INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for

JULIAN & TRIPP MIXED-USE DEVELOPMENT

File Nos. H21-050, H22-012, H22-001, and ER21-297

CITY OF SAN JOSÉ
CALIFORNIA

October 2023

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: Julian and Tripp Mixed Use Development Project

PROJECT FILE NUMBER: H21-050, H22-012, H22-001, and ER21-297

PROJECT DESCRIPTION: The proposed project consists of applications for three separate Site Development Permits to allow construction of a total of 913 multi-family residential units and approximately 14,820 square feet of commercial space across three sites. The development proposed for the site at 1325 E. Julian Street (Vila de Camila) would consist of 633 residential units and approximately 11,500 square feet of commercial space on a single parcel. The buildings would be 10 stories. The development proposed for the site at 1347 E. Julian Street (Casa Inclusiva) would consist of 45 residential units in a single, six-story, 63,097 square foot apartment building as well as approximately 2,500 square feet of ground floor commercial space on two adjacent parcels.

PROJECT LOCATION: 1298 Tripp Avenue, 380 North 26th Street, and 345 and 341 Wooster Avenue (Residencias Arianna, File No. H21-050); 1325 E. Julian Street (Vila de Camila, H22-012); 1347 E. Julian Street (Casa Inclusiva, H22-001).

ASSESSORS PARCEL NO.: 249-66-013, 249-66-040, 249-66-037, and 249-66-038 (Residencias Arianna, File No. H21-050); 249-65-061 (Vila de Camila, H22-012); 249-65-058 and 249-65-060 (Casa Inclusiva, H22-001)

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Diridon Investments, LLC, Attn: Loida C. Kirkley, 1238 Sutter St., Ste 801, San Francisco, CA 94109

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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

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

C. AIR QUALITY.

Impact AQ-1: The proposed project would result in fugitive dust exceeding the Bay Area Air Quality Management District (BAAQMD) annual threshold of 0.3 particulate matter of 2.5 microns (PM2.5) as a result of construction activities.

MM AQ-1: Prior to the issuance of any demolition or grading permits, the project applicant shall include the following enhanced measures to reduce PM10 and PM2.5 from construction activities and incorporate them into project plans and implement them throughout construction to ensure that short-term health impacts to nearby sensitive receptors are avoided.

- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

Impact AQ-2: Project construction would result in an infant cancer risk of 10.11 in one million and annual PM2.5 emissions of 0.34 μg/m3 at the maximally exposed individuals (MEIs), which exceeds the BAAQMD's cancer risk significance thresholds.

MM AQ-2: MM AQ-2: Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction operations plan with equipment verified by an air quality specialist that demonstrates off-road equipment used on-site to construct the project would achieve a fleet-wide average of a 10 percent reduction or more in diesel particulate matter (DPM) exhaust emissions. Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM10 and PM2.5).
- If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that

altogether achieve a 10 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).

- Use of electrical or non-diesel fueled equipment.
- As an alternative to the measures above, the project applicant could request a plan from a qualified air quality specialist that reduces on and near-site construction diesel particulate matter emissions by a minimum of 10 percent or greater. The plan shall be submitted to the City of San José Director of Planning, Building and Code Enforcement ort the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 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/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist/biologist, 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, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

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

E. CULTURAL AND TRIBAL CULTURAL RESOURCES.

Impact CR-1: The project may impact buried archaeological resources during excavation and construction activities.

MM CR-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in

collaboration with a Native American representative registered with the Native American Heritage Commissions 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. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee within seven days of completion of the training.

MM CR-2: Monitoring Plan. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, 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 prepare a monitoring plan for all earthmoving activities (includes demolition activities that could disturb native soil, any earthmoving−e.g., grading or excavation for foundations, footings, and trenching for underground utilities). The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CR-3: Sub-Surface Monitoring. A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with the Monitoring Plan in MM CR-2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping. Monitoring shall continue until it is determined by a qualified archeologist in collaboration with a Native American monitor that excavation has reached the maximum depth at which archaeological remains could be expected to occur.

MM CR-4 Evaluation. The project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the 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 the Director's designee.

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Due to a portion of the site's historic use associated with various types of manufacturing facilities with documented evidence of past releases from former USTs for the addresses, 1325 and 1347 East Julian Street and the potential for the presence of Naturally Occurring Asbestos (NOA) in addition to the presence of a railroad track adjoining the western parcel boundary, there is a possibility to encounter environmental contamination in the soil, soil gas and/or groundwater in this portion of the project area. Additionally, due to the agricultural history associated with the address, 1298 Tripp Avenue, there is a potential that the shallow soil in this parcel contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If environmental impacts are present in the site's subsurface media and not mitigated, construction of the project could result in exposure of construction workers, occupants of adjacent properties and future site occupants to toxic and/or hazardous contamination.

