Initial Study

Columbus Park Redevelopment Project

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Columbus Park Redevelopment 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 to redevelop the existing Columbus Park and an adjacent informal gravel parking area totaling approximately 12.5-acres. The project would remove all existing recreational equipment, improvements, vacate Spring Street between West Taylor Street and Ashbury Street, reconfigure Irene, Asbury, and Walnut Streets to a one-way loop road around the site, and construct new recreational facilities on-site. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. The Initial Study will be posted on the City's website and, consistent with Assembly Bill (AB) 819, which requires all CEQA environmental documents to be submitted electronically to the Office of Planning and Research's CEQAnet database, a copy of this Initial Study will be sent to and available on the CEQAnet Webportal. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

City of San José
Bethelhem Telahun
Planning, Building and Code Enforcement
200 East Santa Clara Street,
San José, CA 95113

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Columbus Park Redevelopment Project

2.2 LEAD AGENCY CONTACT

City of San José
Chris Mastrodicasa
Department of Public Works
200 East Santa Clara Street
San José, CA 95113

2.3 PROJECT LOCATION

The approximately 12.5-acre project site includes Columbus Park in San José and an undeveloped parcel located to the east of the park which contains a small gravel parking area and grass land. The project site consists of three parcels (Assessor's Parcel Numbers [APNs] 259-07-115, 259-08-103, and 259-08-114) and is bounded by Asbury Street to the north, West Taylor Street to the south, Guadalupe River Park to the east, and Walnut Street to the west. Surrounding uses include undeveloped land within the Inner Safety Zone of Norman Y. Mineta International Airport to the north, Guadalupe Gardens and Heritage Rose Garden to the south, Guadalupe River Park to the east, and Guadalupe Community Garden and existing industrial and commercial uses to the west. The project site is entirely located within the Inner Safety Zone of Normal Y. Mineta International Airport. Regional, vicinity, and aerial maps of the project site are shown in Figure 2.7-1, Figure 2.7-2, and Figure 2.7-3.

2.4 ASSESSOR'S PARCEL NUMBER

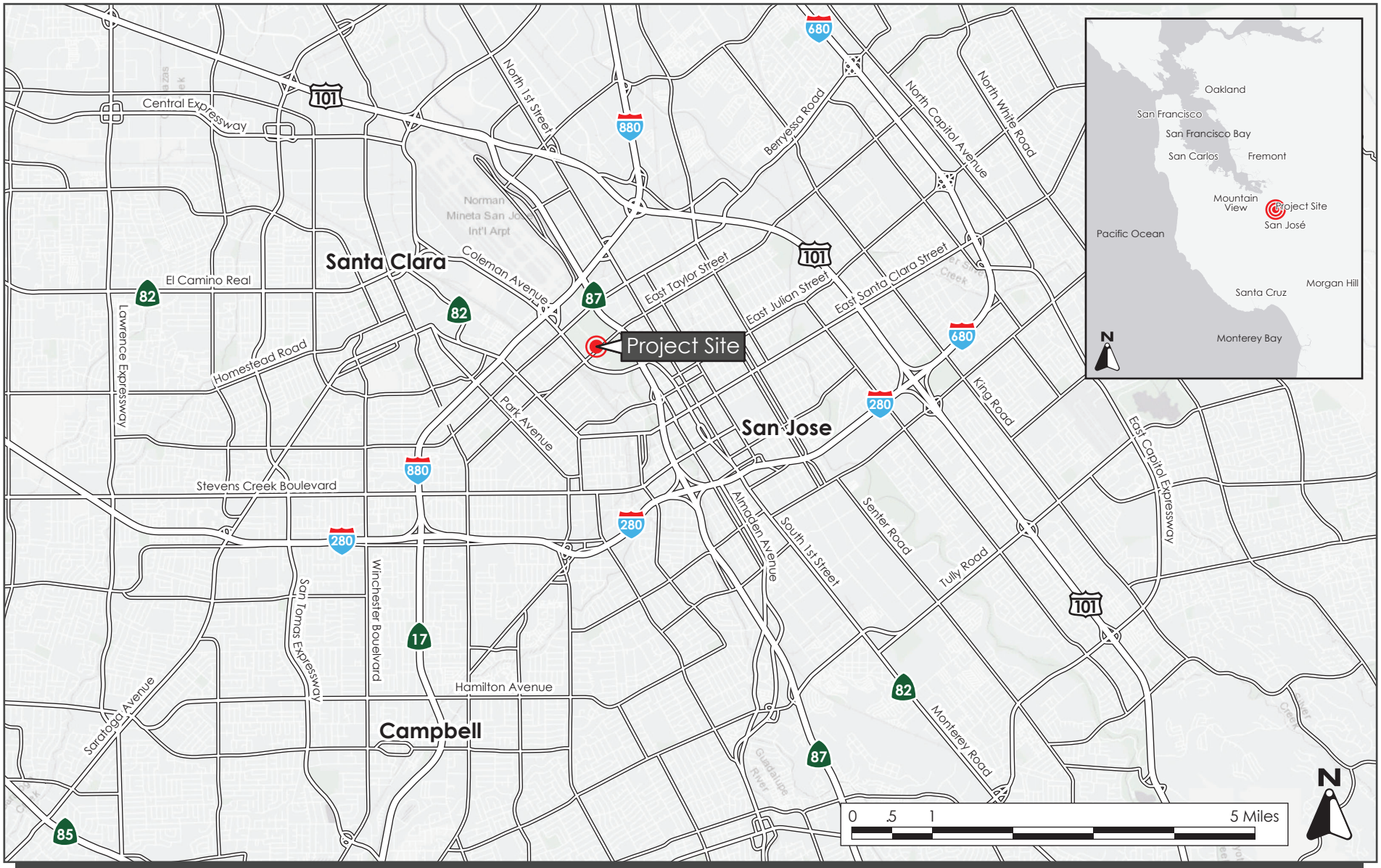
259-07-115 and 259-08-103

2.5 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is designated as Open Space, Parklands and Habitat (OPSH) under the City's General Plan and is zoned Two-Family Residential in the San José Zoning Code.

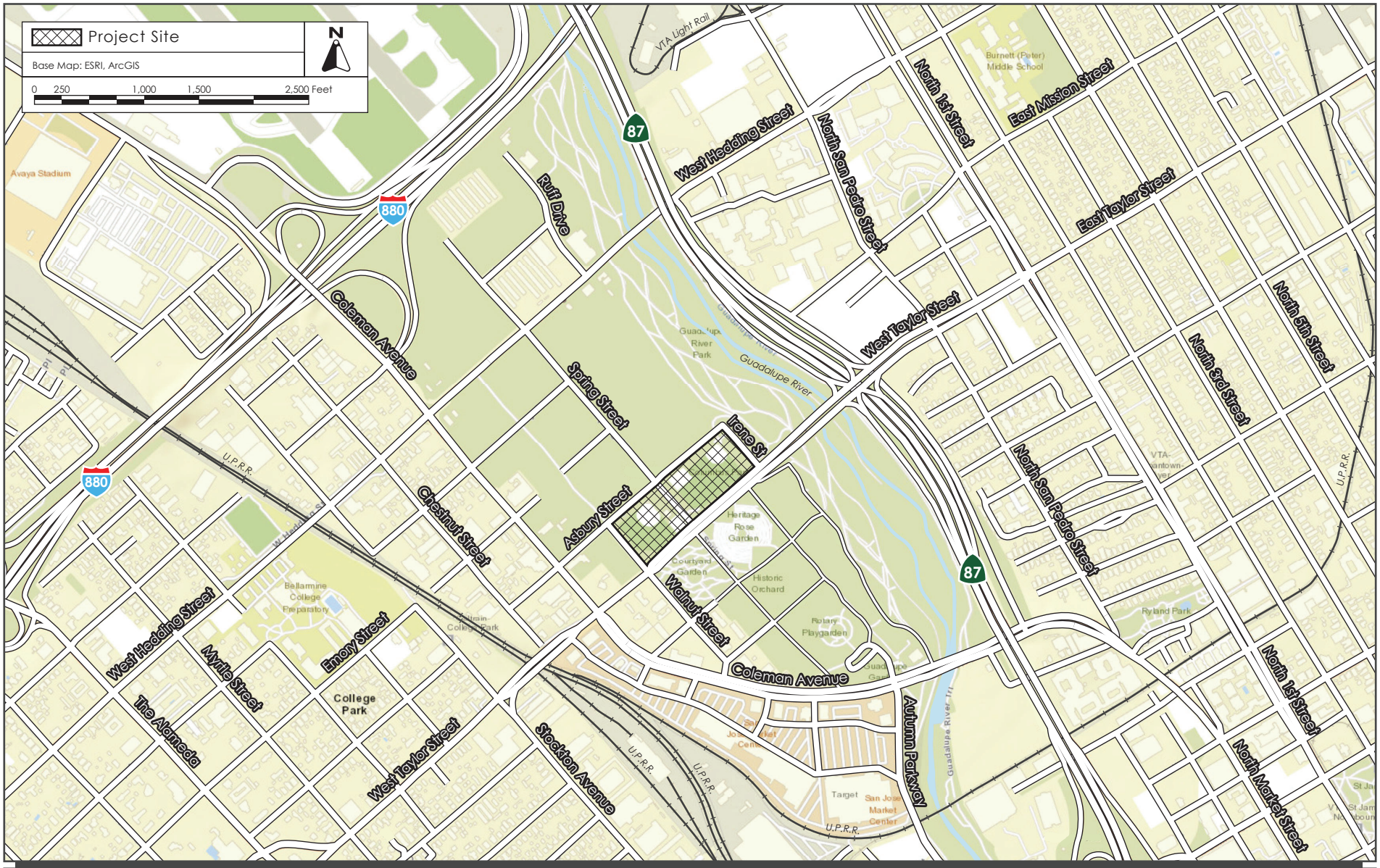
2.6 HABITAT PLAN DESIGNATION

Golf Courses and Urban Parks



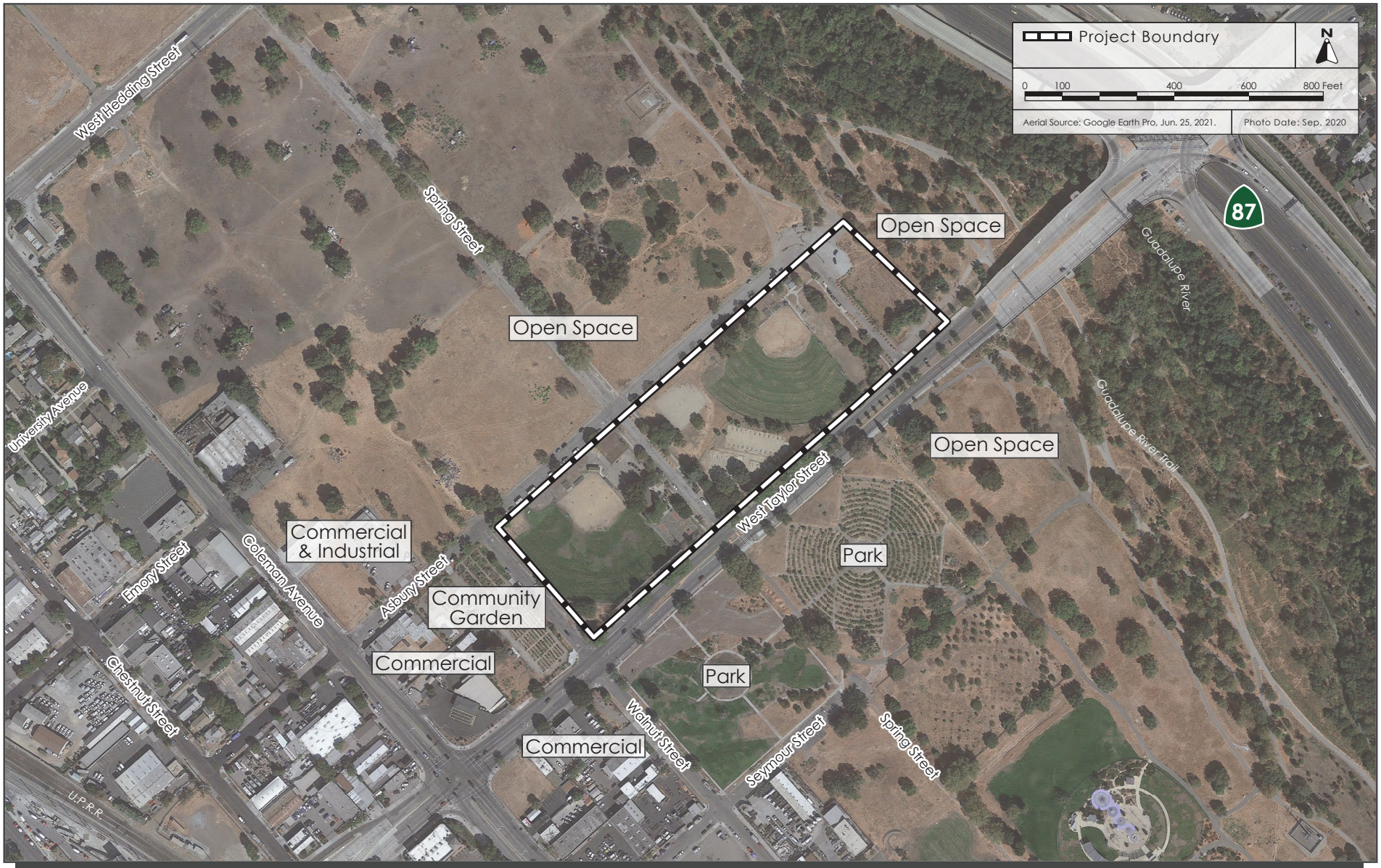
REGIONAL LOCATION MAP

FIGURE 2.7-1



VICINITY MAP

FIGURE 2.7-2



AERIAL PHOTO OF THE PROJECT SITE AND SURROUNDING USES | FIGURE 2.7-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

Columbus Park is an existing public park that consists of two lighted softball fields, two volleyball and two basketball courts, restrooms, a picnic area, and landscaping, including mature trees. Parking is provided on Asbury, Irene, Spring, and Walnut Streets. Additionally, there is an informal gravel surface parking lot east of the project site across Asbury Street. The existing park facilities, including the natural turf playing fields and restroom building, are currently inoperable. The natural turf playing fields contain numerous holes from the presence of gofers on-site and the playing fields are currently occupied by people experiencing homelessness. The restroom building on the western parcel was damaged during a fire that occurred within the building in October 2021 and has since been demolished.

Columbus Park is open for use by the general public and by reservation from sunrise to one hour after sunset. Based on reservation data for the park from 2015 through 2019, Columbus Park received an average of 17 to 52 users per day during weekdays and an average of 14 to 49 users per day during weekends under baseline conditions.[1]

3.2 PROJECT DESCRIPTION

The proposed project includes renaming and redeveloping the existing park. The project would change the name of the park from Columbus Park to Janet Gray Hayes Park and would include demolition of all existing park facilities, recreational equipment and improvements, and construction of new lighted multi-sport playing fields and courts, restrooms, a picnic area and a maintenance building. The project would also reconfigure Irene, Asbury, and Walnut Streets as a one-directional perimeter access roads, construct a new parking lot on the eastern project boundary, temporarily close Spring Street between Asbury and West Taylor Street, and construct a new pedestrian paseo in its place. As a part of the park redevelopment, the park will be renamed. A conceptual site plan is shown on Figure 3.2-1. A detailed description of these improvements is included below.

3.2.1 Recreational Facilities, Maintenance/Storage, and Restrooms

The project would replace the existing playing fields, 50-foot foul ball screens, horseshoe pitches, and basketball courts with two new multi-sport fields, foul ball screens, four pickleball courts, one futsal/basketball court, and two new horseshoe pitches. The multi-sport fields would be located on the western and eastern project boundaries and would be separated by the futsal/basketball, pickleball, and horseshoe courts, play area, picnic area, restrooms, and pedestrian paseo. Two 50-foot-tall foul ball screens would be located behind first base on the multi-sport fields to prevent foul balls from leaving the site. The proposed playing fields would include synthetic turf and stadium lighting and would be designed for use as softball or soccer fields. Shade structures and bleachers would be provided for spectators in the southwest and northeast corners of the site, respectively.

[1] Due to local and statewide shelter in place directives resulting from the COVID-19 pandemic, park user data from 2020 and 2021 are not indicative of normal conditions on-site and were, therefore, not used to establish baseline conditions.

Source: RRM Design Group, May 18, 2021.

CONCEPTUAL SITE PLAN

FIGURE 3.2-1

A 3,564-square-foot maintenance and storage building would be constructed along the northern project boundary, adjacent to the horseshoe courts. The maintenance and storage building would have a maximum height of 15 feet and would provide storage for landscaping and park maintenance equipment, tools, and sports equipment while not in use.

One approximately 340-square foot self-cleaning restroom would be provided in the central portion of the site, adjacent to the pedestrian paseo. The restroom building would be delivered to the site pre-manufactured and installed on a concrete slab foundation. The maximum height of the proposed restroom building would be 15 feet.

3.2.2 Lighting

The project would remove the existing 40- to 50-foot-tall stadium lighting, and streetlights, and install new lighting throughout the site. The project would add 31 50-foot lights installed around the sports fields and horseshoe pitches and 12 22-foot lights installed around the sports courts. All lights would be fitted with LED bulbs, would not exceed 50 feet above ground level (AGL) and would be referred to the FAA for Part 77 Airspace Safety Review.[2] All lights would be oriented downward toward the playing fields and include shielding materials to direct light on the fields only, minimize interference with airport operations, and limit light spillover in the Guadalupe River.

Under the proposed project, lights would be on during park operational hours from sunset until closing. Stadium lights around the sports fields would be illuminated only when fields are reserved.

3.2.3 Site Access and Parking

The project would temporarily close Spring Street between West Taylor Street and Asbury Street and reconfigure Irene, Asbury, and Walnut Streets as a one-directional perimeter access road. Under the proposed project, vehicular access to the site would be provided via one inbound driveway where Walnut Street and Taylor Street currently intersect and one outbound driveway where Irene Street and Taylor Street currently intersect. Pedestrian access to the project site would be provided via existing sidewalks on West Taylor Street and reconstructed sidewalks along Asbury, Walnut, and Irene Streets and via a newly converted pedestrian paseo where Spring Street currently exists. A 12-foot-wide paved trail connection between the surface parking lot and the Guadalupe River trail would also be constructed and provide access to the site from Guadalupe River.

The City intends to vacate, or permanently close Spring Street from West Taylor Street to West Hedding Street. Prior to permanent closure of Spring Street, the City would temporarily close Spring Street to allow for construction of the proposed project. Temporary closure would last approximately two years, during which time, the City would seek out permanent closure of Spring Street.

[2] Federal Aviation Administrative (FAA) Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project location, FAA Part 77 regulations dictate that any proposed structure above approximately 20 feet above ground level (AGL) must be submitted to the FAA for mandatory Airspace Safety Review. Source: County of Santa Clara Department of Planning and Development. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. May 25, 2011. Figure 6. Accessed July 9, 2021. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf

A 236-space, landscaped surface parking lot would be constructed adjacent to the eastern project boundary, west of Irene Street and would provide parking for the proposed project. Bio-swales and flow-through planters would also be constructed in the median islands of the parking lot. The project proposes to provide bicycle parking in accordance with the City's Municipal Code (Table 20-190), which requires two bicycle parking spaces for every acre of park for a total of 25 spaces.

