DRAFT

INITIAL STUDY/NEGATIVE DECLARATION

For the

945 W. Julian Street & 379 N. Morrison Avenue General Plan Amendment and Conforming Rezoning Project

File Nos.: GP22-008, GPT22-005, C22-023 and ER22-062

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

STARBIRD
Consulting

December 2022

NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: 945 W. Julian Street and 379 N. Morrison Avenue General Plan Amendment

PROJECT FILE NUMBER: GP22-008 and ER22-062

PROJECT DESCRIPTION: The project is a General Plan Amendment (GPA) for a 0.46-acre site to change the land use designation from *Mixed Use Commercial* to *Transit Residential.* The project also includes a conforming rezoning for the site from the *LI – Light Industrial* Zoning District to the *TR – Transit Residential* Zoning District.

PROJECT LOCATION: The project site comprises two parcels of land located at 945 W. Julian Street and 379 N. Morrison Avenue in the Garden Alameda neighborhood of central San José.

ASSESSORS PARCEL NOs.: 261-02-053 and 261-02-009 **COUNCIL DISTRICT:** 6

APPLICANT CONTACT INFORMATION: Echelcon, Inc. (Attn: Gustavo Auqui, Managing Member); 945 West Julian Street, San José, CA, 95126; (408) 858-0445; gustavoa@echelcon.com

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above will not have a significant effect on the environment. The attached Initial Study does not identify any potentially significant effects on the environment for which mitigation measures are required to mitigate the impacts to a less than significant level.

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. **AIR QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

E. **CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

F. **ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. **GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. **HAZARDS AND HAZARDOUS MATERIALS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

J. **HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. **LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. **MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. **NOISE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

N. **POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. **TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. **TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

S. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. **WILDFIRE –** The project would not have a significant impact on this resource, therefore no mitigation is required.

U. **MANDATORY FINDINGS OF SIGNIFICANCE.**

The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on humans; therefore, no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, January 24, 2023** any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

12/20/2022
Date

Deputy

Nhu Nguyen
Environmental Project Manager

Circulation period: January 4, 2023 to January 24, 2023

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Appendix C: Long-Range Traffic Analysis, *Hexagon Transportation Consultants*

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 945 W. Julian Street/379 N. Morrison Avenue General Plan Amendment and Conforming Rezoning Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes a General Plan Amendment (GPA) to change the land use designation of the 0.46-acre project site (approximately 20,000 square feet) from *Mixed Use Commercial* (*MUC*) to *Transit Residential (TR)*, and a conforming rezoning of the site from *Light Industrial* to *TR Transit Residential Zoning District,* to match the proposed General Plan designation. The project also includes a text amendment to The Alameda Urban Village Plan (TAUVP) to allow *Transit Residential* uses on the project site.

Future redevelopment of the site *could* include up to an additional 92 dwelling units and at least 5,000 square feet (sf) of additional commercial uses when compared to the existing land use designation.[1] This is considered to be the project condition and although the project would not allow any development on the site, the evaluation of potential environmental impacts is based on this difference between what is currently allowed and what would be allowed if the designations/districts are approved.

The project site is located within The Alameda Urban Village (TAUV). No specific development project application has been filed with the City; therefore, the project being evaluated consists of the proposed changes in land use regulations that apply to the site and not any particular site plan for development.

Future redevelopment of the site can be reasonably expected to involve demolition of all existing structures and the potential removal of on-site trees. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project, based on the level of detail and information that currently exists. If the proposed GPA and conforming rezoning are approved, the City will conduct subsequent project-level environmental review in response to the filing of a development application.

[1] The MUC district allows up to 50 DU/AC or 23 units on the project site. The minimum FAR of commercial development within the MUC designation is 0.25, or 5,000 sf. The proposed *TR* designation of The Alameda Urban Village Plan would allow up to 250 DU/AC and have a minimum FAR for commercial development of 0.50 or 10,000 sf (0.50 x 20,000 square feet). Therefore, the difference between what would be allowed in the existing and future designations/districts is 92 residential units and 5,000 sf of commercial development. This is the future redevelopment condition.

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:

Nhu Nguyen, Planner I
City of San José Planning Department
200 E. Santa Clara Street, 3rd Floor
San José, CA 95112
Email: nhu.nguyen@sanjoseca.gov
(408) 535-6894

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City Council will consider the adoption of the Initial Study/ Negative Declaration (ND) 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 ND, the City may proceed with project approval action.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City 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

2.0 PROJECT TITLE

945 W. Julian Street/379 N. Morrison Avenue General Plan Amendment and Conforming Rezoning Project, File Numbers GP22-008, GPT22-005, C22-023, and ER22-062.

2.1 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

Nhu Nguyen, Planner I
City of San José Planning Department
200 E. Santa Clara Street, 3rd Floor
San José, CA 95112
nhu.nguyen@sanjoseca.gov
(408) 535-6894

2.2 PROJECT LOCATION

The approximately 0.46-acre project site comprises two parcels of land located at 945 W. Julian Street and 379 N. Morrison Avenue in the Garden Alameda neighborhood of central San José. Regional and vicinity maps of the project site are provided on Figures 1 and 2, respectively.

2.3 ASSESSOR'S PARCEL NUMBERS

261-02-053 and 261-02-009

2.4 PROJECT APPLICANT'S NAME AND ADDRESS

Applicant: Gustavo Auqui, Managing Member
Echelcon, Inc.
945 W. Julian Street, San José CA 95126
408-858-0445
gustavoa@echelcon.com

Applicant's Representative: Melanie Griswold
Hestia Real Estate
1842 University Avenue, San José CA 95126
415-265-1086
mg@hestia-re.com

2.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT

Existing General Plan Land Use Designation: *Mixed-Use Commercial: Up to 50 DU/AC; Commercial FAR 0.25 to 4.5*
Proposed General Plan Land Use Designation: *Transit Residential: 50-250 DU/AC with a Residential/Commercial Mixed Use FAR: Minimum 0.50*
Existing Zoning District: *Light Industrial*

Proposed Zoning District: *Transit Residential*

2.6 EXISTING SURROUNDING LAND USES

North: *Single- and Multi-family Residential, Commercial, and Industrial*
South: *Commercial Office*
East: *Multi-family Residential*
West: *Industrial*

FIGURE 1: REGIONAL MAP

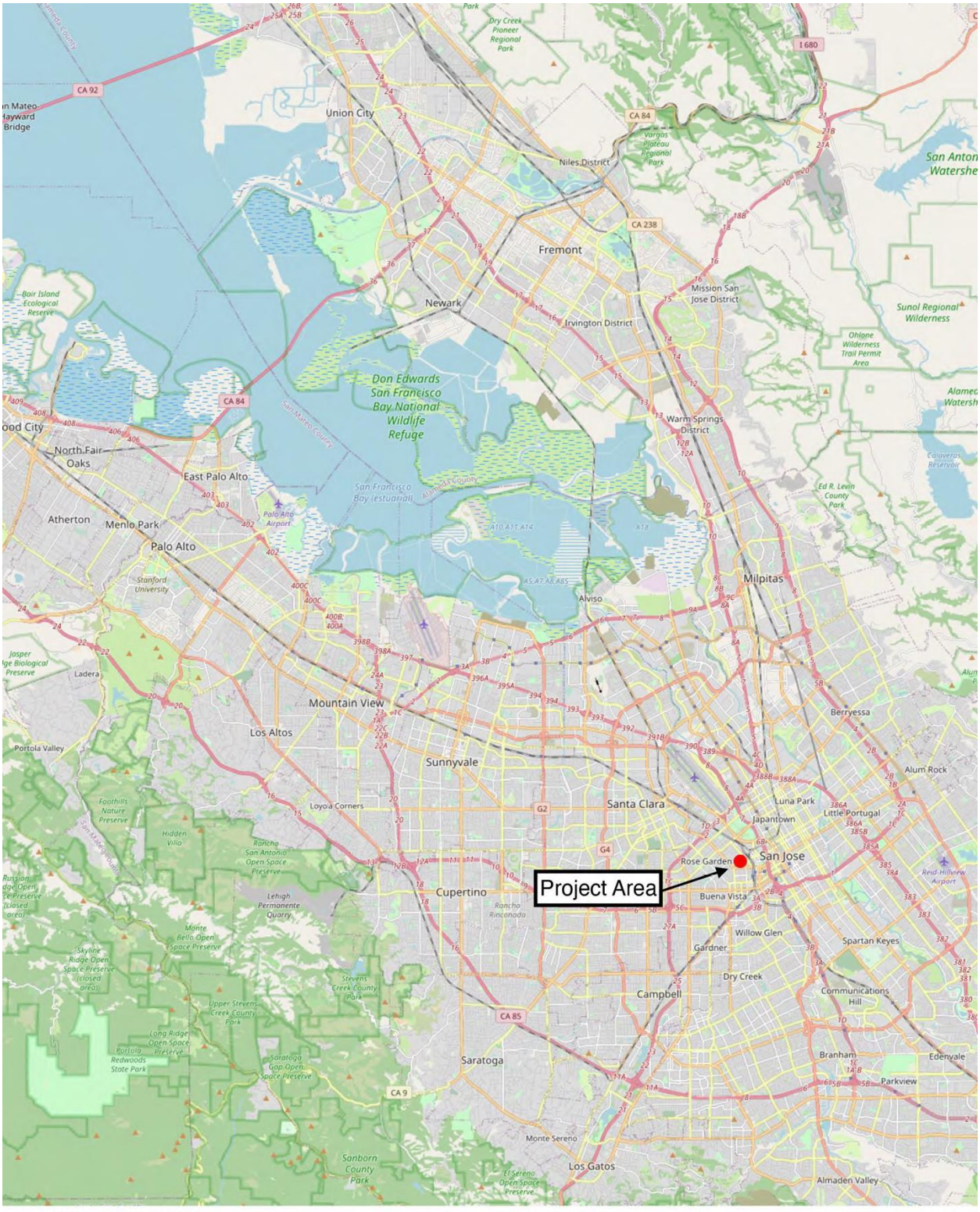


FIGURE 2: VICINITY MAP

Project Vicinity Map
379 N Morrison Ave & 945 W Julian St
San José

1:800

Legend
Project Area

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: Urban-Suburban
Development Zone: Urban-Suburban
Fee Zone: Urban Areas (No land cover fee)
Burrowing Owl Conservation Zone: N/A

SECTION 3.0 PROJECT DESCRIPTION

3.1 EXISTING CONDITIONS

Project Location

The approximately 0.46-acre project site is comprised of two parcels of land located at 945 W. Julian St. and 379 N. Morrison Ave. in the Garden Alameda neighborhood of central San José. The site is located within the boundaries of TAUVP. Regional and vicinity maps of the project site are provided on Figures 1 and 2, respectively.

Surrounding Land Uses

The existing neighborhood surrounding the project site contains a mix of commercial, industrial, and single- and multi-family residential land uses.

Conditions On-Site

The project site is currently developed with an approximately 2,800 square-foot commercial office building at 945 W. Julian St. and an approximately 1,423 square-foot residential structure at 379 N. Morrison Ave. (refer to Photos 1-8). The residential structure also has a detached garage. Landscaping, including trees and ornamental species are located on site, as well as driveways and parking areas.

3.2 ENVISION SAN JOSÉ 2040 GENERAL PLAN AND ZONING DESIGNATION

The project site currently has a *MUC – Mixed-Use Commercial* designation under the City's General Plan Land Use/Transportation Diagram and a zoning designation of *LI – Light Industrial Zoning District*. The *MUC* General Plan Designation is intended for development primarily with either townhouse or small lot single-family residences and supports commercial or mixed-use development integrated within the Mixed-Use Neighborhood area. The current *LI* zoning designation of the project site is intended for a wide variety of industrial uses; typical uses are warehousing, wholesaling, and light manufacturing.

3.3 PROPOSED GENERAL PLAN AMENDMENT

The project proposes a General Plan Amendment (GPA) and conforming rezoning of the approximately 0.46-acre project site to allow for the future development of a mixed-use residential and commercial project. The project includes a text amendment to allow *Transit Residential* uses within TAUV. This designation is primarily for new high-density development that is located in close proximity to transit, jobs, amenities, and services. It also supports intensive commercial employment uses such as office, retail, hotels, hospitals, and private community gathering facilities. The proposed text amendment to TAUVP (page 23) is as follows:

TRANSIT RESIDENTIAL
DENSITY: 50-250 DU/AC
RESIDENTIAL/COMMERCIAL MIXED-USE FAR: MINIMUM 0.50
STAND-ALONE COMMERCIAL FAR: 0.25 TO 4.5.

This Designation is primarily for new high-density, mixed use residential development that is located in close proximity to transit, jobs, amenities, and services. It also supports intensive commercial employment uses such as office, retail, hotels, hospitals, and private community gathering facilities.

The Plan establishes a minimum 0.50 FAR for mixed-use projects and minimum 0.25 FAR for stand-alone commercial projects to ensure that Julian Street continues to have commercial uses, in addition to residential, and that the planned job growth in the Urban Village can be achieved. The intensity or density of new development will effectively be limited by the maximum height limits established in this Plan and shown on the Building Height Diagram, by the transitional height policies in this Plan, and by the parking requirements established in the zoning ordinance.

In addition, Figure 9: Building Height Diagram, would be revised to change allowed heights from 55' to 85' on the 945 W. Julian St. and 379 N. Morrison Ave. parcels (the project site).
No specific development is proposed at this time. The proposed project is a GPA to allow *Transit Residential (TR)* uses and a conforming rezoning of the site to *TR* to be consistent with the proposed General Plan designation.

With the proposed General Plan Amendment, text amendments, and conforming rezoning, future development could include up to 115 residential units (0.46 acres at a maximum of 250 DU/AC) and commercial development with a minimum overall FAR of 0.50 (up to 10,000 sf) in one 55-foot-tall structure. While a specific development project is not proposed at this time, the analysis provided in this Initial Study is based on the differences between the maximum amount of development allowed in the *MUC* and *TR* General Plan designations. Therefore, the analysis assumes up to an additional 92 residential units and 5,000 sf of commercial development when compared to what is currently allowed on the site. This approach allows the most conservative evaluation of impacts based on the greatest number of residential units and maximum amount of commercial development that could be allowed on-site.

The proposed *Transit Residential* (TR) General Plan and zoning district designations are intended to implement TAUVP. The *TR* General Plan and zoning designations are the primary designations for new high-density, mixed-use residential development located in close proximity to transit, jobs, amenities, and services. This type of development may also be appropriate for some sites within Urban Village areas as identified through an Urban Village Planning process, including TAUVP. Lands designated in the General Plan for *TR* uses are located to the north and northeast of the project site.

Future redevelopment under the project would require subsequent project-level environmental review. However, it is anticipated that the future building would be constructed of modern architectural design comprised of stucco, steel panels, painted concrete and wood composite

materials. Maximum building height would be up to 85 feet compared to 55 feet allowed in the *MUC* General Plan land use designation, a difference of 30 feet. Required vehicle parking would be provided in accordance with City requirements and either be below grade or on podium.

While the proposed project would not result in physical changes on the site, future development could require the removal of some or all trees on-site. As with all development projects in the City, trees to be removed as part of the future project would be required to be replaced per City of San José tree replacement policy pursuant to Chapter 13.32 of the San José Municipal Code. Similarly, appropriate stormwater quality measures would be installed as required by the City of San José.

SECTION 4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The discussion for each environmental subject includes the following subsections:

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

- **Environmental Checklist** - This subsection includes the City's checklist for determining potential environmental impacts.

- **Impacts Evaluation** - This subsection discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible Mitigation Measures are identified that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Measures that are required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as "Standard Permit Conditions." "Conditions of Approval" are project-specific measures the City requires to reduce or avoid environmental impacts.

  Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, Impact AES-1 denotes the first potentially significant impact discussed in the Aesthetics section. Mitigation Measures are also numbered to correspond to the impact they address. For example, MM AES-2.3 refers to the third mitigation measure for the second impact in the Aesthetics section.

  The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

- **Conclusion** - This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned

with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the effects of the project on the environment, this chapter will discuss effects on the project related to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

Environmental Setting

The approximately 0.46-acre project site is located in a densely developed area of central San José, west of Downtown and the Diridon Station Area Plan area as shown in Photos 1-8 on the following pages. W. Julian St. is located along the site's southern boundary while E. Morrison Ave. provides the east/northeast boundary of the site. Sources of light and glare in the urban environment include streetlights and reflective building surfaces and windows.

The project site is in an urban, highly developed area of central San José. Thus, views from the project site include views of the immediate, surrounding development. Land uses in the immediate project area include single- and multi-family residential to the north and northeast (Photo 9). Industrial land uses, including automotive repair shops are located to the north and west. Land uses to the south include up to two-story commercial office buildings and single- and multi-family residential development (Photos 10 and 11).

The project site is currently developed with an office building and single-family residential structure. The office building has a below grade open carport area under the existing building (Photo 3) with access to both W. Julian St. and N. Morrison Ave. provided via a connected driveway. Both structures are surrounded with mature landscaping and street trees. A bike rental facility is located on N. Morrison Ave., east of the existing office building (Photo 5). Additional detail regarding trees on-site is provided in *Section 4.4 Biological Resources*.

Regulatory Framework

State

The State Scenic Highways Program (Streets and Highway Code, Sections 260 through 263) is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. In Santa Clara County, the one state-designated scenic highway is State Route (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. The project site is not located near any scenic highways.

Local

Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote scenic beauty of the city. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes

Photo 1: Existing office building located at 945 W. Julian Street.

Photo 2: South side of existing office building at 945 W. Julian Street.

Photo 3: West side of the existing office building looking to the east. The below grade parking can be seen under the building.

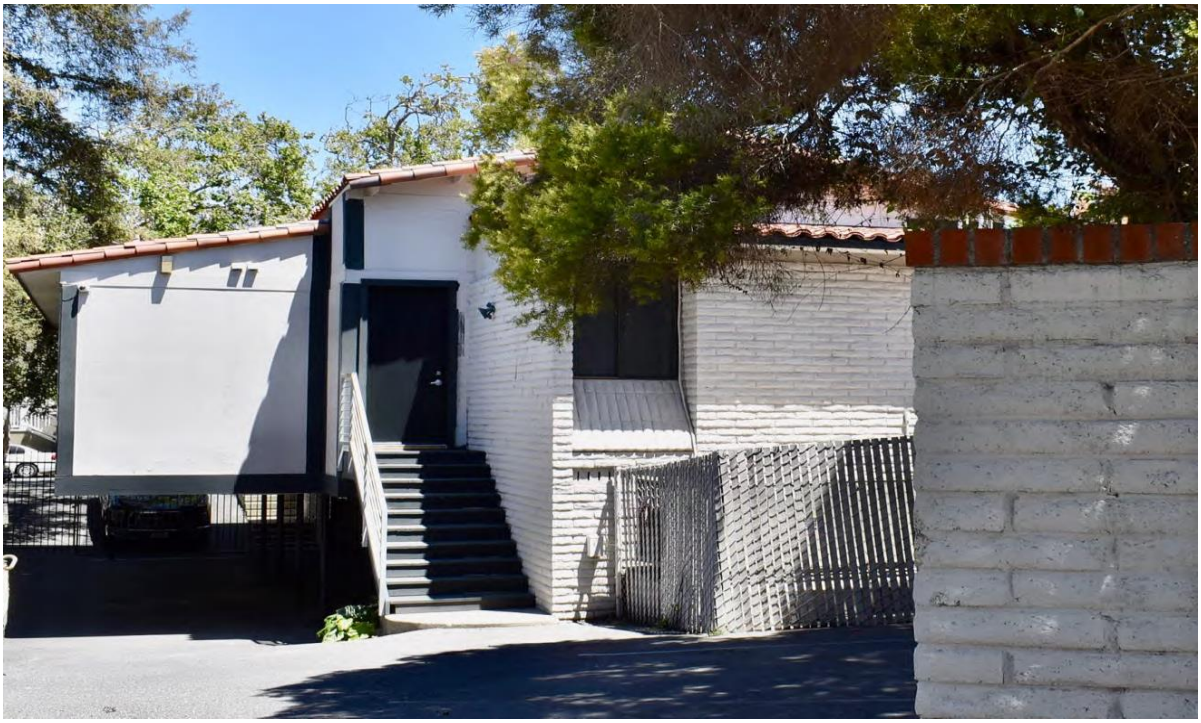


Photo 4: Southeast corner the site, at the intersection of W. Julian St. and N. Morrison Ave., looking west.