MM HAZ-1: Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II Environmental Site Assessment to determine if the prior site uses have resulted in an impact to the soil, soil gas and/or groundwater. The Phase II investigation should include collection and analysis of shallow soil samples for organochlorine pesticides and pesticide-based metals, arsenic and lead to evaluate past agricultural use associated with the site address, 1298 Tripp Avenue. The Phase II investigation for the site address, 1325 and 1347 East Julian Street should include collection and analysis of soil, soil gas and/or groundwater samples to investigate this portion of the site's historic uses and releases associated with former USTs in addition to evaluating any potential subsurface impacts due to the adjoining railroad spur. The Phase II investigation for 1325 and 1347 East Julian Street shall also include soil sampling and analysis for asbestos in accordance with the California Air resources Board (CARB) test method 435.

If the Phase II results indicate concentration of contaminants present in the subsurface above the applicable construction worker and residential environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control (DTSC), or the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. If asbestos is present above 0.25%, the applicant shall prepare the Asbestos Dust Mitigation Plan and adhere to the requirements specified in the final regulation order for Asbestos Airborne Toxic Control Measure (ACTM) for Construction, Grading, Quarrying, and Surface Mining Operations, California Code of Regulations Title 17, Section 93105. The ADMP would include track-out prevention and control, storage piles, onsite traffic control, preparation of areas prior to earth moving activities, and control for offsite transport, consistent with the ACTM. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and

Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

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

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

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

M. NOISE

Impact NSE-1: Construction of the project would generate temporary increased noise levels exceeding 80 dBA Leq at the nearby residential and school land uses, in exceedance of the City's exterior threshold. Construction of the proposed project would also generate temporary increased noise levels within 500 feet of the residential and the school land uses for a period of over 12 months, which is defined as significant impact under General Plan Policy EC-1.7.

MM NSE-1: Construction Noise Logistics Plan: Prior to the issuance of any grading or building permits, the project applicant shall prepare and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. A temporary 10 to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.
- Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing of the residences represented by "Res-3" in Figure 32 during construction of the upper floors of buildings at Vila de Camila (1325 East Julian Street) to control construction noise when activities occur above the ground level. Since construction of Vila De Camila (1325 East Julian Street)

would be constructed in phases, with Buildings C and D (located at the rear of the site) to be built before Buildings A and B (located at the front of the site), the temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- 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.
- 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 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.

Impact NSE-2: Operation of the project could result in operational noise from mechanical equipment that exceeds 55 dBA DNL at nearby residential land uses.

MM NSE-2: Prior to the issuance of any building permits and during final building design, the project applicant shall retain a qualified acoustical professional to prepare a detailed acoustical study to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit. A copy of the acoustical study shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits

Impact NSE-3: Construction of the project would generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV or more at buildings of normal conventional construction adjoining each project site.

MM NSE-3: Prior to the issuance of any demolition or grading permits, the project applicant shall prepare a vibration monitoring plan to reduce vibration impacts resulting from construction of the project. The plan shall include, but is not limited to, the following measures to be implemented during construction of the proposed project where vibration levels due to construction activities would exceed 0.2 in/sec PPV at building adjoining each project site:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines adjoining adjacent buildings. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional building.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

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

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

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

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

R. TRIBAL CULTURAL RESOURCES – Refer to item E. Cultural and Tribal Cultural Resources above.

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

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

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-

significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

The public review period starts on **October 13, 2023,** and end on **November 2, 2023.** Before **November 2, 2023, 5:00pm**, any person may:

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

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

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

October 13, 2023

Date

Deputy

Tina Garg
Environmental Project Manager

Circulation Period: October 13, 2023, to November 2, 2023

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Chapter 1. Background Information

INTRODUCTION

This Initial Study has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers considering the project.

The City of San José is the lead agency under CEQA for the Julian & Tripp Mixed-Use Development (project, proposed project). The City has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the construction of this project, as described below.

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

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Tina Garg
Tina.Garg@sanjoseca.gov

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at the above address.

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled public hearing. 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.

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

PROJECT DATA

1. **Project Title**: Julian &Tripp Mixed-Use Development

2. **Lead Agency Contact:** City of San José Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
   Environmental Planner: Tina Garg

3. **Project Owner:** Diridon Investments, LLC, Attn: Loida C. Kirkley, 1238 Sutter St., Ste 801, San Francisco, CA 94109.

4. **Project Proponent:** Anderson Architects, Inc. (Attn: Kurt Anderson), 120 W. Campbell Ave., Suite D, Campbell, CA 95008, (408) 202-5462.