3.2.4 Landscaping

The proposed landscaping design has not been finalized at this time. Therefore, for the purposes of this analysis, it is assumed that the project would remove all 105 existing trees and turf on-site to accommodate construction of the new synthetic turf fields, sports courts, and restroom and storage buildings. The project would plant 133 new 24-inch box trees and shrubs around the perimeter of the site, within the surface parking lot, along the project frontages, and adjacent to the proposed pedestrian paseo. The exact tree species for the new trees has not been determined at this time.

3.2.5 Utilities

The project would remove and replace the existing storm drain laterals on-site and connect to the existing 27-inch storm drain within West Taylor Street. The project would connect to the existing six-inch sanitary sewer main in West Taylor Street. All existing utility lines within Spring Street would remain in place.

3.2.6 Park Operations

During operation of the proposed project, the playing fields would be available for reservation by the general public and used for sporting events. The estimated attendance at sporting events upon completion of the proposed project would vary by sport and other factors, such as level of competition (e.g., regular season v. postseason) and weather conditions. As described in Section 3.1, Background Information, under existing conditions, Columbus Park typically receives an average of 17 to 52 users per day during weekdays and an average of 14 to 49 users per day on weekends. With implementation of the proposed project there would be a maximum of 1,800 users per weekday and 2,520 users per weekend day, resulting in a net increase of up to 1,783 to 1,748 users per weekday and up to 2,506 to 2,471 per weekend day.[3] No changes to park hours of operation are proposed. No public announcement system is proposed.

3.2.7 Green Building Features

The project would include the following measures to improve energy and resource efficiency on-site:

- Design maintenance/storage and restroom buildings to maximize solar orientation
- Plant shade trees and construct shade structures for park user and pedestrian/bicyclist comfort
- Utilize recycled water for landscape irrigation

[3] Joe Albayalde. Facilities Supervisor, City of San Jose. Personal Communication. August 13, 2021.

3.2.8 Construction

Project construction would include demolition and removal of all existing recreational facilities and improvements on-site, grading for the sports fields, and excavation for the bathroom, storage building, and stadium lighting foundations. Construction would be completed in one phase lasting for approximately 10 months. Approximately 12,000 cubic yards of soil would be exported from the site. Grading for the sports fields would extend approximately 12-18 inches below the ground surface (bgs). The maximum depth of excavation required for the foundation of the storage building and restrooms would be two feet bgs. The maximum depth of excavation for the stadium lighting foundations would be 15 feet bgs.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

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

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

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to aesthetics and applicable to the proposed project:

Envision San José 2040 Relevant Aesthetics Policies

Policy	Description
LU-16.5	Utilize the aesthetic and cultural qualities of historic resources of all types as means of promoting San José as a place to live, work and visit consistent with the City's economic development goals
PR-1.7	Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation
PR-1.8	Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

[4] California Department of Transportation. "Scenic Highways." Accessed January 14, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

PR-4.2	In the design of parks, consider providing features, facilities, and services that promote tourism and make San José an attractive location for economic development as well as serving the needs of San José residents.
PR-4.4	Reinforce the cultural character of new and existing neighborhoods by reflecting local materials, design forms, and landscape character in the development of neighborhood serving parks.

4.1.1.2 *Existing Conditions*

Project Site

The project site is an existing park which covers two city blocks and is approximately 12.5 acres in size. The park is bisected by Spring Street. The west side of the park is developed with turf, a softball field and horseshoe pitches. The east side of the park is developed with turf, a softball field, two basketball half courts, and a restroom building. The restroom building on the western parcel was damaged during a fire that occurred within the building in October 2021 and has since been demolished. Photos 1 through 4 show the existing conditions on-site. There are 105 trees planted on and adjacent to the site around the perimeter of the park and between the sports fields and courts. Views of the park are partially obstructed by the mature tree canopy throughout the site.

Surrounding Area

There are four two-way roads surrounding the project site. These roadways are separated from the park by a strip of landscaping and street trees. The park is surrounded by parks and undeveloped land to the north, south, and east. Single-story commercial and industrial buildings are located approximately 250 feet west of the project site along Coleman Avenue. The surrounding industrial and commercial buildings are one-story concrete tilt up construction of utilitarian design with limited architectural details.

Scenic Vistas and Resources

The City of San José is located in the Santa Clara Valley, bounded by the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The project site is located northwest of downtown and southwest of the Rose Garden neighborhoods. Public views of scenic resources are limited to the project site due to the topography of the area being flat and trees and buildings obscuring the view.

There are no state-designated scenic highways in San José. Interstate 280 (I-280) is located approximately 1.6-miles south of the project site is an eligible state-designated scenic highway.[5]

[5] California Department of Transportation. "California Stat Scenic Highway System Map." 2018. Accessed 08.02.21. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa

Photo 1: View of existing basketball courts and softball field looking west from Spring Street.

Photo 2: View of existing maintenance building and softball field looking southwest from Asbury Street.

PHOTOS 1 & 2

Photo 3: View of existing restroom building looking west from Irene Street.

Photo 4: View of existing softball fields looking west from Irene Street.

Light and Glare

The project site includes stadium lights on the softball fields and streetlights on all of the adjacent roads.

Glare can be caused by sunlight or artificial light reflecting from finished surfaces. The existing lights are directed downwards and do not reflect off the surrounding buildings; therefore, the existing lights do not generate substantial glare.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[6] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

The topography of the project site and surrounding area is relatively flat and prominent views of the mountains are limited due to intervening buildings, trees and infrastructure (e.g., utility lines, elevated roadways, etc.). Views of the mountains are only available where roadways provide a break in the built environment or are elevated. Scenic vistas in the City are not located near the project site. Furthermore, the project site is not located near any City designated scenic corridors. The proposed project would, therefore, not impact a scenic vista. **(Less than Significant Impact)**

[6] Public views are those that are experienced from publicly accessible vantage points.

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

As discussed in Section 4.1.1, the project site is not near a state designed scenic highway. Impacts to trees and historic buildings outside a state scenic highway are discussed in Section 4.4 Biological Resources and Section 4.5 Cultural Resources, respectively. The project would not damage scenic resources within a designated state scenic highway. **(No Impact)**

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

Development in the project area consists of a mix of parks, vacant parcels within the Inner Safety Zone of the Norman Y. Mineta San José International Airport, commercial uses, local roadways and an elevated highway (SR 87). The project site is located in an area that is not highly visible, except from the surrounding roadways and properties.

The proposed project would replace the existing aging recreational equipment, buildings, fields, and sports courts at Columbus Park with new equipment and facilities and would not result in a change in the visual character of the site. As discussed in Section 4.11, Land Use, the project is consistent with the land use designation and zoning for the site. For these reasons, the project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

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

Columbus Park is located east of a developed commercial area with existing sources of light and glare, and west of Guadalupe River Park which is a riparian area with limited artificial lighting. Sources of light and glare that currently exist within the project area to the west include streetlights, vehicular headlights, internal building lights from nearby buildings, and reflective building surfaces and windows. Existing lighting within the park includes 12 stadium lights ranging in height from 40-50 feet located around the sports fields, street lighting around the perimeter of the park, and building mounted securing lights on the restroom and storage buildings. As discussed in Section 3.3, Project Description, the project would include installation of 31 50-foot stadium lights. All lighting on-site would be fitted with LED bulbs, would not exceed 50 feet above ground level (AGL) and would be referred to the FAA for Part 77 Airspace Safety Review,[7] All lighting would be oriented downward toward the playing fields with shielding materials to minimize interference with airport operations

[7] Federal Aviation Administrative (FAA) Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project location, FAA Part 77 regulations dictate that any proposed structure above approximately 20 feet above ground level (AGL) must be submitted to the FAA for mandatory Airspace Safety Review Source: County of Santa Clara Department of Planning and Development. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. May 25, 2011. Figure 6. Accessed July 9, 2021. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf

and limiting light spillover into Guadalupe River (refer to Section 4.9 Hazards and Hazardous Materials for further discussion of the projects impacts on airport operations, and Section 4.11 Land Use for further discussion of the airport land use compatibility). Under both lighting scenarios, lights would be on during park operational hours from sunset until park closing and stadium lights around the sports fields would be illuminated only when fields are reserved. Additionally, the project would be required to comply with City Council Policy 6-34, to ensure lighting is properly designed to avoid impacts to the Guadalupe River riparian corridor (refer to Section 4.4 Biological Resources for further discussion of project impacts on biological resources). For these reasons, the project would not substantially impact adjacent uses with daytime glare from building materials or with nighttime light. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

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

California Land Conservation Act

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

Fire and Resource Assessment Program

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

4.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes and is located within an existing developed area of Santa Clara County. The project site is designated as Urban and Built-Up Land.[12] Common examples of Urban and Built-Up Land include urban residential, industrial, and

[8] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed July 12, 2021. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[9] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[10] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[11] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed July 12, 2021. http://frap.fire.ca.gov/.
[12] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed July 12, 2021. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[13] No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

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

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

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the project would not result in impacts to agricultural resources. **(No Impact)**

[13] County of Santa Clara. *Williamson Act Properties*. Map. Accessed July 12, 2021. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

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

The project site is not zoned for agriculture, and it is not subject to a Williamson Act contract. For these reasons, the project would not result in impacts to agricultural resources. **(No Impact)**

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

The project site and surrounding area are not zoned for forest land or timberland. The project would not conflict with existing zoning for forest land or timberland production. **(No Impact)**

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, are used for forest land or timberland. The proposed project would, therefore, not impact 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?

As described above, the project would not result in the conversion of forest or farmlands to other uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Clean Air Act

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

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

Risk Reduction Plan

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

Regional

2017 Clean Air Plan

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

climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[14]

CEQA Air Quality Guidelines

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

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to air quality and applicable to the proposed project:

Envision San José 2040 Relevant Air Quality Policies

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

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

MS-10.4	Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.
MS-10.8	Minimize vegetation removal required for fire prevention. Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage alternatives that limit the exposure of bare soil.
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-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
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-13.5	Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.

4.3.1.2 *Existing Conditions*

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

The nearest sensitive receptors are the residences on Chestnut Street, approximately 1,000 feet southwest of the project site.

4.3.2 Impact Discussion

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

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

The proposed project would not conflict with the 2017 CAP because it is below the screening criteria of 2,613-acres for operational impacts associated with City Parks and the 67-acre screening criteria for construction related impacts associated with City Parks. The project would, therefore, not generate criteria pollutant emissions in excess of the BAAQMD Operational Criteria Pollutant significance threshold. Furthermore, the project is considered urban infill and would be located near bike paths and transit with regional connections. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

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

Construction

As noted under checklist question a. above, due to the project size, construction-period emissions would be less than significant. In the 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For construction impacts, the screening size for City Park uses is 67 acres. Construction impacts for city park projects smaller than the screening size would be considered less than significant. Because the project proposes to redevelop the 12.5-acre Columbus Park, the project's

criteria air pollutant emissions would be below the BAAQMD significance thresholds and the impact would be less than significant. **(Less than Significant Impact)**

Operation

As noted under checklist question a above, due to the project size, operational period emissions would be less than significant. In the 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For operational impacts, the screening size for City Park uses is 2,613 acres. Operational impacts for City Park projects smaller than the screening size would be considered less than significant. Because the project proposes to redevelop the 12.5-acre Columbus Park, the project's criteria air pollutant emissions would be below the BAAQMD significance thresholds, and the impact would be less than significant. **(Less than Significant Impact)**

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

Exposure of sensitive receptors to substantial pollutant concentrations creates a community risk. Project impacts related to increased community risk can occur by introducing a new source of TACs with the potential to adversely affect new or existing sensitive receptors in the project vicinity.

Construction

Construction activities on the project site would include excavation and relocation of soil, which would generate fugitive dust and other particulate matter that could affect nearby sensitive receptors. BAAQMD considers construction emissions that are below the threshold of significance (such as those of the proposed project) less than significant if Best Management Practices (BMPs) are implemented. The project would implement the following Project Condition to reduce fugitive dust impacts during construction.

Standard Project Condition:

- Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
    - Water active construction areas at least twice daily or as often as needed to control dust emissions.
    - Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
    - Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
    - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
    - Pave new or improved roadways, driveways, and sidewalks as soon as possible.
    - Lay building pads as soon as possible after grading unless seeding or soil binders are used.
    - Replant vegetation in disturbed areas as quickly as possible.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Through compliance with the Project Conditions above, the project would not expose sensitive receptors to substantial pollutant concentrations. Thus, any impact would be less than significant. **(Less than Significant Impact)**

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

City park uses do not typically generate objectionable odors. Typical odors associated with park uses would include fuel and oil odors from operation of landscape maintenance equipment such as lawn mowers and leaf blowers. The odors generated would be intermittent, localized in nature, and would disperse quickly.

Project construction activities would also generate odors such as fuel and oil odors and asphalt paving odors. The odors generated would be intermittent, localized in nature, and would disperse quickly. Therefore, implementation of the proposed project would not create objectionable odors affecting a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an Arborist Report prepared by Hort Science Bartlett Consulting in August 2021. A copy of the report is included as Appendix A to this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[15] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

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

[15] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed July 13, 2021. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to biological resources and applicable to the proposed project:

Envision San José 2040 Relevant Biological Resources Policies

Policy	Description
MS-20.4	Work with local, regional and state agencies to protect and enhance the watershed, including the protection of surface water and ground water supplies from pollution and degradation.
MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
MS-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 affect 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.
ER-2.3	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).
MS-13.1	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
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.
ER-6.3	Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas
ER-6.4	Site public facilities such as ballparks and fields that require high-intensity night lighting at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
ER-6.6	Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches at or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees.

In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

4.4.1.2 *Existing Conditions*

The project site is located in an urban area of the City and the majority of the site is developed with an existing park. The eastern portion of the project site contains an undeveloped grass area and gravel parking lot. The project site is located within the Habitat Plan study area and is designated as Golf Courses and Urban Park land.[16] Golf Courses and Urban Park lands are located throughout the urbanized area of the Habitat Plan study area, provide limited habitat for native wildlife and are unlikely to support any covered species. Existing playing fields at the project site are currently used by gofers and contain many gofer holes. The primary biological resources on-site are the existing trees.

There are 105 trees located on and adjacent to the project site. Of the 105 trees, 32 are ordinance sized trees. There are 22 native trees on-site. No heritage trees are present on the project site. A summary of the on-site trees is included in Table 4.4-1 below. The location of on-site trees is shown in Figure 4.4-1.

Table 4.4-1: Tree Inventory

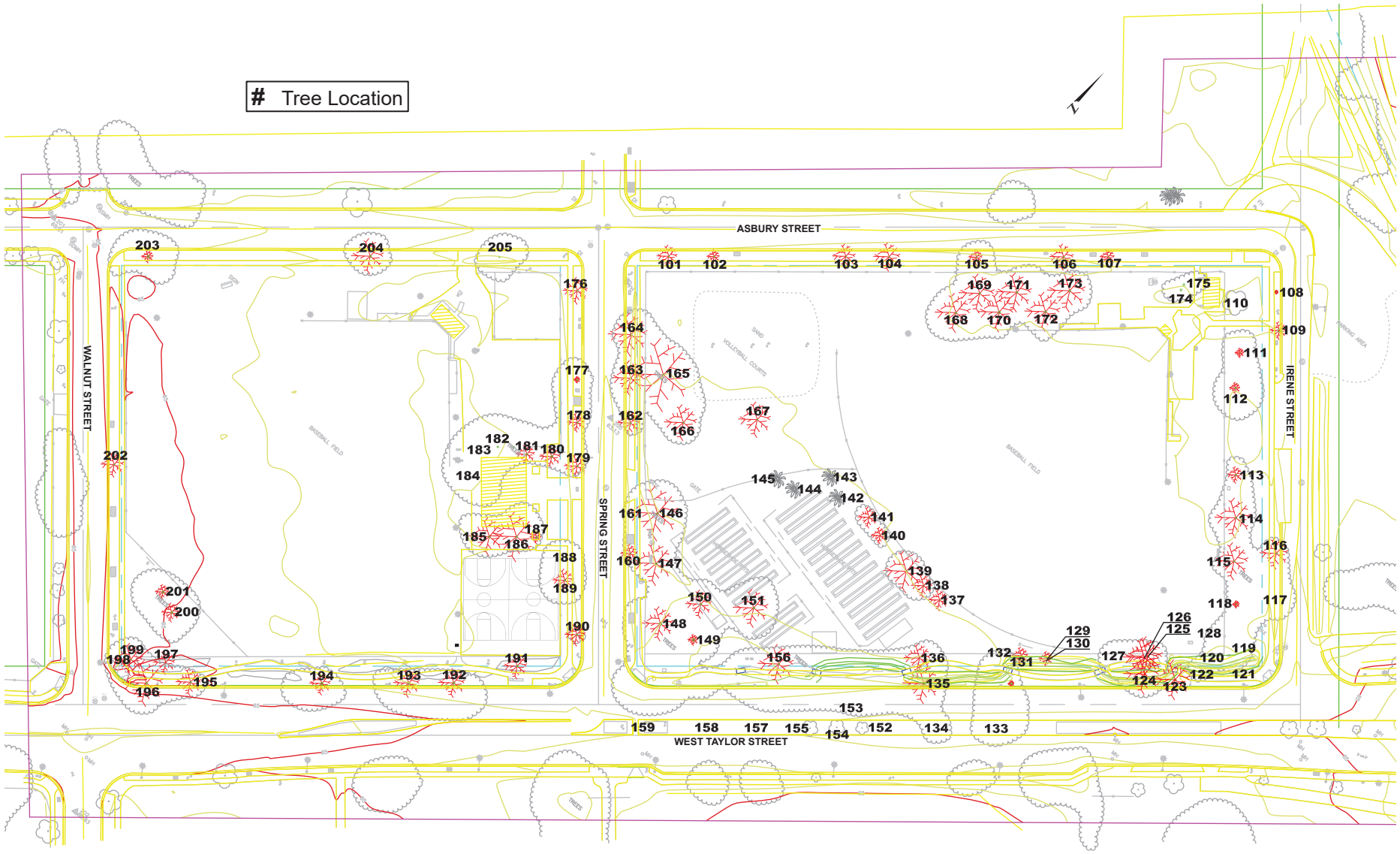
Number	Botanical Name	Common Name	Circumference (inches)	Status
101	Acer platanoides	Norway maple	31	Non-Ordinance
102	Acer platanoides	Norway maple	44	Ordinance
103	Acer platanoides	Norway maple	31	Non-Ordinance
104	Acer platanoides	Norway maple	35	Non-Ordinance
105	Acer platanoides	Norway maple	35	Non-Ordinance
106	Acer platanoides	Norway maple	41	Ordinance
107	Acer platanoides	Norway maple	31	Non-Ordinance
108	Acer platanoides	Norway maple	31	Non-Ordinance
109	Washingtonia filifera	Mexican fan palm	82	Ordinance
110	Pistacia chinensis	Chinese pistache	38	Ordinance
111	Schinus molle	California pepper	25	Non-Ordinance
112	Pistacia chinensis	Chinese pistache	47	Ordinance
113	Pistacia chinensis	Chinese Pistache	44	Ordinance
114	Platanus x hispanica	London Plane	85	Ordinance
115	Pistacia chinensis	Chinese Pistache	47	Ordinance
116	Acer platanoides	Norway Maple	38	Ordinance
117	Acer platanoides	Norway Maple	38	Ordinance
118	Pistacia chinensis	Chinese Pistache	53	Ordinance

[16] Santa Clara Valley Habitat Agency. "Geobrowser." Accessed: July 13, 2021. Available at: http://www.hcpmaps.com/habitat/