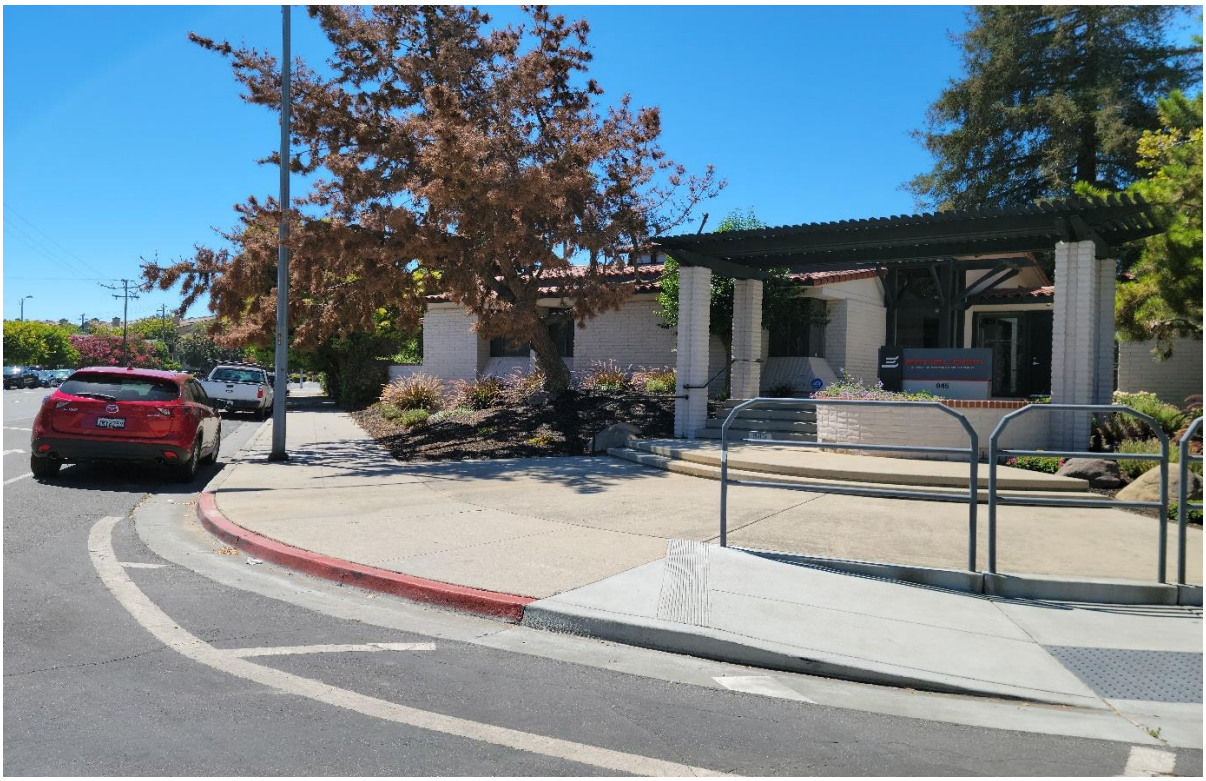


Photo 5: View of N. Morrison Street and the bike rental facility on the east side of the site, looking north.

Photo 6: Photo of the existing single-family residence located at 379 N. Morrison Ave.

Photo 7: Front yard of the existing residence on the project site at 370 N. Morrison Ave., looking south towards the 945 W. Julian St. commercial building.

Photo 8: Backyard of existing residence at 379 N. Morrison Ave.

Photo 9: View of high-density housing development on the east side of Morrison Ave. across from the project site.

Photo 10: View of existing industrial development on Morrison Ave. adjacent to the northern boundary of the project site, which can be seen in the background.

Photo 11: View of the automotive repair center (industrial uses) located near the western boundary of the project site.

Development standards, maximum building height, and setback requirements. Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process conducted as part of the planning permit review (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted the San José Citywide Design Guidelines and Standards in 2021 to help the City facilitate growth, set expectations for high-quality site and building design, and maintain and enhance the character of its neighborhoods and communities. Compliance with the Design Standards and Guidelines is mandatory in the Design Review process for all applicable developments.

City Council's Private Outdoor Lighting Policy 4-3

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

The Alameda Urban Village Plan

The Alameda Urban Village Plan (TAUVP) was prepared by the City and community to provide a policy framework to guide new job and housing growth within the Urban Village boundary and guide the preservation of existing neighborhoods and historic buildings. The Plan is intended to guide the characteristics of future development including buildings parks, plazas, and public art, streetscape and circulation, as financing within the area. The following policies are applicable to the proposed project.

Policy UD-1.1: Provide frequent pedestrian access points from public streets, plazas, and paseos and create an interconnected pathway system.

Policy UD-1.2: New public and private development should facilitate walking by both enhancing the existing pedestrian environment and, where opportunities exist, by creating new pedestrian connections to create a more interconnected pedestrian circulation system.

Policy UD-2.1: New development shall create an engaging pedestrian environment by including active uses on the ground floor, transparent façades, multiple inviting pedestrian entrances, and outdoor seating.

Policy UD-2.2: Allow ground floor space to be used for temporary pop-up retail.

Policy UD-2.3: Promote an active ground floor for residential buildings to encourage a pedestrian-friendly, welcoming, and safe environment.

Policy UD-3.1: Ensure that new development is integrated appropriately into the existing residential neighborhood by providing transitions and by building at a compatible scale.

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

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

CD-1.7 Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

CD-1.8 Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

CD-1.11 To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid black walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

CD- 1.13 Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

CD- 1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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

CD-1.24 Within new development projects include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees 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.

CD-1.25 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees 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.

CD- 4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

CD- 8.1 Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories.

Scenic Vistas, Resources, and Corridors

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, foothills of the Santa Cruz Mountains, and the downtown San José skyline are identified as key scenic features in the City.

The City's General Plan also identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[2] The project site is located in a fully developed area and the nearest state-designated resource is located 8.2 miles (SR-9) away in the Santa Cruz Mountains. Interstate 280 (I-280) from the San Mateo County line to State Route 17 (SR-17), which includes segments of San José, is an eligible, but not officially designated State Scenic Highway. Distant views of the Santa Cruz Mountains, Diablo Range, and Downtown San José skyline to the west and east of the site are blocked by surrounding buildings and mature trees. There are no scenic vistas, resources, or corridors on or in the vicinity of the project site.

Aesthetics Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1
c. 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?	☐	☐	☒	☐	1,6
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,6

Impacts Evaluation

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

Scenic resources and views in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the baylands, and the urban

[2] City of San José. *Envision San José 2040 General Plan FPEIR*. Page 739. September 2011.

skyline, particularly the downtown skyline. Other natural resources, such as trees, could be considered a scenic resource. An impact to a scenic resource or vista would occur if a project modifies a scenic feature, such as a hillside, woodland, or bayland areas, or scenic skyline or built environment.

Due to the project site's location on the valley floor and the presence of surrounding development, views from the project site are limited to the immediate area. Views of the Santa Cruz Mountains and Diablo Range from the project area are already obstructed by existing surrounding development and trees. Redevelopment of the proposed project site would, therefore, not substantially hinder existing scenic views. The view of the project site is not an integral part of a scenic vista and is not located in an area considered to be a scenic vista.

The proposed changes in General Plan and zoning designations would not result in physical changes on the project site. Future implementation of the proposed project could result in the removal of existing street trees and trees on-site. However, any future trees to be removed would be removed in accordance with procedures established the City's Tree Protection Ordinance and replaced in accordance with the City's tree replacement policy (refer to Section 3.4 *Biological Resources* for a discussion of the project's impacts on trees).

As stated in Section 4.5 *Cultural/Tribal Cultural Resources* and Appendix A of this Initial Study, there are no identified historic resources on or near the site. In addition, there are no rock outcroppings on the highly developed site. The project site is not located along a state-designated scenic highway or City of San José scenic gateway or rural scenic corridor. Based on the above discussion, the project would not substantially damage scenic resources. **(No Impact)**

c. 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 proposed project would not result in any physical changes to the site. Future redevelopment under the proposed General Plan and conforming rezoning could result in the redevelopment of the existing commercial and residential properties, including the demolition of the existing structures, asphalt parking, and landscaping on the site. The project site and the surrounding area are currently developed with residential, industrial, and commercial uses. The future development could be similar in massing and height to the surrounding development and would be constructed in accordance with the existing zoning of the site and the fact that the site is located within the boundaries of the TAUVP area.

The height of the future building would be limited to 85 feet, as allowed under the proposed text amendment that would allow *TR* development at the time future development is proposed. The proposed heights would be taller than most development in the area. However, lands to the north of the site across Cinnabar Street are designated for *TR* development. The future project would be consistent with the Municipal Code for the *TR* zoning district as well as all appropriate General Plan and TAUVP policies.

It is anticipated that the future building could be constructed of modern architectural design comprised of stucco, steel panels, painted concrete and wood composite materials, consistent with the visual character of the project area and the design guidelines of the TAUVE. Once a specific development is proposed, further review will be completed to ensure that the final design of the proposed building will be consistent with the City's design review criteria, resulting in conformance to current architectural and landscaping standards. For these reasons, future redevelopment of the project site under the proposed GPA and conforming rezoning would not substantially degrade the existing visual character or quality of public views of the site and surrounding area. **(Less than Significant Impact)**

d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The proposed project would not result in a specific development on the project site and no physical changes would occur. Future redevelopment of the proposed project could incrementally increase nighttime light in the surrounding area due to the net increase in nighttime and security lighting.

The certified 2011 Envision San José 2040 General Plan Final Program Environmental Impact Report (General Plan FPEIR) (SCH# 2009072096) and the 2015 Envision San José 2040 General Plan Final Supplemental Program EIR (General Plan FSPEIR) (SCH#2009072096) concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts.

Future development on the project site shall comply with the City's Outdoor Lighting on Private Development Policy (Policy 4-3) and Interim Lighting Policy to reduce spillover light. Compliance with City policies and regulations to avoid substantial light and glare would result in a project that would not substantially increase nighttime light levels. For these reasons, future redevelopment of the project site under the proposed GPA and conforming rezoning would not be a substantial new source of light or glare. **(Less Than Significant Impact)**

Conclusion

The project does not propose any physical changes to the environment. Any future redevelopment on the site would require conformance with existing General Plan policies, TAUVP policies and guidelines, City design guidelines, and City outdoor lighting policies which would ensure that the future redevelopment of the site would not result in significant adverse visual or aesthetic impacts. **(Less than Significant Impact)**

4.2 AGRICULTURAL AND FOREST RESOURCES

Environmental Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed, infill project site does not contain any agricultural and forest/timber resources. It is also designated as Urban and Built-up Land[3], and is not considered to be important farmlands.

The project site is in an urban and developed area. It is currently developed with a commercial building and residential structure, asphalt parking, and mature landscaping and is zoned for *Light Industrial* uses with a General Plan designation of *MUC*. The site is located within an urban area of San José and there is no property used for agricultural or forestry/timberland purposes adjacent to the project site or in the surrounding area.

Regulatory Framework

State

Farmland Mapping and Monitoring Program

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time.

Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published County maps are used, in part, to identify whether agricultural resources that could be affected are present onsite or in the project area.

California Land Conservation Act (Williamson Act)

The California Land Conservation Act (commonly referred to as the Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under Williamson Act contract is used, in part, to identify sites that may include agricultural resources or are zoned for agricultural uses. The project site is not part of a Williamson Act contract.[4]

[3] Urban and Built-up Land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. Santa Clara County Important Farmlands Map (2016).

[4] Santa Clara County Department of Planning, Interactive Williamson Act Map, https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx . Accessed April 28, 2021.

Forest Land, Timberland, and Timberland Production

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.[5] Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) 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.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating impacts to agricultural and forest resources from development projects. The following policies are applicable to the proposed project.

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

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

LU-12.4 Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

[5] 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)).
10 California

Agricultural and Forestry Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☐	☒	1,5,7
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,5,7
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))?	☐	☐	☐	☒	1,7
d. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,7
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?	☐	☐	☐	☒	1,5,7

Impacts Evaluation

a.,b. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

As described above, the project site is designated as Urban and Built-Up Land. The project site and surrounding properties are not designated for agricultural use. Therefore, the proposed GPA and conforming rezoning would not result in the conversion of Farmland to another use. The project site is currently zoned for light industrial uses and is not part of a Williamson Act Contract. **(No Impact)**

c.,d. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by

Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Would the project result in a loss of forest land or conversion of forest land to non-forest use?

The project site and surrounding area are developed and are not zoned or used for forestland or timberland. The proposed project's GPA and conforming rezoning would not result in the loss or conversion of existing forest land or timberland. **(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?

There is no farmland or forestland in the project area; therefore, the proposed project would not interfere with agricultural operations or facilitate the unplanned conversion of farmland or forest elsewhere in San José to non-agricultural or non-forest uses, respectively. **(No Impact)**

Conclusion

The proposed GPA and conforming rezoning of the project site would not impact agricultural or forestry resources. **(No Impact)**

4.3 AIR QUALITY

Environmental Setting and Background Conditions

Air quality is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. The project is located in the City of San José, which is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The Santa Clara Valley is bounded by the San Francisco Bay to the north and by mountains to the east, south and west which can entrap pollutants in the valley. The Pacific Ocean and the San Francisco Bay has a moderating influence on the climate and valley temperatures. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin. As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD.

Criteria Pollutants

Ambient air quality standards have been established at both the state and federal level. The ambient air quality in a given area depends on the quantities of pollutants emitted within the area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, as well as the surrounding topography of the air basin. Air quality is described by the concentration of various pollutants in the atmosphere.

As required by the federal Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major criteria air pollutants: carbon monoxide (CO), reactive organic gasses (ROG), nitrogen dioxide (NO2), particulate matter (PM10), sulfur oxides, and lead. Secondary criteria pollutants include ozone (O_3), and fine particulate matter ($PM_{2.5}$). Pursuant to the California Clean Air Act, the State has established the California Ambient Air Quality Standards (CAAQS). 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
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 (NO2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM2.5) and Coarse Particulate Matter (PM10)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardio-respiratory 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

The San Francisco Bay Area Air Basin does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM2.5) and state standards for respirable particulate matter (PM10). The area meets attainment standards or is considered unclassified for all other criteria pollutants.[6]High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM10) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM2.5). Elevated concentrations of PM10 and PM2.5 are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

[6]Particulate matter is assessed and measured in terms of respirable and fine particulate matter. PM10 and PM2.5 are particles that have a diameter of 10 and 2.5 micrometers or less, respectively.

Toxic Air Contaminants

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Long-term and short-term exposure to TACs and PM2.5 can cause a wide range of health effects. Common stationary sources of TACs and PM2.5 include gasoline stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways. Mobile TAC sources located within 1,000 feet of the project site include The Alameda, a 4-lane roadway located to the west of the project site.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive land uses are single- and multi-family residences located approximately 40 and 140 feet, northeast and northwest of the project site, respectively.

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The project site is in an area predominantly surrounded by industrial, commercial, office, and residential uses and is not surrounded by facilities that produce substantial odors.

Regulatory Framework

Federal

The US Environmental Protection Agency (USEPA) sets nationwide emission standards for mobile sources, which include on-road (highway) motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The USEPA also sets nationwide fuel standards, including diesel engine emission standards and diesel fuel

requirements. The federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

State

To address the issue of diesel emissions in the State, the California Air Resources Board (CARB) developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter (DPM) emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the Diesel RRP involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. CARB has also adopted and implemented regulations to reduce DPM and NOX emissions from in-use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, etc.).

Regional

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the 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.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; 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.

Local

<u>Envision San José 2040 General Plan</u>

The General Plan includes policies for avoiding or mitigating air quality impacts from planned development projects in the City, with overall goals to minimize emissions from new

development and exposure of people to air pollution and toxic air contaminants. In addition, goals and policies throughout the General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian and bicycle improvements, and parking strategies. A reduction in vehicle miles traveled reduces air pollutant emissions. The following policies are applicable to the proposed project:

MS-10.1 Assess projected air emissions from new development in conformance with the with the BAAQMD CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions reduction measures.

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

MS-10.3 Promote the expansion and improvement of public transportation services and facilities, where appropriate, to encourage energy conservation and reduce air pollution.

MS-11.1 Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

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

MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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

MS-13.2 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 toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

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.

Air Quality Environmental Checklist

Where available, the significance criteria established by BAAQMD may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,3,4
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non- attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐	1,3,4
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,3,4
d. Result in other emissions such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐	1,3,4

Impacts Evaluation

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

A project is considered consistent with the 2017 CAP if, a) the plan supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures.[7]

The project is a GPA and conforming rezoning that would allow residential mixed-use redevelopment on the subject 0.46-acre project site in a highly developed area of San José in proximity to existing and future transit. While the proposed GPA and conforming rezoning would diverge from the General Plan policies intended to focus development in specified Growth Areas, the proposed project would facilitate infill development of land uses consistent with surrounding mixed-use development. Additionally, as discussed below under checklist

[7] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017. Pages 9-2 and 9-3.

question b) and in Section 4.8 *Greenhouse Gas Emissions*, any future development project at the site would make a minimal contribution to local and regional air pollutant and greenhouse gas emissions during both construction and operation. For these reasons, the project would support the primary goals of the CAP, which are to attain air quality standards, reduce population exposure and protect public health, reduce greenhouse gas emissions, and protect the climate.

The 2017 CAP contains 85 control measures that describe specific actions to reduce emissions and are categorized based on the economic sector framework used by CARB for the AB 32 Scoping Plan Update. The sectors covered by the control measures are: Stationary (Industrial Sources), Transportation, Energy, Buildings, Agriculture, Natural and Working Lands, Waste Management, Water, and Super-GHG Pollutants. Many strategies are related to industrial sources and are not applicable to the project. The key strategies related to buildings and energy are:

1) Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind and ground-source heat pumps;
2) Support the expansion of community choice energy programs throughout the Bay Area;
3) Promote energy and water efficiency in both new and existing buildings; and
4) Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The project would not disrupt, delay, or otherwise hinder the implementation of any of the control measures. For these reasons, future redevelopment of the project site under the proposed GPA and conforming rezoning would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

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

As stated above, the San Francisco Bay Area Air Basin is currently designated as a non-attainment area for O_3, PM2.5, and PM10.

The BAAQMD CEQA Air Quality Guidelines contains screening level sizes for various land use types and development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the project is below the screening criteria, a detailed air quality assessment of a project's air pollutant emissions is not required, and the project's air quality impacts are considered less than significant. The proposed project includes a GPA and conforming rezoning that would result in changes at the policy level and does not include a specific development proposal; however, it is expected that the policy changes would facilitate a future housing

development of up to 92 additional residential units, which is well below the BAAQMD screening levels of 451 units for construction and 240 units for operation.

Additionally, the site is currently in use as an office and a single-family residence; therefore, the air pollutant emissions from the vehicle trips to/from the office and residence are part of the baseline (existing) conditions and would be calculated to further reduce the air pollutant emissions from the future mixed-use redevelopment.

Future redevelopment of the project site will require further environmental review and would be required to adhere to the following measures consistent with the standard BAAQMD construction Best Management Practices (BMPs) and City of San José Standard Measures to reduce construction-related emissions.

Standard Permit Conditions: During any construction period ground disturbance, the project applicant shall ensure that the project contractor implements the following standard BAAQMD measures to control dust and exhaust, which are required for all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or often as needed to control dust emissions.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or maintain at least two feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed 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 onto 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.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be 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 proposed GPA and conforming rezoning would allow a future housing and mixed-use development that could include up to an additional 92 residential units and 5,000 sf of commercial development when compared to the existing land designations of the site. Any future redevelopment of the project site under the proposed GPA and zoning would adhere to the standard measures required of all development projects in the City to reduce construction dust and exhaust emissions, along with any other measures identified in project-level analyses. Therefore, the impact would be less than significant. **(Less than Significant Impact)**

c. Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential or daycare/preschool use, in proximity to an existing source of TACs, or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. In addition, project construction activities would generate dust and equipment exhaust that could affect nearby sensitive receptors.

As discussed under checklist question b) above, any future development on the project site would be required to implement Standard Permit Conditions consistent with BAAQMD and City of San José requirements, to control dust and exhaust at the project site. Operational impacts from future residential mixed-use development on the site would be limited to those associated with automobile emissions generated by the project. However, because the new development project would be expected to consist of an additional 92 residential units and 5,000 sf of commercial development when compared to the existing General Plan land use designation of the site, these emissions are anticipated to result in fairly low impacts in terms of TAC or PM2.5 exposure to sensitive receptors in the surrounding area, particularly considering baseline emissions from trips associated with the current office use on the site. The future redevelopment project would not result in any other operational sources of TAC or PM2.5. Stationary sources of TACs, such as generators, are generally not included in mixed use projects of this size.

Future specific development proposals would be required to evaluate the potential health risk impacts from toxic air contaminant (TAC) construction emissions based on BAAQMD thresholds of significance, consistent with the City's Policy MS-11.2. Future project site redevelopment would also be reviewed for compliance with Policy MS.10-1, requiring the implementation of air emissions reduction measures to reduce the potential for impacts.

Any future redevelopment would also be reviewed for compliance with air quality regulations and policies (including the construction emissions reduction measures in Policy MS-13.1) as part of the overall development review process. Therefore, future redevelopment of the project site under the proposed GPA and conforming rezoning would not result in a significant construction or operational criteria pollutant or TACs impact. **(Less Than Significant Impact)**

d. Result in other emissions such as those leading to odors adversely affecting a substantial number of people?

