the west of the project site. Ambient daytime noise levels in these areas are estimated to range from 50 to 55 dBA L_{eq}. Construction noise levels are anticipated to be as much as 50 to 60 dBA above ambient noise levels when heavy construction is located immediately adjacent to sensitive land uses.

Ambient noise levels at the surrounding land uses would be substantially increased during various times throughout the duration of construction, which is estimated to be approximately 20 months. Per Policy EC-1.7 of the City's General Plan, the temporary construction impact would be significant because the project would involve substantial noise generating activities continuing for more than 12 months and would occur within 500 feet of residential uses.

The project's operational fences, including the precast concrete wall and good neighbor fences, provide a minimum noise reduction of at least 5 dBa.[68]

Consistent with the General Plan Policy EC-1.7, the project would implement the following mitigation measure.

Impact NOI-1: Construction of the proposed project would result in noise generating activities above the City's noise construction threshold by exceeding 12 months and occurring within 500 feet of residential uses.

Mitigation Measures: The following measures shall be implemented reduce and/or avoid noise impacts to nearby sensitive receptors to a less than significant

MM NOI-1.1: Prior to the issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan. The construction noise logistics

[68] Thill, Michael. Principal, Illingworth & Rodkin, Inc. Personal Communication. March 28, 2022.

plan shall include noise reduction measures to prevent substantial noise disturbance of affected sensitive receptors. A typical construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as feasible:

- Construct a temporary solid plywood fence along the project boundary with the adjacent school facility and residences if the project's solid sound wall and good neighbor fence, respectively, are not constructed first. Temporary noise barrier fences having a minimum surface density of 2 lbs/ft2 (e.g., such as ¾" plywood) provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps."
- If stationary noise-generating equipment such as power generators or pumps must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment is quieter than track equipment and shall be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically powered tools for noisier pneumatic tools, where feasible.
- Designate a person responsible for registering and investigating claims of excessive noise. The contact information of such person shall be clearly posted on the construction site.
- The surrounding neighborhood shall be notified at least one week prior to start of construction and prior to each "noisy" phase of construction including demolition, site grading, roadway paving, and framing.

Prior to the issuance of any demolition or grading permits, the project applicant shall submit a copy of the construction noise logistics plan to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.

Implementation of this mitigation will noticeably reduce the noise (a minimum 5 dBa noise reduction). The temporary construction noise impact would be reduced to a less-than-significant level considering that the best available noise suppression devices and techniques would be implemented during construction to reduce noise impacts on neighboring residents and other uses and that the duration of substantial noise generating exterior activities would be less than 12 months, which is Consistent with General Plan Policy EC-1.7.

Implementation of MM NOI-1.1 would reduce the level of construction noise to nearby sensitive receptors through the development of construction noise logistics plan. This includes the construction of a noise barrier along the project's boundary with the elementary school and adjacent residences if the project's sound wall and good neighbor fences, respectively, were not constructed first, muffled and/or enclosed stationary noise-generating equipment, utilizing quieter models of noise-generating equipment, such as electrically powered tools. In addition to the MM NOI-1.1, the project will be required to comply with the City's standard permit conditions, which include measures to avoid or reduce short-term noise impacts associated with construction of the project.

Standard Permit Condition:

1. Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
    - Pile Driving is prohibited.
    - Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
    - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
    - Prohibit unnecessary idling of internal combustion engines.
    - Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
    - Utilize "quiet" air compressors and other stationary noise sources where technology exists.
    - Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
    - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
    - If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
    - Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

The project would conduct regular construction activities during 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. As described in Section 3.2.5, as a condition of approval, the project proposes Saturday construction hours that would be limited to 8am to 5pm and shall preclude demolition, rough grading, and roadway paving. Implementation of **MM NOI-1** and the standard permit conditions listed above would reduce construction noise at adjacent land uses to the maximum extent feasible. Accordingly, the temporary construction noise impact would be reduced to a less than significant level with mitigation incorporated. **(Less than Significant with Mitigation)**

Operational Noise Impacts

Project Generated Traffic Noise Impacts

For the proposed project, a Transportation Analysis estimated daily traffic volumes from the project, and predicted the project would generate 261 daily vehicle trips. Given the limited traffic generated by the project to the surrounding streets, it is not expected that the project-generated traffic resulting from the proposed project would result in a permanent noise level increase at the existing residential land uses in the project vicinity or adjacent community center and park. Typically, roadway volumes have to double for a noticeable increase in roadway noise, and the additional 261 daily project trips would not cause traffic to double on any surrounding streets. For this reason, the impact would be less than significant. **(Less than Significant Impact)**

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

Construction activities associated with the project would include tree removal, site preparation, foundation work, and new building framing and finishing. Foundation construction techniques involving impact or vibratory pile driving, which can cause excessive vibration, are not anticipated as part of the project. Heavy vibration generating construction equipment, such as vibratory rollers or the dropping of heavy equipment (e.g., clam shovel drops), would have the potential to produce vibration levels of 0.2 in/sec PPV or more at buildings of normal conventional construction located within 30 feet of the project site. The vibration levels at nearby land uses associated with various types of construction equipment and vehicles are shown in Table 4.13-2 below.

Table 4.13-3 Construction Vibration Levels at Vicinity Buildings				
Equipment		**PPV (in/sec)**		
		Source Level (25 ft)	**North/South Residential (15 ft)**	**Elementary School**
Clam shovel drop		0.202	**0.354**	**0.258**
Hydromill (slurry wall)	in soil	0.008	0.014	0.010
	in rock	0.017	0.030	0.022
Vibratory Roller		0.210	**0.368**	**0.268**
Hoe Ram		0.089	0.156	0.114
Large bulldozer		0.089	0.156	0.114
Caisson drilling		0.089	0.156	0.114
Loaded trucks		0.076	0.133	0.097
Jackhammer		0.035	0.061	0.045
Small bulldozer		0.003	0.005	.004

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, FTA Report No. 0123, September 2018, as modified by Illingworth & Rodkin, Inc., July 2021.

As described above, project-generated vibration levels would be capable of cosmetically damaging the adjacent residential buildings to the north and south, but would fall below the General Plan threshold of 0.2 in/sec PPV at other surrounding conventional buildings located 30 feet or more from the project site. Neither cosmetic, minor, or major damage would occur beyond a distance of 30 feet. At these locations, and in other surrounding areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration.

Impact NOI-2: Construction-related vibration levels could exceed 0.2 in/sec PPV at the neared buildings of conventional construction.

Mitigation Measures: The following measures shall be implemented to reduce the impact from construction - related vibration levels to less than significant

MM NOI-2.1: Prior to issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a vibration construction plan to reduce construction impacts at buildings where vibration level would exceed 0.2 in/sec peak particle velocity (PPV). The plan shall include, but is not limited to, the following:

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings and the school.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent buildings. Only use the static compaction mode when compacting materials within 15 feet of adjacent buildings.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

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

Implementation of this mitigation will reduce the vibration below the 0.2 in/sec threshold.

Although the project would result in groundbourne vibration levels in excess of 0.2 in/sec PPV at the nearest conventional buildings, by use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby residences and businesses, perceptible vibration can be kept to a minimum. For these reasons, with the implementation of **MM NOI-1.1**, the proposed project would not result in a significant impact due to excessive groundbourne vibration or 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?