119	Sambucus cerulea	Elderbery	35,28,18,18,15	Ordinance
120	Pistacia chinensis	Chinese Pistache	22,15	Ordinance
121	Ailanthus altissima	Tree of heaven	13,9	Non-Ordinance
122	Quercus agrifolia	Coast live oak	18,18,16	Ordinance
123	Washingtonia filifera	Mexican fan palm	60	Ordinance
124	Quercus agrifolia	Coast live oak	25,25,22,22	Ordinance
125	Quercus agrifolia	Coast live oak	47	Ordinance
126	Quercus ilex	Holly oak	25	Non-ordinance
127	Quercus ilex	Holly oak	25,19	Ordinance
128	Quercus agrifolia	Coast live oak	22	Non-Ordinance
129	Quercus agrifolia	Coast live oak	13,13	Non-Ordinance
130	Quercus ilex	Holly oak	13	Non-Ordinance
131	Rhamnus californica	Coffeeberry	13	Non-Ordinance
132	Quercus agrifolia	Coast live oak	31,22,19,13	Ordinance
133	Lagerstroemia Indica	Modesto ash	85	Ordinance
134	Lagerstroemia Indica	Modesto ash	75	Ordinance
135	Arbutus Marina	Marina madrone	19,16	Non-ordinance
136	Quercus agrifolia	Coast live oak	22,19	Ordinance
137	Pyrus calleryana cv.	Callery pear	22	Non-Ordinance
138	Pyrus calleryana cv.	Callery pear	31	Non-Ordinance
139	Pyrus calleryana cv.	Callery pear	35	Non-Ordinance
140	Pyrus calleryana cv.	Callery pear	22	Non-Ordinance
141	Pyrus calleryana cv.	Callery pear	28	Non-Ordinance
142	Washingtonia filifera	Mexican fan palm	82	Ordinance
143	Washingtonia filifera	Mexican fan palm	79	Ordinance
144	Washingtonia filifera	Mexican fan palm	60	Ordinance
145	Washingtonia filifera	Mexican fan palm	63	Ordinance
146	Cedrus deodara	Deodar cedar	110	Ordinance
147	Magnolia grandiflora	Southern magnolia	57	Ordinance
148	Quercus agrifolia	Coast live oak	82,79	Ordinance
149	Quercus agrifolia	Coast live oak	25	Non-Ordinance
150	Quercus lobata	Valley oak	24	Non-Ordinance
151	Quercus lobata	Valley oak	28	Non-Ordinance
152	Lagerstroemia Indica	Modesto ash	25	Non-Ordinance

153	Tristaniopsis laurina	Water gum	3,2	Non-Ordinance
154	Lagerstroemia Indica	Modesto ash	26	Non-Ordinance
155	Lagerstroemia Indica	Modesto ash	24	Non-Ordinance
156	Aesculus californica	California buckeye	8,6,5,5,5,28	Ordinance
157	Lagerstroemia Indica	Modesto ash	28	Non-Ordinance
158	Robinia ambigua “purple robe”	Purple Robe locust	13	Non-Ordinance
159	Lagerstroemia Indica	Modesto ash	31	Non-Ordinance
160	Acer platanoides	Norway maple	8	Non-Ordinance
161	Acer platanoides	Norway maple	8	Non-Ordinance
162	Acer platanoides	Norway maple	10	Non-Ordinance
163	Acer platanoides	Norway maple	7,6	Non-Ordinance
164	Acer platanoides	Norway maple	14	Non-Ordinance
165	Morus sp.	Mulberry	42	Ordinance
166	Celtis sinensis	Chinese hackberry	14	Non-Ordinance
167	Celtis sinensis	Chinese hackberry	14	Non-Ordinance
168	Platanus x hispanica	London plane	18	Non-Ordinance
169	Platanus x hispanica	London plane	12	Non-Ordinance
170	Platanus racemosa	W. sycamore	29	Non-Ordinance
171	Platanus racemosa	W. sycamore	14	Non-Ordinance
172	Platanus racemosa	W. sycamore	18	Non-Ordinance
173	Platanus racemosa	W. sycamore	12	Non-Ordinance
174	Casuarina cunninghamiana	River she oak	11	Non-Ordinance
175	Casuarina cunninghamiana	River she oak	19	Non-Ordinance
176	Acer platanoides	Norway maple	10	Non-Ordinance
177	Acer platanoides	Norway maple	14	Non-Ordinance
178	Acer platanoides	Norway maple	15	Non-Ordinance
179	Acer platanoides	Norway maple	13	Non-Ordinance
180	Quercus lobata	Valley oak	15	Non-Ordinance
181	Tristaniopsis laurina	Water gum	5,4	Non-Ordinance
182	Quercus agrifolia	Coast live oak	21	Non-Ordinance
183	Quercus agrifolia	Coast live oak	30	Non-Ordinance

184	Quercus agrifolia	Coast live oak	25	Non-Ordinance
185	Pistacia chinensis	Chinese pistache	25	Non-Ordinance
186	Pistacia chinensis	Chinese pistache	14	Non-Ordinance
187	Pistacia chinensis	Chinese pistache	21	Non-Ordinance
188	Quercus agrifolia	Coast live oak	18	Non-Ordinance
189	Quercus agrifolia	Coast live oak	12,11,11	Non-Ordinance
190	Acer platanoides	Norway maple	11	Non-Ordinance
191	Cercis canadensis	W. redbud	4,4,4,3,3,2	Non-Ordinance
192	Lagerstroemia Indica	Modesto ash	32	Non-Ordinance
193	Lagerstroemia Indica	Modesto ash	29	Non-Ordinance
194	Lagerstroemia Indica	Modesto ash	26	Non-Ordinance
195	Fraxinus angustifolia "Raywood"	Raywood ash	18	Non-Ordinance
196	Lagerstroemia Indica	Modesto ash	25	Non-Ordinance
197	Aesculus californica	California buckeye	7,5	Non-Ordinance
198	Quercus lobata	Valley oak	14	Non-Ordinance
199	Quercus ilex	Holly oak	5,5	Non-Ordinance
200	Morus sp.	Mulberry	20	Non-Ordinance
201	Morus sp.	Mulberry	16	Non-Ordinance
202	Acer platanoides	Norway maple	15	Non-Ordinance
203	Lagerstroemia Indica	Modesto ash	27	Non-Ordinance
204	Fraxinus angustifolia "Raywood"	Raywood ash	38	Ordinance
205	Acer platanoides	Norway maple	18	Non-Ordinance
Source: HortScience Bartlett Consulting. *Preliminary Tree Report, Columbus Park.* August 2021.				



Source: HortScience | Bartlett Consulting, RRM Design Group, August 2021.

TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

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

As noted in Section 4.4.1 Environmental Setting above, the project site is highly urbanized and developed with playing fields, sports courts, and structures associated with the existing City park. The existing playing fields at the project site are currently used by gofers and contain many gofer holes. Burrowing Owls (Athene cunicularia), a California Species of Special Concern, are known to occupy the burrows of other animals in the region. However, gofer holes, such as those present on

the project site, are not large enough to provide suitable habitat for Burrowing Owls.[17] For these reasons, natural communities or habitats for special-status plant and wildlife species are not present and would not be impacted, with the exception of nesting birds (described further below).

Nesting Birds

Development of the project would result in the removal of all trees on the project site. Trees could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. 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 removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

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

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

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

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

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

[17] Rottenborn, Steve. Vice President, H. T. Harvey & Associates, Ecological Consultants. Personal Communication. March 15, 2022.

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

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed in Section 4.4.1, Environmental Setting, the project site is developed and located within an urban area. The nearest sensitive habitat to the project site is riparian habitat along Guadalupe River, approximately 400 feet east of the project site. The City's Riparian Corridor Policy addresses how development projects should protect and preserve these riparian corridors. The Riparian Corridor Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. Because the project site is located 400 feet from the Guadalupe River and is separated from the river by Irene Street and the existing Guadalupe River Trail, it is not subject to the specific requirements of the City's Riparian Corridor Policy. For these reasons, the project would not conflict with the Riparian Corridor Policy and would not result in a loss of sensitive habitat. **(Less than Significant Impact)**

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

The project site is surrounded by urban uses and does not contain wetlands, marshes, and vernal pools. The project would not impact any state or federally protected wetlands. **(No Impact)**

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

The project site does not support a watercourse or provide habitat that facilitates the movement of any native or migratory fish or wildlife species. The project site is currently developed as a city park with perimeter fencing and an informal gravel parking area. The nearest watercourse to the project site is the Guadalupe River, located approximately 400 feet east of the project site. For these reasons, the site has limited potential to serve as a migratory corridor for wildlife except with regard to migratory birds, which are discussed under checklist question a. As noted in Section 3.0 Project Description and discussed in Section 4.1 Aesthetics, the project would be lighted during park operational hours from sunset until park closing and stadium lights around the sports fields would be illuminated only when fields are reserved. All proposed lighting on-site would be oriented downward toward the playing fields and include shielding material to minimize light spillover. Because the

intensity of light decreases with increasing distance from the source, any increased lighting resulting from the proposed project would be incremental and would not result in impacts to wildlife within the Guadalupe River riparian corridor.[18] Therefore, implementation of the proposed project would not interfere with the movement of wildlife species. **(Less than Significant Impact)**

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

There are 105 trees located on and adjacent to the project site, including 32 ordinance-sized trees. Of the 105 trees on-site, seven are dead and 52 have low suitability for preservation. As described in Section 3.3.6 above, because project designs have not been finalized, this analysis conservatively assumes that all existing trees on the site would be removed in order to prepare the site for the new playing fields, sports courts, and restroom and maintenance buildings. Removal of trees would be subject to the City's replacement requirements as identified in Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, and MS-21.6 and City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100).

Standard Project Condition:

1. **Tree Replacement.** A tree removal permit would be required from the City of San José for the removal of ordinance trees. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-1 below.

Table 4.4-2: Tree Replacement Ratios

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

*x:x = tree replacement to tree loss ratio

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

A 38-inch tree equals 12.1 inches in diameter.

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

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

Assuming all existing trees on-site would be removed, nine trees would be replaced at a 5:1 ratio, 21 trees would be replaced at a 4:1 ratio, 20 trees would be replaced at a 3:1 ratio, 22 trees would be

[18] National Aeronautics and Space Administration. More on Brightness as a Function of Distance. Accessed February 3, 2023. https://imagine.gsfc.nasa.gov/features/yba/M31_velocity/lightcurve/more.html

replaced at a 2:1 ratio, and 33 trees would be replaced at a 1:1 ratio. The total number and size of replacement trees required to be planted would be 266 15-gallon trees.

If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance to the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

The project would include 133 24-inch box trees on-site, equivalent to 266 15-gallon replacement trees. Through compliance with the Project Conditions above, the project would offset the loss of the existing trees consistent with City Policy. Thus, any impact would be less than significant. **(Less than Significant Impact)**

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

The project site is located within the Habitat Plan study area and is designated as Golf Courses and Urban Park land. The project site is not identified as important habitat for endangered and threatened species; therefore, the project would not result in direct impacts to the Habitat Plan's covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impact of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. The project shall implement the following Project Condition for the project.

Standard Project Condition:

- The project is subject to applicable Santa Clara Valley Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to any grading activities. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-

habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan

Compliance with the Project Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

The following discussion is based, in part, on a Historic Evaluation and Archaeological Literature Search prepared by Paleowest on July 2, 2021. A copy of the Archaeological Literature Search, which is a confidential report, is on file at the City of San José Department of Planning, Building and Code Enforcement and is available upon request with appropriate credentials. A copy of the Historic Evaluation is included as Appendix B to this Initial Study.

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[19]

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

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

[19] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed January 14, 2022. https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to cultural resources and applicable to the proposed project:

Envision San José 2040 Relevant Cultural Resources Policies

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
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-13.15	Implement City, state, and federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[20] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
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.

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory, and preserve historic properties using a landmark designation process, require Historic Preservation Permits for alterations to properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

San José Historic Resources Inventory

Consistent with the City's Historic preservation ordinance, in 1975, the City developed an inventory of historically and architecturally significant structures. The inventory now includes approximately 4,000 properties.

4.5.2 Existing Conditions

Archaeological Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.
The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

[20] For reference a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The project site is located approximately 400 feet west of Guadalupe River.

Based on the literature search completed for the project site, nine recorded archaeological resources were identified within 0.25 miles of the project site, including five prehistoric sites, three burials, and one reburial location. No resources were identified on the project site. Historical maps and aerial photographs indicate that the project area was undeveloped and mostly utilized for agriculture until the mid-20th Century indicating low potential for historic-era archaeological resources. However, based on the proximity of the project site to Guadalupe River and other known archaeological resources, the project site has high potential for buried prehistoric Native American resources and human remains.

Historic Resources

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California led to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe. The pueblo was originally located near the old San José City Hall (near the intersection of present-day North 1st Street and Taylor Street) before being moved to avoid frequent flooding in the late 1780's or early 1790s to what is now downtown San José. The first pueblo is located approximately 0.5 miles east of the project site.

Post-Mission Period to Mid-20th Century

The project site was primarily used for agricultural purposes and contained undeveloped land until the mid-1940s. In late 1945, the two city-owned parcels that make up present day Columbus Park were selected by the City of San José to be developed as a municipal trailer court called Victory Village for World War II veterans and their families.[21] As part of the trailer court a steel frame office, steel-frame storage and shop building, and a steel-frame duplex were constructed on the east parcel and a wood-frame recreation building on the west parcel that held a city-run nursery school for children who were too young to attend public school.

By 1956, the trailer court and all associated buildings were removed, and the site was redeveloped as Columbus Park. At this time, the east parcel was planted with grass, a baseball diamond was constructed on the west parcel, the recreation building on the west parcel was left in place, and trees were planted around the parcel perimeters. Between 1956 and 1960 the wood-frame recreation building was replaced with a concrete masonry unit building[22] and the baseball diamond was constructed on the east parcel. By 1965 new basketball and tennis courts were added on the north and south sides of the recreation building on the west parcel.

[21] Paleowest. *Results of a Standard Literature Review and Historical Resources Assessment for the Columbus Park Redevelopment Project, San Jose, Santa Clara County, CA.* August 24, 2021.
[22] This building was damaged during a fire that occurred within the building in October 2021 and has since been demolished.

The buildings on site that are 50 years or older are the circa 1968 storage building, and the circa 1960-1965 basketball courts. The recreation building constructed in 1956-1960 was damaged in a fire in October 2021 and has since been demolished.

NRHP/CRHR Evaluation

The existing Columbus Park was evaluated for historical significance against the NRHP and CRHR criteria.

Criterion A/1
Although the land was first developed as a trailer court for World-War II veterans and their families, the site was converted to a park in the mid-1950s. Parks are an important, but typical component of city planning, and this park does not rise to the level for importance of Criterion A/1. For these reasons, Columbus Park is not associated with events that made a significant contribution to the broad patterns of local and regional history and is, therefore, not eligible for listing on the NRHP or CRHR under Criterion A/1.

Criterion B/2
No persons associated with the creation or maintenance of the park were identified during the historic evaluation. Columbus Park does not have any significant associations with the lives of persons important to history. Therefore, the park is not eligible for listing on the NRHP or CRHR under Criterion B/2.

Criterion C/3
Columbus Park does not have a unified plan or design and has been modified many times since it was established in the mid-1950s. For example, the restroom and horseshoe pits were constructed on the east parcel in the 2000s. Additionally, the circa 1956-1960 recreation building and circa 1956-1960 storage building which are more than 50 years old, are utilitarian in design and do not warrant individual eligibility evaluations. For these reasons, Columbus Park ark is not eligible for listing on the NRHP or CRHR under Criterion C/3.

Criterion D/4
Based on the above findings, Columbus Park is not a significant source or likely source of important information regarding history, building materials, construction techniques, or advancements in park design. For these reasons, the site is not eligible for listing on the NRHP or CRHR under Criterion D/4.

In conclusion, Columbus Park is not eligible for listing on the NRHP or CRHR.

City of San José Historic Landmark Evaluation

Criterion 1
Columbus Park does not have a unified plan or design and has been modified many times. For this reason, the park lacks character, interest and value as part of the local, regional, state or national history, heritage or culture and is not eligible for listing as a Candidate City Landmark under Criterion 1.

Criterion 2
Columbus Park is not the site of a significant historic event. The land on which the park is located was first developed as a post-World War II veterans trailer court. The site was converted to a municipal park in the mid-1950s and has functioned as a park since that time. Parks are an important, but typical component of city planning, and Columbus Park does not rise to the level of importance of Criterion 2.

Criterion 3
Columbus Park is not associated with a person or persons who significantly contributed to local, regional, state, or national culture or history. For this reason, the park is not eligible for listing as a Candidate City Landmark under Criterion 3.

Criterion 4
Columbus Park does not exemplify the cultural, economic, social or historic heritage of the City of San José. The park is typical of city parks established in the mid-twentieth century and does not rise to the level of importance for significant cultural, economic, cultural, or historic heritage of the City. For this reason, the park is not eligible for listing as a Candidate City Landmark under Criterion 4.

Criterion 5
Columbus Park does not portray the environment of a group of people in an era of history characterized by a distinctive architectural style. The property has been developed and utilized by various groups and does not reflect any architectural style reflective of a group of people. For these reasons, Columbus Park is not eligible for listing as a Candidate City Landmark under Criterion 5.

Criterion 6
Columbus Park lacks the embodiment of any distinguishing characteristics of an architectural type or specimen. It does not have a unified plan or design and has been modified multiple times since it was established in the mid-twentieth century. Additionally, the circa 1956-60 recreation building and circa 1956-60 storage building which are more than 50 years old are utilitarian in design and are undistinguished. For these reasons, the Columbus Park is not eligible for listing as a Candidate City landmark under Criterion 6.

Criterion 7
Columbus Park is not the work of an architect or master builder whose individual work has influenced the development of the City of San José. For this reason, the park is not eligible for listing as a Candidate City Landmark under Criterion 7.

Criterion 8
Columbus Park does not embody elements of architectural or engineering design, detail, materials, or craftsmanship which represents a significant architectural innovation, or which is unique. The park does not have a unified plan or architectural design, has been modified multiple times, and is composed of utilitarian buildings and structures that are not architecturally unique or innovative. For these reasons, the park is not eligible for listing as a Candidate City Landmark under Criterion 8.

In summary, Columbus Park is not eligible as a Candidate City Landmark.

No historic resources are located on the project site. The nearest historic resource to the project site is the Master Metal Products Company building located approximately 600 feet northwest of the project site at 495 Emory Street.

4.5.3 Impact Discussion

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

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

The proposed redevelopment of Columbus Park would demolish all on-site structures and construct new recreational facilities, a restroom and a storage building. As discussed in Section 4.5.1.2 above, there are no historic resources on or adjacent to the project site. The nearest historic resource to the project site is the Master Metal Products Company building located approximately 600 feet northwest of the project site at 495 Emory Street.

Columbus Park and its associated buildings, structures, and recreational facilities did not contribute in a significant way to the development of San José in the post WWII era, was not associated with important architectural work, and do not solve a particular design challenge. For these reasons, the proposed project would not result in a significant impact to historic resources. **(Less than Significant Impact)**

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

Prehistoric and Historic Resources

Policy ER-10.1 of the General Plan states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will 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. The project site is located

within 0.25 miles of known prehistoric archaeological resources. The entire site would be graded to a dept of 12 to 18 inches bgs for the proposed sports fields and portions of the site would be excavated to depths ranging from two feet to 15 feet bgs for the proposed storage and restroom building foundations and to accommodate the proposed stadium lighting foundations. As a result, project ground disturbing activities have the potential to impact previously unrecorded archaeological resources and human remains.