Odors are general considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. The redevelopment of an existing commercial site with mixed use development would not typically generate objectionable odors. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people. **(Less than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any development or physical changes on the project site. Future redevelopment of the site, with the implementation of Standard Permit Conditions and BAAQMD measures and conformance with General Plan policies, would not result in significant air quality impacts. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

Environmental Setting

The project site is in an area of industrial, commercial, office, and residential uses and is surrounded by existing development. The nearest waterway is the Guadalupe River located approximately 0.5-miles east of the project site.

The project site is primarily occupied by an office building, a residential structure with detached garage, and paved driveways. Relatively small areas of landscaping surround both structures and include mature trees, including street trees on the W. Julian St. and N. Morrison Ave. frontages as shown on Photos 1-8. None of the trees on-site are designated as Heritage Trees as defined by the City of San José.

The project site is located on land cover designated as *Urban-Suburban*, which as defined by the Habitat Plan is land that has been cleared for residential, commercial, industrial, or other urban developments, and is defined as having one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land cover is usually in the form of landscaped residences, planted street trees, and parklands. Most of the vegetation on-site is composed of non-native or cultivated plant species, with the exception of some of the trees. The project site is not located within any other potential fee zones, plant or wildlife survey areas, or other areas that would be subject to specific Habitat Plan conditions such as stream setbacks.

Regulatory Framework

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under State and federal Endangered Species Acts are considered 'special-status species.' Federal and State "endangered species" legislation has provided the 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 will result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under State and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA

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

Migratory Bird and Birds of Prey Protections

Federal and State laws also protect most bird species. The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code. The Code states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Sensitive Habitats

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

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As previously described, the project site is located within the Habitat Plan study area and is designated as *Urban-Suburban*. The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 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 (SCVWD), Santa Clara Valley Transportation Authority (VTA), US Fish and Wildlife Service (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 approximately

500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

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 with the City. The following policies are specific to biological resources and are applicable to the proposed project:

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

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

MS-21.4 Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

MS-21.5 As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

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

MS-21.8 For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.
4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.

6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas, and which historically supported these species.

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

CD-1.24 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

CD-1.25 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.

Biological Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
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)?	☐	☐	☒	☐	1
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?	☐	☐	☐	☒	1,9
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct	☐	☐	☐	☒	1,9

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, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,6
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?	☐	☐	☒	☐	1,9

Impacts Evaluation

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Based on the highly urbanized and developed nature of the project site, natural communities and habitats for special-status plant and wildlife species are not present and would not be impacted by any future development on the site, with the potential exception of nesting birds (described further below). The project is a GPA and conforming rezoning and would not result in actual development of the project site. Subsequent environmental review will commence once a specific development project is proposed.

Nesting Birds

Trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Construction activities such as tree removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

In conformance with the California State Fish and Wildlife Code and provisions of the Migratory Bird Treaty Act, future projects on the site would avoid and/or reduce impacts to nesting birds

(if present on or adjacent to the site) through conformance with the California State Fish and Wildlife Code and provisions of the Migratory Bird Treaty Act through avoidance of construction activities during bird nesting season or through pre-construction surveys for nesting birds and the establishment of construction-free buffer zones should active nests be encountered in the bird nesting surveys.

By avoiding construction activities during the nesting season, conducting preconstruction surveys, and implementing any necessary measures to avoid disturbance of active nests that may be affected by project construction, the future development of the project site would not avoid impacts to nesting birds. Therefore, any future mixed-use development that would be allowed by the proposed GPA and conforming rezoning would not result in 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 CDFW or United States Fish and Wildlife Service (USFWS). **(Less Than Significant Impact)**

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 California Department of Fish and Wildlife or US Fish and Wildlife Service?

Due to the urban nature of the site, there are no sensitive, riparian, or wetland habitats on-site. The nearest waterway is the Guadalupe River located approximately 0.5-miles east of the project site. Because of the lack of these habitats and the extent of human disturbance on the project site, special status plant and animal species are not expected to be present. The project site is not located near, and would not affect, any riparian habitat or other sensitive natural community as identified in the General Plan and Santa Clara Valley Habitat Plan (Habitat Plan) or by CDFW or USFWS. **(No Impact)**

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no federally protected wetlands on-site or in the project area that could be affected by the proposed project. **(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, impede the use of native wildlife nursery sites?

There are no waterways located on the project site; therefore, the project would not interfere with migratory fish species. Given the developed nature of the urban project site and adjacent area, the project site does not act as a wildlife corridor. **(No Impact)**

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

The proposed project is a GPA and conforming rezoning. These changes would not conflict with any local policies or ordinances protecting biological resources.

Any future redevelopment of the proposed project could result in the removal of native and non-native ordinance-sized trees on-site. Trees proposed for removal by a future project would be subject to the City's Tree Removal Ordinance and would require either a Tree Removal Permit or Street Tree Removal Permit. Additionally, pursuant to Chapter 13.32 of the San José Municipal Code any removed trees would be required to be replaced consistent with the City's Tree Replacement Policy. Conformance with the City's Tree Removal Ordinance would ensure impacts are less than significant. **(Less than Significant)**

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?

The project site is located within the Santa Clara Valley Habitat Plan (Habitat Plan) area and has a land cover designation of Urban-Suburban. The Urban-Suburban designation is for land that has been identified for residential, commercial, industrial, or other urban development, and is defined as having one or more structures per 2.5 acres. The proposed requests to change the General Plan designation and Zoning District of the site are therefore, consistent with the land use assumptions for the site in the Habitat Plan.

Any proposed future redevelopment of the project site would be required to conform to the Habitat Plan's conditions and fees (including the nitrogen deposition fee) to ensure any impacts to the plan's protected species are reduce to a less than significant level. Future development of the site would require its own project specific environmental analysis and would be subject to the City's standard permit condition.

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

Conclusion

The proposed project, which is a GPA and conforming rezoning would not result in any physical changes to the environment. With implementation of Standard Permit Conditions and consistency with General Plan policies identified above, the future redevelopment of the project site would result in less than significant biological resource impacts. **(Less than Significant Impact)**

4.5 CULTURAL/TRIBAL CULTURAL RESOURCES

The following discussion is based upon an Historic and Archaeological Resources Evaluation for reported cultural resources and a historic evaluation of the existing structures on-site completed by Archaeological/Historical Consultants (AHC) in June 2022. This report is on-file at the City's Department of Planning, Building and Code Enforcement (PBCE).

Environmental Setting

Subsurface Resources

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located aboveground or underground and have significance in history, prehistory, architecture, State of California, or local or tribal communities.

The project site is located in Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans (specifically the Ohlone/Costanoan populations) resided in the area that encompasses the project site. The Bay Area's favorable environment during the prehistoric period included bay marshes, valley grasslands, mountainous uplands and open coastal environments that provided an abundance of wild food and other resources.

The archaeological records search completed for the project site reviewed all records of identified archaeological resources within ¼-mile of the project site and all files were examined. Within ¼-mile, one prehistoric resource [P-43-001269 (CA-SCL-837)], is located about 0.5-miles east of the project area near the Guadalupe River. It is an isolated group of prehistoric human remains about 35cm x 35cm in size and located 30-60 cm (1-2 feet) below the ground surface. While no features or other cultural materials were found in association with the burial, it is possible there are additional prehistoric resources in the area surrounding the burial. However, the river is located approximately 2,500 feet from the project site. Based on these findings, there is a low potential for archaeological resources to be located on the project site.

Historical Background

At the time of Spanish contact, at least four large villages of over 100 people were located in the Santa Clara Valley. One of these, called San Juan Bautista in Mission Santa Clara records, was located about 2.75 miles south of the project area on the Guadalupe River in the Willow Glen neighborhood of San José. This village may have been part of the Tamien local tribe that controlled the lower Guadalupe River system.

The establishment of Mission Santa Clara in 1777 was accompanied by a serious epidemic that impeded the efforts of the missionaries to attract significant numbers of Indians to live permanently at the Mission until 1789. Indians came into the missions through a mixture of choice, persuasion, and force. Missionized Indians received instruction in Christianity and were

compelled to work at agricultural tasks that must have appeared strange to them; more difficult was the loss of personal freedoms, physical brutality, and imposition of Catholic sexual customs. By 1810, traditional cultures were collapsing throughout coastal and central California.

After independence from Spain in 1821, the Mission system went into decline. In a climate of increasing immigration from Mexico and increasing population of Mexican Californios, the Franciscan missions were secularized and much of their land confiscated between 1834 and 1837. In turn, large land grants were distributed to prominent to Mexican citizens; thirty-eight grants were issued in the Santa Clara Valley between 1833 and 1845. The era of the Californios, however, was to be short-lived. After the US conquest of California in 1847, a vast new wave of settlers came to California. In the wake of the Gold Rush, large numbers of returning miners settled in the Santa Clara Valley and began farming. Many settlers either purchased land from Mexican patentees, squatted, or claimed un-granted land.

El Pueblo de San José de Guadalupe was founded on November 29, 1777 by José Joaquin Moraga and was the first town in upper California neither associated with a mission nor a presidio. The pueblo was founded as a farming community to provide food for the presidios at Monterey and San Francisco. It was moved in 1797 to what is now downtown San José, and the pueblo remained the largest civilian settlement in Northern California until the Gold Rush of 1849.

The economy of the Santa Clara Valley, long dominated by stock raising, gave way to wheat production in the 1850s and 1860s, as small farms spread across the valley. The completion of the transcontinental railroad in 1869 enabled the rapid expansion of orchards in the Santa Clara Valley. The growth of canneries and light manufacturing was equally swift and supported the fruit industry. The advent of World War II led to the formation of an extensive wartime industrial base, which sowed the seeds for the later development of Silicon Valley and spurred suburban development. The defense industry continued to dominate the valley's economy after the war, displacing fruit processing. New industrial and engineering jobs, combined with an unprecedented annexation campaign led by City Manager Dutch Hamann (1950-1970), led to the city's explosive growth in the City of San José from 95,000 residents and 17 square miles in 1950 to 500,000 residents and 120 square miles in 1970.

History of the Project Area

Prior to the 20th century, the project area was lightly developed. Maps from the late 19th century show scattered buildings in the area, but none on the project site. At the beginning of the 20th century, the project area consisted of one lot with a two-story house identified with the address 105 N. Morrison Avenue. This two-story house can be seen on the 1915 Sanborn Map, near where the office building at 945 West Julian Street is now located. The street numbers on N. Morrison Ave. changed in 1930 and reflect the current numbering on the street. The two-story dwelling at 105 N. Morrison Ave. is visible on a 1931 aerial photograph. The

western terminus of W. Julian St. was formerly located where it met North Morrison Avenue. Sometime between 1950 and 1956, W. Julian St. was extended to meet up with The Alameda to the west and the house at 105 North Morrison Avenue was demolished. In the late 1960s, an office building was constructed that replaced the demolished two-story house. A 1968 aerial photograph shows the building on the northwest corner of N. Morrison Ave. and W. Julian St. By 1969, the property address for 105 North Morrison Avenue appears in the San José City Directory as 945 W. Julian St.

379 N. Morrison Avenue

In 1911, the subject property was owned by Joseph and Bertha Bariteau. Joseph was originally from French Canada and worked as a lather; Bertha had emigrated from Saxony, Germany. The existing house was built circa 1924 possibly by John Bariteau one of the Bariteau's three sons, or the entire family (Photos 6-8). It appears the house was initially rented to the Combs family and others from 1924 to 1928. The original address of the home was 107 N. Morrison Avenue.

In 1928, John Bariteau married Ruth Brister and moved into the house by 1929, where they lived for the rest of their lives. John's older brother, Eli, owned a laundry business, where both John and his younger brother, Albert, worked (U.S. Census 1920; R.L. Polk & Co. 1929-1962). John Bariteau worked as a foreman and supervisor at Consolidated Laundry and later Bariteau Laundry for 44 years; he died in 1983. Ruth Bariteau worked for many years as a stenographer then supervisor at Pacific Telephone & Telegraph Company. Ruth Bariteau continued structural repairs on the house right up until her death in 1992. After Ruth's death, the property appears to have been purchased by Paul Lang, as indicated by a 1998 building permit to reroof the house.

945 W. Julian Street

The existing commercial building at 945 West Julian Street was constructed by 1969 (Photos 1-4). It is a highly textured and somewhat colorful blend of Spanish Revival and modern architecture. The texture derives mainly from the cement bricks, which are rough, not pressed or smooth, in their texture and edges. These bricks can be found in the trellis supports at the front of the patio, in the front parts of the larger wing, in all four walls of the smaller wing, and in the wall that extends west from the larger wing. Orange color is added by the clay tile roof and the courses of bricks atop the planter and the west wall, and a contrasting dark color is supplied by the wooden elements — the tops of the trellises and the wooden framing of corner windows and the sidelights in the hyphen. By contrast, the hyphen and the north side of the larger wing are modern in their aesthetic. The hyphen is mostly glass, with wooden framing, and the north side of the larger wing is utilitarian in appearance, with large areas of white wall space, large aluminum windows, and a cantilevered structure over the parking area. The utilitarian rear of the building contrasts with the Spanish Revival treatment of the front. Seven smaller aluminum sash windows can also be found scattered around the building, mostly facing the two streets.

The property was developed in the late 1960s by George A. Starbird, former San José mayor and city councilmember. Starbird purchased the property and built an office building for his family's insurance company, Hall & Rambo (Starbird 2022). Hall & Rambo Insurance was operating out of the newly constructed office building by 1969. Born in San José in 1908, George Starbird met his wife, Carolyn Hall, while they were at Stanford University.

The couple married in 1934 and lived in New York and Florida for several years, before returning to San José in 1938. In San José, George joined Hall & Rambo Insurance, a company founded by Carolyn's grandfather in 1896. George was on the San José City Council from 1950 to 1962 and served as San José mayor from 1954-1956. After retiring from politics, he continued to work at Hall & Rambo and wrote a political and financial history of San José that was published in 1972.

Over the years, Carolyn and various other members of the Starbird family worked for Hall & Rambo, including George's brother, Tony, and Carolyn and George's son, Timothy, and their grandson, Drew. In 1981, Timothy eventually took over as president and owner of Hall & Rambo. In 2006, Timothy sold the company and the family rented the office building to a variety of businesses, including a non-profit, until it was sold circa 2019 to its present owner, Echelcon Construction.

The building at 945 West Julian Street was designed by architect Edwin (Ned) Huston Adcock in 1968. Adcock was born in Richmond, CA, attended the University of California, Berkeley, and worked as a draftsman for architect George Rockrise. His firm, Johnson, Cook, and Adcock, was located in Los Gatos, and his work seems to have been concentrated in the South Bay. Adcock died of a heart attack in 1972 at the age of 43. Due to his young age at death, his body of work was limited. Besides the Hall & Rambo building, he also designed the West Park Apartments (3200 Payne Avenue, San José), a private residence for the Tabari family (possibly 16177 Ridgecrest, Monte Sereno), and the Arrigoni residence in Los Gatos (address unknown). None of these commissions have attracted attention from architectural historians.

Regulatory Framework

Federal

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance in terms of 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHP (Public Resources Code Section 5024.1(d)(1)).

The context types to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and state significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

State Regulations Regarding Cultural and Paleontological Resources

Archaeological, paleontological, and historical sites are protected by several State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both State law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a "most likely descendant" must also be notified.

Senate Bill 18

The intent of Senate Bill 18 (SB 18), passed in 2004, is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult

with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to send public notices to tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government.

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires a lead agency to notify and offer the opportunity for consultation to a California Native American tribe that is traditionally and culturally affiliated with the geographic area if they have previously requested in writing to be notified. This notification must be sent prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. Tribes must respond to the notice within 30 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the lead agency. 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 when 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:
    - o Included or determined to be eligible for inclusion in the California Register of Historic Resources61
    - o 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.

In 2017, the City sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. At the time of the preparation of this Initial Study, three tribes have sent written requests for notification of projects to the City of San José and one verbal request has been made. The Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b) for projects in the City of San José that involve ground disturbing activities in Downtown. Chairwoman Geary of the Tamien Nation and Kanyon Sayers-Roods of the Indian Canyon Mutsun Band of Costanoan have requested AB 52 consultations for all projects within the City of San José.

Local

City of San José's Historic Preservation Ordinance

According to the City's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site,

but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Envision San José 2040 General Plan

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

ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

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

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

LU-13.4 Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

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

Cultural/Tribal Cultural Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,3,4,10,11
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,3,4,11
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1,3,4,11
d. 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: 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1,3,4,11

Impacts Evaluation

a. Would the project cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?

379 North Morrison Avenue

The existing house at 379 North Morrison Avenue does not have known significant associations with local themes or cultural patterns of significance, thus the building does not appear to be eligible for California Register Criterion 1. Historic research did not identify any significant figures in local history associated with the house, thus it does not appear to be significant under California Register Criterion 2. This house originally had a creative composition with a complex roofline, a staggered footprint, and oriel windows on the front (at far left) and on the north side. However, due to very extensive alterations, the house has lost its historic architectural integrity, and it does not appear to be eligible for the California Register under Criterion 3.

The historic integrity of the existing house at 379 North Morrison Avenue has been significantly compromised due to the fact that much of the exterior is non-original. This includes all of the sheet-metal and plywood siding, all of the front porch except perhaps for the roof pediment, and the back porch. Some of the windows, including those with double-hung sash, appear to be original, but the date of others is uncertain. Since it does not appear that the house has been moved, it retains integrity of location. Due to the extensive alterations, the house has largely lost integrity of design and has almost entirely lost integrity of materials, workmanship, feeling, and association. The neighborhood has changed extensively since the general period the house was built, with new buildings to the south and across the street. Thus, it has thus lost integrity of setting.

The building was also evaluated for potential City Landmark status. The house has been heavily modified over time. It lacks interest as part of the local, regional, state, and national history, heritage, culture, and does not exemplify important trends, events, or groups in the heritage of the City of San José. The building is an example of a 1920s bungalow, which is common in San José. The architect and builder are unknown, and the house does not contain elements of architectural or engineering design, detail, materials, or craftsmanship which are unique or significant.

In conclusion, the house at 379 North Morrison Avenue was determined to be ineligible for listing in the California Register because it is not significant under California Register Criteria 1, 2, or 3 and its historic integrity has been compromised. The building appears not to be eligible to be a designated San José City Landmark. For these reasons, the building is not considered a historical resource under CEQA and its demolition will not have a significant impact on a historical resource.

945 W Julian Street

The office building at 945 West Julian Street does not appear to have significant associations with local themes or cultural patterns of significance, thus the building does not appear to be eligible for California Register Criterion 1. George A. Starbird, who built the office building and ran the Hall & Rambo insurance company in the building for twelve years, was a significant figure in San José history as a former mayor and city councilmember. However, his association

with t 945 West Julian Street occurred after his political career had ended, and the building is not associated with the part of his life that was significant in local history. The architect of the building, Ned Adcock, died before he was able to establish a significant body of work, and Adcock is not considered a significant figure in local San José architecture. The building therefore does not appear to be significant under California Register Criterion 2.

The building combines the Spanish Revival and modern architectural styles, which is a rare combination in San José. One other building that dates to the 1960s-1970s is known: 2000 Forest Avenue (1978). These buildings departed from the prevailing architectural trends in San José which included the International and Brutalist architectural styles. Buildings that referenced historical styles in the ways that 945 West Julian Street and 2000 Forest Avenue did were anomalies. No similar examples are shown or mentioned in the San José Modernism Historic Context Statement and this combination of styles is not considered to be part of a mainstream trend in San José architecture of these decades.

Because the building style is outside of the city's main architectural trend when it was built and neither its Spanish Revival nor modern characteristics predominate, the building does not embody a distinctive type, period, or method of construction. The building does not "so fully articulate a particular concept of design that it expresses an aesthetic ideal" as described in National Register Bulletin 15 (National Park Service 1995). Nor does the building represent the work of a master, in that it is constructed using conventional materials for the period and its architect was not well-known. For these reasons, the building is ineligible for listing in the California Register under Criterion 3.

The building and landscape features at 945 West Julian St. have never been moved, and thus the property retains integrity of location. No exterior alterations are evident, and thus it retains integrity of design, materials, workmanship, feeling, and association. However, as with the house at 379 N Morrison Avenue, the neighborhood has changed extensively since the general period the office building was built. It has thus lost integrity of setting. In summary, the office building at 945 West Julian St. was determined to be ineligible for listing in the California Register because it is not significant under California Register Criteria 1, 2 or 3.

The office building was also evaluated for potential City Landmark status. It does not appear to have significant value as part of local, regional, state, or national history, heritage, or culture. The property was built for George A. Starbird, a significant figure in San José history as a former city councilmember and mayor. However, since his tenure at 945 W. Julian Street was after his political career had ending, and the building was not associated with the part of his life that was significant in local history, the building does not qualify for one of the main features of City Landmark status.

As a fusion of Spanish Revival and Modern style, the building was outside of the city's main architectural trends when it was built. It does not have an association with a particular group of people or their environment and does not embody an architectural type. The building's

architect, Ned Adcock, died before he was able to establish a significant body of work, and was not a significant figure in local architecture. The building is constructed using materials and techniques that were typical of the period, and does not embody significant architectural innovation.