Norman Y. Mineta San José International Airport is a public-use airport located approximately six miles north of the project site. The project site lies well outside the 60 dBA CNEL 2037 noise contour of the airport, according to the City's new Airport Master Plan EIR certified in April 2020. Therefore, future exterior noise levels due to aircraft from Norman Y. Mineta San José International Airport are compatible with the proposed project; the project would have a less than significant impact. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA

impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project. Ambient daytime noise levels in the area are estimated to range from 50 to 55 dBA L_{eq}. These noise levels are appropriate for residential uses, and typical construction techniques for walls, windows, and doors are anticipated to be adequate to protect future residences from existing noise sources, primarily roadway noise on surrounding streets. Nonetheless, to ensure interior noise standards are met within future residential units, the following condition would be applied to the project.

Standard Permit Condition:

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

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

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, known as housing opportunity 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.[69] The City of San José Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 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 2050 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[70]

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 2050 (upon which Plan Bay Area 2050 is based).

4.14.1.2 *Existing Conditions*

Based on California Department of Finance estimates for 2021, San José has a population of 1,029,782 persons and 337,442 households, with an average of 3.14 persons per household.[71] According to the City's General Plan, the projected population in 2035 will be 1.3 million persons

[69] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements". Accessed May 14, 2021. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[70] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed May 14, 2021
[71] California Department of Finance. *E-5 City/County Population and Housing Estimates*. May 29, 2018. Accessed May 17, 2021. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

with 429,350 households. To meet the current and projected housing needs in the City, the General Plan identifies areas to accommodate 120,000 new dwelling units by 2040.

Currently, there are no residents or housing units on-site. According to MTC's Bay Area Housing Opportunity Site Inventory (2007-2023), the project site is not identified as a housing opportunity site.[72]

4.14.2 Impact Discussion

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

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

Examples of ways in which a project can induce substantial population growth include:

- proposing new housing beyond projected or planned development levels;
- generating demand for housing as a result of new businesses;
- extending roads or other infrastructure to previously undeveloped areas; or
- removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

[72] Metropolitan Transportation Commission. "Bay Area Housing Opportunity Sites Inventory (2007-2023)". Last updated August 3, 2020. Accessed October 7, 2021. https://opendata.mtc.ca.gov/datasets/da0765ab82ae475d985688e140f931bd_0/explore?location=37.265397%2C-121.928489%2C15.57.

The proposed project is consistent with the site's General Plan designation of Residential Neighborhood and R-1-8 zoning. Assuming the average household size of 3.14 persons per household, the proposed 21 single-family houses and 14 ADUs would result in approximately 94 new residents (conservatively assuming two residents per ADU).[73] The addition of the proposed 94 new residents would represent an approximately 0.0091 percent increase in the City's current population.[74] This would not be a substantial increase in the overall population given the growth projected within the General Plan. Therefore, this would be a less than significant impact. **(Less than Significant Impact)**

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

There are no existing residents or housing units on-site, therefore, the proposed project would not displace housing or residents. Thus, the proposed project would have no impact that would necessitate the construction of replacement housing. **(No Impact)**

[73] 21 proposed single-family homes x 3.14 persons/household + 14 ADUs x 2 residences/ADU = 93.94 new residents

[74] 94 proposed new residents ÷ 1,029,782 x 100 = 0.0091 percent

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *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 and Local

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.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed project:

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San Jose'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.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.

Policy PR-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 ¾ mile radius of the project site that generates the 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.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. There are 34 active fire stations in the City. The closest fire station to the project site is Station 9, located at 3410 Ross Avenue, approximately one mile east of the project site.

Police Protection Services

Police protection services for the project area are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street, approximately 9.7 miles north of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from the SJPD Headquarters. As of 2020, the SJPD employed 954 full-duty, sworn officers and a total of 1,710 authorized sworn and non-sworn positions.[75]

Schools

The project site is located in the Cambrian School District (CSD) and the Campbell Union High School District (CUHSD).[76] Students residing within the project site would attend Fammatre Elementary School (0.8 miles northeast of the project site), Ida Price Charter Middle School (1.2 miles northeast of the project site), and Leigh High School (2.3 miles southeast of the project site).[77,] [78] According to the CSD master plan for the 2014-2024 period, all five district schools are operating at full capacity, with steady growth projected in the K-8 student population.

[75] City of San José. *Annual Report on City Services 2019-20.* December 2020. Accessed July 26, 2021. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report.
[76] San José Unified Schools. School Site Locator. Accessed May 17, 2021. http://apps.schoolsitelocator.com/?districtcode=25499#.
[77] Cambrian School District. Cambrian School District School Locator. Accessed May 18, 2021. https://www.cambriansd.org/site/Default.aspx?PageID=3355.
[78] Campbell Union High School District. School Locator. Accessed May 18, 2021. https://campbellhighdistrictexplorer.azurewebsites.net/.

Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[79] Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest park to the project site is Camden Park, located at 3369 Union Avenue, approximately 0.2 miles southwest of the project site. Camden Park is approximately 6.25-acres large and contains a basketball court, softball field, grass areas, playgrounds, and picnic areas. Other parks in the project vicinity include Butcher Dog Park, Doerr Park, Houge Park, and Richard Huerta Park.

Other Public Facilities

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 public library is the Cambrian Branch Library, located at 1780 Hillsdale Avenue, approximately 1.2 miles east of the project site. The nearest community center is the Camden Community Center, located at 3369 Union Avenue, approximately 0.2 miles southwest of the project site.

4.15.2 Impact Discussion

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

[79] City of San José. *Fast Facts.* November 12, 2020.

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

The proposed project would incrementally increase the demand for fire protection services in the area. While there would be increased demand placed on the SJFD, the site is already within the SJFD's service area and in proximity to existing fire stations. Additionally, the proposed residences would be required to be constructed in a fire-safe manner in accordance with current building codes. Additionally, the project would construct an emergency vehicle access between the two discontinuous segments of Browning Avenue (north and south of the site), allowing for fire trucks to access and move through the site in an emergency. For these reasons, the project would have a less than significant impact and not require new or expanded fire protection facilities **(Less than Significant Impact)**

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

The proposed project would result in new residential development that would incrementally increase the demand placed on the SJPD for police protection services. While there would be greater demand on the SJPD, the residential development would occur within the existing service area of the SJPD would not warrant the expansion or construction of police facilities. The proposed project would be constructed in accordance with building codes and maintained in accordance with City policies, such as General Plan Policy ES-3.9 to promote public and property safety. For these reasons, the proposed project would have a less than significant impact, and not result in a significant impact to police protection services. **(Less than Significant Impact)**

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

The project proposes the construction of 21 single-family residential units and 14 ADUs. Using the CSD student generation rate (SGR) of 0.32 students per dwelling unit, the proposed development would generate approximately seven new students.[80,81], based on the assumption that the 14 ADUs are studio units and can be assumed to not have any school-aged children. As previously noted, school enrollment is projected to increase slightly, however, the project would not result in

[80] 0.32 (SGR) x 21 dwelling units = 6.72 students total
[81] Cambrian School District. Facilities Master Plan 2014. Accessed May 18, 2021. https://www.cambriansd.org/facilitiesmasterplan.

unplanned growth within the CSD area. Given the consistency with planned growth in student yield in the project area, increasing the student population by approximately seven students would not require the construction of new schools.