In accordance with General Plan policy ER-10.3, the proposed project would be required to comply with the following condition to reduce impacts to subsurface archaeological resources and human remains.

Standard Project Condition:

- **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to building activities. 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.

Additionally, given the location of the site, and known archaeological resources in the project area, the project has high potential for uncovering as yet unrecorded archaeological resources. Even with implementation of the above standard measures, the site-specific archaeological resources report prepared for the project identified the potential for archaeological resources to be found on-site and the following additional measures would be required to reduce potential impacts to unrecorded archaeological resources.

Impact CR-2: Project ground disturbing activities could result in a substantial adverse change in the significance of an archaeological resource.

Mitigation Measure: The following mitigation measures shall be implemented to reduce impacts to archaeological resources and/or human remains that may be present on the site.

MM CR-2.1: Prior to the start of construction activities, the project proponent shall be required to submit evidence that Cultural Awareness Training will be provided to construction personnel prior to ground disturbance. The training shall be facilitated by the project archaeologist in coordination with a Native American

representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

MM CR-2.2: **Monitoring.** On-going during ground-disturbing construction activities, the project shall implement the following construction practices and protocols to avoid and minimize potential impacts to unknown archaeological resources:

- A qualified archaeologist shall monitor archaeologically sensitive areas during initial ground disturbance to determine whether historic-era archaeological resources are present in the project area.
- If any archaeological resources are exposed during construction, these should be briefly documented, tarped for protection, and left in place and an archaeological resources treatment plan as described in MM CR-2.3 shall be prepared by a qualified archaeologist.
- If no resources are discovered, the consulting archaeologist shall submit a report to the Director of Planning, Building and Code enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer verifying that the required monitoring occurred and that no further mitigation is necessary.

MM CR-2.3: **Treatment Plan.** If required by MM CR-2.2 (i.e., any archaeological resources are exposed during construction), the project proponent shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement or Director's designee prior to the start of any grading activities. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Monitoring schedules and individuals
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Security approaches or protocols for finds.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CR-2.4: **Evaluation.** The project proponent shall notify the Director of the City of San José Department of Planning, Building and Code Enforcement or Director's designee of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the City of San José Department of Planning, Building and Code Enforcement or Director's designee.

With implementation of Project Conditions and project-specific Mitigation Measure MM CR-2.1 through MM CR-2.4 the project would not result in a significant impact to archaeological resources. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed under checklist question b above, the project has high potential for subsurface resources. Because the project site is located within 0.25 miles of known prehistoric archaeological resources and human remains, human remains could be located in the area. Excavation of the site could uncover as yet unrecorded burials.

In accordance with General Plan policy ER-10.3, the proposed project would be required to comply with the following condition to reduce impacts to subsurface archaeological resources and human remains.

Standard Project Condition:

- **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 Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The City shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The

Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of the above listed Project Conditions, the project would not result in a significant impact to archaeological resources. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO-S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.[23] In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code

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

[23] Executive Order S-14-08. Accessed February 7, 2023. https://perma.cc/7S5K-MQT8
[24] California Building Standards Commission. "California Building Standards Code." Accessed December 6, 2021. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

issued by city and county governments.[25]

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[26]

Regional and Local

Climate Smart San José

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

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

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 90 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

[25] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed December 6, 2021. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.
[26] California Air Resources Board. "The Advanced Clean Cars Program." Accessed December 6, 2021. https://www.arb.ca.gov/msprog/acc/acc.htm.

Sustainable City Strategy

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

City of San José Reach Building Code

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

Energy and Water Building Performance Ordinance

In December 2018, the City of San José voted to adopt the Energy and Water Building Performance Ordinance consistent with Climate Smart San José. This ordinance requires commercial and multi-family buildings 20,000 square feet and over to track their yearly whole building energy and water usage data with the EPA platform ENERGYSTAR Portfolio Manager and share this data with the City. Implementation of the ordinance will help the City reach GHG emissions reduction and water conservation goals by encouraging efficiency in large commercial and multi-family buildings.

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

Envision San José 2040 General Plan

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

Policy	Description
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 design and construction.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques

for new construction to minimize energy consumption.

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-14.2 Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.

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, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

MS-17.2 Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

MS-18.5 Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.

MS-18.6 Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.

MS-19.1 Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

MS-19-4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

IN-5.3 Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

PR-6.4 Consistent with the Green Vision, complete San José's trail network and where feasible develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.

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.

4.6.1.1 *Existing Conditions*

Total energy usage in California was approximately 7,802 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.[27] Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,456 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 23 percent (1,805 trillion Btu) for industrial uses, and 39 percent (3,073 trillion Btu) for transportation.[28] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[29] As noted above, SJCE is the electricity provider for residents and businesses in the City of San José.

Natural Gas

PG&E provides natural gas services within San José. In 2019, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[30] In 2019 residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 26 percent, the industrial sector used 35 percent, and other uses used six percent.[31] Transportation accounted for one percent of natural gas use in California. In 2019, Santa Clara County used approximately two percent of the state's total consumption of natural gas.[32]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[33] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.[34] Federal

[27] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed December 6, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[28] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed December 6, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[29] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed December 6, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[30] California Gas and Electric Utilities. 2020 *California Gas Report.* Accessed December 6, 2021. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.
[31] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed August 2, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[32] California Energy Commission. "Natural Gas Consumption by County." Accessed December 6, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[33] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed December 6, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[34] United States Environmental Protection Agency. "The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." January 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf

fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026. [35,36]

4.6.2 Impact Discussion

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

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

Construction

Project construction would require energy for the manufacture and transportation of building materials, site preparation and grading, and construction of the restroom and maintenance building, pathways, and other site improvements. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully because of the added expense associated with renting the equipment, as well as maintenance and fuel. For these reasons, project construction would not use energy in a wasteful manner. **(Less than Significant Impact)**

Operational

Park operation would continue as it does today. The operation of the new stadium lights, restroom, and maintenance building would consume energy in the form of lighting. No scoreboards or PA system are proposed. Energy would also be consumed during vehicle trips generated by visitors. The project would comply with Title 24 and CALGreen energy efficiency measures and obtain 90 percent carbon-free energy through SJCE. The project also encourages alternatives to single-vehicle occupancy trips by being centrally located and adequately served by pedestrian and bicycle facilities. For these reasons, project operation would not use energy in a wasteful manner. **(Less than Significant Impact)**

[35] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed December 6, 2021. http://www.afdc.energy.gov/laws/eisa.
[36] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed December 6, 2021. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

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

The project would be consistent with the regulations described in Section 4.6.1 (including General Plan policies) by:

- Complying with Title 24 and CALGreen
- Complying with the Sustainable City Strategy
- Complying with Climate Smart San José

The project, therefore, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

4.7.1.2 *Existing Conditions*

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calavareas Fault systems exist within the Diablo Range.

Soils and Topography

The project site has an elevation of approximately 70 feet above mean sea level (amsl)[37] and is of the surface soils are comprised of approximately 82 percent Campbell silt loam and 18 percent Hangerone complex, with zero to two percent slopes.[38, 39] The Campbell silt loam and Hangerone soil at the site are mostly comprised of silt loam from the surface to approximately two feet bgs, underlain by silty clay loam to four feet bgs.[40]

Expansive near-surface soil is subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs and below-grade walls. On-site soils have a moderate to high expansion potential.[41] Based on the Santa Clara County Geologic Hazard Zones Map and the site's flat topography, the project site is not located within a landslide hazard zone.[42]

Groundwater

The groundwater level at the site is estimated to be six to eight feet bgs.[43]

[37] AEI Consultants, Inc. *Phase I Environmental Site Assessment Report, Asbury Street and Irene Street, San Jose, CA*. July 2, 2021.
[38] Ibid.
[39] United States Department of Agriculture. Web Soil Survey. Accessed: July 12, 2021. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
[40] Ibid.
[41] City of San José. Final Programmatic EIR for Envision San José 2040 General Plan. November 2011. https://www.sanjoseca.gov/home/showpublisheddocument/22039/636688304347700000
[42] County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 35. October 2012. https://stgenpln.blob.core.windows.net/document/GEO_GeohazardATLAS.pdf. Accessed January 14, 2022.
[43] AEI Consultants, Inc. *Phase I Environmental Site Assessment Report, Asbury Street and Irene Street, San Jose, CA*. July 2, 2021.

Seismicity and Seismic Hazards

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[44]

The project site is not located in an Alquist-Priolo Earthquake Fault Zone.[45] There are no known active faults that traverse the site and, therefore, the potential for fault rupture is very low. The Silver Creek fault, an inactive quaternary fault[46] is located approximately 0.8 miles east of the project site. The known major active faults near the project site include the Crosley Fault approximately 4.5 miles east, the Monte Vista Fault approximately 7.6 miles west, and the San Andreas Fault approximately 13 miles west of the project site.[47]

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. The project site is not located within a state-designated liquefaction hazard zone.[48]

Lateral Spreading

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 or "free" face such as an open body of water, channel, or excavation. According to the Envision San José General Plan EIR, areas of San José most prone to lateral spreading include lands adjacent to creeks or streams which liquefaction probability is greatest. The nearest waterway to the project site is Guadalupe River, located approximately 400 feet to the east. As noted above, the project site is not located within a state-designated liquefaction hazard zone. For these reasons, the potential for lateral spreading is low.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have

[44] United States Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014-2043.* Revised August 2016. Accessed September 16, 2020. Available at: https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.
[45] California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Accessed: July 12, 2021. Available at http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[46] United States Geological Survey. "What is a 'Quaternary' fault?." Accessed January 14, 2022. https://www.usgs.gov/faqs/what-a-quaternary-fault?qt-news_science_products=0#qt-news_science_products
[47] California Geological Survey, Geologic Data Map No. 6, Columbus Park, San José, California. 2015. Accessed: January 14, 2022. Available at: https://maps.conservation.ca.gov/cgs/fam/
[48] County of Santa Clara. *Geologic Hazard Zones*. Map. 2012. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf Accessed July 12, 2021.

a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The Envision San José 2040 General Plan EIR found the project site to have a high sensitivity at the depth for paleontological resources.[49]

4.7.2 Impact Discussion

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

[49] City of San José, *Final Programmatic EIR for Envision San José 2040 General Plan*, November 2011.

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. No known surface expression of active faults are known to cross the site. Nonetheless, consistent with the City's General Plan and Municipal Code, the project would be built using standard engineering and seismic safety design techniques and implement the following Project Condition to address seismic hazards.

Standard Project Condition:

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

With implementation of the above Project Condition, the proposed project would not result in a substantial adverse effect involving rupture of a known earthquake fault. **(Less Than Significant Impact)**

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

The project site is developed and generally level, which limits the potential for substantial soil erosion. Potential for erosion is highest during the grading and excavation phase. Ground-disturbing activities would include site-specific grading for foundations, access driveways, and utility trenches. Temporary erosion could occur during project construction. However, the project would be required to comply with Municipal Code Chapter 17.04, which requires a grading permit prior to ground-disturbing activities and calls for protection of slopes and the use of erosion and sediment controls on construction sites as necessary to protect water quality. Additionally, the project would implement the following Project Conditions to reduce erosion and the loss of topsoil:

Standard Project Conditions:

- 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.

Furthermore, the Envision San José 2040 General Plan EIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. Because the project would comply with the regulations identified in the Envision San José 2040 General Plan EIR and adhere to the Project Conditions above, implementation of the proposed project would not have a significant soil erosion impact. **(Less than Significant Impact)**

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

The project site is in the seismically active San Francisco Bay Area which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas and Hayward faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake.

In accordance with the City's General plan and Municipal Code the project shall implement the following Project Condition as a condition of approval for the project.

Standard Project Condition:

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

With implementation of the above Project Condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions.

Liquefaction

The project site is not located within a state-designated Liquefaction Hazard Zone. For this reason, there would be no CEQA impact associated with liquefaction.

Lateral Spreading

The nearest creek to the site is Guadalupe River, which is located approximately 400 feet east of the site. The site is not located within a state-designated liquefaction hazard zone. For these reasons, the site has limited potential for lateral spreading. However, with implementation of the above Project Condition, impacts related to lateral spreading would be reduced to less than significant levels.

Landslides

The project site is not located within a landslide hazard zone. The project site is relatively flat and is not located in the vicinity of any slope that could be affected by a landslide.

Overall, with implementation of the Project Condition the proposed maintenance and restroom buildings would be designed to properly account for soils-related hazards and would not result in significant impacts related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

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

As noted above, soils on-site are moderate to highly expansive.[50] The project would not increase the potential for expansive soils with implementation of the Project Conditions discussed above. **(Less than Significant Impact)**

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

The existing restroom facility within Columbus Park is currently connected to the City's sewer system. Under the proposed project, the new restroom facility would also be connected to the City's sewer system and the existing utility lines in the project area would continue to serve the proposed new building. By connecting to existing City sewer lines, the project would avoid impacts related to wastewater disposal via an on-site septic system or an alternative wastewater disposal system. **(Less than Significant Impact)**

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

Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources. However, older Pleistocene sediments present at or near the ground surface at some locations have a higher potential to contain resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. As

[50] United States Department of Agriculture. "Web Soil Survey." Accessed September16, 2020. Available at https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

noted in Section 3.3.6 above, the maximum depth of excavation required for the project would be 15 feet bgs. At this depth, the proposed project could potentially disturb undiscovered paleontological resources underlying the project site during excavation, grading and construction activities.

The Envision San José 2040 General Plan EIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level. The following Project Condition would be applied to the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

Standard Project Condition:

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

Implementation of the Project Condition discussed above would reduce impacts to paleontological resources to a less than significant level. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Assembly Bill 32

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

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

Senate Bill 375

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

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

Regional and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Climate Smart San José

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

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

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity, and the PG&E delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 90 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.[51]

4.8.1.2 *Existing Conditions*

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

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

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

The project site is currently developed with a city park. Operation of the park generates GHG emissions from vehicles traveling to and from the site, and electricity usage for lighting.

4.8.2 Impact Discussion

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

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

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 10 months and include use of equipment for grading, excavation for building and light foundations and landscaping. Project construction would not result in a permanent increase in emissions.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. Since the project is consistent with the General Plan land use designation for the site, planned growth from build out of the General Plan, and incorporates mandatory GHG reduction measures required by the City, operation of the project would not interfere with the implementation of SB 32 in 2030 and would have a less than significant GHG emissions impact. **(Less than Significant Impact)**

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

Envision San José 2040 General Plan

The project is consistent with the General Plan policies identified in Section 4.8.1.1 Regulatory Framework to reduce GHG emissions by:

- Constructing in accordance with CALGreen and Title 24
- Planting trees for shade
- Providing bicycle parking

The project would be consistent with the City's General Plan policies intended to reduce GHG emissions. **(Less than Significant Impact)**

2030 San José Greenhouse Gas Reduction Strategy

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified GHGRS that is consistent with AB 32 goals. The City of San José adopted the updated 2030 GHGRS in 2020. If a project is consistent with the City's GHGRS, it can be presumed that the project would not have significant GHG emissions under CEQA. The proposed project's consistency with these measures is summarized below (refer to Appendix C for more details).

To be consistent with the GHGRS, development projects shall demonstrate consistency with the General Plan Land Use and Circulation Diagram and General Plan policies related to green building pedestrian, bicycle and transit site design, and water conservation and urban forestry. In additional, projects shall demonstrate consistency with the seven GHG reduction strategies identified in the GHGRS which include implementation of San José Clean Energy and the City's Reach Code Ordinance, expanding development of rooftop solar energy, supporting the transition to building decarbonization, divert 90 percent of waste from landfills, modernization of Caltrain, and water conservation.

As discussed in Section 4.11 Land Use and Planning, the project is consistent with the General Plan designation and planned growth from build out of the General Plan. The proposed project would be required to comply with the City's Green Building Ordinance, and CBC requirements as well as General Plan Action MS-2.11 which requires development to incorporate green building practices through construction, architectural design, and site design techniques. As noted in Section 3.0 Project Description, electricity would be provided to the project site by SJCE and be automatically enrolled in the default program, Greensource, which provides 90 percent carbon-free energy. Enrollment in the Greensource program would achieve the greatest GHG emissions reductions compared to the other measures proposed. Furthermore, consistent with General Plan Policies TR-1.1 and TR-2.8 which call for development projects to encourage use of non-automobile transportation modes, the project would provide on-site facilities such as bicycle storage and connections to existing and

planned bicycle facilities. As noted in Section 3.1 Project Description, the project would replace natural turf playing fields with synthetic turf fields and would plant water-efficient landscaping around the perimeter of the park in accordance with General Plan Policy MS-3.1 and GHGRS Strategy #5. The project would also plant a total of 133 replacement trees on--site, consistent with the City's tree replacement policy, urban forestry goals, and GHGRS Strategy #7.

Furthermore, consistent with the GHG reduction Strategies #1 and #4, the project would comply with the City's Reach Code ordinance, exclude natural gas infrastructure. Consistent with Strategy #5, the project would include recycling and organic waste disposal, diverting waste from landfills. Although the project is located within 0.5 miles of a Caltrain Station, the project proposes redevelopment of an existing City park and would not generate new residents or employees for which Caltrain passes could be provided for; therefore, Strategy #6 does not apply. For these reasons, the project would implement all applicable GHG consistency measures intended to reduce GHG emissions.

Climate Smart San José

Climate Smart San José is a communitywide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

The project would be designed and constructed in compliance with the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency in site design, architectural design, and construction techniques. Additionally, replacement of the existing natural turf fields with synthetic turf fields would reduce energy use from watering and maintenance of the fields. Furthermore, irrigation for the proposed landscaping would utilize recycled water. For these reasons, the project would be consistent with the City's climate action goals as set forth in Climate Smart San José.

The project would be consistent with applicable GHGRS measures and Climate Smart San José. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared by AEI Consultants, Inc. on July 2, 2021. A copy of the report is included as Appendix D to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

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

Comprehensive Environmental Response, Compensation, and Liability Act

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

- Established prohibitions and requirements concerning closed and abandoned hazardous waste

sites;

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[52]

Resource Conservation and Recovery Act

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

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[53]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[54]

[52] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed July 6, 2021. https://www.epa.gov/superfund/superfund-cercla-overview.
[53] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed July 6, 2021. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[54] California Environmental Protection Agency. "Cortese List Data Resources." Accessed July 6, 2021. https://calepa.ca.gov/sitecleanup/corteselist/.

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

CCR Title 8, Section 1532.1

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

Regional and Local

Municipal Regional Permit Provision C.12.f

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

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[55] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to hazards and hazardous materials and applicable to the proposed project:

Envision San José 2040 Relevant Hazards and Hazardous Materials Policies

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.2	Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.
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-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state, and federal laws, regulations and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed 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-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed

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

	land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
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.
EC7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
LU-1.8	Collaborate with appropriate external agencies with land use authority or regulations in San José. Consider applicable Airport Land Use Commission, Santa Clara Valley Water District, Local Area Formation Commission, and other policies from outside agencies when reviewing new or expanded uses.
TR-14.1	Foster compatible land uses within the identified Airport Influence Area overlays for Mineta San José International and Reid-Hillview airports.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq

4.9.1.2 *Existing Conditions*

The 12.5-acre site is located north of West Taylor Street between the Guadalupe River Park and Walnut Street in San José. The project site is currently developed as a City park (Columbus Park) with a picnic area, two basketball courts, two sand volleyball courts, lighted softball fields, restrooms, and landscaping. Surrounding land uses include undeveloped lands owned by the City to the north, parks and open space to the south and east, as well as a community garden and industrial uses to the west. SR 87 is located approximately 575 feet east of the project site.