In conclusion, the building at 945 W Julian Street appears not eligible to be designated a federal, state, or San José City Landmark because it does not meet any of the qualifying factors. Therefore, the building is not considered a historical resource under CEQA.

The proposed project does not include any physical changes to the site and therefore, would not result in a significant impact on a historical resource. Additionally, future redevelopment supported by the proposed *TR* General Plan land use designation and Zoning District would result in a less than significant impact to historical resources since there are no historic resources under CEQA on site. **(Less than Significant Impact)**

b.-c. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5? Would the project disturb any human remains, including those interred outside of formal cemeteries?

The proposed project to change the General Plan land use designation and Zoning District alone would not cause an adverse change to an archaeological resource nor would it result in the disturbance of any human remains since there would be no physical changes.

However, archaeological resources are known to occur in the project vicinity, according to the General Plan Final Environmental Impact Report (approved in 2011), the project site is located in an archaeologically sensitive area. The evaluation for subsurface resources for the site (Appendix A) has determined that the potential to encounter materials during construction is low due to the distance of the project site from freshwater (the Guadalupe River is approximately 0.5-miles east of the project site). Future redevelopment of the project site would require project-specific environmental review, including a site-specific archaeological analysis. Additionally, since there is always a potential that construction of a project could encounter unknown, buried archaeological resources and/or human remains any future redevelopment of the site would be required to implement the following standard permit conditions to reduce potential impacts to subsurface archaeological resources and/or remains to a less than significant level.

Standard Permit Conditions: Consistent with General Plan policies ER-10.2 and ER-10.3, the following Standard Permit Conditions shall be implemented by the project to reduce or avoid impacts to subsurface cultural resources to a less than significant level:

<u>Subsurface Cultural Resources</u>

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning,

Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist 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 shall not collect or move any cultural materials.

Human Remains

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per AB 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the applicant 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 their authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

(Less than Significant Impact)

d. Cause a substantial adverse change in the significance of a tribal cultural resource?

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 subject to significant impacts 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.

AB 52 notification letters were emailed to Chairwoman Geary of the Tamien Nation, Kanyon Sayers-Roods of the Indian Canyon Mutsun Band of Costanoan, and Andrew Galvan of the Ohlone Indian Tribe on August 8, 2022. To date, no tribes have requested AB52 consultation for this project.

An archaeological literature review was completed for the project and determined that the potential for future construction to encounter prehistoric subsurface archaeological resources is low due to the fact that the Guadalupe River (the nearest freshwater resource) is located 0.5 miles east of the site. There are no known Tribal Cultural Resources (TCRs) on-site. The proposed project is a GPA and conforming rezoning and does not include a specific development which could directly impact a TCR. Given the project would not result in any physical changes and the proposed project, alone, would not result in any adverse impacts to tribal consultation.

Future redevelopment of the site would be subject to its own project-specific environmental review process including AB52 consultation, as appropriate. At a minimum, future redevelopment of the site would be required to implement Standard Permit Conditions, described in Section b-c above, to reduce potential impacts to tribal resources to a less than significant level. For this reason, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

Conclusion

The proposed GPA and conforming rezoning would not result in impacts to cultural/tribal cultural resources. With the implementation of Standard Permit Conditions, future redevelopment of the project site would not result in significant impacts to cultural resources/tribal cultural resources. **(Less than Significant Impact)**

4.6 ENERGY

Environmental Setting

The project is supplied with electricity from San José Clean Energy (SJCE) which buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado and New Mexico wind; and hydroelectric power from the Pacific Northwest.

Pacific Gas and Electric Company (PG&E) is San José's natural gas provider. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent.[8]

In 2019, approximately 15.3 million gallons of gasoline was sold in California, including aviation fuels.[9] The average fuel economy for light duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970's to 24.9 mpg in 2018.[10]

In March 2020, the Environmental Protection Agency (US EPA) and the National Highway Traffic Safety Administration (NHTSA) issued new greenhouse gas emission standards and fuel economy standards for new passenger cars and light-duty trucks. The Safer Affordable Fuel Efficient (SAFE) Vehicles Rule requires automakers to improve fuel efficiency 1.5 percent annually from model years 2021 through 2026. In addition, EPA issued the final Affordable Clean Energy rule (ACE) in June 2019 which establishes emission guidelines for states to use when developing plans to limit carbon dioxide (CO2) at their coal-fired electric generating units (EGUs).

The proposed project is the redevelopment of an existing commercial and residential site occupied by a commercial office building and a single-family residence.

Regulatory Framework

Many federal, state, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. EPA apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The U.S. EPA and NHTSA also set fuel efficiency standards for automobiles and other modes of transportation.

[8] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page. Accessed May 11, 2022.
[9] California Department of Tax and Fee Administration. Available at: https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm. Accessed May 11, 2022.
[10] U.S. EPA. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." Accessed May 11, 2022.

State

California Renewable Energy Standards

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. In 2008, Executive Order 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.

California Building Codes

At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (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; the 2019 California Building Standards Code (Cal. Code Regs., Title 24) was published July 1, 2019, with an effective date of January 1, 2020.[11] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[12]

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The most recent update to CALGreen went into effect on January 1, 2017.[13] The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation 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

[11] California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed May 11, 2022. http://www.bsc.ca.gov/.
[12] CEC. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. Accessed May 11, 2022. http://www.energy.ca.gov.
[13] California Department of General Services. Building Standards Commission. CalGreen. https://www.dgs.ca.gov/BSC/CALGreen. Accessed May 11, 2022.

superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[14]

Local

Council Policy 6-32 Private Sector Green Building Policy

Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32. The proposed project would be a Tier 2 (25,000 square feet or greater) high-rise residential project and would be required to incorporate Leadership in Energy and Environmental Design (LEED) Silver design criteria to ensure construction of healthy, highly efficient, and cost-saving green buildings. The commercial portion of the project would not be required to achieve the applicable green building standard.

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

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).

[14] California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 11, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

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

San José Clean Energy

In February 2019, most residential uses and businesses in San José were enrolled in San José Clean Energy (SJCE), a nonprofit, locally controlled electricity generation service provider for residents and commercial users. Clean, carbon-free energy sources (renewable wind and solar, hydroelectric, and open-market transactions) are utilized to meet San José's ambitious carbon neutral by 2030 goal and integrate with Climate Smart San José, the city's climate action plan.[15] Residents and business owners can choose to opt out of SJCE and remain entirely with PG&E service.

Envision San José 2040 General Plan Policies

The General Plan includes the following energy policies applicable to the proposed project:

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.

MS-1.6 Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.

MS-2.1 Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources.

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

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

MS-2.4 Promote energy efficient construction industry practices.

[15] SJCE. Available at https://www.sanjosecleanenergy.org/your-choices. Accessed May 11, 2022.

MS-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

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

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

MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

MS-6.5: Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

MS-6.8: Maximize reuse, recycling, and composting citywide.

MS-14.1 Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

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.

Energy Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐	1-4,6
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	1-4,6

Impacts Evaluation

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

The proposed GPA and conforming rezoning would not result in any physical changes related to the use of energy resources. Future redevelopment made possible by the proposed GPA and conforming rezoning would be designed for energy efficiency and conservation, in accordance with the City's Private Sector Green Building Policy, Climate Smart San José, Reach Code, and Greenhouse Gas Reduction Strategy. Future residential mixed-use development would also comply with the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques.

Future residences, when proposed, would be constructed to meet the latest California Building Energy Efficiency Standards (Title 24 California Code of Regulations) and the City's Reach Code. Adherence to General Plan policies, existing regulations, adopted plans and policies, and the standard measures identified in *Section 4.3 Air Quality* of this Initial Study intended to limit idling of construction equipment, would ensure that any future residential mixed-use project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. The proposed project is a GPA and conforming rezoning which would not result in any direct impacts due to increased energy consumption and compliance with applicable regulations would ensure that impacts from future projects would be less than significant. **(Less than Significant Impact)**

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project is a GPA and conforming rezoning which would not result in any direct impacts due to increased energy consumption. Electricity for any future redevelopment would be provided by SJCE from sources of renewable and carbon-free power including wind, solar, geothermal, and hydroelectric. Future redevelopment would be constructed in accordance with the City's Private Sector Green Building Policy. In addition, future redevelopment made possible by the project would comply with existing General Plan policies and regulations (including Title 24, CALGreen, and the City's Municipal Code, which support state and local plans for renewable energy and energy efficiency. **(Less Than Significant Impact)**

Conclusion

The proposed project is a GPA and conforming rezoning and would not result in the actual construction of the project. Future redevelopment would be required to conform to all applicable General Plan policies and regulations. Therefore, the future redevelopment under

the proposed GPA and conforming rezoning would have less than significant impacts related to energy use. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based in part on the Phase I Environmental Site Assessment prepared by *Partner Engineering and Science, Inc.* on March 29, 2022. This report is contained in Appendix B.

Environmental Setting

The project site is located in Santa Clara Valley, which is an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. Geologic information for the area indicates the site is underlain by Pleistocene-age alluvial fan and fluvial deposits. These alluvial fan and fluvial deposits are generally expected to consist of dense, gravelly and clayey sand or clayey gravel that becomes finer grained upward transitioning into sandy clay.

Based on information obtained from the USDA[16], the project site is mapped as Urban Land Clear Lake Complex. This complex is described as poorly drained silty clay soil with a depth of 66 inches. The parent geologic material is described as alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics. Urban land is described as disturbed and human transported material. Ground slopes range from 0 to 2 percent in the project area.

The project property is a level lot with an elevation of approximately 85 feet above average sea level. The office building located at 945 W. Julian St. is constructed above a partially sub-grade level of parking with storage, and mechanical equipment rooms. Topography in the vicinity of the site slopes downward gently to the northeast towards the San Francisco Bay. The depth to bedrock is approximately 1,200 to 1,300 feet below the ground surface.

Fluctuations in the level of groundwater can occur due to variations in rainfall, landscaping, surface and subsurface drainage patterns, and other factors. Based on the findings from the Phase I at the site, the ground water depth is approximately 11.75 and 23.5 feet below ground surface, and ground water flow directs toward the east.

Seismicity and Seismic Hazards

There are no mapped faults within or adjacent to the site. The site is not located within a State of California Earthquake Fault Zone, which is an area where the potential for fault rupture is considered probable. The closest active fault to the project site is the Hayward fault, located approximately 4.4 miles west of the project site. Thus, the likelihood of surface rupture occurring from active faulting at the site is low.[17]

[16] USDA Natural Resources Conservation Service Web Soil Survey database.
[17] California Geological Survey. Regional Geologic Hazards and Mapping Program. *Alquist-Priolo*. Available at: <https://www.conservation.ca.gov/cgs/alquist-priolo>. Accessed June 7, 2022.

In the future, the subject property will undoubtedly experience severe ground shaking during moderate and large magnitude earthquakes produced along the San Andreas fault or other active Bay Area fault zones. Using information from recent earthquakes, improved mapping of active faults, ground motion prediction modeling, and a new model for estimating earthquake probabilities, a panel of experts convened by the U.S.G.S. have concluded there is a 72 percent chance for at least one earthquake of Magnitude 6.7 or larger in the Bay Area before 2043. The Hayward fault has the highest likelihood of an earthquake greater than or equal to magnitude 6.7 in the Bay Area, estimated at 33 percent, while the likelihood on the San Andreas and Calaveras faults is estimated at approximately 22 and 26 percent, respectively.

Liquefaction is a result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Liquefaction can result in ground surface deformations and settlement. The project site is located within a State of California Hazard Zone for moderate seismically-induced liquefaction[18] and is not located within a County of Santa Clara Liquefaction Hazard Zone.[19]

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading at the site is low.

Paleontological Resources

Paleontological resources are fossils; the remains or traces of prehistoric life preserved in the geological record. They range from well-known and well publicized fossils (such as mammoth and dinosaur bones) to scientifically important fossils (such as paleobotanical remains, trace fossils, and microfossils). Potentially sensitive areas with fossil bearing sediments near the ground surface in areas of Santa Clara County are generally in or adjacent to foothill areas rather than the younger Holocene age deposits on the valley floor. Geologic units of the Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils.

[18] Association of Bay Area Governments. Resilience Program. *Liquefaction: Official California Seismic Hazards Zone Map*. Available at: <http://resilience.abag.ca.gov/earthquakes/>. Accessed June 7, 2022.
[19] County of Santa Clara. *County Geologic Hazard Zones*. Map 19. 2012. Accessed June 7, 2022.

Regulatory Framework

California Building Code

The 2016 California Building Standards Code (CBC) was published July 1, 2016, with an effective date of January 1, 2017. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the National model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and loadbearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are in part valued for the information they yield about the history of the earth and its past ecological settings. The 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 will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

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.

Envision San José General Plan Policies

Policies and actions in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts resulting from development projects. Policies applicable to the project are presented below.

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

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

EC-4.2 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. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]

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

EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

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.

EC-4.12 Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.

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.

Geology and Soils Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) 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.	☐	☐	☒	☐	1,3,4,12
ii) Strong seismic ground shaking?	☐	☐	☒	☐	1,3,4,12
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,3,4,12
iv) Landslides?	☐	☐	☒	☐	1,3,4,12
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,3,4,12
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?	☐	☐	☒	☐	1,3,4,12
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	1,3,4,12
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?	☐	☐	☐	☒	1,12
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	1,3,4

Impacts Evaluation

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?

The proposed project is a GPA and conforming rezoning and does not include construction of a specific development or physical changes to the project site. Although the project site is not located on a known active fault and is not located in an Alquist-Priolo Earthquake Fault Zone, the project site is in a seismically-active region and future development would be subject to strong shaking in the event of seismic activity. Due to the project site's distances to known earthquake faults, fault rupture is not a significant geologic hazard at the site.

The site is located within an Association of Bay Area Governments (ABAG)-designated moderate liquefaction hazard zone, but not within a County-designated zone. Liquefaction can result in ground failure (e.g., fissures), foundation bearing failure, and settlement of the ground surface, which can ultimately damage future development or endanger future residents on-site.

Future redevelopment on the project site shall implement the following standard permit condition to reduce seismic and seismic-related impacts to a less than significant level:

Standard Permit Conditions: To avoid or minimize potential damage from seismic shaking and seismic-related hazards (including liquefaction), the project shall be constructed using standard engineering and seismic safety design techniques. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

With implementation of the Standard Permit Conditions, the existing seismic conditions discussed above would not be exacerbated by a future physical development on the project site such that it would impact (or worsen) off-site seismic conditions. **(Less Than Significant Impact)**

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

The project is a GPA and conforming rezoning and does not include construction of a specific development or physical changes to the project site. The project site is flat and developed.

Ground disturbance would be required for removal of the existing pavement and excavation, grading, and future construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion, loss of topsoil, and sedimentation at the site until construction is complete. As further discussed in *Section 4.9 Hydrology and Water Quality*, the project is required to minimize soil erosion hazards through compliance with the NPDES General Permit for Construction Activities, and implementation of an Erosion Control Plan with Best Management Practices (BMPs).

Standard Permit Conditions: To avoid or minimize potential soil erosion during construction activities, the project applicant shall implement the following Standard Permit Conditions during future project development:

- Standard erosion control and grading best management practices (BMPs) will be implemented during construction to prevent substantial erosion from occurring during site development. The BMPs shall be included on all construction documents.
- 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.
- Prior to issuance of a Public Works Clearance, the applicant shall obtain a grading permit before commencement of excavation and construction. In accordance with General Plan Policy EC-4.12, the applicant may be required to submit a Grading Plan and/or Erosion Control Plan for review and approval, prior to issuance of a grading permit.

The future redevelopment of the project, with the implementation of the Standard Permit Condition as outlined above, would not result in significant soil erosion impacts. **(Less Than Significant Impact)**

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

The project is a GPA and conforming rezoning and does not include construction of a specific development or physical changes to the project site. As discussed above, the project site does not have a high potential for liquefaction impacts during a regional earthquake and the potential for differential compaction and lateral spreading is low. The future project would be required to implement the recommendations of a site-specific geotechnical report to be completed after final design. The site would not be subject to impacts from other seismically-induced soil hazards including slope instability or landslides due to the flat topography of the site. **(Less Than Significant Impact)**

d. Would the project be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?

The project is a GPA and conforming rezoning and does not include construction of a specific development or physical changes to the project site. The project site contains moderately expansive surface soils, which could damage future buildings and development on-site. Differential settlement, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if the nature of expansive soils are not considered during project design and construction. Therefore, future redevelopment of the project will include the following measures and any others identified in the site-specific geotechnical report to reduce impacts to a less than significant level.

Standard Permit Conditions: The project shall complete a design-level geotechnical investigation during the design process to verify compliance with applicable regulations. The geotechnical report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, and retaining and drainage recommendations. The report shall be submitted to the City of San José Public Works Department for review prior to issuance of any site-specific grading or building permit. In addition, the following shall be included in the geotechnical report:

- Techniques that may be used to minimize hazards include: replacing problematic soils with properly conditioned/compacted fill and designing structures to withstand the forces exerted during shrink-swell cycles and settlements.
- Foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement.

The future 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, with implementation of the Standard Permit Conditions as outlined above, would not result in significant expansive soil impacts. **(Less Than Significant Impact)**

e. Does the site 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 project does not propose the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

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

Paleontological Resources

The project is a GPA and conforming rezoning and does not include construction of a specific development or physical changes to the project site. Soil on-site has been previously disturbed during construction of the existing development. The project site is not in an area of paleontological sensitivity; therefore, future redevelopment is not expected to encounter paleontological resources. Although not anticipated, construction activities associated with the future redevelopment of the project site could impact paleontological resources. While a specific project is not yet proposed, the future project will implement the following measures, consistent with General Plan policy ER-10.3, to reduce impacts to paleontological resources to a less than significant level.

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

The future project, with the implementation of the above Standard Permit Conditions, would not result in significant impacts to unique paleontological resources or geological features. **(Less Than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning that does not include any physical changes to the environment. With the implementation of the above Standard Permit Conditions, future redevelopment of the project site would not result in significant geology and soil impacts. **(Less Than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO2), water vapor, methane (CH4), nitrous oxide (N2O), and fluorinated compounds.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors. The project site is currently developed with commercial and residential uses. Traffic from these previous uses would have generated GHG emissions in the past.

Regulatory Framework

State

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as AB 32, CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan. The plan identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

In 2016, Senate Bill 32 (SB 32) was signed into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB adopted the State's updated Climate Change Scoping Plan in December 2017. The updated plan provides a framework for achieving the 2030 target.

Senate Bill 375 – Redesigning Communities to Reduce Greenhouse Gases

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, as compared to 2005 emissions levels. 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.[20]

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with ABAG, BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area.

Originally adopted in 2013, Plan Bay Area established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original plan, Plan Bay Area 2040 was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends. Target areas in the Plan Bay Area 2040 Action Plan area related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

Other Implementing Laws and Regulations

There are a number of laws that have been adopted as part of the State's efforts to reduce GHG emissions and their contribution to climate change. State laws and regulations related to growth, development, planning and municipal operations in San José include, but are not limited to:

- California Mandatory Commercial Recycling Law (AB 341)
- California Water Conservation in Landscaping Act of 2006 (AB 1881)
- California Water Conservation Act of 2009 (SBX7-7)
- Various Diesel-Fuel Vehicle Idling regulations in Chapter 13 of the California Code of Regulations
- Building Energy Efficiency Standards (Title 24, Part 6)
- California Green Building Code (Title 25, Part 11)
- Appliance Energy Efficiency Standards (Title 20)

[20] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

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.

California's Short-Lived Climate Pollutant Reduction Strategy (SB 1383)

Beginning in 2022, SB 1383 requires every jurisdiction to provide organic waste collection services to all residents and businesses. "Jurisdiction" means a city, county, a city and county, or a special district that provides solid waste collection services. "Organic waste" includes food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

Jurisdictions can select from a variety of organic waste collection services to match their unique communities and local infrastructure, while producing clean streams of organic feedstock that can be recycled into high-quality, marketable recycled products, including compost, renewable natural gas, electricity, and paper.

BAAQMD CEQA Air Quality Guidelines

BAAQMD is the primary agency responsible for ensuring that air quality standards are attained and maintained in the Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

BAAQMD approved the 2017 CEQA GHG Thresholds of Significance and Guidelines for operational- related GHG emissions. These thresholds were updated in April 2022 when BAAQMD published its "CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans".[21] These updated recommended thresholds were approved by the BAAQMD Board and updated BAAQMD CEQA Guidelines are expected soon that reflect the new thresholds.

BAAQMD has found that a new land use development project being built today need to incorporate the following design elements to do its "fair share" of implementing the goal of carbon neutrality by 2045. The "fair share" contribution is important because climate change is a cumulative impact wherein one project cannot solely affect a global problem. If a project would contribute its "fair share" of what will be required to achieve long-term climate goals, then the reviewing agency (the City) can find that the impact will not be significant.

[21] BAAQMD Justification Report, https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, accessed November 29, 2022.