In accordance with California Government Code Section 65996, the project would be required to pay a school impact fee to the SJUSD to offset the increased demands on school facilities caused by the project. Payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. Therefore, the proposed project would have a less than significant impact on school facilities. **(Less than Significant Impact)**

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

It is expected that future residents of the site would use existing parks in the area. Development proposed by the project would be required to comply with the PDO/PIO to offset any increased demand for parks and recreational facilities by payment of in lieu parkland impact fees. As a result, the project's impact on parks would be less than significant. **(Less than Significant Impact)**

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

Future residents at the project site would use nearby libraries and community centers. These public facilities would not be substantially degraded by the incremental increase in use created by the proposed residential development on-site. 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, which is above the City's service goal. The addition of new residents from the project would not reduce the library service ratio to below the City's goal of 0.59 square feet of space per capita. In addition, the project would comply with the PDO/PIO (discussed under checklist question d)) which would offset the project's demand on other public facilities including community centers and community gardens. Thus, the impact would be less than significant. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *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.

Senate Bill 13

In January 1, 2020 SB13 amended the Government Code to revise the requirements placed on the construction of accessory dwelling units (ADUs). As part of SB13, local agencies are prohibited from imposing an impact fee upon ADUs less 750 square feet in size.

Local

Envision San José 2040 General Plan Policies

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to recreational resources and are applicable to the proposed project:

Envision San José 2040 Relevant Recreation Policies

Policy	Description
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.
Policy PR-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 ¾ mile radius of the project site that generates the 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.

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.[82] The City also manages 48 community centers, 18 community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 61 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest park to the project site is Camden Park, located at 3369 Union Avenue, approximately 0.2 miles southwest of the project site. Camden Park is approximately 6.25-acres large and contains a basketball court, softball field, grass areas, playgrounds, and picnic areas. Other parks in the project vicinity include Butcher Dog Park, Doerr Park, Houge Park, and Richard Huerta Park. The Los Gatos Creek Trail, accessible from the Los Gatos Creek County Park, provides bicycle and pedestrian access to local and regional open space, including Vasona Lake County Park, and Lexington Reservoir County Park. The nearest community center is the Camden Community Center, located at 3369 Union Avenue, approximately 0.2 miles southwest of the project site.

4.16.2 **Impact Discussion**

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

[82] City of San José. *Fast Facts*. November 12, 2020. https://www.sjcity.net/DocumentCenter/View/22597/Fast-Fast-2020.

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

Residents on-site would incrementally increase the demand on existing parks and other recreational facilities. As discussed in Section 4.15.2, proposed development is required to comply with the City's PDO/PIO through payment of in lieu park fees to offset its demands on existing park and other recreational facilities. For this reason, the project would not result in a substantial physical deterioration of park and recreational facilities. **(Less than Significant Impact)**

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

The project does not include the construction of recreational facilities. As discussed under checklist question a), proposed development would comply with the City's PDO/PIO to offset its park and recreation demand. If PDO/PIO fees are used by the City to construct new or expanded recreation facilities, those facilities would be subject to CEQA when proposed. The project would not include or construct a recreational facility, therefore the project would have a less than significant impact on the environment. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based on a Transportation Analysis produced for the project by Hexagon Transportation Consultants, Inc., dated November 11, 2021. The entire report is included in Appendix F.

4.17.1 Environmental Setting

4.17.1.1 *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 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

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

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

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Transportation Analysis Policy (San José City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommends needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. 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.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in the prior Transportation Policy 5-3.

Envision San José 2040 General Plan

The following General Plan policies relate to the transportation impacts of the proposed project.

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate. a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies. d. Locate retail and other active uses at the street level. e. Create easily identifiable and accessible building entrances located on street frontages or paseos. f. Accommodate the physical needs of elderly populations and persons with disabilities. g. Integrate existing or proposed transit stops into project designs.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes giving first consideration to improvement

of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

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

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

Policy TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

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

Policy TR-5.3 Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

Policy TR-7.1 Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies and other measures.

Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Action TR-8.12	As part of the entitlement process, consider opportunities to reduce the number of parking spaces through shared parking, TDM actions, and parking pricing or other measures which can reduce parking demand. Consider the use of reserve landscaped open space or recreational areas that can be used on a short-term basis to provide parking or converted to formal parking in the future if necessary.

San José Bike Plan 2020

The San José Bike Plan 2020 also known as the Bicycle Master Plan, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Bike Plan 2020 defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways. The City of San Jose is currently drafting a new bike plan called "Better Bike Plan 2025"[83] which will replace "Bike Plan 2020" when completed and approved by Council in spring 2020.

4.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project area is provided via SR-17 and SR-85. Local access to the project site is provided via Camden Avenue, Foxworthy Avenue, and Union Avenue. The San José General Plan classifies SR-17 and SR-85 as freeways, Camden Avenue as a grand boulevard, Foxworthy Avenue as a local connector street, and Union Avenue as a city connector street. These facilities are described below.

SR-17 is generally a six-lane freeway in the vicinity of the site. SR-17 extends south to Santa Cruz and north to I-280, at which point it makes a transition into I-880 to Oakland. Access to and from the project is provided via a full interchange at Camden Avenue/San Tomas Expressway.

SR-85 is predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San José, terminating in US-101. SR-85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to I-280, SR-17, SR-87, and US-101. SR 85 provides access to the project site via interchanges at Union Avenue and S. Bascom Avenue/Los Gatos Boulevard.

[83] City of San José. Draft San José Better Bike Plan 2025. September 2020. Accessed May 14, 2021. https://www.bikesanjose.com/.

Camden Avenue is a four- to six-lane northwesterly-southwesterly divided roadway that runs through south San José. Camden Avenue becomes San Tomas Expressway at its interchange with SR-17. In the project vicinity, Camden Avenue includes sidewalks on both sides of the street and has a posted speed limit of 40 miles per hour (mph). Camden Avenue provide access to the project site via Taper Avenue and Union Avenue.

Foxworthy Avenue is an east/west two-lane undivided roadway. It extends from Pearl Avenue in the east to Bascom Avenue in the west. In the project vicinity, Foxworthy Avenue includes sidewalks and on-street parking on both sides of the street and has a posted speed limit of 30 mph. Foxworthy Avenue provides access to the project site via Union Avenue and Taper Avenue.

Union Avenue is a two- to four-land north/south roadway with a two-way left-turn lane. It extends from Campbell Avenue in the north to Blossom Hill Road in the south. In the project vicinity, Union Avenue includes sidewalks and bicycle lanes to both sides of the street and has a posted speed limit of 35 mph. Union Avenue provides access to the project site via Cambrianna Drive.

Pedestrian Facilities

Pedestrian facilities in the study area consist of sidewalks along the network of public streets. Crosswalks with pedestrian signal heads, push buttons, and curb ramps are located at the signalized intersections in the study area. There is also an existing pedestrian crosswalk with Rectangular Rapid Flashing Beacons (RRFB) crossing the south leg of the Union Avenue and Cambrianna Drive/Project Driveway intersection. The existing network of sidewalks provides good connectivity for pedestrians.

Bicycle Facilities

Existing bicycle facilities in the project vicinity consist of bicycle lanes on some nearby streets. Bicycle lanes are lanes on roadways designed for use by bicycles with special lane markings, pavement legends, and signage.

Bike lanes currently exist on the roadway segments listed below and shown on Figure 4.17-1.

- Union Avenue, from Bascom Avenue to Los Gatos Almaden Road
- Curtner Avenue, from Monterey Road to Joseph Avenue
- Leigh Avenue, from Curtner Avenue to Blossom Hill Road

In addition to the bicycle facilities described above, the neighborhood streets that surround the project area have low speeds and low vehicular volume, which make them conducive to bicycle traffic.