Historic Uses of the Project Site and Surrounding Land Uses

Review of topographic maps and historical aerial photographs indicated that the project site and surrounding area had been used for agricultural purposes since approximately 1939. By 1948, the northeastern portion of the project site was developed as a trailer park and the southwestern portion of the project site was developed with residential buildings, accessory structures and a recreational hall. A small storage and oil and gas shop associated with the trailer park was located in the northeastern portion of the project site. Between 1956 and 1963, the trailer park, residential buildings, and recreational hall were demolished, and the current Columbus Park was developed on-site. No substantive changes to the site have been made since that time.

On-Site Sources of Contamination

Although the project site is not listed on any federal, state, or local regulatory agency database and there are no records of any underground storage tanks or prior hazardous substance spill/release

incidents at the subject property, historic uses of the project site including agricultural operations and the small storage and oil and gas shop building associated with the former trailer park indicates a potential for on-site contamination from these uses. Based on historic agricultural uses of the site residual agricultural chemicals, such as pesticides, herbicides, and fertilizers may be present in on-site soil and groundwater. The prior use of the site as a shop and possible gasoline service station is considered a recognized environmental condition. Additionally, as noted in Section 3.0 Project Description, the project site is currently occupied by people experiencing homelessness and multiple RVs and other vehicles are parked on the playing fields which could result in limited shallow soil contamination.

Off-Site Sources of Contamination

The Phase I ESA included a review of federal, state and local regulatory agency databases to evaluate the likelihood of contamination incidents within one mile of the project site and identify recognized environmental conditions. Six properties in the project vicinity were listed in regulatory databases as sites with potential hazardous materials of concern. However, based on the distances from the site, direction of groundwater flow, and current facility statuses, these facilities listed in the project vicinity do not represent recognized environmental conditions (RECs) to the site.

4.9.1.3 *Other Hazards*

Airports

The nearest airports to the site are Norman Y. Mineta San José International Airport and Reid-Hillview Airport, located approximately 0.5 miles north, and approximately 4.5 miles southeast of the project site, respectively. The project site is located within the airport influence area and Inner Safety Zone of the Norman Y. Mineta San José International Airport. [56] The project site is within an area regulated by the FAA Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports.

Given the distance of the project site from Reid-Hillview Airport, the site is not located within the airport influence area or safety zone of this airport.[57]

Wildfire

The project site is surrounded by urban development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE.[58]

[56] County of Santa Clara Department of Planning and Development. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. May 25, 2011. Figure 7. Accessed July 9, 2021. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf
[57] County of Santa Clara Department of Planning and Development. Airport Land Use Commission: Comprehensive Land Use Plans and Associated Documents. November 16, 2016. Accessed January 14, 2022. https://stgenpln.blob.core.windows.net/document/ALUC_RHV_Maps.pdf
[58] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. October 8, 2008. Accessed January 14, 2022. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf

4.9.2 Impact Discussion

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

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

Small quantities of herbicides and pesticides are currently transported to and used on the project site for maintenance of park landscaping and playing fields. Use of herbicides and pesticides are currently managed in accordance with existing laws and regulations that ensure proper containment. With implementation of the proposed project, the quantity of herbicides and pesticides transported to, and used on-site would be reduced, as the existing natural turf playing fields would be replaced with synthetic turf fields. Smaller quantities would still be required to be transported to and used on-site for maintenance of the landscaping around the perimeter of the site and adjacent to the pedestrian paseo. These hazardous materials would continue to be managed in accordance with existing laws

and regulations that ensure proper containment. For these reasons, post-construction operation of the proposed park renovation project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. **(Less than Significant Impact)**

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

As discussed in Section 4.9.1.2, although the project site does not have any recorded contamination, historic use of the northeastern portion of the site as a shop and possible gasoline service station represents an REC. Residual pesticides may be present on-site from past agricultural use. Additionally, as discussed in Section 4.9.1.2 above, multiple vehicles are currently parked on the playing fields which could result in limited shallow soil contamination. Proposed ground disturbing activities could expose construction workers and the public to hazards from unrecorded subsurface features associated with the shop, possible gasoline service station, residual pesticides, and vehicle storage during excavation and grading. Therefore, the project would result in a significant impact with regard to exposure of construction workers and adjacent sensitive receptors to potential unrecorded subsurface features and residual pesticides.

Impact HAZ-1: Development of the proposed project could result in impact to construction workers, neighboring properties, future site users and the environment from exposure to potentially hazardous soil and/or soil gas.

Mitigation Measures: The project would implement the following mitigation measures to reduce impacts related to pesticide contamination in on-site soils due to past agriculture use.

MM HAZ-1.1: Prior to the start of a site grading activities the project proponent shall retain a qualified environmental professional to complete a Phase II Environmental Site Assessment to address the concerns and recommendations posed in the Phase I Environmental Site Assessment completed by AEI consultants Inc. dated July 2, 2021. The Phase II ESA shall include the collection of shallow soil samples in the proposed project area for analysis of organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and residential standard environmental screening levels. Additionally, the Phase II shall include testing for any other contaminants determined necessary by the environmental professional based on the occupation of the site by people experiencing homelessness. Results of the Phase II will be provided to the Director of the Department of Planning, Building and Code Enforcement or Director's designee, and the Environmental Services Department Municipal Compliance Officer.

MM HAZ-1.2: If the Phase II results indicate soil, soil gas and/or groundwater contamination

above regulatory environmental screening levels, the applicant shall obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC) or Santa Clara County Department of Environment Health (SCCDEH) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Director of the Department of Planning, Building and Code Enforcement or Director's designee , and the Environmental Compliance Officer in the City of San José's Environmental Services Department**.**

With implementation of MM HAZ-1.1 and MM HAZ-1.2, impacts related to exposure to residual pesticides in the soil would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Asbestos-Containing Materials and Lead-Based Paint

As described above, the existing restroom building was constructed between 1956 and 1964. Since the building was constructed prior to 1978, it may contain ACMs and/or LBP. Exposure to ACMs have been linked to cancer, and LBP can cause serious health problems, especially to children and pregnant women. The project proposes demolition of the existing restroom building. Therefore, the project would be required to implement the following Project Conditions.

Standard Project Conditions:

1. In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACSMs) and/or lead-based paint (LBP).
2. 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.
3. All potentially friable ACMs shall be removed in accordance with 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.
4. 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.
5. 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.

Implementation of the Project Conditions above would ensure potential impacts related to release of contaminants during construction of the proposed project would be less than significant. **(Less than Significant Impact)**

Operation

Operation of the proposed maintenance and restroom buildings would include the use and storage of cleaning supplies and pesticides in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and pesticides would not pose a risk to site users or adjacent land uses. **(Less than Significant Impact)**

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

The closest school to the project site is Bellarmine College Prep at 960 West Hedding Street, approximately 0.27 miles northwest of the project site. The project would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. Implementation of existing regulations and adopted plans would substantially reduce hazards to people. The project applicant would be required to provide a construction haul route for review and approval by the City's Public Works Department before a ground disturbing permit is granted. This review would ensure that haul routes avoid schools, and that the applicant is aware of all federal and state regulations for transporting hazardous materials. For these reasons, the proposed project would have a less than significant hazardous impact on any nearby school. **(Less than Significant Impact)**

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

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5 and, therefore, would not be located on a hazardous site that would result in a significant hazard to the public or the environment.[59] **(No Impact)**

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

As noted in Section 2.4, the project site is located within the Inner Safety Zone of Normal Y. Mineta International Airport. The Inner Safety Zone represents the approach and departure corridors that

[59] AEI Consultants. *Phase I Environmental Site Assessment, Asbury Street and Irene Street, San Jose, Santa Clara County, California 95110.* July 2, 2021.

have the second highest level of exposure to aircraft accidents.[60] The project site is also located within the 70 dBA noise contour according to the Santa Clara County Comprehensive Land Use Plan (CLUP) for Norman Y. Mineta San José International Airport[61] and is located within the 70 dBA noise contour according to the City's 2020 Airport Master Plan Amendment 2037 CNEL Noise Contours.[62]

According to the CLUP for Norman Y. Mineta San José International Airport, uses allowed within the Inner Safety Zone include non-residential uses that attract relatively few people. The maximum population density allowed is 120 people per acre.[63] Noise levels of 70 dBA are considered acceptable for sports arenas, outdoor spectator sports and parking uses; however, this noise level is considered generally unacceptable for playgrounds and neighborhood parks.[64]

The proposed project includes renovation of an existing city park and construction of two new buildings totaling 4,000 square feet. No residential uses are proposed. With implementation of the proposed project there would be a maximum of 1,800 users per weekday and 2,520 users per weekend day, resulting in a net increase of 1,783 to 1,748 users per weekday and 2,506 to 2,471 per weekend day. During operating hours, four sports fields would be available for reservation per hour and the sports courts and pedestrian paseo would be open to informal use to the general public. Based on a user data from past reservations, it is estimated that a total of 250 people would occupy the four fields and up to 50 people would occupy the sports courts and paseos at one time, for a maximum of 300 people at the park at any one time. Thus, the park would have a population density of 24 people per acre, consistent with the maximum density allowed for the site. Additionally, as discussed in Section 4.13 Noise, although the project would be located within an area with elevated noise levels due to existing airport operations, the project would not include new sensitive land uses and would not expose people residing or working in the project area to excessive noise levels, thus, impacts would be less than significant. For these reasons, the proposed park renovation project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

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

The proposed project would include renovations to an existing city park and temporary closure of Spring Street. There are no formal evacuation routes or emergency response plans that would be impacting by the proposed project. The project would be constructed in accordance with building and fire codes to ensure structural stability and safety. In addition, the San José Fire Department (SJFD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **(Less than Significant Impact)**

[60] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Norman Y. Mineta San José International Airport.* May 25, 2011, Amended November 16, 2016.
[61] Ibid.
[62] City of San José. *2020 SJC Airport Master Plan Amendment Integrated Final EIR*. April 2020. Page 279. https://www.sanjoseca.gov/home/showpublisheddocument/61640/637304476542130000
[63] Ibid.
[64] Ibid.

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

As discussed in Section 4.9.1.3, the project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE.[65] **(No Impact)**

[65] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. October 8, 2008. Available at: https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[66] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[67] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects

[66] MRP Number CAS612008

[67] San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12.* November 19, 2015.

within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

2016 Groundwater Management Plan

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

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu recharge through the provision of treated surface water, acquisition of supplemental water supplies, and water conservation and recycling.[68]

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

[68] Valley Water. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins*.November 2016.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[69]

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Construction Dewatering Waste Discharge Requirements

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

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to hydrology and water quality and applicable to the proposed project:

Envision San José 2040 Relevant Hydrology and Water Quality Policies

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
MS-3.5	Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
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-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

[69] California Department of Water Resources, Division of Safety of Dams. Accessed July 6, 2021. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).

ER-8.10	Participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SVURPPP) and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System (NPDES) permits and other measures.

4.10.1.2 *Existing Conditions*

Storm Drainage and Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains.

Stormwater from the 12.5-acre project site drains into the Guadalupe River. Based on data from the EPA, the Guadalupe River is currently listed on the California 303(d) list for mercury and trash.[70]

Runoff from the project site and the surrounding areas enter the City's storm drainage system, which outfalls to the Guadalupe River, located approximately 400 feet east of the project site. The project site is currently developed with approximately 92,800 square feet (19 percent) of the site covered with impervious surfaces. The project site is not located within a designated groundwater recharge zone.[71]

Flooding and Other Hazards

The project site is not located within a 100-year flood zone. According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone X, an area with reduced flood risk due to levee.[72] Flood Zone X denotes areas of moderate flood hazard.[73] Due to the location of the site approximately 28 miles east of the Pacific Ocean and approximately seven miles south of San Francisco Bay (the nearest water bodies susceptible to tsunami and seiche, respectively), it would not be subject to tsunami and seiche hazards.

Groundwater

Groundwater beneath the site has been found at a depth of six to eight feet bgs.[74] Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

[70] U.S. Environmental Protection Agency. "California 303(d) Listed Waters." Accessed October 22, 2021. https://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012
[71] Santa Clara Valley Water District. *Groundwater Management Plan.* November 2016.
[72] Federal Emergency Management Agency. Flood Rate Insurance Map 06085C0233H. May 18, 2009.
[73] Federal Emergency Management Agency. "Flood Zones." Accessed October 22, 2021. https://www.fema.gov/glossary/flood-zones
[74] AEI Consultants. *Phase I Environmental Site Assessment, Asbury Street and Irene Street.* July 2, 2021.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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

Construction Impacts

The proposed project would disturb the entire 12.5-acre site; therefore, the project would be required to obtain an NPDES General Construction permit. All development projects in the City are required to comply with the City of San José's Grading Ordinance whether or not it would be required to obtain an NPDES General Construction Permit. Prior to grading activity occurring during the rainy season (October 1st to April 30th), the City shall submit an Erosion control Plan to the Director of

Public Works for review and approval. The Erosion Control Plan shall detail BMPs that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the NPDES General Construction Permit and City requirements, the following Project Conditions have been included in the project to reduce potential construction-related water quality impacts.

Standard Project Conditions:

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown away by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The City 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 would include excavation to a maximum depth of 15 feet bgs for the stadium lights. Groundwater is estimated to be approximately six to eight feet bgs. Dewatering would be required during project construction. Dewatering would be temporary and would not have a long-term effect on groundwater supply (refer to Section 4.19 Utilities and Service Systems). Since excavation activities on-site could encounter groundwater, consistent with the Statewide Construction General Permit, the project would be required to implement the following measures:

- Any pumped uncontaminated groundwater of less than 10,000 gallons/day shall be discharged to a landscape area or bioretention unit that is property designed to accommodate the volume of pumped groundwater, or discharged to the sanitary sewer. Discharge to the sanitary sewer would require review by the City's Environmental Services Engineering section during the Building Permit stage and is subject to all wastewater permitting requirements and fees. In the event it is not feasible to pump

groundwater to stormwater treatment facilities, or the sanitary sewer, groundwater may be discharged to the storm water system if testing determines that the discharge is uncontaminated, as outlined in the City's Stormwater Permit – Provision C.15.b.i.(2)(c)-(e). Pre0discharge sampling data collected for verification that the pumped groundwater is not contaminated shall be provided to the City of San José.

- Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons/day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay Regional Water Quality Control Board. Upon approval of the permit, a copy shall be provided to the City of San José with the building permit application submittal.

For these reasons, the proposed project would not result in a significant impact on water quality. **(Less than Significant Impact)**

Post Construction

Under existing conditions, approximately 19 percent (92,800 square feet) of the project site is comprised of impervious surfaces. Under project conditions, the site would be covered with approximately 20 percent (99,265 square feet) of impervious surfaces, a net increase of approximately one percent (6,465 square feet).

The project would replace more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José Post-Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the project currently proposes bio-swales and flow-through planters in the median islands of the surface parking lot.

With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **(Less than Significant Impact)**

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

As mentioned previously, the project would include excavation for building and stadium light foundations to a maximum depth of approximately 15 feet bgs. Groundwater is estimated to be approximately six to eight feet bgs. Based on this data, the proposed project could interfere with the shallow groundwater aquifer but not substantially interfere with overall groundwater flow or impact the deeper groundwater aquifers. It is anticipated that dewatering would be required during project construction. The project site is not located within a designated recharge area nor does it contribute to the recharging of any groundwater aquifers. This condition would not change once the project is constructed and operational. Therefore, the proposed project would not interfere with groundwater

flow or impact the groundwater aquifer. **(Less than Significant Impact)**

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

The nearest waterbody to the project site is the Guadalupe River, approximately 400 feet east of the project site. The proposed project would not include work within Guadalupe River and would not result in alteration of the course of the river.

As noted above, the project site is currently developed with a public park and informal gravel parking area, with approximately 92,800 square feet of impervious surfaces. With project implementation, impervious surfaces would be increase to 99,265 square feet, an increase of one percent compared to existing conditions. The project would comply with the NPDES General Construction Permit to reduce the rate of stormwater runoff while removing pollutants. Compliance with the MRP and associated City policies would reduce the overall rate and volume of runoff entering the storm drain system. For these reasons, implementation of the proposed project would not result in an increase in stormwater runoff or pollutants, or substantially alter the existing drainage pattern of the site resulting in substantial flooding on- or off-site. **(Less than Significant Impact)**

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

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. A tsunami or tidal way is a series of water waves caused by displacing a large volume body of water, such as an ocean or a large lake. Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. **(No Impact)**

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

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to land use and planning and applicable to the proposed project:

Envision San José 2040 Relevant Land Use and Planning Policies

Policy	Description
CD-6.5	Design quality publicly-accessible open spaces at appropriate locations that enhance the pedestrian experience and attract people to the Downtown. Use appropriate design, scale, and edge treatment to define, and create publicly-accessible spaces that positively contribute to the character of the area and provide public access to community gathering, recreational, artistic, cultural, or natural amenities.
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-1.4	Provide access to high-quality recreation programs/services through a three tiered multi-service hub, satellite, and neighborhood community center concept.
PR-1.6	Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.
PR-1.7	Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation
PR-1.8	Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.
PR-3.2	Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.
PR-4.3	Promote San José's unique, regional parks and recreation facilities as regional attractions/destinations by incorporating facilities, programs, and events with regional draws and marketing these to a regional audience.
PR-6.2	Develop trails, parks and recreation facilities in an environmentally sensitive and fiscally sustainable manner.
PR-6.6	Encourage environmentally sustainable connections (such as pedestrian/bike trails, bike lanes and routes, transit, etc.) between community elements like schools, parks, recreation centers, libraries and other public nodes.

PR-7.3	Whenever possible, construct parks and recreation facilities, especially those that are youth serving, where they are accessible to public transit.

4.11.1.2 *Existing Conditions*

The project site is located in an urban area of San José and is currently developed as a City park. The project site is located just northwest of downtown San José. Surrounding uses include undeveloped land within the Inner Safety Zone of Norman Y. Mineta International Airport to the north, Guadalupe Gardens and Heritage Rose Garden to the south, Guadalupe River Park to the east, and Guadalupe Community Garden and existing industrial and commercial uses to the west.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

The project proposes improvements to an existing park. Implementation of the proposed project would not result in the division of an established community. **(No Impact)**

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

City of San José General Plan and Zoning Consistency

The proposed project is consistent with the land use designation and zoning for the site. The proposed park is an existing use and is compatible with adjacent uses.

Santa Clara County Airport Land Use Compatibility

The project site is located within the Inner Safety Zone of Normal Y. Mineta International Airport.

The CLUP for Norman Y. Mineta San José International Airport defines the Inner Safety Zone as the approach and departure corridors that have the second highest level of exposure to aircraft

accidents.[75] Uses allowed within the Inner Safety Zone include non-residential uses that attract relatively few people. Examples of non-residential uses that attract large groups of people and would not be allowed include shopping centers, restaurants, theaters, meeting halls, stadiums, multi-story office buildings, labor-intensive manufacturing plants, educational facilities, day cares facilities, hospitals, nursing homes, hazardous materials facilities, and gas stations. The maximum population density allowed is 120 people per acre. A minimum of 30 percent of the gross area of the site is required to be open space with no structures or concentrations of people allowed within 100 feet of the extended runway centerlines.[76]

The proposed project would include replacement of the existing recreational facilities, restroom and landscaping, and construction of a new storage building on-site. No residential uses are proposed. Approximately 99 percent of the site would be open space.[77] As noted in Section 3.3.5, Park Operations, under the proposed project there would be a maximum of approximately 300 users on-site at any one time, resulting in a total population density of 24 people per acre. Thus, the proposed project would be consistent with the uses and population density allowed within the Inner Safety Zone.