BAAQMD Thresholds for Land Use Projects (Must include A or B)

A. Projects must include, at a minimum, the following project design elements:

1. Buildings

a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).

b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation

a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

i. Residential projects: 15 percent below the existing VMT per capita

ii. Office projects: 15 percent below the existing VMT per employee

iii. Retail projects: no net increase in existing VMT

b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

The Guidelines for implementation of the thresholds are for information purposes only to assist local agencies and are not mandatory. Recommendations in the Guidelines are advisory and should be followed by local governments at their own discretion. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or the Air District to any specific course of regulatory action.

Further, there are no proposed BAAQMD construction-related climate impact thresholds at this time. GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

San José Greenhouse Gas Reduction Strategy

The City's General Plan includes a GHG Reduction Strategy that was originally adopted in November 2011. Following litigation, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report in December 2015 and re-adopted the City's GHG Reduction Strategy in the General Plan. In response to the 2030 GHG reduction goals set forth by SB 32, the City updated the strategy in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) builds on the City's Envision San José 2040 General Plan as well as Climate Smart San José (City of San José, 2020a).

The 2030 GHGRS serves as a Qualified Climate Action Plan for the purposes of CEQA tiering. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a Project's GHG emissions would be determined not cumulatively considerable if it demonstrates compliance with the requirements of the 2030 GHGRS through the Compliance Checklist.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In June 2001, the San José City Council unanimously adopted the Green Building Policies as developed by the members of the community and various City Departments. The Municipal Green Building Guidelines establish baseline green building standards for City of San José facilities and provide a framework for the implementation of these standards. The policies require that all new construction and major retrofit projects of City of San José facilities and buildings over 10,000 gross square feet of occupied space shall earn a Leadership in Energy and Environmental Design (LEED) Silver rating at a minimum, with a goal of earning Gold or Platinum certification. The proposed project would be subject to this policy.

City of San José Climate Smart Plan

In 2018, the City of San José City Council unanimously adopted Climate Smart San José - a plan to reduce air pollution, save water, and create a stronger and healthier community. The Plan focuses on three pillars and nine key strategies to encourage the City and community to actively

engage in charting a course to reduce greenhouse gas emissions. Strategies include, but are not limited to transitioning to renewable energy in the future, creating local jobs to reduce vehicle miles travelled, and developing an integrated, accessible public transport infrastructure.

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

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are also incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Implementation of the policies in the Envision San José 2040 General Plan as a part of the City's development permitting and other programs provides for meeting building standards for energy efficiency, recycling, and water conservation, consistent with State laws and regulations designed to reduce GHG emissions. Multiple policies and actions in the General Plan also have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

The following policies are specific to greenhouse gas emissions and are applicable to the proposed project:

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.

CD-2.10 Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

CD-3.2 Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

CD-5.1 Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

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

MS-2.11 Require new development to incorporate green building 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.).

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.

MS-16.5 Establish minimum requirements for energy efficiency measures and on-site renewable energy generation capacity on all new housing developments.

H-4.1 Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.

H-4.2 Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.

H-4.3 Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

TR-2.18 Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.

Greenhouse Gas Emissions Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1-4,21
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1-4,21

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

Significance Thresholds

The BAAQMD's 2017 CEQA thresholds of significance for operational-related GHG emissions associated with land use development projects is compliance with a qualified Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO 2 e; or 4.6 MT CO 2 e/SP/yr (residents + employees). These are the current thresholds until BAAQMD approves new CEQA Guidelines.

The proposed project does not propose any physical development and, therefore, would not generate any GHG emissions. Any future development of the project site could generate GHG emissions during construction and operations. A GHG Checklist will be prepared for any future redevelopment projects proposed for the project site and would be analyzed under the appropriate regulatory laws, policies, and guidelines. The GHG generation of future development would be considered less than significant provided future development demonstrates that it is consistent with the City's 2030 GHG Reduction Strategy (GHGRS).

While the proposed GPA and conforming rezoning would diverge from the General Plan policies intended to focus development in specified Growth Areas, the proposed project would facilitate infill development of land uses consistent with surrounding mixed-use development and nearby growth areas. Any future development project at the site would make a minimal contribution to local and regional air pollutant and greenhouse gas emissions during both construction and operation. The GHG Reduction Strategies to be incorporated into future development include at least the following:

- Implementation of green building measures through construction techniques and architectural design;
- Incorporation of energy conservation measures;
- Use of San José Clean Energy or solar panels or solar ready facilities;
- Incorporation of bicycle storage and related facilities;
- Incorporation of water-efficient landscaping;
- Incorporation of appropriate landscaping species;

The project is a GPA and conforming rezoning that would allow the future redevelopment of the site with mixed-use residential uses. Specific development is not proposed at this time. Future site redevelopment would be required to complete the GHG Checklist and be designed to comply with appropriate state and City policies, including the City's 2030 GHGRS. With implementation of GHG Reduction Strategies, future redevelopment of the project would have a less than significant impact related to GHG emissions. **(Less Than Significant Impact)**

Construction Emissions

While the project does not include any physical changes to the environment, future redevelopment that could occur with project approval would result in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site.

Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, etc. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction related GHG emissions are significant. Future redevelopment is assumed in this analysis to be approximately 92 additional residential units and up to an additional 5,000 sf of commercial development when compared to the existing General Plan land use designation of the site.

Future construction is assumed to last approximately two years. Because future construction would be temporary and potential redevelopment would implement construction BMPs (see Section 4.3 *Air Quality*) and the above outlined Greenhouse Gas Reduction Strategies to reduce GHG emissions, construction-related emissions of any future redevelopment project would be less than significant. **(Less than Significant Impact)**

Operational Emissions

The proposed project is a GPA and conforming rezoning of the site to allow for mixed-use redevelopment on the site at a higher density and FAR that currently permitted. Based on the orientation, size, and location of the project site, it is assumed that up to 92 additional residential units and 5,000 sf of commercial development could potentially be developed on the site when compared to the existing General Plan land use designation of the site. The operation of a future mixed-use development facilitated by the project on the project site would generate operational GHG emissions primarily from energy consumption, vehicular travel, and solid waste disposal.

While the emissions would be higher due to the larger number of units and commercial development permitted on the site, the operational GHG emissions would while the proposed GPA and conforming rezoning would contributed minimally to the generation of local and regional air pollutants since the future project would be under BAAQMD's screening criteria. Additionally, the project would be consistent with the 2017 and 2022 recommended BAAQMD thresholds and the City's GHGRS. Consistent with the City's natural gas ban, a future project would not include natural gas appliances, the project would not result in any wasteful, inefficient, or unnecessary energy usage.

Any future project would be required to be consistent with Council Policy 5-1 establishing the City VMT thresholds consistent with the BAAQMD Transportation Criteria. Finally, the project would be required to comply with the City's Green Building Code including the provision of

electrical vehicle parking. Therefore, the project would contribute its "fair share" of what will be required to achieve long-term global climate goals. For these reasons, future redevelopment under the GPA and conforming rezoning would have less than significant operational impacts when compared to the existing condition. **(Less than Significant Impact)**

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

GHG Reduction Strategy

The proposed GPA and conforming rezoning would not result in actual physical construction of any land uses. Future redevelopment of the project site would be required to consistent with San José's GHGRS by developing a use consistent with the General Plan land use designation, achieving a minimum LEED Silver certification, utilizing energy conserving technology in operations, and providing ground level bicycle parking consistent with the City's Municipal Code. **(Less than Significant Impact)**

General Plan

The development projects in San José that comply with the City's GHGRS are considered to reduce that project's contribution to cumulative GHG emission impacts to a less than significant level through 2030.

The proposed GPA and conforming rezoning of the project site would not result in any changes to GHG emissions on-site or in the project area. Any future redevelopment on the site would be required to conform to the City's Green Building Ordinance, Reach Code, Municipal Code, and San José's GHGRS to reduce GHG emissions to a less than significant level, including relevant mandatory measures for all projects and other measures that are considered voluntary, at the City's discretion. Therefore, the impact would be less than significant. **(Less Than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and does not include development or construction of a specific project or physical changes to the environment. Future redevelopment of the project site would be required to be consistent with General Plan policies and the GHGRS. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) completed by *Partner Engineering and Science, Inc.* on March 29, 2022. This report is included as Appendix C of this Initial Study.

Environmental Setting

The Phase I ESA was completed on the site in accordance with American Society for Testing and Materials (ASTM) requirements to determine the presence or likely presence of any hazardous substances or petroleum products in, on, or at the property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

The Phase I included site reconnaissance and observations of surrounding properties, and review of regulatory databases and readily available information on file at selected governmental agencies and hazardous materials management practices. All readily available maps and aerial photographs were reviewed and persons reportedly knowledgeable about the site were interviewed to determine potential recognized environmental conditions.

According to available historical resources, the project site was formerly undeveloped as early as 1889 and 1891. By 1915, a residence was located on the southern portion of the site (945 W. Julian St.) and by 1930, a residence was located on the northern portion of the site (379 N. Morrison Ave.). The residence located at 945 W. Julian St. was removed some time in the early 1960s and the current office building was constructed around 1968. The office building has always been used for general office uses and routine maintenance activities. The residential structure is single-story with a basement and detached garage.

The project site is not located in proximity to any airports and is not within any Airport Influence Areas (AIA) or safety zones.[22] Mineta San José International Airport is located approximately 1.3 miles northwest of the site. The project is not located in the vicinity of a private airstrip. The project site is located in an urbanized area that is not subject to wildland fires. Historic land uses in proximity to the site have included residential, industrial (warehousing, fruit processing, water treatment, and automotive repair), and office/commercial uses. Hester Post-Secondary School is located approximately 1,260 feet northwest of the project site.

Database Review

Based on regulatory database review, the project site is not listed on any databases. This includes sites with underground and above-ground storage tanks. The project site is not listed on the California State Water Resources Control Board (SWRCB), Department of Toxic

[22] Santa Clara County Airport Land Use Commission (ALUC). *Comprehensive Land Use Plan Santa Clara County.* Airport Safety Zones. 11/16/2016.

Substances Control (DTSC) Hazardous Waste Tracking System, CalARP, or DTSC's EnviroStor, or BAAQMD, Santa Clara Valley Water District (SCVWD) or Regional Water Quality Control Board (RWQCB) databases. These databases are described in greater detail in the *Regulatory Framework* section below and in Appendix C.

Properties in the project area were identified on various databases searched as part of ESA, including HAZNET, FINDS/FRS, CUPA Santa Clara, and Geotracker.[23] The listings include removal and off-site disposal of various hazardous materials, presence of a water treatment plant, an air conditioning contractor, and two registered hazardous waste generators in the form of automotive repair shops.

Two instances of leaking underground storage tanks (LUST) are recorded in the project area including one at 985 W. Julian St. adjoining the project site to the west. One 500-gallon LUST was removed in 2016. Soil samples collected beneath the tank reported low levels of petroleum hydrocarbons; however, soil contamination was below the relevant environmental screening criteria. The other LUST was located at 381 Stockton Ave. northeast of the project site. The LUST database indicated that the groundwater contamination case associated with the release of gasoline was closed in 2017. This site has subsequently been redeveloped with multi-family residential uses. Therefore, neither of these nearby LUST cases are considered to represent a significant environmental concern. There are no other properties in the vicinity of the project site that appear to pose a significant environmental concern in connection with the project site.

Site Reconnaissance

The project site is currently developed with a single-family residence, an office commercial structure, concrete sidewalks, asphalt-paved parking area, and associated landscaping. There was no on-site evidence of any Recognized, Controlled, or Historical Environmental Conditions (RECs, CRECs, or HRECs) wherein hazardous substances or petroleum products were actively or historically observed due to release to the environment. Small quantities of general maintenance supplies were found to be properly labeled and stored with no signs of leaks, spills, or stains.

The buildings on-site were constructed in about 1930 and 1968. Therefore, there is a potential that Asbestos-containing Materials (ACMs) and Lead-based Paint (LBP) are present in the structures. Suspect ACMs and areas with suspected LBP within the buildings were found to be in good condition; however, the ceiling of the under-building parking area of the office building appears to be damaged with exposure of the interior wood structure.

[23] Refer to Appendix C for a full listing of databases reviewed.

Regulatory Framework

Federal and State

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

Other regional agencies are responsible for programs regulating emissions to the air, surface water, and groundwater include BAAQMD, which has oversight over air emissions, and the Regional Water Quality Control Board (RWQCB) which regulates discharges and releases to surface waters and groundwater.

Oversight over investigation and remediation of sites impacted by hazardous materials releases can be completed by State agencies, such as the Department of Toxic Substances Control [(DTSC) a division of CalEPA)], regional agencies, such as the RWQCB, or local agencies, such as SCCDEH. The SCCDEH oversees investigation and remediation Leaking Underground Storage Tank (LUST) sites in the City of San José. Other agencies that regulate hazardous materials include the California Department of Transportation and California Highway Patrol (transportation safety), and California Occupational Safety and Health Administration (Cal/OSHA).

Cortese List (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 the State, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC, State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle). The project site is not on the Cortese List.

Asbestos-Containing Material and Lead Paint Regulations

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. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow asbestos particles to become airborne easily. Common examples of non-friable ACMs are

asphalt roofing shingles and vinyl asbestos floor tiles. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 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.

California Accidental Release Prevention Program (CalARP)

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 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. SCCDEH reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Local

Emergency Operations and Evacuation Plans

The City of San José's Emergency Operations Plan includes standard operating procedures for flood events, heat waves, off-airport aviation accidents, power outages, terrorism, and urban/wildland interface fires. The Citywide Emergency Evacuation Plan sets forth the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

Envision San José 2040 General Plan

The General Plan includes the following policies and actions for the purpose of reducing or avoiding impacts related to hazards and hazardous materials:

EC-6.2 Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

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

EC-7.2 Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.

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

EC-7.8 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 impact to human health and safety and to the environment are required of or incorporated into project. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

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.

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

MS-13.2 Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Hazardous Materials Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,12
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and	☐	☐	☒	☐	1,12

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?	☐	☐	☒	☐	1,12
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, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,12
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, will the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	1,12,17
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1-4,6
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒	1,20

Impacts Evaluation

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

The proposed project is a GPA and conforming rezoning that would not result in any physical changes to the environment. Future redevelopment of project site allowed under the proposed Transit Residential General Plan Amendment and Transit Residential Zoning District would include residential and commercial uses, and would not facilitate or allow for the routine use, transport, or release of hazardous materials. The proposed project, by itself, would not create hazard to the public.

It is unknown if future redevelopment of the site would include an emergency diesel generator; however, if proposed, diesel would be stored outdoors adjacent to the generator and would be used primarily for generator testing per all BAAQMD requirements, including the required Permit to Operate ensuring a less than significant impact due to proper handling of the diesel. **(Less than Significant Impact)**

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?

The proposed GPA and conforming rezoning would not create hazard to the public, however, there is the potential for any future redevelopment on-site under the proposed project to disturb and/or release residual contamination during construction activities and impact construction workers, adjacent uses, or the environment.

As previously described, building materials on-site are suspect for asbestos and lead-based paint. Because these compounds could be disturbed during construction, future construction of project under the proposed General Plan land use designation and Zoning district would be required to conform to the following *Standard Permit Conditions* to reduce the likelihood of release of hazardous materials into the environment.

Standard Permit Conditions:

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

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Any demolition of on-site buildings would be subject to Federal National Emission Standards for Hazardous Air Pollutants (NESHAP). NESHAP demolition permitting requires notification to BAAQMD for demolition of the building. A copy of the BAAQMD Demolition Notification form would be required to be submitted before demolition work could commence.

Additionally, compliance with applicable General Plan policies during any future redevelopment review and permitting stage, including Policy EC-7.2 and EC-7.11, would ensure that any residual chemicals present in soil are properly handled and disposed of to ensure they are not released into the environment.

Implementation of on-site soil sampling and remediation (if needed) in conformance with General Plan policies and federal, state, and local laws would ensure that hazards and hazardous material impacts associated with historic agricultural use would be reduced to a less than significant level at the time of future development of the site. **(Less than Significant Impact)**

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is located within 1/4-mile of a post-secondary school; however, the proposed GPA and conforming rezoning would not result in physical changes that would emit hazardous emissions or handle hazardous or acutely hazardous materials. Standard Permit Conditions included in future redevelopment projects to reduce impacts due to ACMs and LBP in the existing buildings would ensure that potentially contaminated materials are properly handled to avoid chemical releases into the environment. For these reasons, hazardous waste handling would have a less than significant impact on students at the nearby school. **(Less than Significant Impact)**

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, will it create a significant hazard to the public or the environment?

The project site is not listed on any other Government listing including the Cortese List. With implementation of the Standard Permit Conditions described above, which shall be included in the future construction of the proposed project, the project would not create a significant hazard to the public or the environment. **(No Impact)**

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

The project site is not located within an AIA, including within an aircraft noise contour, and would not result in a safety hazard or expose workers at the project site to excessive noise. **(No Impact)**

f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The proposed GPA and conforming rezoning would not result in actual physical changes on the project site or surrounding area and the proposed changes would not impair the implementation of an adopted emergency response or evacuation plan.

Additionally, any future redevelopment of the project site would be required to comply with all City of San José Municipal Code and Fire Department requirements related to driveway widths and emergency access. The future project would not interfere with any adopted emergency or evacuation plans. **(Less than Significant Impact)**

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

As discussed in Section 4.19 *Wildfire* of this Initial Study, the project site is not located in a Very High Fire Hazard Severity Zone as identified by CAL FIRE. The project would not expose people or structures, either directly or indirectly, to risk from wildland fires because it is located in a highly urbanized area that is not prone to such events. **(No Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any physical changes to the environment. With the Standard Permit Conditions described above included in the construction of any future redevelopment, the proposed project would not result in a significant impact related to hazards and hazardous materials. **(Less than Significant Impact)**

4.10 HYDROLOGY AND WATER QUALITY

The following discussion is based on a Phase I Environmental Site Assessment (ESA) completed by *Partner Engineering and Science, Inc.* on March 29, 2022. This report is included as Appendix C of this Initial Study.

Environmental Setting

The project site is an essentially flat lot with an elevation of approximately 85 feet above mean sea level. According to the LUST case closure summary for the property at 381 Stockton Avenue, as described in Section 4.9, *Hazards and Hazardous Materials* of this Initial Study, the terrain of the area slopes to the east with the depth to groundwater inferred to be approximately 11.75 to 23.5 feet below ground surface. Groundwater, therefore, is inferred to flow to the east.

The approximately 0.46-acre project site does not contain any natural drainages or waterways and is primarily paved with some areas of landscaping and lawn. The nearest waterway is the Guadalupe River, which is located approximately 0.5 miles east of the project site. No settling ponds, lagoons, surface impoundments, wetlands, wells, or natural catch basins were observed on-site. Shallow groundwater beneath the site is not utilized for domestic purposes.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site appears to be located within Zone X.[24] Zone X is an area of outside the 100- and 500-year flood risk level.

Based on the Valley Water dam failure inundation maps, the project site is not located within any of the 10 local dams' inundation area, including Anderson Dam.[25] There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche, which is the oscillation of water in an enclosed lake or bay. The site would also not be affected in the event of a tsunami or mudflow from a mountain.[26]

Regulatory Framework

Federal, State, and Regional

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the USEPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this

[24] Zone X is an area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile, Map 06085C02336H, effective 5/18/2009.
[25] Valley Water. Inundation Map for the Hypothetical Fair Weather Failure of Leroy Anderson Dam. https://fta.valleywater.org/dl/f0uHPXKX7E, November 2019. Accessed May 12, 2022.
[26] Association of Bay Area Governments, Tsunami Maps and Information, http://resilience.abag.ca.gov/tsunamis/, accessed May 12, 2022.

legislation. USEPA 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 water quality control boards. The project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan." The Basin Plan lists the beneficial uses that the 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 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.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. 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.

Municipal Regional Stormwater NPDES Permit/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new 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 beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if

they do not meet the size threshold, drain into tidally-influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious. [27]

National Flood Insurance Program

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

Local

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also establishes specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. The proposed project meets this threshold.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 8-14 requires all new 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 beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the Santa Clara Permittees Hydromodification Management Applicability Map for the City of San José, the project site is exempt from the NPDES hydromodification requirements

[27] Santa Clara Permittees Hydromodification Management Applicability Map. July 2011. https://scvurppp.org/hmp-maps/. Accessed May 12, 2022.

related to preparation of an HMP because it is located in a subwatershed greater than or equal to 65 percent impervious.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

IN-3.7 Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

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

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.

MS-3.5 Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

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

ER-8.3 Ensure that private development in San José includes adequate measures to treat stormwater runoff.

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

ER-9.3 Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

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.

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.

EC-5.11 Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.

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.

Hydrology and Water Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface groundwater quality?	☐	☐	☒	☐	1-4
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	1-4,12
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 that would:					
i. result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	1-4,12
ii. substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	1-4,12,14
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	☐	☐	☒	☐	1-4
d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?	☐	☐	☐	☒	1- 4, 12, 14,15,16
e.Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	☐	☐	☒	☐	1-4

Impacts Evaluation

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

During Construction

The proposed project is a GPA and conforming rezoning and would not result in any physical changes to the environment and therefore would not violate any water quality standards or water discharge requirements. Future construction of the project may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would not disturb more than one acre of soil and, therefore, compliance with the NPDES General Permit for Construction Activities is not required.