Los Gatos Creek Trail

The Los Gatos Creek Trail is a multi-use trail located approximately 1.2-miles west of the project site. The Los Gatos Creek Trail runs north-south and is classifies as a Class I facility. The nearest access point to the Los Gatos Creek Trail from the project site is west of SR-17 near the interchange at Camden Avenue/San Tomas Expressway. However, there is not a continuous bicycle route from the project site to the trail.

Transit Facilities

Existing transit service near the project site is provided by the Santa Clara Valley Transportation Authority (VTA). Within the project vicinity, there are VTA bus stops located near the intersections of Union Avenue/Camden Avenue, Union Avenue/Cambrianna Drive, Union Avenue/Foxworthy Avenue, and Union Avenue/Curtner Avenue. The VTA bus routes within the project vicinity and their headways are summarized in Table 4.17-1 Existing Bus Routes, below. In addition to the VTA bus stops located near the project site, there is a VTA Light Rail Station less than 2 miles from the project site. The Winchester Light Rail Station is located on Winchester Boulevard, north of San Tomas Expressway. Local Bus Route 37 and Express Route 101 include stops near the project site and at the Winchester Light Rail Station. Frequent Bus Route 61 includes stops near the project site and at the Winchester Light Rail Station.

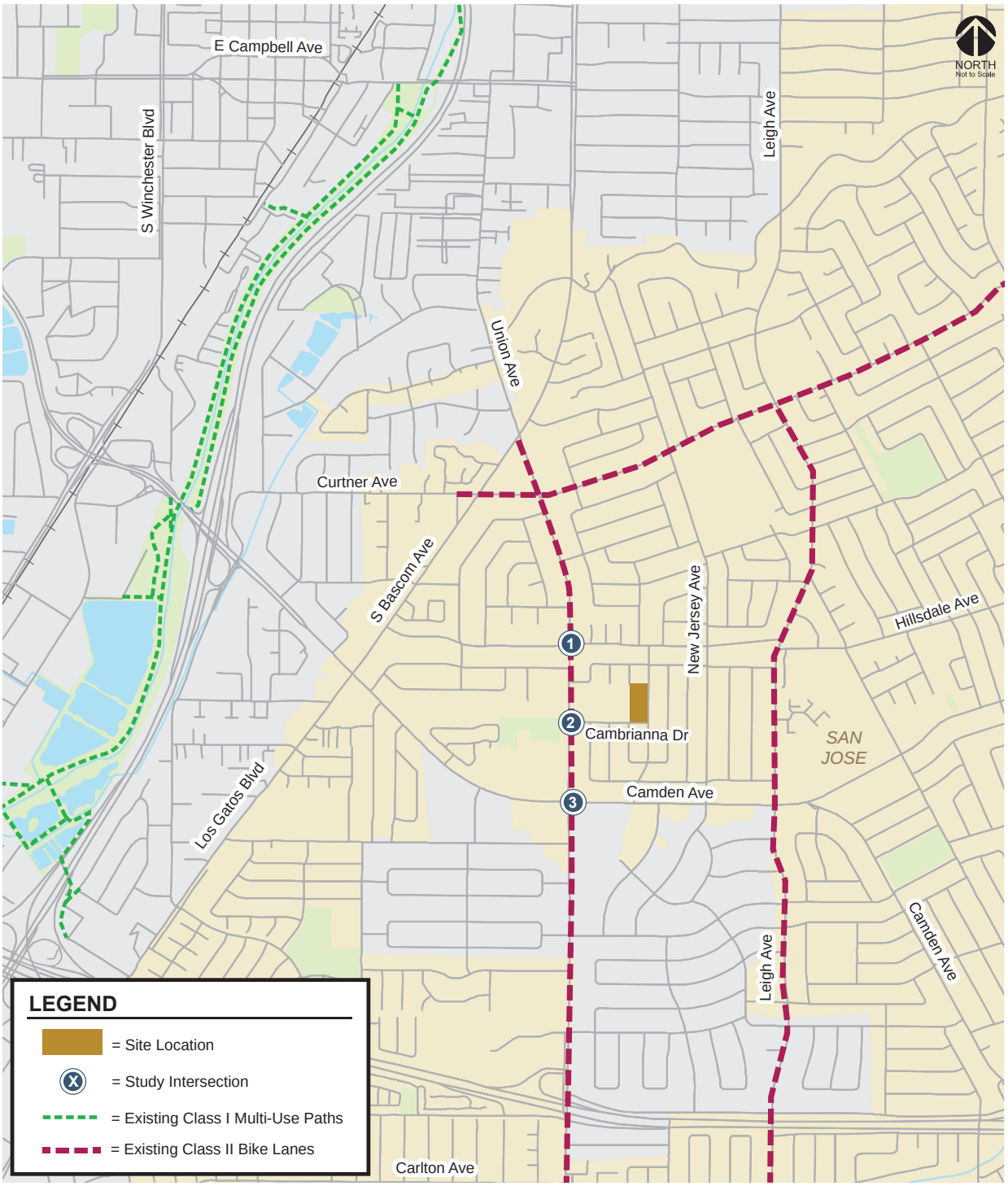
Table 4.17-1 Existing Bus Routes

Bus Route	Route Description	Headway[1]
Frequent Bus Route 26	West Valley College – Eastridge	20
Local Bus Route 37	West Valley College to Capitol Light Rail Station	60
Frequent Bus Route 61	Good Samaritan Hospital to Sierra Boulevard & Piedmont Avenue via Bascom Avenue	20
Express Route 101	Camden Avenue & SR-85 to Palo Alto	60[2]