FAR Part 77 sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing reflective surfaces, flashing lights, electronic interface and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, FAA Part 77 regulations dictate that any proposed structure above approximately 20 feet AGL must be submitted to the FAA for mandatory Airspace Safety Review.

The project proposes construction of two new buildings and 31 stadium lights. The maintenance and restroom buildings would both have a maximum height of 15 feet and stadium lights would have a maximum height of 50 feet. Thus, the proposed buildings would not require notification of FAA, however, the proposed stadium lights would be subject to FAA notification and review to ensure that they do not interfere with airport operations.

The project is required to be reviewed by the FAA for FAR Part 77 conformance. General Plan Policies TR-14.4 require FAA issuance of a No Hazard determination prior to development approval, with any conditions set forth in an FAA No Hazard determination also incorporated in the City's project approval.

As noted in Section 3.2.2 Lighting above, all new exterior lighting on-site would be designed so that only to the intended area is illuminated and off-site glare is fully controlled. The lighting would also be designed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots (CLUP Policy G-7). FAA reviewed the proposed project and lighting design and issued a

[75] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Norman Y. Mineta San José International Airport.* May 25, 2011, Amended November 16, 2016.
[76] Ibid.
[77] 12.5 acres = 544,500 square feet. 4,000 square feet/54,500 square feet = 0.73 percent of site covered by structures.

Determination of No Hazard for the proposed project on July 8, 2019.[78]

For these reasons, the project would not result in a significant environmental impact due to a conflict with any land use plan, policy, or regulation. **(Less than Significant Impact)**

[78] Federal Aviation Administration Southwest Regional office, Obstruction Evaluation Group. *Determination of No Hazard to Air Navigation.* July 8, 2019.

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.12.1.2 *Existing Conditions*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance.[79] The project site is not on or adjacent to Communications Hill.

4.12.2 Impact Discussion

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

[79] City of San José. *Envision San José 2040 General Plan EIR.* December 2011.

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

The Communications Hill area in central San José is the only area within the City that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill. The project would not result in the loss of availability of a known mineral resource. **(No Impact)**

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

The project site is not located in an area of San José or Santa Clara County with known mineral resources. Therefore, the project would not result in the loss of availability of a mineral resource recovery site. **(No Impact)**

4.13 NOISE

The following discussion is based, in part, on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. on December 9, 2021. A copy of the report is included as Appendix E to this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

State and Local

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to noise and applicable to the proposed project:

Envision San José 2040 Relevant Noise Policies

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected. Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels: • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise

levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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.

EC-1.4 Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.

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.

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

EC-1.11 Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise

EC-1.14 Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building 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.

TR-14.3 For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

4.13.1.2 *Existing Conditions*

Existing Ambient Noise Levels

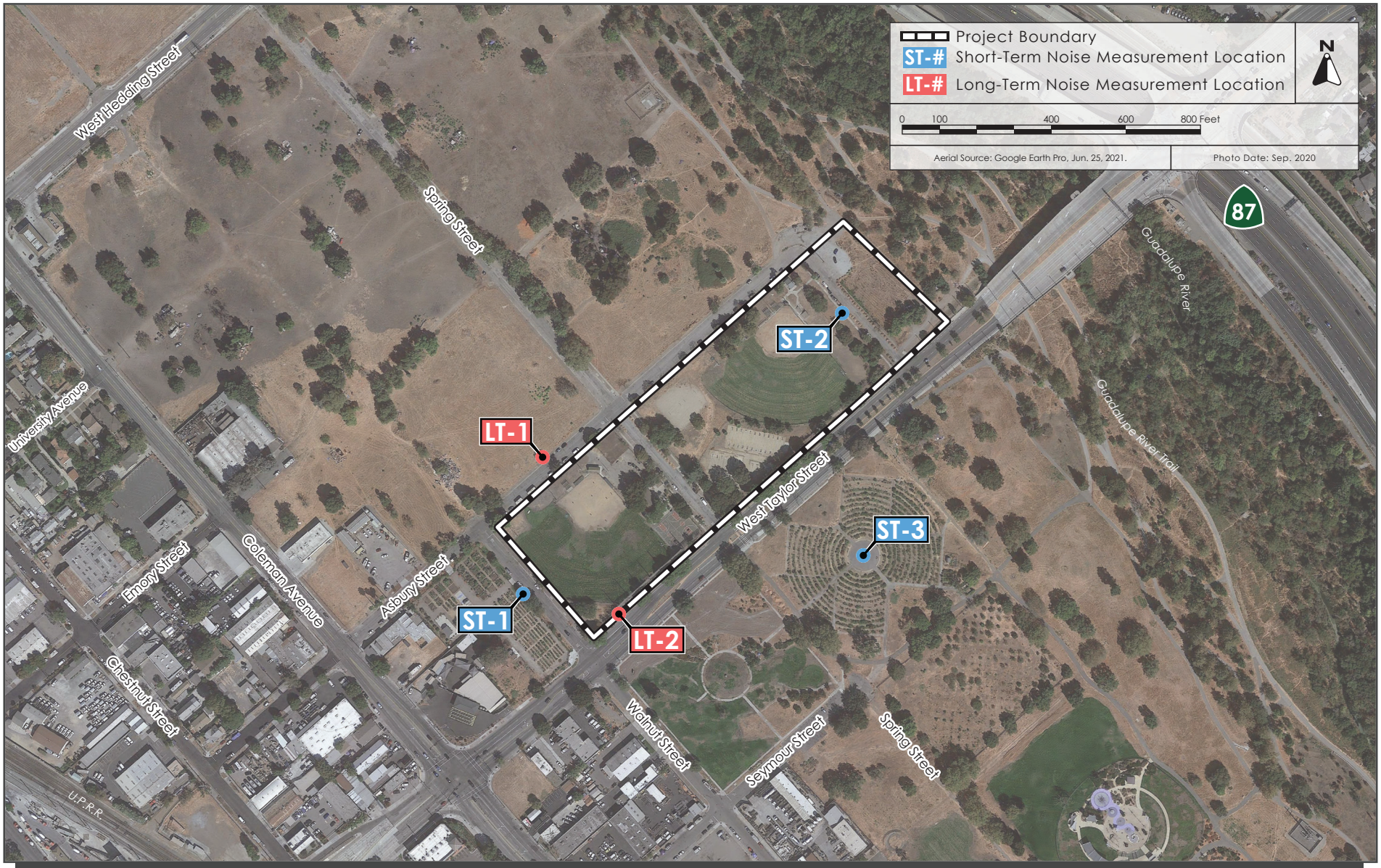
The project site is located on West Taylor Street between Irene Street and Walnut Street in San José. The site is surrounded by commercial and industrial uses to the west and undeveloped land and parks to the north, south, and east. The project site is approximately 0.55 miles south of Norman Y. Mineta San José International Airport.

Two long-term and one short-term noise measurements were taken in November 2021 to determine the existing ambient noise level on and around the project site. Long-term noise measurement LT-1 was made along Asbury Street, between Walnut Street and Spring Street. This location was to quantify aircraft noise levels at the site. The second long term noise measurement, LT-2, was taken on West Taylor Street approximately 45 feet from the centerline of West Taylor Street and east of Walnut Street and was selected to quantify existing noise levels from local vehicle and aircraft traffic. ST-1 was made from Guadalupe Community Garden, ST-2 was taken along Irene Street and ST-3 was taken at the center of Guadalupe Gardens Heritage Rose Garden. Short term noise measurements were taken in these locations to represent ambient noise levels at receptors to the south-west, and noise levels due to aircraft overflight. Table 4.13-1 summarizes the results of the long-term and short-term noise measurements.

Table 4.13-1: Existing Ambient Noise Levels

Noise Measurement Location	dBA L_{eq}	Daytime dBA L_{eq}	Nighttime dBA L_{eq}
Long-Term Noise Measurements			
LT-1: Asbury Street, between Walnut Street and Spring Street	--	63-74	70-71
LT-2: West Taylor Street east of Walnut Street	--	67-73	73-74
Short-Term Noise Measurements			
ST-1: Guadalupe Community Garden (11/12021, 12:10 p.m. – 12:20 p.m.)	66	--	--
ST-2: Irene Street (11/12/21, 12:40 p.m. – 12:50 p.m.)	61	--	--
ST-3: Guadalupe Gardens Heritage Rose Garden (11/12/21, 1:00 p.m. – 1:10 p.m.)	69	--	--

Source: Illingworth & Rodkin, Inc. *Columbus Park Noise and Vibration Assessment.* December 9, 2021.



LOCATOINS OF NOISE MEASUREMENTS | FIGURE 4.13-1

Existing Noise-Sensitive Receptors

The nearest noise sensitive receptors to the project site are commercial uses located on Walnut Street, approximately 630 feet from the center of proposed construction. The nearest residential receptors are the residences located on Coleman Avenue approximately 1,300 feet from the center of proposed construction.

4.13.2 Impact Discussion

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

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

Construction Noise Impacts

According to General Plan Policy EC-1.7, temporary noise impacts would occur if project construction results in a substantial increase in ambient noise levels above existing conditions for more than 12 months.

As noted in Section 3.2.7 Construction, project construction would extend over a period of 10 months. During this time, construction activities would occur between the 7:00 a.m. and 5:00 p.m. on weekdays, consistent with the allowed construction hours in the Municipal Code. Project construction would include demolition and removal of all existing recreational facilities and improvements on-site, grading for sports fields, and excavation for the bathroom, storage building, and stadium lighting foundations which would generate noise.

According to the Noise Assessment prepared for the project, noise levels generated by project construction would range from 55 to 67 dbA L_{eq} at the nearest commercial land uses and from 49 to 61 dBA L_{eq} at the nearest residential uses. These noise levels would be within the range of typical daytime noise levels produced by vehicle traffic on West Taylor Street and aircraft traffic from Norman Y. Mineta International Airport, and would, therefore, not represent a substantial increase over existing ambient noise levels. For these reasons, the project would not result in a substantial temporary increase in noise levels in excess of City standards and impacts would be less than significant. Nevertheless, the project would be required to comply with the following Standard Project Condition.

Standard Project Conditions:

Construction-related Noise. Noise minimization measures include, but are not limited to, the following:

- Pile Driving is prohibited.
- 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 use.
- 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.

Operational Noise Impacts

A significant permanent noise increase would occur if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL at residences; or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater at residences. Noise levels at sensitive land uses exceed 60 dBA DNL; therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient noise levels by three dBA DNL.

As noted in Section 3.0, Project Description, under background conditions, the project is open to the general public and by reservation from sunrise to one hour after sunset. Park hours of operation would remain the same with implementation of the project. During operation of the proposed project, playing fields would be available for reservation by the general public and used for sporting events. The estimated attendance at sporting events upon completion of the project would vary by sport and other factors, such as level of competition (e.g., regular season v. postseason) and weather conditions. As noted in Section 3.2.6 Park Operations, under baseline conditions, Columbus Park typically receives an average of 17 to 52 users per day during weekdays and an average of 14 to 49 users per day on weekends. With implementation of the proposed project, there would be a maximum of 1,800 users per weekday and 2,520 users per weekend day, resulting in a net increase of 1,748 to 1,783 users per weekday and 2,471 to 2,506 per weekend day. No public announcements systems are proposed.

Operational noise generated by the project would include noise from players and spectators during sporting events, traffic noise from project-generated trips, and parking lot noise.

Sporting Event Noise

The primary noise source from operation of the project would be noise from softball, soccer, and basketball games and pickleball matches. Softball games typically generate noise levels of 57 dBA L_{eq} at a distance of 100 feet from the centerline of the infield during most of the game with maximum noise levels of about 65 dBA L_{max} at 100 feet when the ball hits the bat and players and spectators shout. Noise from soccer games is approximately 60 dBA L_{eq} at 100 feet from the center of the field and is usually limited to whistles and some cheering. Typical noise levels generated by pickleball matches were not available; however, these activities are similar to tennis matches. Therefore, typical noise levels from tennis matches were used to estimate future noise levels on-site resulting from pickleball court activities. Basketball and tennis court activities typically generate noise levels up to 65 dBA L_{eq} at 30 feet. Noise levels decrease at a rate of six dBA per doubling distance. Therefore, the maximum noise levels at the nearest residences, approximately 1,000 feet northwest of the nearest softball/soccer fields would range from 32 to 35 dBA Leq during sporting events with a maximum noise level of 40 dBA L_{max}. The estimated DNL due to park operations would be 38 dBA or less at the nearest residential receptors. These noise levels would be below the existing ambient noise levels at the project site and the project would not result in a substantial permanent increase in noise levels above existing conditions.

Traffic Noise

Based on a review of trip generation estimates for the project (refer to Appendix F to this Initial Study), the project would generate 325 net daily trips, with two new trips occurring during the a.m. peak hour and 67 new trips during the p.m. peak hour. Project trips would be low compared to existing traffic on roadways in the project vicinity. Therefore, the noise level increase due to additional project traffic would not be measurable or detectable and the project would not result in a substantial permanent increase in noise levels above existing conditions.

Parking Lot Noise

Operation of the proposed surface parking lot would generate noise from vehicle circulation, loud engines, door slams, and human voices. The hourly average noise levels resulting from these noise generating activities would range from 40 to 50 dBA L_{eq} at a distance of 100 feet from the parking area which is below the existing ambient noise levels on-site (existing ambient noise levels were measured at 63 – 74 dBA). For this reason, the project would not result in a substantial permanent increase in noise levels above existing conditions.

Overall, noise levels produced during operation of the park would be below ambient noise levels produced by aircraft and local vehicle traffic along Coleman Avenue. Therefore, the proposed project would not substantially increase the ambient noise environment nor exceed City's Threshold of 55 dBA DNL at the nearest noise-sensitive receptors. **(Less than Significant Impact)**

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

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the project vicinity. Construction of the project would require demolition and site preparation work, excavation for stadium light and building foundations, and new maintenance building construction. No pile driving is proposed.

General Plan Policy EC-2.3 requires new development to minimize vibration impacts to adjacent uses during demolition and construction. A vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historic structures and a vibration limit of 0.2 in/sec PPV shall be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Table 3.3-4 shows the vibration levels at the nearest structures.

Table 4.13-2: Vibration Levels for Construction Equipment				
Equipment		**PPV at 25 feet (in/sec)**	**Vibration Levels at Nearest Buildings (in/sec PPV)**	
			SW Conventional Building	**Northwest Historical Building**
Clam shovel drop		0.202	0.028	0.006
Hydromill (slurry wall)	In soil	0.008	0.001	<0.001
	In rock	0.017	0.002	0.001
Vibratory Roller		0.21	0.029	0.006
Hoe Ram		0.089	0.012	0.003
Large bulldozer		0.089	0.012	0.003
Caisson drilling		0.089	0.012	0.003
Loaded trucks		0.076	0.011	0.002
Jackhammer		0.035	0.005	0.001
Small bulldozer		0.003	<0.001	<0.001
Note: Illingworth & Rodkin, Inc. *Columbus Park Noise and Vibration Assessment.* December 9, 2021. And Federal Transit Administration, Office of Planning and Environment. *Transit Noise and Vibration Impact Assessment Manual.* September 2018.				

As shown in Table 4.13-2, the project would not generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the nearest historic buildings or 0.2 at the nearest building of conventional construction, thus impacts would be less than significant. **(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?

As noted in Section 4.13.1.2 Existing Conditions, the project is located approximately 0.55 miles south of Norman Y. Mineta International Airport. According to the City's Airport Master Plan Environmental Impact Report, and the noise measurements taken for the proposed project, existing noise levels on-site range from approximately 70 to 71 dBA CNEL, which is considered an "unacceptable" noise environment for new playgrounds and neighborhood parks according to the CLUP for Norman Y. Mineta International Airport. The City of San José considers outdoor sporting events and recreational land uses "conditionally acceptable" in noise environments 65 to 75 dBA CNEL.

The project proposes renovations to an existing park that would allow for similar outdoor playfields and active recreational activities as currently exist on-site. According to the CLUP for Norman Y. Mineta International Airport, sensitive uses include schools, libraries, outdoor theaters, and mobile

home parks.[80] Therefore, although the project would be located within an area with elevated noise levels due to existing airport operations, the project would not include new sensitive land uses and would not expose people residing or working in the project area to excessive noise levels. The impact would be less than significant. **(Less than Significant Impact)**

[80] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Norman Y. Mineta San José International Airport.* May 25, 2011, Amended November 16, 2016.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[81] The City of San José Housing Element and related land use policies were last updated in April 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified PDAs.[82]

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,029,782 in May 2021 with an average of 3.14 persons per household.[83] Full build out of the General Plan EIR is expected to result in a City population of over 1.3 million people by 2035.

The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a

[81] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed July 6, 2021. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[82] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed July 6, 2021.
[83] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020." Accessed July 2021. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

Jobs/Employee Resident ratio of 1.1/1 or 382,200 new jobs by 2040.[84] To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of dwelling units required as a result of local jobs and the number of dwelling 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 Envision San José 2040 General Plan EIR, 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.

The project site is currently developed with a city park. There are no existing on-site residences or employment uses.

4.14.2 Impact Discussion

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

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

The project proposes improvements to an existing park. No residential, commercial, or office development is proposed as part of the project. Implementation of the project, therefore, would not induce substantial population growth. **(No Impact)**

[84] City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

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

The project proposed improvements to an existing park. Thus, the project would not displace existing people or housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to public services and applicable to the proposed project:

Envision San José 2040 Relevant Public Services Policies

Policy	Description
VN-1.1	Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.
VN-1.2	Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors, (i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces)
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.8	Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.
PR-1.15	Develop community sports parks to serve existing and future residents, workers, and visitors in San José.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan complements the Greenprint as the City of San José's Department of Parks, Recreation, and Neighborhood Services' plan to maintain, improve, and expand facilities, programs, and services. The plan guides maintenance and development of the City's diverse park systems, recreational programs, and services.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed-restricted affordable housing projects that meet the City's affordability criteria are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the SJFD. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the city. The nearest station to the project site is San José Fire Department Station #7 located at 800 Emory Street, approximately 0.3 miles west of the project site.[85]

The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 0.25-mile northeast of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern.[86] The project site is directly served by the SJPD Central Division. The division consists of four patrol districts, and the project site is in District E.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent all Priority 2 (nonemergency) calls.

Schools

The project site is located within the attendance boundaries of the San José Unified School District (which serves students from pre-Kindergarten through 12th grade).[87] Students in the project area attend Merritt Trace Elementary School (grades kindergarten through fifth grade), located at 651 Dana Street approximately 0.25 miles southeast of the site, Muwekma Ohlone Middle School (sixth through eighth grades), located at 850 North 2nd Street approximately 0.6 miles northeast of the site, and Abraham Lincoln High School (ninth through 12th grades), located at 555 Dana Avenue approximately 1.2 miles east of the project site.[88] The enrollment of Merritt Trace Elementary in Fall 2020/ Spring 2021 was 847 students, and the enrollment of Muwekma Ohlone Middle School was 603. During the Fall 2020/ Spring 2021, Abraham Lincoln High School had an enrollment of 1,703 students.[89]

The Envision San José 2040 General Plan EIR found that San José Unified School District was operating above capacity by 1,004 students.[90]

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[85] San José Fire Department. *Stations.* Accessed July 12, 2021. https://www.sanjoseca.gov/your-government/departments-offices/fire/stations.
[86] San José Police Department. *Bureau of Field Operations.* Accessed January 14, 2022. **Error! Hyperlink reference not valid.**http://www.sjpd.org/bfo/.
[87] City of San José. School Site Locator. Accessed July 13, 2021. Apps.schoolsitelocator.com/25499#
[88] Great Schools. "What School District Are You In?" Accessed July 13, 2021. https://www.greatschools.org/school-district-boundaries-map/
[89] California Department of Education. *DataQuest.* Accessed July 13, 2021. https://dq.cde.ca.gov/dataquest/.
[90] City of San José. *Envision San José 2040 General Plan EIR.* December 2011.