However, all development projects in San José must 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 1 to April 30), 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 BMPs that shall be implemented at the time of actual construction to prevent the discard of stormwater pollutants.

Standard Permit Conditions: The future redevelopment of the project site must comply with the City's Grading Ordinance, which includes submitting an Erosion Control Plan 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 covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from 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 is a GPA and conforming rezoning that would not result in any physical changes to the environment. With implementation of the above Standard Permit Conditions, future redevelopment of the project site would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction

The proposed project is a GPA and conforming rezoning and would not result in any physical construction on the project site. However, it is anticipated that the future redevelopment of the project site, when proposed, could replace over 10,000 sf of impervious surfaces. Therefore, the proposed project shall comply with the RWQCB Municipal Regional NPDES permit and City of San José's Post-Construction Urban Runoff Policy 6-29. In order to meet these requirements, the project includes stormwater Treatment Control Measures, Site Design Measures, and Source Control Measures as required by the permit and policy.

Stormwater runoff from the Treatment Control Measures and Site Design Measures would drain into the treatment areas on-site prior to entering the storm drainage system. Details of specific Site Design, Pollutant Source Control, and Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), will be required prior to issuance of a grading permit.

The following Standard Permit Conditions shall be included in any future construction projects to reduce post-construction impacts to water quality.

Standard Permit Conditions: In compliance with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the Municipal Regional Stormwater NPDES Permit (MRP), the project shall design and construct low impact development (LID) stormwater treatment control measures to treat runoff from impervious surfaces. Stormwater from project impervious surfaces will drain into the treatment area prior to entering the storm drainage system. Consistent with the NPDES requirements, the proposed treatment facility will be numerically sized and will have sufficient capacity to treat the runoff generated by the proposed project, prior to entering the storm drainage system. Details of specific site design, pollutant sources control, and stormwater treatment control measures demonstrating compliance with the MRP will be included in the project design to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's Designee prior to issuance of a development permit.

The future redevelopment of the project site could increase the impervious surface area on-site, which would increase stormwater runoff. With implementation of stormwater control measures consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of any future development on the project site would have a less than significant water quality impact. **(Less Than Significant Impact)**

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

The depth of groundwater in the site vicinity is expected to be between 11.75 and 23.5 feet below ground surface. Final design of the project has not yet been completed; however, it is anticipated that if partially below grade parking is proposed, groundwater could be encountered. This would require dewatering during future, construction of the project, however, dewatering would be temporary in nature and completed consistent with all City and state requirements. Therefore, regional groundwater supplies and water quality would not be adversely affected.

The project is a GPA and conforming rezoning of the project site and would not substantially decrease groundwater supplies. Any future redevelopment of residential mixed-use development on the project site could contribute to the cumulative increase in demand for water in the City; however, the project itself would not result in the overdraft of any groundwater basins. The future addition of 92 residential units and 5,000 sf of commercial development, when compared to the existing uses and General Plan land use designation of the site, would not result in a substantial increase in the demand for water. Future redevelopment of the site would rely on existing sources of water and the City's existing water delivery system and not groundwater in the vicinity of the site.

Therefore, the project and future redevelopment on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(Less Than Significant Impact)**

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 that would:

i. result in substantial erosion or siltation on- or off-site?

The proposed project would not result in any physical construction on the project site and therefore would not alter existing drainage on the site or area nor result in substantial erosion. Any future redevelopment of the project site would not disturb any new drainage patterns of the site or areas that would involve the alteration of a stream or river. The only drainage pattern that would be altered/improved would be that of the existing site, which is currently developed. The Treatment Control Measures incorporated above in the *Standard Permit Conditions* and SWPPP for the site will be implemented in conformance with all City and State requirements. Runoff would be collected in the storm drain system and conveyed to bioretention facilities on-site prior to outfall to the Guadalupe River. The increase in runoff would not result in substantial erosion or siltation on- or off-site. **(Less Than Significant Impact)**

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

The proposed project would not result in any physical construction on the project site and therefore would not increase the amount of surface runoff on-site. The future redevelopment of the project could result in an increase in impervious surfaces on-site. The project is located within Flood Zone X, which is not a designated FEMA 100- or 500- year floodplain. The City does not have any floodplain restrictions for development in Zone X. The site is not located within a flood hazard zone and would not result in a significant increase in impervious surfaces on-site; therefore, the project would not result in an increase in surface runoff that could lead to flooding on- or off-site or impede or redirect flood flows. **(Less Than Significant Impact)**

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

The proposed project would not result in any physical construction on the project site and therefore would not result in any new runoff water. Any proposed future redevelopment would connect to the City's existing storm drainage system. Surface runoff from the site may contain urban pollutants. Runoff from the parking and driveway areas could include oil, grease, and trace metals. The future development could also generate urban pollutants related to the use of fertilizers, pesticides, and herbicides on landscaped areas. Runoff will be collected in a storm drain system and conveyed to a bio- retention facility, where it will be treated prior to discharging into City's existing storm drainage system.

The future redevelopment of the project site is not expected to contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff due to an increase in impervious surfaces on-site. See also a., ci., and cii. above. **(Less Than Significant Impact)**

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

The proposed project would not result in any physical construction on the project site and would not alter the site's risk release of pollutants due to project inundation. Additionally, the project site is not located in a flood hazard, tsunami, or seiche zone**.** Therefore, there is no risk of release of pollutants due to project inundation. The project site is not within the inundation area of Anderson Dam; therefore, neither the project or a future redevelopment project would result in the release of pollutants should the dam fail. **(No Impact)**

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The proposed project would not result in any physical construction on the project site. As described above, future redevelopment of the proposed project would be required to comply with the City of San José Grading Ordinance, *Standard Permit Conditions*, C3 provisions, the approved SWPPP, as well as standard BMPs during construction. Based on the measures

required by the City, the proposed project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. **(Less Than Significant Impact)**

Conclusion

The proposed GPA and conforming rezoning would not result in hydrologic impacts. Future redevelopment of the project site would include the Standard Permit Conditions above as well as other City and State requirements. The proposed project would not result in a significant impact to hydrology or water quality. **(Less than Significant Impact)**

4.11 LAND USE

Environmental Setting

The project site is located in a highly developed area of primarily commercial, office, industrial, and residential uses in central San José. The site is currently developed with an office building and a residential structure with detached garage, asphalt paving, and landscaped areas, as shown in Photos 1-8.

The triangular-shaped project site is bounded on the south by W. Julian St. and on the northeast by N. Morrison Ave. as shown on Figure 2. Land uses on the south side of W. Julian St. in proximity to the project site are primarily office. Land uses on the northeast side of N. Morrison are multi-family residential. Land uses adjacent to the western and northeastern boundaries of the site are industrial (automotive repair). There are three single-family residences adjacent to the northern boundary of the site on Cinnabar Street.

The existing General Plan Land Use Designation of the site is *MUC* and the zoning is *Light Industrial*. The project site as well as the adjacent properties are within the boundaries of The Alameda Urban Village Plan (TAUVP).

Regulatory Framework

Local

City of San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

The proposed project requires a conforming rezoning from *Light Industrial* to *Transit Residential* (*TR*) to construct the future project. The project would also allow the site to be rezoned *MUC* to match the existing General Plan Land Use Designation of the site should the application for the proposed *TR* General Plan land use designations be denied.

The Alameda Urban Village Plan

The Alameda Urban Village Plan (TAUVP) was prepared by the City and community to provide a policy framework to guide new job and housing growth within the Urban Village boundary and guide the preservation of existing neighborhoods and historic buildings. The Plan is intended to guide the characteristics of future development including buildings parks, plazas, and public art, streetscape and circulation, as financing within the area. The following policies are applicable to the proposed project.

Policy UD-1.1: Provide frequent pedestrian access points from public streets, plazas, and paseos and create an interconnected pathway system.

Policy UD-1.2: New public and private development should facilitate walking by both enhancing the existing pedestrian environment and, where opportunities exist, by creating new pedestrian connections to create a more interconnected pedestrian circulation system.

Policy UD-2.1: New development shall create an engaging pedestrian environment by including active uses on the ground floor, transparent façades, multiple inviting pedestrian entrances, and outdoor seating.

Policy UD-2.2: Allow ground floor space to be used for temporary pop-up retail.

Policy UD-2.3: Promote an active ground floor for residential buildings to encourage a pedestrian-friendly, welcoming, and safe environment.

Policy UD-3.1: Ensure that new development is integrated appropriately into the existing residential neighborhood by providing transitions and by building at a compatible scale.

Envision San José 2040 General Plan

The General Plan designation for the site is *Mixed Use Commercial.* The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to land use and are applicable to the proposed project.

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

CD-1.8 Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise style architecture is strongly discouraged.

CD-1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

CD-3.4 Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

CD-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).

LU-9.5 Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

LU-11.6 For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in *Section 4.4 Biological Resources* of this Initial Study, the Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres of southern Santa Clara County.

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

Land Use Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	☐	☐	☒	☐	1-4
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?	☐	☐	☒	☐	1-4

Impacts Evaluation

a. Would the project physically divide an established community?

The proposed project is a GPA and conforming rezoning that would not allow any actual development or physical changes to the environment. It is proposed at this time to allow the future redevelopment of the project site.

Future redevelopment on the site could include a residential mixed-use structure up to 85 feet tall constructed either partially below grade or on podium, consistent with the proposed *TR* General Plan designation and zoning district.

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 GPA and conforming rezoning would only allow for potential future construction of mixed-use development at the site within an existing residential and commercial neighborhood. While the proposed density is in excess of that of the surrounding development, lands to the north and east of the site outside the TAUVP boundaries are designated for *TR* development. The proposed GPA and conforming rezoning would not facilitate any development which could divide an established community. **(Less Than Significant Impact)**

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

The project proposes a GPA and conforming rezoning that would not result in any physical redevelopment on-site. Future redevelopment of the site would be subject to design review by the City to ensure that the project meets the Residential Design Guidelines and all applicable zoning code standards are implemented in accordance with the proposed *TR* Zoning District and TAUVP. By meeting the requirements of the proposed zoning, including setbacks, building heights, and landscape buffers, land use conflicts with surrounding uses would be minimized. Furthermore, future redevelopment of the site is required to conform to policies related to biological conservation and protection as described in *Section 4.4 Biological Resources*. For these reasons, the proposed project, and any future redevelopment of the site, would not conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. **(Less than Significant Impact)**

Conclusion

The proposed project is a GPA and conforming rezoning that would not allow actual redevelopment of the project site. With the Standard Permit Conditions identified in this Initial Study, as well as other City requirements, future redevelopment of the project site would not result in a significant land use impact. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

Environmental Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The proposed project site, which is located on the valley floor, does not contain any known mineral resources.

Regulatory Framework

State

Mineral Resources and the 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. SMARA mandated the initiation by the State Geologist of mineral land classification 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, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board 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. This area is located approximately 3.5 miles to the southeast of the project site. Neither the State Geologist nor the State Mining and Geology Board have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1-4
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?	☐	☐	☐	☒	1-4

Impacts Evaluation

a. Result in the loss of availability of a known mineral resource that will 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?

The project site is not located on or near Communications Hill and, therefore, does not contain known mineral resources of regional significance. The Communications Hill area is approximately 3.5 miles southeast of the project site. Due to the distance of the site from the nearest designated mineral resources, implementation of the project and future development would not result in the loss of availability of a known mineral resource. **(No Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in the loss of availability of known mineral resources. **(No Impact)**

4.13 NOISE AND VIBRATION

Overview

Noise Fundamentals

Construction is a temporary source of noise for residences and other land uses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA Lmax at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB. Leq is the equivalent noise level or average A-weighted noise level during the measurement period.

Vibration Fundamentals

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. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

Environmental Setting

The proposed project site is located in area of primarily commercial, office, industrial, and residential uses. The nearest noise sensitive receptors are the residential uses located approximately 30 and 40 feet north and northeast of the site, respectively. Noise in the project area is dominated by traffic noise on W. Julian Street. Stationary mechanical equipment and traffic noise from adjacent industrial development and occasional aircraft overflights associated with Mineta San José International Airport also affect the noise environment.

Regulatory Framework

State

California Building Code

The current (2019) version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2019 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment and are contained in Appendix F.

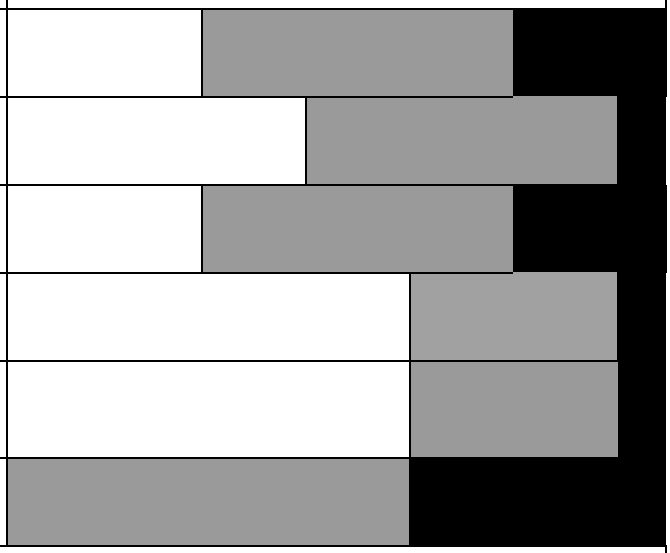
Local

Envision San José 2040 General Plan

The City's Envision San José 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

Table 4.13-1:
General Plan Land Use Compatibility Guidelines (Table EC-1)

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						



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

Normally Acceptable (White):

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 (Gray):

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

Unacceptable (Black):

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

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.13-1, above.

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

Interior Noise Levels

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (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 José International Airport and the Downtown, as described below
  - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments
  - For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

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

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

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

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

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

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

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

Policy EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use Permit as provided in Chapter 20.100.

Table 4.13-2: City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels in Decibels at Property Line**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

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

Noise and Vibration Environmental Checklist

Would the project result in:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☒	☐	1-4
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1-4
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?	☐	☐	☒	☐	1,17

Impacts Evaluation

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

The proposed project is a GPA and conforming rezoning and would not result in any changes to the physical environment; therefore, the project itself would not result in the generation of any temporary or permanent noise level increase.

Construction noise from future redevelopment of the project site would temporarily increase ambient noise levels at nearby sensitive receptors. Sensitive receptors in proximity to the project site include the multi- and single-family residences to the north and northeast of the site. The City's Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. Future redevelopment under the proposed land use designation and zoning would implement the following measures at the time of construction to reduce construction noise and vibration levels, consistent with City policies:

Standard Permit Conditions:

- Pile-driving shall be prohibited.
- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Future redevelopment under the project would be required to prepare a project-specific noise analysis to identify specific construction noise impacts. Future redevelopment would be required to comply with City policies to would reduce significant construction-related noise impacts to a less than significant level, including restricting construction to allowable Municipal Code hours, ensuring equipment and staging areas are selected to reduce noise, and identifying a disturbance coordinator to address noise issues. **(Less than Significant Impact)**

Operational Noise

The proposed project is a GPA and conforming rezoning and would not result in any physical changes or add new noise to the environment. While a future redevelopment project for the site has not yet been designed, based on the land uses allowed under the proposed GPA and conforming rezoning, the future project could include the construction of a mixed-use residential building with associated parking. Operational noise typical of residential uses includes noise generated by traffic, HVAC equipment, truck deliveries, etc. Additionally, if an emergency generator is included in the future redevelopment of the site, generators would typically be tested for a period of one to two hours every month. During these testing periods, ambient noise levels would temporarily increase and would be required to meet the 55 dBA DNL threshold at nearby residential land uses.

Any future redevelopment would be required to complete a site-specific noise analysis as part of the project-level environmental review process to determine the operational noise impacts of the proposed project. Future redevelopment would be required to comply with the City's noise standards and General Plan policies to minimize noise at adjacent sensitive receptors (i.e., residential uses). Mandatory compliance for any future development with the City's regulations would ensure that 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?

The project is a GPA and conforming rezoning and would not result in any physical changes on the site; therefore, the proposed project alone would not generate vibration or ground borne noise.

The construction phase of a future redevelopment project on the site may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams, pile drivers) are used. Construction activities could include demolition, site preparation work, foundation work, and new building framing and finishing.

The nearest residences are located 40 and 140 feet to the northeast and northwest, respectively, from project boundary. Adjacent commercial uses are located approximately 65 feet west of the project site with others approximately 70 and 150 feet southwest and south of the site, respectively, across W. Julian Street. When heavy vibration-generating equipment are used along any shared property lines, vibration levels could potentially exceed 0.2 in/sec PPV. This could generate threshold or cosmetic damage at the surrounding buildings. A site-specific noise and vibration evaluation will be completed during the future project-level environmental process to determine the vibration potential of project construction. Due to the type of development permitted under the *Transit Residential* General Plan designation and zoning district, future operation of the redevelopment would not generate a substantial level of ground borne vibration or noise to the surrounding land uses. The future project will be required to meet all City Municipal Code requirements to reduce impacts to a less than significant level. **(Less than Significant Impact)**

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

The project is a GPA and conforming rezoning and would not include the actual construction of the project. The project site is outside the 65 dB noise contour for the Mineta San José International Airport and is not within the vicinity of a private airstrip. Therefore, future redevelopment allowed under the proposed GPA and conforming rezoning would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

Conclusion

The actual construction of the project may have significant impacts related to short-term construction noise and vibration. However, the proposed GPA and conforming rezoning would not result in physical impacts. The future incorporation of specific measures consistent with the General Plan, Municipal Code, and recommendations of the site-specific noise and vibration

analysis would reduce potential construction-related impacts to a less than significant level. **(Less than Significant Impact)**

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.

Pursuant to the California Building Code (CBC) and City policy, future redevelopment would implement the following standard measure to ensure the project does not result in a substantial noise exposure for future project residents from the surrounding environment.

- 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 ambient interior noise levels to 45 dBA DNL or lower and achieve the instantaneous noise objective of 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms 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.

Based on the General Plan noise and land use compatibility guidelines (shown in Table 4.13-1 above), residential development is "normally acceptable" in areas with ambient noise levels up to 60 dBA DNL and is "conditionally acceptable" in areas with noise levels up to 75 dBA DNL. The project site is suitable for future residential and commercial development and existing noise levels that future residents of the site would be exposed to would be acceptable with the incorporation of proper design treatments typical of new housing near major roadways.

4.14 POPULATION AND HOUSING

Environmental Setting

Based on information from the California Department of Finance, the City of San José population was estimated to be 1,049,187 in January 2020 and had an estimated total of 336,507 housing units with an average of 3.19 persons per household.[28] ABAG projects that the City's population will reach 1,377,145 with 472,000 households by 2040.[29]

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

Population and Housing Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
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)?	☐	☐	☒	☐	1-4
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1-4

Impacts Evaluation

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)?

[28] California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2020." Accessed June 7, 2022. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

[29] Association of Bay Area Governments. Available at http://projections.planbayarea.org/data Accessed June 7, 2022.

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

The proposed project is a GPA and a conforming rezoning to allow the future redevelopment of additional housing and commercial uses on the project site. The proposed GPA and conforming rezoning would allow up to an additional 92 residential units when compared to the existing General Plan land use designation. Based on the City's average 3.19 persons per household, the project would result in approximately 293 new residents that are not accounted for in the City of San José General Plan. This increase is not substantial given the overall population growth projected within San José. Future redevelopment allowed under the proposed project would be infill development and would not result in an expansion of urban services or infrastructure to expand beyond the City's existing Sphere of Influence because it is located in a highly urbanized portion of the City. The project would have a less than significant impact on population growth. **(Less than Significant Impact)**

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently occupied by a single-family home and about 2,800 sf of office commercial development. The proposed GPA and conforming rezoning would not include demolition of the existing developments on-site, including a single-family residence. Future redevelopment of the project site could replace the existing single-family residential unit on-site with up to 92 additional residential units when compared to the existing General Plan designation of the site. Therefore, future redevelopment of the site under the proposed GPA and conforming rezoning would not displace substantial numbers of existing people or housing or require the construction of replacement housing. The impact would be less than significant. **(Less than Significant Impact)**

Conclusion

Future redevelopment of the project site under the proposed GPA and conforming rezoning would have a less than significant impact on population and housing. **(Less than Significant Impact)**

4.15 PUBLIC SERVICES

Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the City of San José Fire Department (SJFD). The closest fire station to the project site is Station 7, located at 800 Emory Street about 0.73 miles northeast of the project site.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks: The nearest City of San José Park is Theodore Lenzen Park located approximately 925 feet northeast of the project site at 485 N. Morrison Ave. The park includes a playground and picnic areas.

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Library: The nearest library is the Rose Garden Branch Library located at 1580 Naglee Ave., approximately 0.94 miles west of the project site.

Schools: The project site is located within the boundaries of the San José Unified School District. Students in the project area attend Trace Elementary School at 651 Dana Ave. and Hoover Middle School at 1635 Park Ave. High school students attend Lincoln High School at 555 Dana Avenue.