Notes

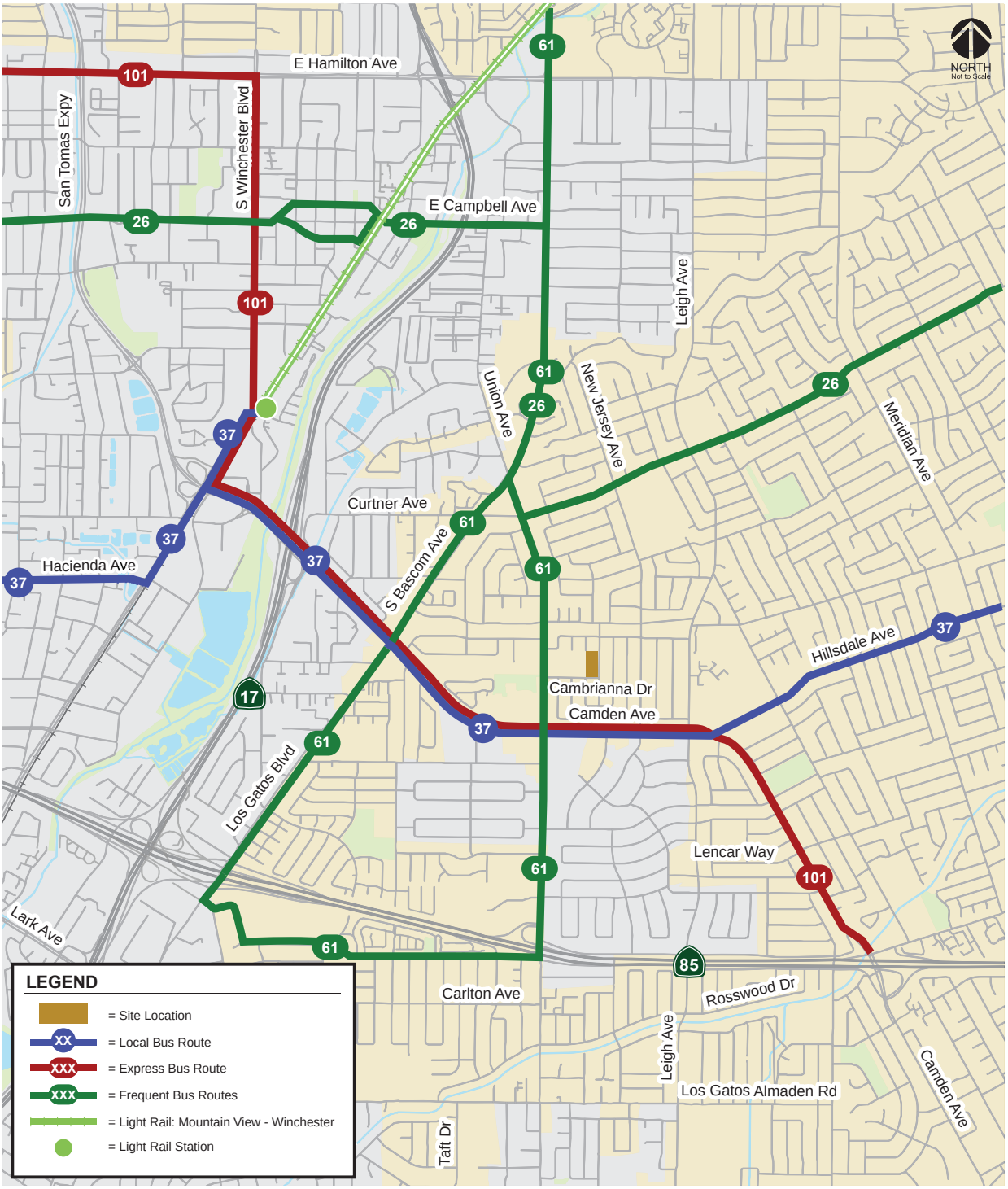
[1] Approximate headway, in minutes, during peak weekday commute periods

[2] During the week, Express Route 101 has to northbound runs between 6:00 AM and 9:00 AM and two southbound runs between 4:00 PM and 7:00 PM



Source: Hexagon Transportation Consultants, Inc., July 23, 2021.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1



Source: Hexagon Transportation Consultants, Inc., July 23, 2021.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-2

4.17.2 Impact Discussion

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

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

Pedestrian and Bicycle Facilities Impacts

The continuous network of sidewalks and crosswalks in the study area exhibits good connectivity and would provide residents with safe routes to transit stops and other points of interest in the project area. Marked crosswalks are provided with pedestrian signal heads across all legs of the signalized intersections in the surrounding area. The nearby intersections have ADA compliant curb ramps with truncated domes. Truncated domes are the standard design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. There is also a pedestrian crosswalk with Rectangular Rapid Flashing Beacons (RRFB) crossing Union Avenue near Cambrianna Drive.

Since the proposed private street terminates in a cul-de-sac, there will be no cut-through vehicle traffic on-site. The cul-de-sac would be open to pedestrians and bicyclists to access Browning Avenue. The internal street onsite would have low volumes, which is conducive to bicycle riding. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities; therefore the project would have a less than significant impact on pedestrian and bicycle facilities. **(Less than Significant Impact)**

Transit Facilities Impacts

Due to the proximity of the project site to bus stops, it is reasonably assumed that some residents would utilize local transit services. This would result in a marginal increase in demand for project area transit facilities. However, it is estimated that the minimally increased transit demand generated by the proposed project would be accommodated by the currently available ridership capacities of the transit services within the project area. For these reasons, the project would have a less than significant impact on transit facilities. **(Less than Significant Impact)**

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 4.17.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects. The methodology used to determine existing and project VMT and the analysis of the project's VMT impacts are described below.

Traffic Analysis – Methodology

VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the vicinity.

Per City Council Policy 5-1, the effects of the proposed project on VMT were evaluated using the methodology outlined in the City's Transportation Analysis Handbook. To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool (sketch tool) to streamline the analysis for development projects. Based on the location of a project, the sketch tool identifies the existing average VMT per capita for the project area.

The sketch 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 sketch tool:

- Project characteristics (e.g., density, diversity of uses, design, and affordability of housing) that encourage walking, biking, and transit uses,
- Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
- Parking measures that discourage personal motorized vehicle trips, and
- Transportation demand management measures that provide incentives and services to encourage alternatives to personal motorized vehicle trips.

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 and/or mitigating the impact through multimodal transportation improvements or establishing a Trip Cap.

VMT Analysis

In accordance with the procedures set forth by the City's Transportation Analysis Policy (Council Policy 5-1), the project's VMT was compared to the appropriate thresholds of significance based on the project location and land use type. For residential development, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita. The project's VMT is then compared to the VMT thresholds of significance established based on the average area VMT. For instance, a project located in a downtown area is expected to have a VMT lower than the area average VMT, while a project located in a suburban area is expected to generate project VMT higher than the average area VMT.

As established in Council Policy 5-1, the VMT impact thresholds are 15 percent below the citywide average for residential developments. Therefore, projects that include residential uses are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average VMT is 11.91 per capita that with a 15 percent reduction results in a significant impact threshold of 10.12 VMT per capita.

VMT Results

The proposed residential use does not meet the screening criteria set forth in the City's *Transportation Analysis Handbook*. As a result, the standard VMT impact analysis was conducted for the project. Project VMT was calculated for the proposed project using the City's VMT Evaluation Tool, which calculates VMT based on the project location, type of development, and project description. The resulting VMT estimate for the project is 9.53 VMT per capita. The project VMT, therefore, is below the significant impact threshold 10.12 VMT per capita. For this reason, the project would have a less than significant VMT impact. **(Less than Significant Impact)**

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As proposed, vehicular access to two of the residences of the project site would be provided via Cambrianna Drive, west of the Browning Avenue and Cambrianna Drive intersection. Most of the new development would access Cambrianna Drive from a private street ending in a cul-de-sac as a northern extension of Browning Avenue from its intersection at Cambrianna Drive. The driveway would comply with City Department of Transportation Geometric Design Guidelines which mandate a 26-foot driveway width for vehicular egress and ingress. The project's Transportation Analysis recommends parking be prohibited for ten feet on either side of the proposed public street along Cambrianna Drive to allow adequate sight distance for drivers exiting the project site. On-site vehicular circulation and parking layout are consistent with generally accepted traffic engineering standards and transportation planning principles.

Cambrianna Drive and the cul-de-sac drive aisle would provide emergency vehicle access to all residential units. The project's Transportation Analysis recommends that parking be prohibited within the circular area of the cul-de-sac to aid the circulation of emergency vehicles. In addition, the site plan shows emergency vehicle access to/from the northern side of the project site, via an emergency gate that would separate the project site and the adjacent residential units. The site plan

configuration indicates adequate site access would be provided for all compatible uses, including passenger vehicles and single unit trucks of the type used for delivery, emergency response, and garbage disposal services. Based on field observations, there is adequate sight distance at the project driveway. For these reasons, the project would have a less than significant impact and would not substantially increase hazards due to geometric design features, or incompatible uses on-site. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

As described above, the proposed project would provide sufficient access to the site by way of the 26-foot-wide driveway on Cambrianna Drive. The project site plan was reviewed for truck access, and it was determined that emergency vehicles would be able to reach all residential units. The project would connect to Browning Avenue through an emergency vehicle access driveway that would be gated with removable bollards at the project's northern boundary. The proposed project would be in compliance with the SJFD requirement that all portions of buildings would be within 150 feet of a fire department access road and would maintain a six-foot clearance requirement from the property line along all sides of buildings. For these reasons, the project would have a less than significant impact and not result in inadequate emergency vehicle access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

As noted above, 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. The following discussion is included because the City of San José has policies that address Level of Service as a planning or growth management matter, outside the CEQA process. In the event a deficient LOS condition is identified, 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, and not whether Level of Service has degraded below the condition considered acceptable.