Parks

City Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,537 acres of parkland, including neighborhood parks, community parks, and regional parks.[91] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 197 neighborhood parks, 48 community centers, 10 regional parks, and over 61 miles of urban trails.

The project site is developed as Columbus Park and includes picnic areas, two basketball courts, two sand volleyball courts, two lighted softball fields, and restrooms. Other parks in the project vicinity include Guadalupe River Park (located approximately 50 feet east), Guadalupe Gardens and Heritage Rose Garden (located approximately 70 feet south) and the Rotary Play Garden (located approximately 0.25 miles south).

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Rose Garden Branch Library, located at 1580 Naglee Avenue, approximately 1.2 miles west of the project site. The nearest community center is the Northside Community Center, located at 488 N 6th Street, 0.8 miles southeast of the project site.

4.15.2 Impact Discussion

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

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

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

The project site is currently served by SJFPD. SJFPD has reviewed the project for fire safety and their comments have been incorporated into the project design. Implementation of the proposed project would not change the current uses of the park and would not require the construction of new or expansion of existing fire facilities. The 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. For these reasons, implementation of the project would not result in a significant impact to fire protection services. **(Less than Significant Impact)**

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

As discussed under checklist question a above, the proposed improvements to Columbus Park would not alter the park uses. The SJPD has reviewed the project for safety and their comments have been incorporated into the project design. Lighting and access to the project would be maintained according to City standards and policies. For these reasons, the project would have a less than significant impact on police protection services. **(Less than Significant Impact)**

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

The project does not include residential development and would not increase student enrollment in the project area. **(No Impact)**

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

The project proposes improvements to Columbus Park consistent with the Activate SJ Strategic Plan. The proposed project, with implementation of the project conditions and mitigation measures, would have a less than significant impact on the environment, as described further in the individual resource sections of this Initial Study. For these reasons, the project would have a less than significant impact

on park facilities. **(Less than Significant Impact)**

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

The proposed project does not include residential development that would contribute to the use of other public facilities. Thus, the project would have no impact on other public facilities. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to recreation applicable to the proposed project:

Envision San José 2040 Relevant Recreation Policies

Policy	Description
VN-1.1	Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.
VN-1.2	Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors, (i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces)
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.8	Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.
PR-1.15	Develop community sports parks to serve existing and future residents, workers, and visitors in San José.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan complements the Greenprint as the City of San José's Department of Parks, Recreation, and Neighborhood Services' plan to maintain, improve, and expand facilities,

programs, and services. The plan guides maintenance and development of the City's diverse park systems, recreational programs, and services.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed-restricted affordable housing projects that meet the City's affordability criteria are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

4.16.1.2 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,537 acres of parkland, including neighborhood parks, community parks, and regional parks.[92] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 197 neighborhood parks, 48 community centers, 10 regional parks, and over 61 miles of urban trails. The project site is developed as Columbus Park and includes picnic areas, two basketball courts, two sand volleyball courts, two lighted softball fields, and restrooms. Other parks in the project vicinity include Guadalupe River Park (located approximately 70 feet south), Guadalupe Gardens and Heritage Rose Garden (located approximately 70 feet south)and the Rotary Play Garden (located approximately 0.25 miles south).

4.16.2 **Impact Discussion**

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

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

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

The project proposes improvements to Columbus Park consistent with the Activate SJ Strategic Plan. As noted above, the project would result in an increase in the park's usage compared to existing conditions; however, the proposed project is part of the Activate SJ Strategic Plan which is designed to accommodate both existing and future populations. Since the proposed project is consistent with the Activate SJ Strategic Plan, the project would have a less than significant impact on park and recreational facilities. **(Less than Significant Impact)**

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

The project proposes redevelopment of an existing park. The environmental impacts associated with the proposed project are discussed throughout this Initial Study and were found to be less than significant or less than significant with implementation of mitigation measures and project conditions. For these reasons, with implementation of Project Conditions and mitigation measures MM BIO-1.1 through MM BIO-1.4, MM CR-2.1 through MM CR-2.4, and MM HAZ 1.1 through MM HAZ-2.2, the project would have a less than significant impact on the environment. **(Less than Significant Impact with Mitigation Incorporated)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a Transportation Impact Analysis prepared by Hexagon Transportation Consultants, Inc. on December 17, 2021. A copy of the report is included as Appendix F to this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

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

Regional and Local

Congestion Management Program

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

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. 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 transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to transportation and applicable to the proposed project:

Envision San José 2040 Relevant Transportation Policies

Policy	Description
PR-6.6	Encourage environmentally sustainable connections (such as pedestrian/bike trails, bike lanes and routes, transit, etc.) between community elements like schools, parks, recreation centers, libraries and other public nodes.
PR-7.1	Encourage non-vehicular transportation to and from parks, trails, and open spaces by developing trail and other pleasant walking and bicycle connections to existing and planned urban and suburban parks facilities.
PR-7.5	At parks, trails, and recreational facilities, provide appropriate media to educate the public on options for reaching various recreational destinations using non-vehicular transportation and explain the environmental and health benefits of using these alternative means.
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-8.2	Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.
TR-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.

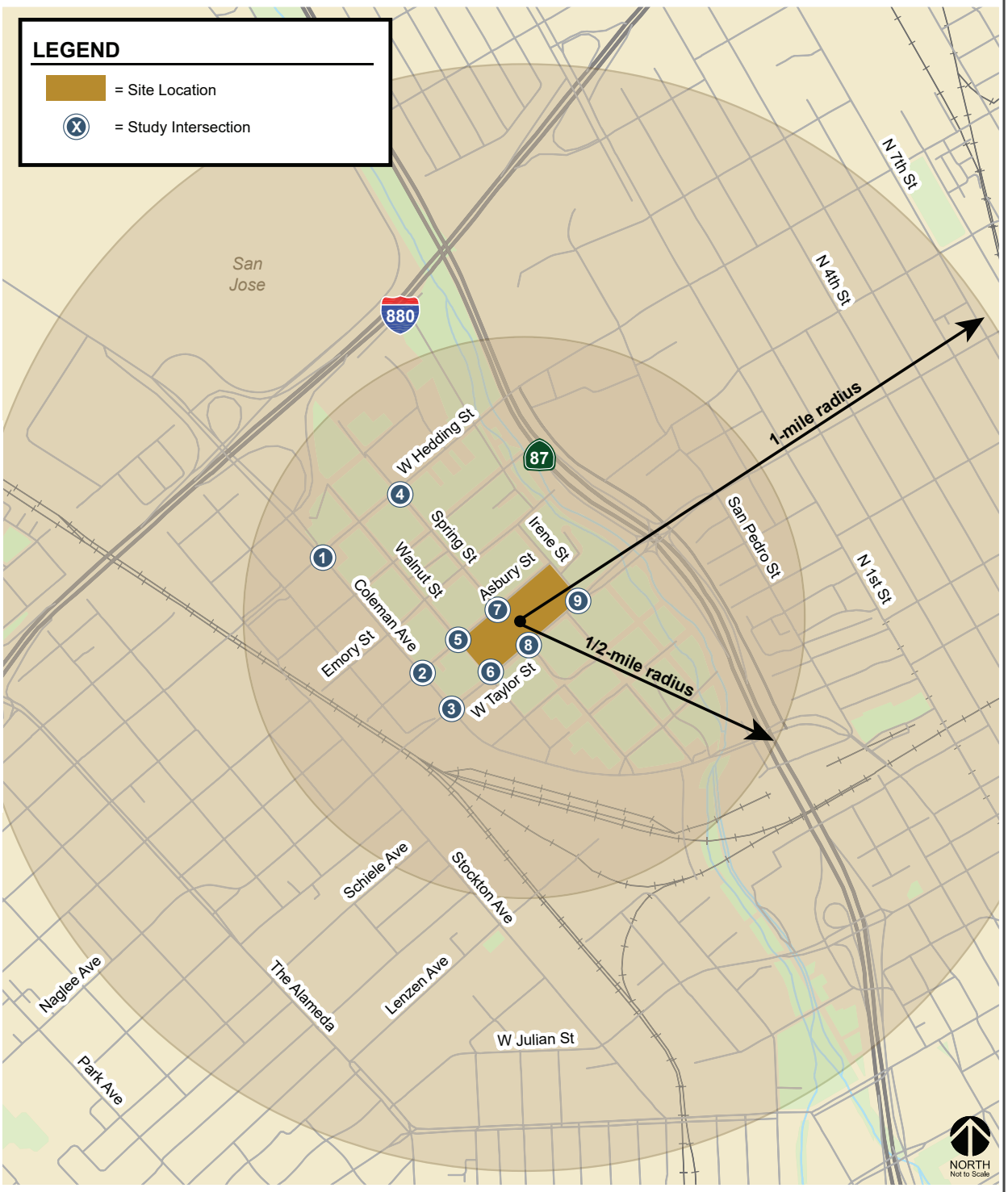
4.17.1.2 *Existing Conditions*

Roadways

Roadway access to the project site is described below and shown in Figure 4.17-1.

SR 87 is a north-south freeway providing regional access to the project site via its connections to Highway (US) 101 in the north and SR 85 in the south. These facilities allow for regional access from Bay Area cities, as well as Gilroy and Morgan Hill to San José. In the project vicinity SR 87 is oriented in a northwest/southwest direction with two mixed-flow lanes and one HOV lane in each direction. SR 87 provides access to the project site via freeway ramps at Taylor Street.

I-880 is a north-south, six-lane freeway that extends from San José in the south to Oakland in the north. I-880 provides site access via freeway ramps at Coleman Avenue.



Source: Hexagon Transportation Consultants Inc., December 17, 2021.

PROJECT LOCATION AND STUDY INTERSECTIONS | FIGURE 4.17-1

I-280 extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway in the vicinity of downtown San José. Access to the project site to and from I-280 is available via its interchange with SR 87.

Coleman Avenue is a north-south roadway surrounded by a mix of residential and commercial land uses in the project area. In the vicinity of Columbus Park, Coleman Avenue consists of four travel lanes, left turn pockets, and signalized intersections. Coleman Avenue provides vehicular access to Columbus Park via Asbury Street and Taylor Street.

Hedding Street is an east-west roadway surrounded by commercial land uses in the project area. In the vicinity of Columbus Park, Hedding Street consists of four travel lanes, left turn pockets, signalized intersections, and striped bicycle lanes. Hedding Street provides access to Columbus Park via Spring Street and Coleman Avenue.

Taylor Street is a four-lane major arterial that runs in a southwest-northeast direction. Taylor Street extends eastward from The Alameda to US 101. Taylor Street provides vehicular access to the project site via Spring Street, Walnut Street, and Irene Street.

Asbury Street is an east-west local street surrounded by commercial land uses west of Coleman Avenue and the Guadalupe River Park & Gardens east of Coleman Avenue. In the west, Asbury Street ends at Chestnut Street. In the East Asbury Street pivots south to become Irene Street. In the vicinity of Columbus Park, Asbury Street and Irene Street consist of two travel lanes and permitted parking. Asbury Street and Irene Street provide direct vehicular access to Columbus Park.

Spring Street is a north-south local street that extends from Hedding Street in the north to Coleman Avenue in the south. It is a two-lane local street with permitted parking and discontinuous sidewalks. Spring Street provides direct vehicular access to Columbus Park.

Walnut Street is a north-south local street that extends from Asbury Street in the north to Coleman Avenue in the south. It is a two-lane local street with permitted parking and discontinuous sidewalks. Walnut Street provides direct vehicular access to Columbus Park.

Pedestrian Facilities

Pedestrian facilities near the project site include sidewalks and crosswalks. Sidewalks are found along at least one side of all the roadways in the project area. In the immediate vicinity of Columbus Park, sidewalks are missing along the eastern side of Irene Street, northern side of Asbury Street, southern side of Asbury Street between Coleman Avenue and Walnut Street, and the west side of Walnut Street. In addition, ADA facilities are missing along Asbury Street at the Walnut Street, Spring Street, and Irene Street intersections. ADA facilities are also missing at the northwest corner of the Coleman Avenue and Taylor Street intersection.

Crosswalks and pedestrian signal heads are present on all four legs of the signalized intersections of Coleman Avenue and Taylor Street and Coleman Avenue and Hedding Street. Crosswalks, median islands, and pedestrian signal heads are provided on the south and north legs of the signalized intersection of Taylor Street and SR 87 ramps. There is also a crosswalk and pedestrian yield sign at

the intersection of Taylor Street and Spring Street connecting Columbus Park north of Taylor Street to the Heritage Rose Garden south of Taylor Street. Stop-controlled intersections in the immediate vicinity of the project site do not have any painted crosswalks.

Bicycle Facilities

Bicycle facilities are divided into three classes, Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel. Class II bikeways are striped bike lanes marked by signage and/or sharrows. Class III bikeways are bike routes and only have signs and/or sharrows. Existing bicycle facilities in the project vicinity are shown in Figure.

Class II bike lanes exist on the following roadways:

- Coleman Avenue between Hedding Street and Aviation Avenue
- Coleman Avenue between Taylor Street and Santa Teresa Street
- Taylor Street between Walnut Street and North 1st Street
- Hedding Street between Winchester Boulevard and Berryessa Road

Class II bike routes exist on the following roadways:

- North San Pedro Street between Hedding Street and Coleman Avenue
- Santa Teresa Street between Coleman Avenue and Ryland Street
- Ryland Street between Santa Teresa Street and San Pedro Street
- Hawthorne Way between San Pedro Street and North 1st Street

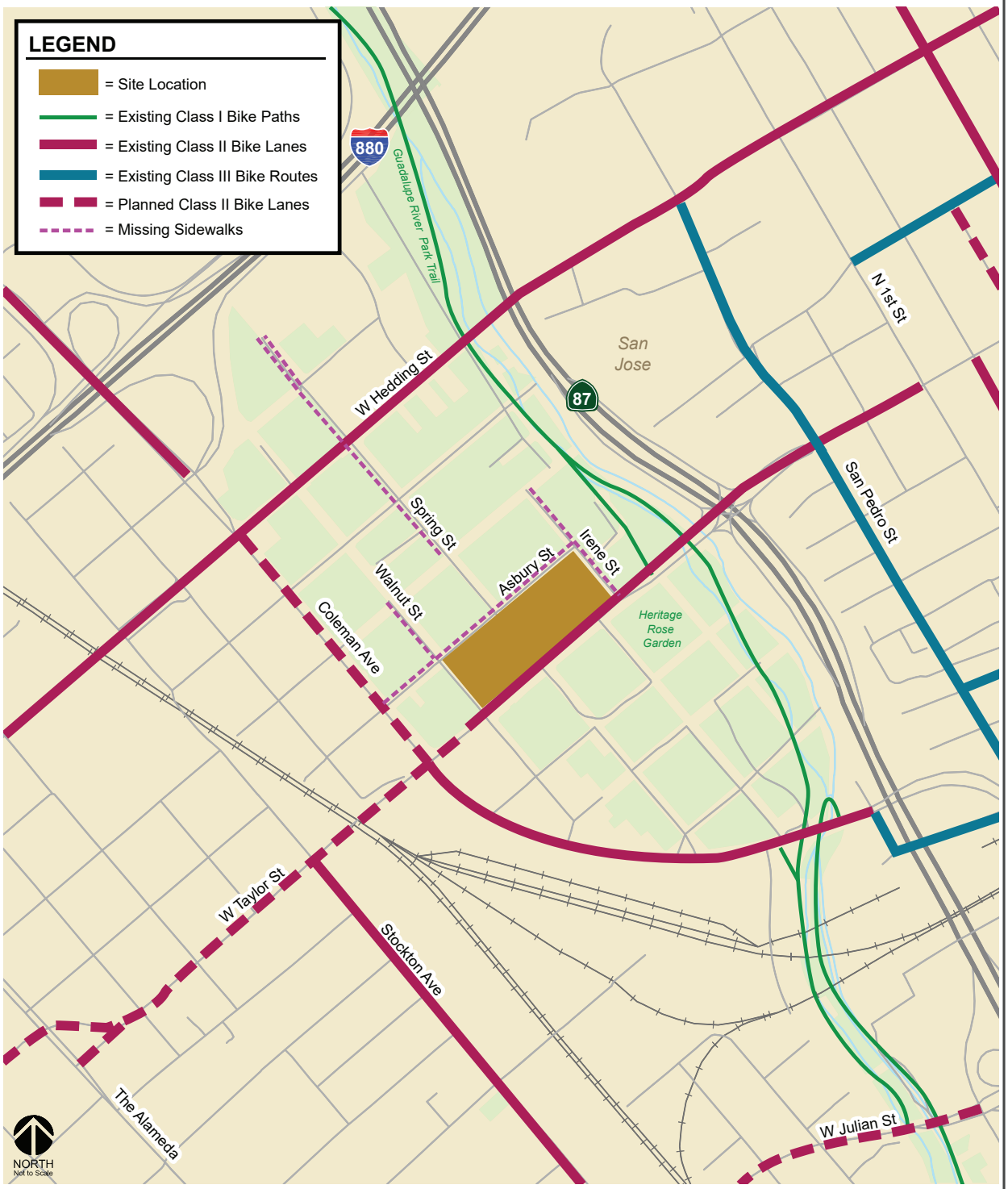
Additionally, the San José Better Bike Plan 2025 includes plans to improve the existing Class II bike lanes along Taylor Street between North 1st Street and The Alameda to Class IV protected bike lanes which would improve bicycle access to the project site.

Bike trails exist near the project site within the Guadalupe River Park, along Spring Street between West Taylor Street and Coleman Avenue, within the Guadalupe Gardens, and within the Heritage Rose Garden.

Transit Services

Existing transit services within the project vicinity are provided by VTA and Caltrain (see Figure 3.10 2). VTA provides bus and light rail service in the project vicinity and Caltrain provides regional rail transit service. The nearest Caltrain stop to Columbus Park is the College Park Station at the intersection of Stockton Avenue and Emory Street, approximately 1,700 feet west of the project site. Caltrain operates between 4:30 a.m. and 1:30 a.m. during the weekdays with one stop at College Park Station during the a.m. and p.m. peak hours in each direction. The nearest light rail station to Columbus Park is the Japantown/Ayer Station at North 1st Street and Ayer Avenue, approximately 3,000 feet east of the project site. The light rail Green Line operates between 6:00 a.m. and 12:30 a.m. on the weekdays with headways of approximately 30 minutes. The light rail Blue Line operates between 5:00 a.m. and 1:00 a.m. on the weekdays with headways of approximately 30 minutes. The nearest bus stop to Columbus Park is located near the intersection of Coleman Avenue and Taylor Street. Local bus route 61 provides connections from project site to the Blue and Green Lines.

Due to COVID-19 and the shelter-in-place order, transit service has been temporarily reduced.



Source: Hexagon Transportation Consultants Inc., December 17, 2021.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-2

Source: Hexagon Transportation Consultants, Inc., December 17, 2021.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-3

4.17.2 Impact Discussion

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

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

As discussed under Section 2.3 Project Description, the project would close the segment of Spring Street that bisects the project site to all vehicles and buses. Visitors driving to the project site would be able to park along public streets and in the proposed public parking lot in the eastern portion of the site. Under the proposed project, the site would continue to be accessible via the surrounding roadways, pedestrian facilities, bicycle facilities, and transit facilities described in Section 4.17.1.2 Existing Conditions.