Regulatory Framework

State

California Government Code Section 65996

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 issuance of a building permit. The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)].

The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act-California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the project are presented below.

ES-3.1 Provide rapid and timely Level of Service (LOS) 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 José's community.
5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

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

ES-3.11 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.

CD-5.5 Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Public Services Environmental Checklist

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Fire Protection?	☐	☐	☒	☐	1-4
b. Police Protection?	☐	☐	☒	☐	1-4
c. Schools?	☐	☐	☒	☐	1-4,13
d. Parks?	☐	☐	☒	☐	1-4
e. Other public facilities?	☐	☐	☒	☐	1-4

Impacts Evaluation

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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: The project is a GPA and conforming rezoning that would not result in the actual construction of a project on the site. Although the project site is currently developed with a residential building and an office commercial building, redevelopment of the site under the proposed project's General Plan and Zoning District could result in higher intensity uses which would require an incremental increase in the demand for fire protection services. The project site is currently served by the SJFD. While an incremental increase in demand may occur

under the future development of the site; that increase represents a small fraction of the total growth identified in the General Plan. Future redevelopment of the project site, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities because SJFD already provides services to the site. In addition, the future proposed project would be constructed in accordance with all current building and fire codes and be maintained in accordance with applicable City policies to promote public and property safety. **(Less than Significant Impact)**

b. Police Protection: The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Although the project site is currently developed with a residential building and an office commercial building, redevelopment of the site under the proposed project's General Plan and Zoning District could result in higher intensity uses which would require an incremental increase in the demand for police protection services. The project site is currently served by the SJPD. While an incremental increase in demand may occur under the future development of the site; that increase represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the future project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. **(Less than Significant Impact)**

c. Schools: The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Although the project site is currently developed with a residential building and an office commercial building, redevelopment of the site under the proposed project's General Plan and Zoning District could result in higher intensity uses which would have an incremental increase in student demand on school services. The project site is located within the boundaries of the San José Unified School District. According to data available from San José Unified School District, cumulative school enrollment has been decreasing over the past few years.[30] Therefore, it is not anticipated that the addition student population generated by an additional 92 residential units would require the construction of new schools.

In accordance with California Government Code Section 65996, future development made possible by the project would be required to pay a school impact fee to the local school districts 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. Parks: The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Future redevelopment of the project site could result in 92

[30] http://www.ed-data.org/district/Santa-Clara/San-Jose-Unified. Cumulative Enrollment. Accessed June 7, 2022.

additional residential units that would place demand on local parks. The City of San José has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), which require residential developers to dedicate public parkland or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. Future developments would be subject to the requirements of the PDO and PIO. As a result, the proposed project would have a less than significant impact on park facilities. **(Less than Significant Impact)**

e. Other Public Services: The project would slightly increase the demand for other public services, including library services because it would allow additional residential development when compared to the existing General Plan designation of the site. The additional 92 residential units (293 residents) would not increase the demand such that additional libraries would need to be constructed. In addition, future redevelopment under 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. **(Less than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Any future redevelopment of the proposed project site would have a less than significant impact on public services. **(Less than Significant Impact)**

4.16 RECREATION

Environmental Setting

The City of San José owns and maintains approximately 3,536 acres of parkland, including neighborhood parks, community parks, and regional parks. The City has 48 community centers, 18 community gardens, and six pool facilities. Other recreational facilities include seven skate parks and over 61 miles of 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 is Theodore Lenzen Park located 925 feet northeast of the project site at the corner of Lenzen Ave. and Stockton Ave. The park includes a playground and picnic facilities.

Regulatory Framework

Quimby Act-California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José enacted the Parkland Dedication Ordinance (PDO)[31] (Municipal Code Chapter 19.38) in 1988 to help meet the demand for new neighborhood and community parkland generated by the development of new residential subdivisions. In 1992, the City Council adopted the Park Impact Ordinance (PIO)[32], which is similar to the PDO, but applies to new non-subdivided residential projects such as apartment buildings. These ordinances are consistent with provisions of the California Quimby Act (GC § 66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

Consistent with these ordinances, housing developers are required to dedicate land, improve parkland, pay a parkland fee in lieu of land dedication, or a provide combination of these for neighborhood and community parks under the PDO and PIO. Pursuant to these ordinances, a residential project's parkland obligation under the PDO and PIO is equivalent in value or property to three acres for every 1,000 new residents added by the housing development. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or pay a fee in-lieu of land dedication. For projects 50 units or less, the project shall only be required to pay a fee in-lieu of land dedication.

[31] City of San José Municipal Code Title 19.38
[32] City of San José Municipal Code Title 14.25

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to recreation and applicable to future development under the proposed project.

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

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

PR-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.

PR-2.5 Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Recreation Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. 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?	☐	☐	☒	☐	1-4,18
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1-4

Impacts Evaluation

a. 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?

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Future construction on the site would allow up to 92 additional residential units and 5,000 sf of commercial uses to be developed on the project site when compared to the

existing General Plan designation. Therefore, it would generate additional population in the City and would therefore, slightly increase the use of some existing City parks. As discussed in *Section 4.15 Public Services*, future redevelopment would be required to comply with the City's PDO/PIO 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. 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), future redevelopment would comply with the City's PDO/PIO to offset its park and recreation demand. If PDO/PIO fees are used to construct new or expanded recreation facilities, those facilities would be subject to CEQA when proposed. **(Less than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any physical changes or construction that could affect recreational facilities. Future redevelopment of the project site would not result in any impacts to recreational facilities in the City. **(Less than Significant Impact)**

4.17 TRANSPORTATION

This section is based on a Long-range Transportation Analysis (LTA) that was completed for the 2022 General Plan Amendments in September 2022 by *Hexagon Transportation Consultants*, Inc. A copy of that report is attached as Appendix B to this Initial Study.[33]

Environmental Setting

Existing Access and Roadway Network

Vehicle access to the site is from W. Julian St. and N. Morrison Ave. via a driveway with parking under a portion of the existing office building (Photo 3). The existing residence has a driveway off of N. Morrison Ave. (Photo 7).

As shown on Figure 3, regional access to the project site is provided mainly by Interstate 880 to the north. Local access to the project site is provided via W. Julian St., The Alameda, Stockton Ave., and N. Morrison Ave. These facilities are described below. For streets with no posted speed limits, 25 mph was assumed.

Interstate 880 is a six- to eight-lane freeway that extends from Interstate 280/State Highway 17 in San José to Interstates 80 and 580 in Oakland. Interstate 880 provides access to the project site via interchanges at The Alameda and Coleman Ave.

The Alameda/Santa Clara Street is a four-lane roadway that runs in a generally east-west direction in San José from its interchange with Interstate 880 in the west to Stockton Avenue in the east, where it transitions into Santa Clara Street. The Alameda/Santa Clara Street includes sidewalks on both sides of the street and has a posted speed limit of 35 mph near the project site. On-street parking is permitted on both sides of the street. The Alameda/Santa Clara Street provides access to the project site via W. Julian St.

Stockton Avenue is a two-lane roadway that runs in a north-south direction. Stockton Avenue extends northward, where it transitions to Emory Street and southward to The Alameda, where it transitions to White Street. Stockton Avenue has sidewalks on both sides of the street and has a posted speed limit of 30 mph. On-street parking is permitted, and bike lanes are located on both sides of the street. Stockton Avenue provides access to the project site via W. Julian Street.

W. Julian Street is a two- to four-lane roadway that runs in an east-west direction. W. Julian Street extends from The Alameda to U.S. 101, transitioning to E. Julian Street at N. Market

[33] As stated on page 9 of the LTA, the project proposes to change the existing GP land use designation from *MUC* to *TR*. However, the LTA assumed the proposed change would result in 58 additional households rather than the 92 evaluated in this Initial Study. According to Robert Del Rio, Vice President and Traffic Engineer at Hexagon (email communication, October 24, 2022), this discrepancy is not significant, and the proposed project would also not result in an increase of more than 250 peak-hour trips to be generated by the project. Therefore, the analysis in this section of the Initial Study and the LTA accurately reflects project conditions.

Street in Downtown San José. In most locations, W. Julian St. includes sidewalks on both sides of the street and has a posted speed limit of 30 mph near the project site. On-street parking is permitted on both sides of the street west of Stockton Ave. and on the north side of the street between N. Montgomery Street and N. Autumn Street. Bike lanes are provided on W. Julian Street between The Alameda and Stockton Avenue. Julian Street provides access to the project site via The Alameda and many connector streets east of the site.

N. Morrison Avenue is a two-lane residential street that extends from Cinnabar St. north of the project site to just north of Pacific Avenue in the south. Sidewalks and on-street parking are located on the narrow street; however, formal bike lanes are not provided along much of the street. In the vicinity of the project site, the roadway is wider and a bike rental station is located on the west side of the street adjacent to the project site (Photo 5).

Existing Pedestrian Facilities

A complete network of sidewalks is present along the streets in the vicinity of the project site, including W. Julian Street, The Alameda, Stockton Ave., and N. Morrison Ave. Marked crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with safe routes in the vicinity of the project site.

Existing Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site, including on-street (Class II) facilities on W. Julian St., Stockton Ave., and The Alameda. A bike rental facility is located on the west side of N. Morrison Ave., adjacent to the project site.

Existing Transit Services

Existing Transit Services Existing transit services in the project area are provided by the Valley Transportation Agency (VTA). The project site is primarily served by VTA bus routes 22, 64A, 64B, 522, and 522 Rapid. The nearest bus stops to the project site are located at The Alameda and W. Julian St. and The Alameda and Hanchett Ave. intersections, approximately 900 feet west of the project site. Headways range between 15 and 30 minutes and weekday hours of operation are between 4:35 am and 12:35 am. The San José Diridon Station is located approximately 0.4-miles from the project site, and provides connections to Caltrain, Amtrak, Altamont Corridor Express (ACE), Santa Cruz Metro, and Monterey-Salinas Transit.

Regulatory Framework

State

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743.

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

Regional

Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy and the most recently adopted *Regional Transportation Plan* (2040).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant State legislation requires that all urbanized counties in California prepare a CMP 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 investment element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

City of San José

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) 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. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to, or less than, existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend 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 long range VMT impact.

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

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the project are presented below.

TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

TR-1.4 Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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

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

TR-5.3 The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

TR-8.4 Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

TR-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.

Impact Discussion

Analysis Methodology

GPAs in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan (2040). The purpose of the GP traffic analysis is to assess the long-range impacts of all of the proposed 2022 amendments on the citywide transportation system. The results of the analysis for the proposed land use adjustments are compared to the results of the adopted GP to determine if the proposed 2022 GPAs would result in any new or substantially more severe transportation impacts than those already analyzed for the adopted GP.

There are two types of GPA transportation analyses: 1) a site-specific long-range transportation analysis for individual GPAs that exceed the long-range transportation screening criteria outlined in Table 4.17-1, below; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle.

As shown in Table 4.17-1, the proposed project does not require a site-specific analysis because the site is located in central San José (considered to be in the "Remainder of the City") and would result in up to 92 additional residential units and 2,200 square feet of additional commercial/retail space when compared to the existing *MUC* GP land use designation of the

site. Therefore, the project does not trigger a site-specific analysis because the expansion of residential use is under 250 units and would not change the total number of jobs and households city-wide. The future redevelopment of the site would require a site-specific, near-term transportation analysis in conjunction with any future development permit applications.

Location of Amendment	**Table 4.17-1: Maximum Allowable PM Peak-Hour Vehicle Trips**			
	Expansion of Residential Use[1]	Conversion from Residential to Non-Residential Use[2]	Conversion from Non-Residential to Residential Use[2]	Expansion of Non-Residential Use[1]
North San José	1,000	0	500	50
Evergreen	15	600	0	300
South San José	50	600	0	300
Remainder of the City	250	250	250	250

Notes:

[1] The screening criteria for a proposed expansion of the same land use are measured in the net new PM peak hour vehicle trips.

[2]The screening criteria for a proposed land use conversion are measured in total PM peak hour vehicle-trips generated by the proposed use.

Source: City of San José *Transportation Analysis Handbook,* April 2018.

In 2011, the City certified the *Envision San José 2040 General Plan Final Environmental Impact Report* (General Plan FEIR) and adopted the *Envision San José 2040 General Plan* (General Plan). The General Plan FEIR and supporting Transportation Impact Analysis (TIA) identified programmatic long-range transportation impacts based on planned land uses and the planned transportation system within the City projected to the horizon of the General Plan in year 2035.

In 2016, a subsequent TIA was prepared for the *General Plan Four-Year Review* that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The *General Plan Four-Year Review* TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of GPAs considered for approval during and after the Four-Year Review.

In 2017, the Santa Clara Valley Transportation Authority (VTA) published the BART Phase II EIR that included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the transportation analysis in the *Downtown Strategy 2040 EIR*, which evaluated an increase of 4,000 households and 10,000 jobs in Downtown San José by transferring General Plan growth capacity from other areas within the City. Once again, the model was validated with current traffic data to update the existing transportation conditions.

The cumulative long-range transportation impacts of the proposed 2022 GPAs were evaluated in the Long-range Transportation Analysis prepared by *Hexagon Transportation Consultants*, Inc. located in Appendix B of this Initial Study. This analysis evaluated the cumulative impacts of the six privately-initiated GPAs in the 2022 GPA cycle.

Each of the proposed GPAs would result in changes to the assumed number of households and/or jobs on each site when compared to the current General Plan land use and intensity assumptions for each site in the TIA for the General Plan FEIR and the General Plan Four-Year Review TIA. Like the analysis in the General Plan FEIR and subsequent Four-Year Review, the 2022 GPA TIA assumed development in either the middle range of the density allowed under each proposed General Plan land use designation or assumed a density consistent with the density of surrounding development with a similar land use designation. The City uses the middle range or typical range based on surrounding development densities, as opposed to the maximum intensities potentially allowed under each proposed General Plan land use designations, because build out under the maximum density allowed for all General Plan land designations would exceed the total citywide planned growth capacity allocated in the General Plan.

Furthermore, maximum build-out at the highest end of the density range does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, Federal Aviation Administration regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code Title 20 (Zoning), market conditions, and other factors.

The results of the analysis for the proposed GPAs are then compared to the results of the 2017 updated General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed 2022 GPAs would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as amended by the City Council in December 2017. Four of the six proposed GPAs would result in increases in the total number of households and jobs on each site when compared to those adopted per the Envision San José 2040 General Plan for each site. However, none of the proposed GPAs would change the total number of jobs and households citywide that were assumed with buildout of the Envision San José 2040 General Plan.

The analysis consists of land use changes to the current adopted General Plan land uses. The analysis does not propose any changes to the citywide transportation system. The GPA long-range analysis focuses on the potential changes on the citywide transportation system in the horizon year of the *Envision San José 2040 General Plan* when the capacities for housing and jobs are fully developed. The analysis includes evaluation of increased vehicle miles traveled, increased traffic volume on specified roadway segments, impacts to travel speeds on transit priority corridors, and impacts to pedestrian, bicycle, and transit facilities. Impacts are evaluated based on the same Measures of Effectiveness (MOEs) and significance criteria utilized in the Envision San José 2040 General Plan TIA. Traffic conditions were evaluated for the following traffic scenarios using the City's Travel Demand Forecasting (TDF) model:

- **Projected Year 2015 Conditions**: The Projected Year 2015 Conditions represent a projection of transportation conditions in 2015 using the City's GP TDF model. The roadway network also reflects the Year 2015 roadway network and transportation system.
- **Current 2040 General Plan Conditions:** Future traffic due to the current GP land uses (i.e., including the adopted GP Four-Year Review Land Use adjustments and adopted 2021 GP Amendments) is added to regional growth that can be reasonably expected to occur by 2040. Current 2040 GP conditions include the current roadway network as well as all transportation system improvements as identified in the current GP.
- **Cumulative 2040 General Plan plus Cumulative GPA Conditions:** Current 2040 GP conditions with the proposed land use amendments at all six proposed GPA sites. Transportation conditions for the Cumulative 2040 GP plus Cumulative GPA conditions were evaluated relative to the currently adopted 2040 GP Conditions to determine any long-range transportation impacts.
- **Proposed 2040 General Plan Amendment Conditions**: Current 2040 General Plan conditions with the proposed land use amendments at each of the proposed GPA sites for which a site-specific analysis is required. Transportation conditions for the Proposed 2040 GPA conditions were evaluated relative to the currently adopted 2040 General Plan Conditions to determine any long-range traffic impacts.

Thresholds of Significance

The City of San José adopted policies and goals in General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from existing (year 2015) conditions. To meet these goals by the GP horizon year and to satisfy CEQA requirements, the City developed a set of MOEs and associated significance thresholds to evaluate long-range transportation impacts resulting from land use adjustments.

Table 4.17-2 summarizes the significance thresholds associated with vehicular modes of transportation as defined in the City of San José *Transportation Analysis Handbook* (Thresholds

of Significance for General Plan Amendments, Table 11) for the evaluation of long-range traffic impacts resulting from proposed land use adjustments and used in this analysis.

In addition to the MOEs in Table 4.17-2, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. A significant long-range transportation impact would occur if the adjustments would:

- Disrupt existing, or interfere with, planned transit services or facilities;
- Disrupt existing, or interfere with, planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;
- Disrupt existing, or interfere with, planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.

Table 4.17-2: MOE Significance Thresholds

MOE	Citywide Threshold
VMT/Service Population	Any increase over current 2040 General Plan conditions
Mode Share (Drive Alone %)	Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25% or more, or 2. The average speed drops by 1 mph or more for the transit corridor with average speed below 15 mph under current 2040 General Plan conditions.

Source: *City of San José Transportation Analysis Handbook*, April 2018

Transportation Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐	1,19
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐	1,8,19
c.Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	1,19
d. Result in inadequate emergency access?	☐	☐	☒	☐	1,19

Impacts Evaluation

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

Consistency with General Plan Transportation Policies

Based on the results of the long-range transportation analysis, the proposed GPA would result in a net AM peak-hour trip increase of five trips, and a net PM peak-hour trip increase of five trips, as shown in Table 4.17-3. Project related trip increases over existing levels are below the 250 peak-hour trip threshold for both the AM and PM peak hours. As described in the City's GPA Traffic Analysis, the project would not result in a substantial net increase of peak-hour trips. For this reason, a project-specific General Plan Amendment traffic analysis is not required. **(Less than Significant Impact)**

Table 4.17-3: Changes in Households, Jobs, and Peak-Hour Trips							
2040 General Plan (Baseline)[1]		Proposed GPAs[2]		Net Land Use Change		Net Peak-Hour Trip Change	
Total Number of Households	Total Number of Jobs	Total Number of Households	Total Number of Jobs	Total Number of Households	Total Number of Jobs	Total Number of Households	Total Number of Jobs
945	1,135	1,002	1,135	58	0	36	48

[1] Total number of households and jobs under the adopted Envision San José 2040 General Plan (GP). The buildout of the 2040 GP represents baseline conditions.
[2] Total number of households and jobs as proposed by the GP Amendments.
Source: Hexagon Transportation Consultants. City of San José 2021 General Plan Amendments Long-Range Transportation Analysis. September 9, 2022.

Impacts on Transit, Bicycle, and Pedestrian Circulation

The project would result in the project site having a General Plan land use designation and zoning that permits residential mixed-use development. Future development made possible by the project would not remove or inhibit access to any existing or planned transit, bicycle, or pedestrian facilities. Future residential mixed-use development under the project would be located in an existing residential community in closed proximity to commercial uses, with access to pedestrian, bicycle, and transit facilities. Any roadway improvements to provide access to the site or otherwise modify the surrounding circulation system would be subject to review by the City. As required by the City's Transportation Analysis Policy, future development under the project is required to implement the below measure:

- An LTA shall be prepared in conjunction with any future development permit applications at the project site. The City shall review future designs for vehicle, bicycle, and pedestrian access, and access to public transportation for consistency with General Plan policies and relevant Residential Design Guidelines at the permit phase.

The proposed project is a GPA and conforming rezoning and does not include a specific development which could directly conflict with any plan, ordinance, or policy addressing the circulation system. **(Less than Significant Impact)**

b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The project would result in the project site having a General Plan land use designation and zoning that permits residential mixed-use development. GPAs in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year represents the year that development anticipated in the General Plan is built out.

There is currently no development proposal on file with the City, therefore a site-specific long-range analysis is not required at this time. Future residential mixed-use projects would require a project specific VMT analysis to determine level of significance using the VMT metric. The VMT analysis would be required at the time a development permit is proposed for the project site.

As described above, the City has prepared a cumulative long-range transportation analysis of all proposed GPAs in the 2022 cycle. The proposed GPA was bundled with all of the other GPAs proposed during the current year's GPA cycle in the preparation of the analysis, which was conducted by the City's Transportation Department. The results of that analysis, discussed below, show that the proposed GPA would not make a cumulatively considerable contribution to a significant cumulative VMT impact in the City. **(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)?