Trip Generation

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017) was utilized to calculate the vehicle trips generated by the proposed single-family development. In accordance with San José's Transportation Analysis Handbook (2018), the project is eligible for adjustments and reductions from the gross trip generation (see Appendix F). After applying the ITE trip rates, appropriate trip reductions, and existing site trip credits, it is estimated that the project would generate an additional 261 daily vehicle trips, with 19 trips (4 inbound and 15 outbound) occurring during the AM peak hour and 26 trips (16 inbound and 10 outbound) occurring during the PM peak hour.

Intersection Operations Analysis

Traffic conditions at intersections in the project area were evaluated using Level of Service and compared to the City's Transportation Analysis Handbook standards. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Table 4.17-2 below shows the existing, background, and project plus background intersection operations analysis results. Background conditions reflect trips from approved but not yet constructed or occupied developments in the vicinity.

Table 4.17-2 Project LOS Results												
Intersection	**LOS Standard**	**Peak Hour**	**Existing Conditions**		**Background Conditions**		**Background Plus Project Conditions**				**Cumulative Conditions**	
			Average Delay (sec. /veh.)	**LOS**	**Average Delay (sec. /veh)**	**LOS**	**Average Delay (sec. /veh.)**	**LOS**	**Increase in Crit. Delay (sec.)**	**Increase in Crit. V/C**	**Average Delay (sec. /veh.)**	**LOS**
Union Ave. & Foxworthy Ave.	D	AM	20.3	C	20.3	B	20.3	C	0.0	0.000	20.2	C
		PM	21.9	C	21.9	B	22.0	C	0.0	0.000	21.9	C
Union Ave. & Cambrianna Dr.	D	AM	26.5	D	26.5	C	30.9	D	0.5	0.065	34.0	D
		PM	43.7	E	43.7	E	49.9	E	0.5	0.065	60.0	F
Union Ave. & Camden Ave.*	D	AM	48.2	D	48.6	D	48.7	D	0.2	0.002	50.8	D
		PM	**57.6**	**E**	**60.9**	**E**	**61.3**	**E**	**0.2**	**0.002**	**74.0**	**E**
Notes: * Denotes a VTA CMP intersection. Bold indicates a substandard level of service for a signalized intersection												

As shown in Table 4.17-2, the Union Avenue and Foxworthy Avenue signalized intersection currently operates at acceptable (LOS D or better) levels of service and would continue under background, project, and cumulative conditions. The intersection of Union Avenue and Camden Avenue operates at an unacceptable LOS E during the PM peak hour with the existing traffic conditions and would continue to operate at LOS E during the background, project, and cumulative conditions. The intersection of Union Avenue and Cambrianna Drive is unsignalized and operates at an unacceptable LOS E during the PM peak hour and would continue under the background and project conditions, and decrease to LOS F under cumulative conditions. The project's effect on Union Avenue and Cambrianna Drive is not considered an adverse effect.[84] According to the project's Transportation Analysis, there are other nearby routes out of the neighborhood for vehicles to take to avoid making a westbound left-turn at the Union Avenue and Cambrianna Drive intersection However, based on the City of San Jose criteria, the project would not have an adverse effect on intersection operations at the study intersections, and no improvements are required.

Queuing Analysis

The *Transportation Analysis* completed for the project includes a queueing analysis to evaluate size of the existing pockets and the number of vehicles the proposed project would generate at the existing pocket (see Appendix F). For the purposes of CEQA, there are no quantitative impact thresholds specific to queueing. If project traffic would exceed an existing turn-pocket length and spill out of the pocket, the resulting traffic could be more congested, resulting in additional delay.

The queuing analysis is based on vehicle queues for the three movements listed below.

- Eastbound left-turn on Camden Avenue at Union Avenue
- Westbound shared left/through/right on Cambrianna Drive at Union Avenue
- Southbound left-turn on Union Avenue at Cambrianna Drive

For the left-turn movements along Union Avenue and Camden Avenue, the estimated queue length was compared to the length of the existing turn pockets. For the westbound shared left/through/right movement from Cambrianna Drive, the estimated queue length was compared to the available storage space between Union Avenue and Bryon Drive/Jennifer Way. The queuing analysis shows that the added project trips would not cause vehicle queueing issues or result in inadequate vehicle storage capacity at the three movements listed above.

Parking

Vehicle Parking

[84] The City of San Jose does not have a policy or standard for impact criteria for unsignalized intersections. The LOS and delay of unsignalized intersections are provided for informational purposes rather than for defining an impact or adverse effect. Thus, the project's effect on Union/Cambrianna is not considered an adverse effect. Source: Rodriguez, Rueben. Associate, Hexagon Transportation Consultants, Inc. Personal Communication. March 31, 2022.

The project would be required to comply with vehicle and bicycle parking standards per the City's policies and regulations

Per the City of San José Municipal Code (Chapter 20.90), vehicle parking requirements for one family dwelling is two covered spaces.

The site plan shows a two-car garage for the 17 single family detached unit and a one-car garage for the four attached single-family unit. The site plan also shows 17 on-street vehicle parking spaces along the new private street, which may be used for resident and/or guest parking. Driveways for the single-family homes may also serve as additional parking spaces. Thus, the proposed project would meet the parking requirements.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *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 tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

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

Local

Envision San José 2040 General Plan

The City of San José sets forth the following policies pertaining to tribal cultural resources in its General Plan.

Envision San José 2040 Tribal Cultural Resources Policies

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

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

4.18.1.2 *Existing Conditions*

The project site is not considered archaeologically sensitive (General Plan DEIR Figure 12B) or culturally sensitive, and is not located in close proximity to any prehistoric or historic archaeological site. No tribal cultural resources are known to occur on-site.

4.18.2 Impact Discussion

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

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

No tribal cultural resources, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have previously been modified due to the existing development of the project site and surrounding area.

Assembly Bill (AB) 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be significantly impacted by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in the AB 52 consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City.

- 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 for this particular project was sent electronically and via certified mail to Tamien Nation on January 11, 2022, and the tribe requested consultation. City staff consulted with the Tamien Nation representative on March 2, 2022. The Tamien Nation specifically requested tribal cultural sensitivity training for construction crew members prior to construction activities involving ground-disturbing activity. New crew members involved in ground-disturbing activities that did not attend a cultural sensitivity training would be required attend a training by the Tamien Nation on their first day of work.
- 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 subject project's AB 52 notification was sent electronically on January 11, 2022. City staff met with the representative of the Band of Costanoan Ohlone people on February 4**,** 2022 and concluded consultation March 3, 2022. The representative deferred to the Tamien Nation for recommended cultural resource protection measures.