Pedestrian Facilities

As noted in Section 4.17.1.2 Existing Conditions above, there are numerous existing pedestrian facilities in the project area. The proposed project would reconstruct the existing sidewalks along Asbury, Walnut, and Irene Streets and convert Spring Street between West Taylor Street and Asbury Street to a pedestrian paseo. The new sidewalks and paseo would provide pedestrian access to and through the project site. Existing and proposed sidewalks and crosswalks exhibit good connectivity and would provide pedestrians with safe routes to transit services and other points of interest in the area.[93] For these reasons, the project would not conflict with or impede implementation of a plan, program, or ordinance for pedestrian facilities. **(Less than Significant Impact)**

Bicycle Facilities

As noted in Section 4.17.1.2 Existing Conditions above, there are numerous existing bicycle facilities in the project area. Additionally, the City has plans to improve the existing Class II bike lanes along Taylor Street between North 1st Street and The Alameda to Class IV protected bike lanes which

[93] Hexagon Transportation Consultants, Inc. *Columbus Park Reconstruction Draft Transportation Analysis.* December 17, 2021.

would improve bicycle access to the project site. The planned bike lane improvements along Taylor Street are not included in the proposed project, would occur at a future date, and are subject to separate environmental review.

The proposed project would not remove any existing bicycle facilities. The project proposes to convert Spring Street into a pedestrian paseo between West Taylor and Asbury Streets and construct an approximately 12-foot-wide paved trail connection between the surface parking lot and the Guadalupe River trail which would improve connectivity to the site. Project construction and operation would not impede bicycle access to or designated facilities in the project area. Additionally, bikes would be allowed within the park, specifically in the paseo. The project would provide bicycle parking consistent with City requirements. The project site would continue to be accessible via the surrounding roadways, pedestrian facilities, bicycle facilities, and transit facilities described in Section 4.17.1.2 Existing Conditions. For these reasons, the project would not conflict with or impede implementation of a plan, program, or ordinance for bicycle facilities. **(Less than Significant Impact)**

Transit Facilities

The project site is served by VTA local bus route 61. Local route 61 operates along Coleman Avenue with the nearest stop located at the intersection of Coleman Avenue and Taylor Street, approximately 400 feet from the project site. The Blue and Green Line light rail service is provided along North 1st Street with the nearest stop located approximately 3,000 feet east of the project site. Local bus route 61 provides connections from project site to the Blue and Green Lines.

The project is expected to generate a small increase in transit demand, which could be accommodated by the available capacity of the bus, light rail, and train service near the project site. The project would not remove any existing bicycle facilities. For these reasons, the project would not conflict with or impede implementation of a plan, program, or ordinance for transit facilities. **(Less than Significant Impact)**

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

The City of San José's Transportation Analysis Handbook identifies screening criteria for projects considered to have a less than significant VMT impact. If a project or component of a mixed-use project meets the City's screening criteria, it is presumed that the project would result in a less than significant transportation impact and a detailed CEQA VMT analysis is not required. The type of development projects that may meet the screening criteria include:

- Small infill projects
- Local-serving retail development
- Local-serving public facilities
- Projects located in Planned Growth Areas with low VMT and High-Quality Transit
- Deed-restricted affordable housing located in Planned Growth Areas with High-Quality Transit

The City's Transportation Analysis Handbook does not include a threshold of significance or screening criteria for parks.

The proposed project would redevelop an existing City park northwest of downtown San José with new recreational facilities including two new multi-sport fields, and closure Spring Street between West Taylor Street and Asbury Street. Currently, this segment of Spring Street has no fronting development and, thus, carries only through traffic between West Taylor Street and Hedding Street. With the closure of Spring Street, traffic would be diverted to Coleman Avenue, approximately 850 feet west. For this reason, closure of Spring Street would not result in measurable change in VMT.

Because there are no screening criteria for parks, a land use with similar trip distribution and length characteristics was used to assess the impacts of the project on VMT. The land use with the most similar trip distribution and length characteristics as parks, for which screening criteria are available, is local-serving retail. Project generated vehicle trips were converted to the equivalent amount of retail square footage to assess the projects effects on VMT. According to the trip generation rates contained in the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, the project would generate 325 daily trips.[94] This is the equivalent of 8,800 square feet of local-serving retail uses, which is less than 100,000 square feet screening criteria for local-serving retail uses without drive-through operations. For these reasons, the project's impact on VMT would be less than significant. **(Less than Significant Impact)**

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

As shown in Figure 3.2-4, the project would not construct any new driveways or site access points. The project would reconfigure Irene, Asbury, and Walnut Streets to a one-directional access road with ingress to the one-directional access road provided at the existing Walnut Street/West Taylor Street intersection and egress provided via the existing Irene Street/West Taylor Street intersection. The project proposes to replace the portion of Spring Street between West Taylor Street and Asbury Street with a pedestrian paseo. Prior to permanent closure of Spring Street, the City would temporarily close Spring Street to allow for construction of the proposed project. The temporary closure would last approximately two years, at which point, the City would seek permanent closure of Spring Street. The left turn lane on Taylor Street at Spring Street would be closed as well.

The project would obtain the necessary approvals from relevant City departments for the proposed closure of Spring Street and reconfiguration of Irene, Asbury, and Walnut Streets. As part of the project review process, construction logistics would be reviewed to ensure hazards are not created. In addition, the project shall comply with the Department of Public Works standard inspection process to ensure safe pedestrian and bicycle access at the project site and in the project site vicinity during construction activities.

The site plan does not show an eastbound left-turn lane into Irene Street from West Taylor Street.

[94] Hexagon Transportation Consultants, Inc. *Columbus Park Reconstruction Draft Transportation Analysis.* December 17, 2021.

Additionally, U-turns are prohibited on West Taylor Street. Thus, eastbound traffic on West Taylor Street would not be able to access the site.

The site plan shows 60-degree angled parking around the site along Walnut Street, Asbury Street, and Irene Street. According to San José Parking Design Standards, the minimum one-way drive aisle width for 60-degree parking is 16 feet, and the length of a parking space should be 18.7 feet. The streets measure to approximately 38 feet, which would provide sufficient space to accommodate for angled parking and one-way travel.

The proposed parking lot at the eastern edge of the project site would also provide parking for the project. Access to the parking lot would be provided via two driveways at each end of the parking lot on Irene Street. The parking lot has two-way drive aisles that would lead to 90-degree parking spaces. There are no drive aisle dimensions shown on the site plan. According to the San José Municipal Code, the minimum width for a two-way drive aisle is 26 feet. The City's Off-Street Parking Design Standards for Uniform Car Spaces requires that standard 60 and 90-degree parking stalls be a minimum 8.5 feet wide by 17 feet long. The site plan does not show the parking stall dimensions. The project would be designed to meet City standards for drive aisle widths and parking stall dimensions.

The project proposes renovation of an existing City park, consistent with the existing land use designation and zoning for the site. The project would not propose a new use or a use that is incompatible with the existing mix of uses in the project area.

For the reasons listed above, the project would not result in hazards due to geometric design features or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The project would obtain the necessary approvals from City departments for construction and operation of the project. Emergency access would be maintained for the project during construction and operation of the project. The project would be required to comply with relevant building and fire codes that would ensure free and clear accessways are maintained for emergency situations during operation of the project. Thus, the project would not result in inadequate emergency access and the impact is less than significant. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing transportation conditions.

Trip Generation Estimates

Project trips were estimated using vehicle-trip rates for Tennis Courts (Land Use 490) to estimate vehicle trips generated by the pickleball and basketball portion of the project, Soccer Complex (Land Use 488) rates were used for the multi-sport field portion of the project, and the in/out percentages

for Public Park (Land Use 411) were used to estimate the in/out percentages for Tennis Courts because these rates were not included in the ITE Trip Generation Manual. Credits for the existing park operations were not assumed because the park is currently underutilized. Table 4.17-1 below provides a summary of the trip generation rates for the proposed project.

Table 4.17-1: Project Trip Generation Estimates

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Soccer Fields	143	1	1	2	22	11	33
Pickleball	182	0	0	0	14	11	25
Total New Trips	**325**	**1**	**1**	**2**	**36**	**22**	**58**

Notes:

[1] Source: Hexagon Transportation Consultants, Inc. *Columbus Park Reconstruction Draft Transportation Analysis.* December 17, 2021. and ITE Trip Generation Manual, 11th Edition, 2021.

As shown above, the project would generate up to 325 daily trips with 2 trips during the a.m. and 58 trips during the p.m. peak hour.

Vehicle Queuing

A vehicle queuing analysis was completed at key intersections in the project site vicinity. The queuing analysis shows that vehicle queue for the shared left-through-right lane on Walnut Street at Taylor Street would exceed the vehicle storage capacity during the p.m. peak hour under background plus project conditions. No queueing issues were identified at all other study intersections.

Bicycle Parking

The project proposes to provide bicycle parking in accordance with the City's Municipal Code (Table 20-190), which requires two bicycle parking spaces for every acre of park for a total of 25 spaces.

Vehicle Parking

The project proposes to meet the vehicular parking requirements in the City's Municipal Code (Table 20-250), which requires 20 off-street parking spaces per ace of park for a total of 250 parking spaces. The project proposes to provide a total of 252 spaces, including 32 spaces on Walnut Street, 70 spaces on Asbury Street, 29 spaces on Irene Street, and 121 spaces within the eastern parking lot. Additionally, food truck parking would be provided on Asbury Street. Thus, the project meets the City's required parking.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

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

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

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

Guadalupe River is located approximately 400 feet east of the project site, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information.

Assembly Bill 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 on a tribal cultural resource and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation processes for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific area of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. On May 28, 2021, Tamien Nation requested notification of all non-exempt projects within the City of San José. The tribal representatives for the Tamien Nation, a tribe known to have traditional lands and cultural places within the City of San José, were sent notification of the proposed project on October 19, 2022 and a meeting was held between staff and the Tamien Nation Chairwoman on January 19, 2023. Any subsurface artifacts found on-site would be addressed consistent with Project Conditions and Mitigation Measures MM CR-2.1 through MM CR-2.4. Therefore, the proposed project would have a less than significant impact on tribal cultural resources. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

As mentioned above, no tribal cultural resources have been identified based on available information. Any subsurface artifacts found on-site would be addressed consistent with the Project Conditions and Mitigation Measures MM CR-2.1 through MM CR-2.4 (see response above). As a result, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency (i.e., the City of San José), 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. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2021.

Assembly Bill 939

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

Assembly Bill 341

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

Senate Bill 1383

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

Assembly Bill 1826

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

California Green Building Standards Code

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

Reducing indoor water use by 20 percent;

Reducing wastewater by 20 percent;

Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and

Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

4.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by City of San José Municipal Water System. Existing water use at the project site is for the restroom building and landscape irrigation and is approximately 40,804 gallons per year.[95]

Sanitary Sewer/ Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José. There is an existing six-inch sanitary sewer main along the West Taylor Street project frontage, which currently

[95] California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. May 2021.

serves the existing restroom facility.

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[96] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations. The Facility has an available treatment capacity of 10 million gallons of wastewater per day.

As noted above, the project site is developed with an existing city park. Because the park is currently underutilized, existing wastewater generation on-site are minimal and limited to wastewater for the restroom building.[97]

Stormwater Drainage

The project site is located in a developed area served by an existing storm drainage system. The project site is currently developed with a City Park. The site contains approximately 92,800 square feet (19 percent) of impervious surfaces and 381,035 square feet (81 percent) of pervious surfaces.

Storm drainage lines in the project area are owned and maintained by the City of San José. There is a 27-inch storm drain main along the West Taylor Street frontage, which serves the project site. The 27-inch storm drain main leads to a storm drain outfall in Guadalupe River.

Solid Waste

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills throughout the state. Newby Island, however, only received approximately 290,000 tons of that material. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. Existing uses on the project site currently generate 6,121 pounds per day of solid waste.[98]

[96] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed February 26, 2021. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility
[97] This analysis conservatively assumes no wastewater generation from existing uses.
[98] California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. "Table 10.1 Solid Waste Generation Rates." City Park land use sub type. May 2021.

4.19.2 Impact Discussion

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

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

The proposed project would connect to the City's existing stormwater, electric, natural gas, telecommunications, waste, and wastewater system infrastructure. The proposed project would incrementally increase the demand on existing utilities in the City San José. The analysis in the following sections discusses the potential impacts of the project on existing facilities. Based on the following analysis, no relocation of existing or construction of new facilities are needed to serve the proposed project; therefore, there would be no impact. **(No Impact)**

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

As discussed in Section 4.19.1.2 Existing Conditions, the project site uses approximately 40,804 gpd for landscape irrigation. The proposed project would decrease the amount of landscaped area by replacing the natural turf fields with synthetic turf playing fields, decreasing the amount of landscaped area by 175,780 square feet. This would result in a reduction in water demand of approximately 12,649 gpd. Additionally, the new buildings proposed on-site would have a water demand of approximately 294 gpd.[99] As a result, the proposed project would have a water demand of 28,449 gpd, which is less water demand than baseline conditions.

In addition, according to the Envision San José 2040 General Plan EIR, the UWMP accounted for park improvements identified in the Greenprint[100] (including the proposed project) in their water supply projections and states that the City has adequate water supplies to serve the park. Since the project is consistent with the Greenprint, there would be adequate water supplies to meet the project's demand. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The project would renovate the existing Columbus Park including replacement of the existing restroom and maintenance buildings. The new buildings would generate approximately 294 gpd of wastewater.[101]

Given the City's available treatment capacity at the Facility (10 mgd) and the project's estimated wastewater generation (294 gpd or 0.0002 mgd), the Facility has adequate capacity to serve the project. **(Less than Significant Impact)**

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

The project proposes improvements to an existing city park to allow for increased park users. Increased use of the park under the proposed project would result in an increase in solid waste generation compared to baseline conditions.

Under baseline conditions, the park generates 6,121 pounds per day of solid waste. With project

[99] California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. "Table 9.1 Water Use Rates." 2021. Arena land use sub type. May 2021.
[100] As noted in Section 4.19.1 Environmental Setting, the Greenprint was replaced with the Activate SJ Strategic Plan.
[101] Because indoor water use on-site would be minimal and limited to drinking water, handwashing, and toilet flushing for park users and maintenance employees, this analysis conservatively assumes wastewater generation is equal to water demand. CalEEMod. "Table 9.1 Water Use Rates." 2021. City Park and Arena land use sub types.

implementation, this would increase to approximately 360,038 pounds of solid waste per day.[102] However, as mentioned previously, the NISL had approximately 13.7 million cubic yards of capacity remaining in April 2021. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes of at NISL, and the amount of waste the project is expected to generate, there is sufficient capacity at NISL to service the project. **(Less than Significant Impact)**

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

Per CALGreen requirements, future projects (including the proposed project) would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 75 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. The estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of State or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

[102] California Air Pollution Officers Association (CAPCOA). CalEEMod Appendix D: Default Data Tables. "Table 10.1 Solid Waste Disposal Rates." City Park land use sub type. May 2021.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CalFIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the State has financial responsibility for wildland fire protection, known as State responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

4.20.1.2 *Existing Conditions*

The project site is located in an urbanized area of San José. The project site is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones.[103]

4.20.2 Impact Discussion

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

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

[103] California Department of Forestry & Fire Protection. *Santa Clara County Very High Fire Hazard Severity Zones.* October 8, 2008. Accessed January 14, 2022. https://egis.fire.ca.gov/FHSZ/

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

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

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of identified standard conditions of approval and mitigation measures. The project would implement MM BIO-1.1 through MM BIO-1.4 to reduce potential disturbance to nesting birds and raptors in the project vicinity (see Section 4.4 Biological Resources), MM CR-2.1 through MM CR-2.4 to reduce potential impacts buried cultural resources to a less than significant level (see Section 4.5 Cultural Resources), and MM HAZ-1.1 and MM HAZ-1.2 to reduce impacts from exposure of construction workers and nearby sensitive receptors to unrecorded subsurface features associated with the shop and possible gasoline service station and from exposure to residual pesticides during excavation and grading activities. **(Less than Significant Impact with Mitigation Incorporated)**

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed project would result in temporary biology, cultural resources/tribal cultural resources, and hazardous materials impacts during construction. With implementation of the identified mitigation measures, Project Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are temporary and would be mitigated, the project would not have cumulatively considerable impacts biology, cultural resources/tribal cultural resources, and hazardous materials in the project area.

The project would have a less than significant impact on aesthetics, air quality, energy, geology and soils, GHG emissions, hydrology and water quality, land use, population and housing, public services, recreation, noise, transportation, tribal cultural resources and utilities, and would not contribute to cumulative impacts to these resources given the limited scope of the project. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources. **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs and noise. However, implementation of mitigation measures, standard conditions of approval, and City policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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Jonathan Wong, Engineer

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Acoustical Consultants
Michael Thill, Principal

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

2017 CAP	Bay Area 2017 Clean Air Plan
Asml	above mean sea level
ACM	asbestos-containing material
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Numbers
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin Plan
BMPs	Best Management Practices
Btu	British thermal units
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Officers Association
CARE	Community Air Risk Evaluation Program
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CLUP	Comprehensive Land Use Plan
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CMP	Congestion Management Program
Construction General Permit	NPDES General Construction Permit for the State of California
CRHR	California Register of Historic Resources
CUPA	Certified Unified Program Agency
DSOD	California Department of Water Resources, Division of Safety of Dams
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency

ESD	Environmental Services Department
EO	Executive Order
ESA	Environmental Site Assessment
ESLs	Environmental Safety Levels
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
GHGRS	2030 Greenhouse Gas Reduction Strategy
GWh	Gigawatt hour
GWMP	Groundwater Management Plan
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HSP	Health and Safety Plan
HSWA	Federal Hazardous and Solid Waste Amendments
HMP	Hydromodification Management Plan
IWMP	Santa Clara County Integrated Watershed Management Program
LBP	Lead-based paint
LID	Low Impact Development
MLD	Most likely descendant
$MMTCO_2e$	Million metric tons of CO_2 equivalent
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
MBTA	Migratory Bird Treaty Act
Mpg	Miles per gallon
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NPDES	National Pollutant Discharge Elimination System
NOD	Notice of Determination
NOI	Notice of Intent
NOx	Nitrogen Oxides
NRHP	National Register of Historic Places
OPSH	Open Space, Parklands, and Habitat

OPR	Governor's Office of Planning and Research
PBCE	Planning, Building, and Code Enforcement
PCBs	polychlorinated biphenyls
PDAs	Priority Development Areas
PDO	Parkland Dedication Ordinance
PG&E	Pacific Gas and Electric
PIO	Park Impact Ordinance
$PM_{2.5}$	Fine particulate matter
PM_{10}	Coarse particulate matter
RCRA	Resource Conservation and Recovery Act
Reach Code	Reach Code Ordinance
RHNA	Regional Housing Needs Allocation
ROG	Reactive organic gases
RWQCB	Regional Water Quality Control Board
SBWR	South Bay Water Recycling
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SFHA	Special Flood Hazard Areas
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SSMP	Sewer System Management Plan
SR	State Route
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
The Facility	San José-Santa Clara Regional Wastewater Facility
TACs	Toxic Air Contaminants
TCMs	Treatment Control Measures

TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
Williamson Act	California Land Conservation Act
Valley Water	Santa Clara Valley Water District
VMT	Vehicle miles traveled
VTA	Santa Clara Valley Transportation Authority
ZNE	Zero net carbon emissions