The proposed project would only change the land use/transportation diagram from *Mixed-Use Commercial* to *Transit Residential* and rezone the site to Transit Residential to be consistent with the proposed GPA. The project would not result in any direct physical changes to the environment; however, any future redevelopment of the site could in physical changes to the environment. The City would review future plans for redevelopment of the project site for consistency with City's General Plan policies and applicable design guidelines at the Planning permit phase to ensure that hazards due to a design feature would not occur. The project would result in the project site having a GP land use designation and zoning that permits residential mixed-use development.

Future development that could occur under the project would result in a land use consistent with the surrounding land uses. Future development, including driveway cut, drive aisle and parking area configurations, would be designed to City standards to avoid design hazards. The proposed project is a GPA and conforming rezoning and does not include a specific development which could directly increase hazards. Therefore, the proposed project would not substantially increase transportation hazards. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

As discussed above, the project would only change the land use transportation designation of the site from *MUC* to *TR* and rezone the site to *TR* for consistency with the proposed GPA. Future development would be reviewed for consistency with the City's General Plan policies by the San José Fire Department and the Department of Public Works to ensure adequate emergency access. The project would result in the project site having a General Plan land use designation and zoning that permits residential mixed-use development. As standard practice, future development allowed under the project would be reviewed by the San José Fire Department and Department of Public Works to ensure adequate emergency access. The

proposed project is a GPA and conforming rezoning and does not include a specific development which could directly impact emergency access. **(Less than Significant Impact)**

Conclusion

The proposed GPA and conforming rezoning would not result in transportation impacts. Future redevelopment of the project site under the proposed GPA and conforming rezoning would have a less than significant long-range transportation impact**.** Any future redevelopment proposals would be required to complete a Local Transportation Analysis to determine any potential project-specific impacts. **(Less than Significant Impact)**

Cumulative Impacts

The long-range cumulative traffic impacts resulting from the proposed 2022 GPAs were determined based on the MOEs significance thresholds for vehicle modes of travel and the impact criteria for transit, bicycle and pedestrian described in Chapter 3 of the Hexagon report (Appendix B). The results of the GPA long-range analysis are summarized below.

Vehicle Miles Traveled Per Service Population

The San José General Plan TDF model was used to project daily VMT per service population, where service population is defined as the number of residents plus the number of employees citywide. This approach focuses on the VMT generated by new population and employment growth. VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles.

As shown in Table 4.17-4, below, the citywide daily VMT would decrease slightly but the VMT per service population would remain unchanged due to the proposed land use amendments when compared to the current General Plan. The reduction in citywide daily VMT is due to (1) the total number of jobs and households would not change citywide as a result of the GPAs (only shifting of households and jobs would occur) and (2) the addition of households to areas with more jobs and transit options. Therefore, cumulatively, the proposed 2022 GPAs would result in a less than significant impact on citywide daily VMT per service population. Vehicle trips citywide would be reduced due to the reallocation of jobs and housing within and surrounding the downtown area which provides for greater opportunities for multi-modal travel. The availability of current and planned transit, bicycle, and pedestrian facilities in the area of the GPA sites will result in an increase in trips made by transit and other non-vehicular modes.

Table 4.17-4: Daily Vehicle Miles Traveled Per Service Population			
Mode	**Base Year (2015)**	**2040 General Plan (Baseline)**	**2040 General Plan Plus GPAs**
Citywide Daily VMT	17,505,088	27,674,301	27,673,481
Citywide Service Population	1,392,946	2,054,758	2,054,758
Total Households	319,870	429,350	429,350
Total Residents	1,016,043	1,303,108	1,303,108
Total Jobs	376,903	751,650	751,650
Daily VMT Per Service Population	12.57	13.47	13.47
Increase in VMT/Service Population Over General Plan Conditions			**00.00**
Significant Impact?			**No**
Source: Hexagon Transportation Consultants. City of San José 2021 General Plan Amendments Long-Range Transportation Analysis. September 9, 2022.			

Findings: Compared to the current General Plan, the proposed land use adjustments would not result in an increase in citywide VMT per service population. Therefore, cumulatively, the proposed 2022 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-auto modes of travel.

Journey-to-Work Mode Share

The San José General Plan TDF model was used to calculate citywide journey-to-work mode share percentages. Journey-to-work mode share is the distribution of all daily work trips by travel mode, including drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, most of the work trips occur during typical peak commute periods (6:00 – 10:00 AM and 3:00 – 7:00 PM).

As defined in the City of San José Transportation Analysis Handbook, any increase in the journey-to-work drive alone mode share percentage over the current General Plan conditions due to the proposed land use amendments is considered a significant impact. Table 4.17-5, below, summarizes the citywide journey-to-work mode share analysis results. When compared to the current Envision San José 2040 General Plan, the percentage of journey-to-work drive alone trips would decrease slightly and the percentage of transit and bike trips would increase slightly as a result of the proposed 2022 GPAs.

Table 4.17-5: Journey-to-Work Mode Share						
Mode	Base Year (2015)		2040 General Plan (Baseline)		2040 General Plan Plus GPAs	
	Trips	%	Trips	%	Trips	%
Drive Alone	753,264	76.69	1,091,325	71.65	1,091,414	71.65
Carpool 2	85,496	9.04	137,868	9.05	137,879	9.05
Carpool 3+	28,526	3.02	54,530	3.58	54,499	3.58
Transit	48,181	5.10	184,914	12.07	183,836	12.07
Bicycle	14,120	1.49	26,089	1.71	26,088	1.71
Walk	15,666	1.66	29,460	1.94	29,458	1.94
Increase in Drive Alone Percentage over General Plan Conditions						**-0.00**
Significant Impact?						**No**
Source: Hexagon Transportation Consultants. City of San José 2021 General Plan Amendments Long-Range Transportation Analysis. September 9, 2022.						

Findings: The proposed land use adjustments will not result in an increase of drive alone trips when compared to the current General Plan conditions. Therefore, cumulatively, the proposed 2022 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

Average Vehicle Speeds in Transit Priority Corridors

The San José General Plan TDF model was used to calculate the average vehicle travel speeds during the AM peak hour for the City's 14 transit corridors that were evaluated in the Envision San José 2040 General Plan TIA. A transit corridor is a segment of roadway identified as a Grand Boulevard in the Envision San José 2040 General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA's LRT, BRT, local buses, and other public transit vehicles.

The travel speeds are calculated by dividing the segment distance by the vehicle travel time. As defined in the City of San José Transportation Analysis Handbook (Thresholds of Significance for General Plan Amendments, Table 11), land use amendments that result in a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 miles per hour (mph) or decreases by 25 percent (%) or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current GP conditions is considered a significant impact.

Table 4.17-6 presents the average vehicle speeds on the City's 14 transit priority corridors (i.e., Grand Boulevard segments) during the AM peak-hour of traffic. When compared to travel speeds under current General Plan conditions, the change in traffic resulting from the proposed land use amendments would have minimal effect on the travel speeds in the transit corridors. The TDF model estimates a decrease in travel speeds of 0.1 mph or less (or a change of 0.4% or less) on one corridor due to the proposed GPAs. Travel speeds on the remaining corridors

would improve slightly or remain unchanged when compared to the current General Plan. Therefore, cumulatively, the proposed 2022 GPAs would result in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

Table 4.17-6: AM Peak-Hour Vehicle Speeds (mph) for San José Transit Priority Corridors

Transit Priority Corridor	Base Year (2015)	2040 General Plan (Baseline)	2040 General Plan GPAs		
	Speed (mph)	Speed (mph)	Speed (mph)	% Change	Absolute Change
2nd Street from San Carlos Street to St. James Street	16.6	15.3	15.3	0.0%	0.0
Alum Rock Avenue from Capital Avenue to US 101	21.3	16.5	16.5	0.0%	0.0
Camden Avenue from SR17 to Meridian Avenue	23.1	16.4	16.4	0.0%	0.0
Capitol Avenue from South Milpitas Boulevard to Capitol Expressway	27.1	22.5	22.5	0.0%	0.0
Capitol Expressway from Capital Avenue to Meridian Avenue	33.0	26.7	26.6	0.0%	0.0
East Santa Clara Street from US 101 to Delmas Avenue	20.4	15.8	15.9	0.6%	0.1
Meridian Avenue from Park Avenue to Blossom Hill Road	24.9	20.0	20.0	0.0%	0.0
Monterey Road from Keyes Street to Metcalf Road	27.4	19.5	19.6	0.5%	0.1
North 1st Street from SR 237 to Keyes Street	21.3	13.7	13.7	0.0%	0.0
San Carlos Street from Bascom Avenue to SR 87	24.8	19.8	19.9	0.5%	0.1
Stevens Creek Boulevard from Bascom Avenue to Tantau Avenue	24.3	18.8	18.8	0.0%	0.0
Tasman Drive from Lick Mill Boulevard to McCarthy Boulevard	22.7	13.9	13.9	0.0%	0.0
The Alameda from Alameda Way to Delmas Avenue	20.5	13.9	13.9	0.0%	0.0
West San Carlos Street from SR 87 to 2nd Street	20.0	18.7	18.7	0.0%	0.0

Source: Hexagon Transportation Consultants. City of San José 2021 General Plan Amendments Long-Range Transportation Analysis. September 9, 2022.

Findings: The proposed land use adjustments would not result in a decrease in travel speeds greater than 1 mph or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the proposed 2022 GPAs would result

in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

Impacts on Transit, Bicycle, and Pedestrian Circulation

Transit Services or Facilities

Planned transit services and facilities include additional rail service via the future Bay Area Rapid Transit (BART) extension, light rail transit (LRT) extensions, new bus rapid transit (BRT) services, and the proposed California High Speed Rail (HSR) project. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would result in an adverse effect on existing or planned transit facilities. Therefore, the proposed 2022 GPA's land use adjustments would not substantially disrupt existing or interfere with planned transit services or facilities.

Bicycle Facilities

The adopted Envision San José 2040 GP supports the goals outlined in the City's Better Bike Plan 2025 and contains policies to encourage bicycle trips (Policies TR-1.1, TR-1.2,TR-1.4 through TR-1.9, TR 2.1 through TR 2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 thorughTR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12). The proposed GPA land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned bicycle facilities. Therefore, the proposed 2022 GPA land use adjustments would not substantially disrupt existing or interfere with planned bicycle facilities; conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards; and provide insecure and unsafe bicycle parking in adequate proportion to anticipated demand.

Pedestrian Facilities

The adopted Envision San José 2040 GP contains goals and policies (Policies TR-1.1, TR-1.2,TR-1.4 through TR-1.9, TR-2.1 through TR-2.11, TR-7.1, TN-1.1 through TN-1.5, TN-2.1 through TN-2.7, and TN-3.1 through 3.6; Implementing Actions TR-1.12 through TR-1.15, TR-2.12 through TR-2.21, TR-7.2, TR-7.3, TN-1.6, TN-2.8 through 2.10, and TN-3.7; Performance Measures TN-2.11, TN-2.12) to improve pedestrian walking environment, increase pedestrian safety, and create a land use context to support non-motorized travel. The proposed GPAs land use adjustments would not result in a change to the existing and planned roadway network that would affect existing or planned pedestrian facilities. Therefore, the proposed 2022 GPAs land use adjustments would not substantially disrupt existing or interfere with planned pedestrian facilities; create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards; and provide accessible pedestrian facilities that would not meet current ADA best practice.

4.18 UTILITIES AND SERVICE SYSTEMS

Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José. There is an existing 6" VCP sanitary sewer main along W. Julian Street and a 21" VCP sanitary sewer main along N. Morrison Avenue to which the project can connect.
- Water Service: San José Water Company
- Storm Drainage: City of San José
- Solid Waste: Waste Management
- Electricity: San José Clean Energy
- Natural Gas: PG&E

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. San José Water Company adopted its most recent 2015 UWMP in June 2016.[34]

Assembly Bill (AB) 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Assembly Bill 341

Assembly Bill 341 (AB 341) sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic

[34] San José Water Company UWMP, https://www.sanjoseca.gov/home/showdocument?id=422, accessed April 1, 2020.

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 of 50 percent reduction in organic waste disposed by the year 2020."

Senate Bill 1383

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 not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

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

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce 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 (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Green Vision

The City's Green Vision provides a comprehensive approach to achieving sustainability through technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José facilitate a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013, which has been achieved, and zero waste by 2022.

San José Construction & Demolition Diversion Program

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

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

Private Sector Green Building Policy

The City of San José Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects, and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

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

MS-3.2 Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

IN-3.3 Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

IN-3.5 Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.

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

IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Utilities and Service Systems Environmental Checklist

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	1-4
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐	1-4
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1-4
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?	☐	☐	☒	☐	1-4
e.Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1-4

Impacts Evaluation

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

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. The City of San José owns and maintains the sanitary sewer and storm drain system in the project area. These lines would serve the proposed project site. The proposed General Plan land use designation and zoning would allow up to 92 additional residential units and 5,000 sf of commercial development to be developed on the site in excess of what is currently allowed. Future redevelopment of the project site would connect to existing water, wastewater, and other utility lines in the vicinity of the site. No new or expanded utility infrastructure is required, as described in more detail below.

As described in *Section F. Energy*, the project would have a less than significant impact related to natural gas and electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of the project.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. There are existing storm drain lines and manholes within W. Julian St. and N. Morrison Ave. that will serve the proposed project site. While the project would increase the amount of impervious surfaces on the site, the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

For the reasons presented above and below in sections b-e, below, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The project is a GPA and conforming rezoning which could allow for the future redevelopment of the project site. The project site is currently developed with residential and commercial uses with existing lateral lines. These laterals may need to be increased and/or improved; however, such improvements would not cause significant environmental effects. **(Less than Significant Impact)**

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

San José Water Company provides water to the project area. Their most recent Urban Water Management Plan (adopted in July 2016 by the Company Board of Directors) 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.

The proposed project would be consistent with the growth forecasted in the General Plan and analyzed in the 2016 UWMP, as residential growth capacity would not increase as a result of the project but would be redistributed from other areas of the City to the project site as part of the City's General Plan Amendment process.

The proposed GPA and conforming rezoning would permit an additional 92 residential units and 5,000 sf of commercial development in the future compared to the existing condition. This would result in an insignificant increase in estimated water demand when compared to water demand in the City. Therefore, the proposed project would not result in a significant impact to water supplies. Further, the future project would be required to implement the City of San José's Private Development Green building code standards which employ water conservation measures. **(Less than Significant Impact)**

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

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. While no specific redevelopment project has been designed, the future project could be the redevelopment of the existing commercial and residential development, consistent with the proposed GPA and conforming rezoning for the site. Wastewater in the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan FPEIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

Development allowed under the existing General Plan would not exceed the City's allocated capacity at the RWF. Any future redevelopment of the site would result in a slight increase in the amount of water used in the City; therefore, the future redevelopment of the project would have a less than significant impact on wastewater treatment capacity. **(Less than Significant Impact)**

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

While the proposed project does not include physical changes to the environment, future redevelopment allowed under the proposed GPA and conforming rezoning could generate additional solid waste compared to that of existing commercial and residential uses on the site. The City's General Plan FPEIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The increase in solid waste generation from redevelopment of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022.

The Waste Strategic Plan in combination with existing regulations and programs, would ensure that full buildout of the General Plan would not result in significant impacts on solid waste generation, disposal capacity or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste, the project would comply with all federal, state, and local statutes and regulations related to solid waste.

The 2040 General Plan FPEIR concluded that the increase in waste at buildout of the General Plan would not exceed existing landfill capacity. The proposed project is consistent with the development assumptions in the General Plan and would have a less than significant impact on landfill capacity. Future proposed project design would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal. **(Less than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. The future redevelopment of the project site would have a less than significant impact on utilities and service systems. **(Less than Significant Impact)**

4.19 WILDFIRE

Environmental Setting

The project site is located in a highly urbanized area of San José surrounded by commercial, office, industrial, and residential development. It is not located within a Very-High Fire Hazard Severity Zone for wildland fires, as designated by the California Department of Forestry and Fire Protection.[35]

Regulatory Framework

State

Public Resources Code 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per California Building Code Chapter 7A and California Residential Code (CRC) Section R337. The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies. Building Permit Plans are also to be approved by the SJFD.

[35] MTC/ABAG Resilience. Hazard Viewer Maps for Wildfire Severity Zones. Accessed at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8 on June 8, 2022.

Wildfire Environmental Checklist

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,20
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?	☐	☐	☐	☒	1,20
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?	☐	☐	☐	☒	1,20
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?	☐	☐	☐	☒	1,20

Impacts Evaluation

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, any future mixed-use development allowed by the proposed GPA and conforming rezoning would not result in wildfire impacts. **(No Impact)**

4.20 MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	1-21
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐	1-21
c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-21

Impacts Evaluation

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

As discussed in the individual resource sections, the proposed project is a GPA and conforming rezoning and would not result in any physical changes or construction. Approval of the proposed project could allow the future redevelopment of the site; however, the project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and conformance with General Plan policies. The project is a GPA and

conforming rezoning to allow an additional 92 residential units and up to 5,000 square feet of commercial development on the project site when compared to the existing General Plan Land Use Designation on the site. Physical impacts would not occur as a result of this action. Physical impacts would only occur at the time a specific development project is proposed. These physical impacts will be evaluated in subsequent environmental review at the time final design is commenced.

As discussed in *Section 4.3 Air Quality*, the proposed project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitats or species. With implementation of the identified Standard Permit Conditions, the project would not impact nesting raptors or migratory birds and all trees removed would be replaced per City standards. The proposed project is consistent with the activity described in Section 2.3.2 of the SCVHP and would require discretionary approval by the City. The project would be subject to all applicable SCVHP conditions and fees prior to the issuance of any grading permits.

Earthmoving activities on-site may result in the loss of unknown subsurface cultural resources. Implementation of the identified Standard Permit Conditions in *Section 4.5 Cultural Resources* would avoid or reduce future potential impacts to cultural resources to a less than significant level. The project would also implement the identified Standard Permit Conditions listed in *Section 4.7 Geology and Soils* to reduce construction-related erosion impacts.

With implementation of Standard Permit Conditions identified in *Section 4.9 Hazards and Hazardous Materials*, the proposed project from potential ACMs and lead-based paint related to building demolition. Standard Permit Conditions are also included in the project to reduce the potential to affect water quality during construction as identified in *Section 4.18 Hydrology and Water Quality*.

As discussed in *Section 4.13 Noise and Vibration*, future redevelopment of the project would require preparation of a site- and project-specific noise analysis at the time subsequent project-level environmental review is completed. The analysis will identify all required Standard Permit Conditions and any other mitigation measures to reduce construction noise and vibration levels at the nearby residential and commercial uses. Future mitigation measures, if required, will also be identified in the analysis to reduce construction-related groundborne vibration impacts to the adjacent industrial buildings to the west. A site-specific Local Transportation Analysis would be completed once an actual redevelopment project is proposed for the site.

Based on the analysis provided in this Initial Study, the proposed GPA and conforming rezoning would not have the potential to substantially degrade the quality of the environment. Any future redevelopment of the site would also not 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 res*tr*ict the range

of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Standard Permit Conditions are included in the project to reduce all identified potential biological, air quality, archaeological/historic resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and noise impacts to a less than significant level. **(Less than Significant Impact)**

b. Would 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 the past projects, the effects of other current projects, and the effects of probable future projects).

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."

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. Based on the analysis provided in this Initial Study, the future project would not significantly contribute to cumulative impacts, because the proposed project is the future redevelopment of an existing commercial and residential site with similar uses, and is located on a site surrounded by existing urban development that is designated for industrial/commercial/residential uses in the City's General Plan.

Land uses in the project area are being redeveloped from what was originally constructed. All such projects are required to mitigate for impacts and include Standard Permit Conditions to reduce impacts and not contribute to cumulative traffic, air quality, noise, or greenhouse gas emissions. In addition, Standard Permit Conditions identified in this Initial Study would reduce environmental impacts of any future redevelopment of the site to a less than significant level and would not significantly contribute to cumulative impacts in the area. **(Less than Significant Impact)**

c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Based on the analysis provided in this Initial Study, the proposed project includes all necessary Standard Permit Conditions to reduce potential direct and indirect impact on human beings, including hazardous materials, noise, and air quality. Therefore, the project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Conclusion

The project is a GPA and conforming rezoning and would not result in any physical changes or construction. With the implementation of all identified Standard Permit Conditions and conformance with General Plan policies at the time an actual project is proposed, the project would have less than significant impacts related to the CEQA mandatory findings of significance. **(Less than Significant Impact)**

CHECKLIST SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as review of project plans.
2. City of San José. *Envision San José 2040 General Plan*. November 2011.
3. City of San José. *Envision San José 2040 General Plan Final Program EIR*. November 2011.
4. City of San José. *Envision San José 2040 Final Supplemental Program Environmental Impact Report*. September 2015.
5. California Department of Conservation. *Santa Clara County Important Farmland 2012.* August 2014.
6. City of San José. Municipal Code. June 2, 2015.
7. Santa Clara County. "Williamson Act and Open Space Easements." Accessed: May 12, 2022. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.
8. California Environmental Quality Act Statutes and Guidelines. 2022.
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