Based upon consultation with the Tamien Nation, the project site is not known to contain tribal resources. However, if tribal resources are uncovered during the ground disturbing activities, the project could result in significant impacts to tribal cultural resources.

As a condition of approval, the project would hire a qualified representative of the Tamien Nation to conduct in-person tribal cultural sensitivity training for construction team members during the first day of ground disturbing activities; no video trainings would be available. If ground-disturbing activities would occur with new construction team members after the initial training was conducted, those new teams or workers would need to also have additional training provided by the Tamien Nation on their first day at the site.

The project 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. **(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?

See response to Question a), above. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 939

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

Assembly Bill 341

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

Assembly Bill 1826

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

Senate Bill 1383

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

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition (C&D)
- Debris, or meeting the local construction and demolition waste management ordinance,
- whichever is more stringent; and
- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes and other regulations.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-3.1	Achieve minimum level of services: • For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
Policy 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.
Policy 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.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy 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 San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San 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.

Private Sector Green Building Policy [6-32]

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards

for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

Construction and Demolition Diversion Deposit Program [Municipal Code Section 9.10 Part 15]

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

4.19.1.2 *Existing Conditions*

The 2.85-acre project site is currently an open grass field and overflow gravel parking lot for the CUHSD facility and is situated within a larger 10.00-acre site which includes the elementary school facility and main parking area, paved recreational and playground areas, open grass fields and trees.

Water Service

Water service to the project site is provided by the SJWC. The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, 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. Approximately 55 percent of SJWC's water supply is purchased from Valley Water, 37 percent is pumped from local groundwater aquifers, and eight percent comes from local surface water sources.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site 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 of wastewater per day (mgd) during dry weather flow, with the City allocated approximately 110 mgd of existing capacity.[85] The City of San

[85] San José-Santa Clara Regional Wastewater Facility. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility. Accessed May 18, 2021.

José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands. [86]

Storm Drainage

The project site is located within an urbanized area served by an existing storm drainage system. The existing site conditions include 22,932 square feet of impervious surface area and 101,018 square feet of pervious surface area. There is an existing 12-inch diameter storm drain line in Cambrianna Drive, a 15-inch diameter storm drain line in Taper Avenue, and a 10-inch diameter storm drain line in Browning Avenue.[87] Stormwater from the site outfalls to the Guadalupe River approximately 2.8 miles east of the project site, where it travels downstream, and eventually is discharged to the San Francisco Bay.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.[88] The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.[89] The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. Through an agreement with the International Disposal Corporation of California, municipal solid waste that is not diverted through recycling or composting must go to Newby Island Landfill.

Electricity and Natural Gas

SJCE provides electricity to the City. PG&E provides electricity infrastructure and natural gas services to the City. PG&E owns and maintains above- and below-ground networks of electric and gas transmission and distribution facilities throughout the City. Both gas and electrical service are available throughout the City. Energy infrastructure is described in more detail in Section 4.6 Energy.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐

[86] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[87] City of San José. "Utility Viewer". Accessed May 18, 2021. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1
[88] City of San José. *2040 General Plan FEIR*. September 2011.
[89] City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008. Accessed July 27, 2021. https://www.sanjoseca.gov/home/showdocument?id=32051.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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

The proposed project would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services.

Water Facilities

The project would be served by existing potable and irrigation water service providers (SJWC), as is discussed under checklist question b), below. The project would connect into existing water lines at the intersection of Cambrianna Drive and Browning Avenue. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The project would comply with all applicable Public Works requirements to ensure water mains would have the capacity for water and fire flows required by the proposed project. For these reasons, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system at a sanitary sewer line at the project's northern boundary at Browning Avenue. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for

sanitary sewer service and wastewater as required by the proposed project. The 2040 General Plan FEIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project, see discussion in Section c) below. No relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. The proposed project does not include the construction of any additional sewer mains or sewer lines, aside from lateral connections to existing mains. Installation of sanitary sewer laterals for the new buildings would occur during grading of the site and would result in minimal impacts.

Storm Drainage

Future redevelopment of the site would comply with the MRP which requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and storm water treatment features, known as BMPs as discussed earlier in Section 3.10 Hydrology and Water Quality. Further, compliance with the City of San José Policy Post-Construction Urban Runoff Management [6-29], would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. As described in 4.10.2(c), Development of the project site would not exceed the capacity of the existing storm drainage system serving the project site. Installation of storm sewer laterals for the site areas would occur during grading of the site and would result in minimal impacts. For these reasons, no new storm water treatment or disposal facilities would need to be constructed to accommodate the proposed project.

Electric Power, Natural Gas, and Telecommunications

Existing utility lines would be utilized by the project for electric power and natural gas services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. Therefore, the proposed project would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

The SJWC provides water to the project area. Their most recent UWMP (adopted in June 2021) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.[90]

[90] City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.

The project proposes to construct 21 single-family residences with 14 ADUs, resulting in approximately 94 new residents. SJWC's actual water use during 2020 was 108 gpcd. A lower daily per capita water use rate of 75 gpcd was applied to estimate new demand projections given that high water efficiency fixtures would be included for developments occurring after 2020.[91] Therefore, the project would demand approximately 7,050 gallons per day (gpd)[92] or approximately 2.5 million gallons per year (mgy).[93]

SJWC estimates demand for potable and raw water within its service area to increase steadily through 2045 to a total of 44,416 acre-feet per year (AFY) (or 14 billion gallons per year).[94] The net water demand of the proposed project would amount to a fraction of projected demand increases in the SJWC service area through 2040, and given the proposed units are consistent with the site's General Plan land use designation, and the UWMP was based on projected growth in San Jose according to the City's General Plan (among other areas served by SJWC), the project's water demand has been encompassed within the SJWC UWMP.

The SJWC's 2020 UWMP recognizes that there would be water supply deficiencies during single-dry and multiple-dry scenarios upon General Plan buildout; however, water shortage contingency actions such as short-term water use reductions, water recycling, storm water capture and reuse, and conservation will allow the SJWC to meet projected demands in its service area. For this reason, and those listed above, the SJWC would have sufficient water supplies to supply the proposed project during normal, dry, and multiple dry years; therefore, the project would have a less than significant impact on water supplies during 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?

The RWF currently has an excess capacity of 38.8 mgd of dry weather flow available to service the City of San José. Planned build out under the General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would not exceed the capacity of the RWF. The 21 single-family residences and 14 ADUs proposed by the project would have a gross wastewater demand of approximately 5,865 gpd.[95] The wastewater demands of the proposed project would not result in an exceedance of wastewater treatment capacity at the RWF. Increased demand at the RWF created by planned development under the General Plan is expected and accounted for in long term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the 2040 General Plan FEIR, SEIR, and Addenda thereto; therefore, the proposed project would not result in an unanticipated increase in wastewater treatment requirements at the RWF.

[91] San José Water Company. *2020 Urban Water Management Plan*. 4.2.4 Water Conservation. June 2021.
[92] 94 residents x 75 gpcd = 7,050 gpd
[93] 7,050 gpd x 365 days/year = 2.5 mgy
[94] For reference, one acre-foot is equivalent to 325,851 gallons.
[95] Based on the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use.

The construction of new wastewater treatment facilities would not be required as a result of the proposed project. Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently below capacity.

The projected wastewater demand of the project, by itself, would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant's service boundaries. The treatment capacity of the RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments; therefore, the project would have a less than significant impact on wastewater treatment capacity. **(Less than Significant Impact)**

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

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[96] The General Plan FEIR, SEIR, and Addenda thereto determined that the increase in waste generated by build out of the General Plan would not result in an exceedance of capacity at existing landfills serving the city.

The proposed residences would generate solid waste at a rate of approximately 53.8 tons of solid waste per year.[97] The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The proposed project would be required to meet the City's diversion goals of 75 percent waste reduction post-2013 and zero waste by 2022. The project would be required to conform to City plans and policies to reduce solid waste generation and would be served by the Newby Island Landfill which, as described in Existing Conditions, has adequate capacity. For these reasons, the project would have a less than significant impact on solid waste disposal and landfill facilities. **(Less Than Significant Impact)**

[96] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[97] Illingworth & Rodkin, Inc. Construction and On-Site Community Risk Assessment - Table 8.2 Waste by Land as single-family housing and apartments low rise. October 27, 2021.

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The proposed project would support the goals of the Zero Waste Strategic Plan by complying with the City's Construction and Demolition Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills) and providing readily accessible areas for recycling that serve all of the buildings on-site. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the proposed project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts.[98] **(No Impact)**

[98] California Department of Forestry and Fire Protection. FHSZ Viewer. Accessed July 27, 2021. https://egis.fire.ca.gov/FHSZ/

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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

As discussed in prior sections of this Initial Study, the proposed project would not degrade the quality of the environment, substantially affect biological resources, or eliminate important examples of California history or prehistory with implementation of the identified conditions of approval, best management practices, and mitigation measures. As discussed in Section 4.3 Air Quality, implementation of BAAQMD best management practices and mitigation measure AIR-1.1 would reduce potentially significant impacts from fugitive dust and toxic air contaminants to a less than significant level. Implementation of the mitigation measures identified in Section 4.4 Biological Resources (MM BIO-1.1 through MM BIO-1.4) would ensure that no taking of nesting birds and raptors, including fertile bird eggs, occurs during construction. As discussed in Section 4.5, Cultural Resources, with implementation of the identified standard permit conditions, the project would result in a less than significant impact on cultural and tribal cultural resources or human remains, if encountered during construction. Noise and vibration generated by construction equipment would be reduced to a less than significant level with implementation of the identified conditions of approval

and mitigation measure NOI-1.1. All significant project-level impacts can be mitigated to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion of project criteria pollutant impacts presented in Section 4.3 also reflects cumulative conditions, and the project would not contribute to significant cumulative impacts. The project's contribution to cumulative climate change impacts was presented in Section 4.8 as less than cumulatively considerable. Similarly, the discussion of the project's energy impact also reflects cumulative conditions, since the project's consumption of electricity, natural gas, and gasoline was assessed in comparison with consumption at the state and county level. Therefore, the proposed project would not make a substantial contribution to cumulative air quality, energy use, or GHG emissions impacts.

The project would not impact agricultural or forestry resources or mineral resources, therefore there is no potential for cumulative impacts to these resources. Nor are there any cumulative impacts associated with wildfire risk, as the project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

The project would result in less than significant impacts to aesthetics, hazards and hazardous materials, hydrology and water quality, land use, population and housing, public services, recreational facilities, transportation, and utilities and service systems without the imposition of mitigation measures. As noted in Section 4.17 Transportation, the project's VMT impacts are presumed to be less than significant as a development below the City's significant impact threshold, and therefore the project would not contribute to cumulative VMT impacts. Furthermore, potential impacts associated with these resource areas are accounted for in the San José General Plan and the San José General Plan EIR. Under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed project would result in highly localized and temporary air quality, biological, cultural, geology and soils, and noise impacts during construction. The timing of construction of the proposed development relative to other pending or approved development projects in the vicinity, which could contribute to cumulative air quality and noise impacts, is unknown. However, none of the pending or approved projects identified in Appendix F (Transportation Analysis) are located within 1,000 feet of the project site, which is the effective area for localized air quality and noise impacts, and therefore the project would not result in a cumulatively considerable contribution to a cumulative impact.[99] All planned or approved projects would be subject to the restrictions placed on the taking of protected birds by the Migratory Bird Treaty Act and California Fish and Game Code, and any trees removed by other projects within the City would be replaced in accordance with the City's Municipal Code. Cumulative projects would also be subject to standard permit conditions that protect subsurface archaeological and paleontological resources. Accordingly, with implementation of the mitigation measures identified in this Initial Study, construction-level impacts would be mitigated to a less than significant level and would not be considered cumulatively considerable.

Given the above considerations, impacts associated with the proposed development would not result in a significant cumulative impact. **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction air quality and noise. Implementation of conditions of approval and mitigation measures, and adherence to the General Plan, City's Municipal Code, and state and federal regulations described in this Initial Study, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

[99] Cambrian Park Mixed-Use Village is an 18.1-acre site proposed development located approximately 1,100 feet south of the project site comprised of hotel, an assisted living facility (with office use option), podium cluster apartments, townhouse units, single family homes, a town square and several public park spaces. Campbell Union High School District Site Residential project is a 12-acre residential subdivision located approximately 1,200 feet to the west of the project and includes 40 single-family homes and 17 accessory units.

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street
San José, CA 95113

Christopher Burton, Director
Thai-Chau Le, Supervising Planner – Environmental Review
Cort Hitchens, Planner II – Environmental Review

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Akoni Danielsen, President/Principal Project Manager
Adam Garcia, Assistant Project Manager
Connor Tutino, Associate Project Manager
Ryan Osako, Graphic Artist

Geo-Logic Associates

Geological Consultants

Beeson Liang, Principal Geotechnical Engineer

Hexagon Transportation Consultants, Inc.

Transportation Consultants

Gary Black, AICP, President
Rueben Rodriguez, Engineer/Associate

H. T. Harvey & Associates

Ecological Consultants

Robin Carle, Associate Ecologist

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Acoustic and Air Quality Consultants

James Reyff, Principal
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Casey Divine, Consultant
Zachary Palm, Consultant
Adwait Ambaskar, Staff Consultant

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

2017 CAP	Bay Area 2017 Clean Air Plan
ABAG	Association of Bay Area Governments
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ADU	Accessory dwelling unit
AIA	Airport Influence Air
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
Btu	British Thermal Unit
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbons
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CPS-SLIC	Statewide Cleanup Program Sites SLIC
CRHR	California Register of Historical Resources
CUHSD	Campbell Union High School District

dBA	A-weighted decibel
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FMMP	California Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHGs	Greenhouse Gases
GWh	Gigawatt Hour
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFCs	Hydrofluorocarbons
LBP	Lead-Based Paint
LID	Low Impact Development
LOS	Level of Service
LUST	Leaky Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Committee
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NOD	Notice of Determination
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
O_3	Ozone
OPR	Office of Planning and Research
PCB	Polychlorinated biphenyls
PCE	Perchloroethylene
PDAs	Priority Development Areas
PFCs	Perfluorocarbons

PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
$PM_{2.5}$	Fine Particulate Matter
PPV	Peak Particle Velocity
RHNA	Regional Housing Needs Allocation
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SF_6	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SJCE	San Jose Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Company
SO_x	Sulfur Oxides
SR	State Route
SVE	Soil vapor extraction
SWRCB	State Water Resource Control Board
TAC	Toxic Air Contaminant
TCE	Trichloroethane
TCR	Tribal Cultural Resource
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
Valley Water	Santa Clara Valley Water District
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
VTA	Santa Clara Valley Transportation Authority
ZNE	Zero Net Carbon Emissions