5. **Project Location:** The project is located on three sites in San José, California, two of which are contiguous. The first site is an approximately 2.79 gross acre parcel located at 1325 E. Julian Street. The second site is located on the two neighboring parcels at 1347 E. Julian Street with a total area of 0.52 gross acres. The third site is located on four parcels with a total area of approximately 1.49 gross acres at 1298 Tripp Avenue, 380 North 26th Street, and 345 and 341 Wooster Avenue (referred to throughout this document as 1298 Tripp Avenue). The project sites at 1325 and 1347 E. Julian are currently vacant. The site at 1298 Tripp Avenue is currently occupied by two apartment buildings (1298 Tripp Avenue and 380 North 26th Street) and two single-family residences (345 and 341 Wooster Avenue).

6. **Assessor's Parcel Numbers (APNs)**: 249-65-061 (1325 E. Julian Street); 249-65-058 and 249-65-060 (1347 E. Julian Street); and 249-66-013, 249-66-040, 249-66-037, and 249-66-038 (1298 Tripp Avenue).

7. **City Council District:** 3

8. **Project Description Summary:** The proposed project consists of applications for three separate Site Development Permits to allow construction of a total of 913 multi-family residential units and approximately 14,820 square feet of commercial space across three sites. The development proposed for the site at 1325 E. Julian Street (Vila de Camila) would consist of 633 residential units and approximately 11,500 square feet of commercial space on a single parcel. The buildings would be 10 stories. The development proposed for the site at 1347 E. Julian Street (Casa Inclusiva) would consist of 45 residential units in a single, six-story, 63,097 square foot apartment building as well as approximately 2,500 square feet of ground floor commercial space on two adjacent parcels. The development proposed for the site at 1298 Tripp Avenue (Residencias Arianna) consists of a single apartment building on four parcels, each six stories with one level of basement parking. A total of 235 units are proposed as well as approximately 820 square feet of ground floor commercial space. Each of the development projects would also involve various site improvements.

   The Residencias Arianna project site is currently occupied by two single-family residences (345 and 341 Wooster Avenue) and two apartment buildings (1298 Tripp Avenue and 380 North 26th Street) that would be demolished as part of the project, while the Vila de Camila and Casa Inclusiva sites are vacant. Each development would include affordable housing units.

9. Envision 2040 San José General Plan Designation:
Vila de Camila: *Urban Village (Five Wounds Urban Village Plan)*
Casa Inclusiva: *Urban Village (Five Wounds Urban Village Plan)* and *Residential Neighborhood*
Residencias Arianna: *Mixed-Use Neighborhood (except for 341 and 345 Wooster Avenue that are within the Five Wounds Urban Village Plan)*

10. Zoning Designation:
Vila de Camila: Light Industrial (LI)
Casa Inclusiva: Heavy Industrial (HI) and R-1-8 Single-family Residence
Residencias Arianna: Mixed Use Neighborhood (MUN) (1298 Tripp and 380 North 26th Street) and Urban Residential (UR) (345 and 341 Wooster Avenue)

11. Habitat Conservation Plan Designations:
Area 4: Urban Development Equal to or Greater than 2 Acres Covered
Land Cover: Urban-Suburban
Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

12. Surrounding Land Uses:
Vila de Camila
- North: Vacant land, residential, Lower Silver Creek
- South: E. Julian Street, industrial
- East: 1347 E. Julian Street, West Court, residential, Highway 101
- West: Railroad (defunct), industrial, Wooster Avenue

Casa Inclusiva
- North: residential
- South: E. Julian Street, industrial
- East: West Court, residential, Highway 101
- West: 1325 E. Julian Street, railroad (defunct), industrial

Residencias Arianna
- North: Tripp Avenue, residential
- South: Residential, Permata Court
- East: Wooster Avenue, industrial
- West: North 26th Street, residential

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Chapter 2. Project Description

PROJECT LOCATION

The project is located on three sites in San José, in Santa Clara County (refer to Figure 1). The first site is an approximately 2.79 gross acre parcel at 1325 E. Julian Street (Vila de Camila), with an Assessor's Parcel Number (APN) of 249-65-061 (refer to Figure 2a). The second site is located on the two neighboring parcels (APNs 249-65-058 and 249-65-060) on an approximately 0.52 gross acre site at 1347 E. Julian Street (Casa Inclusiva) (refer to Figure 2a). The third site is located on four parcels (APNs 249-66-013, 249-66-040, 249-66-037, and 249-66-038) on an approximately 1.49 gross acre site at 1298 Tripp Avenue, 380 North 26th Street, and 345 and 341 Wooster Avenue (Residencias Arianna) (refer to Figure 2b). The Vila de Camila and Casa Inclusiva project sites are currently vacant. The Residencias Arianna project site is currently occupied by two apartment buildings (1298 Tripp Avenue and 380 North 26th Street) and two single-family residences (345 and 341 Wooster Avenue). Aerial photographs of the project sites and surrounding area are presented in Figures 3a and 3b.

Majority of the proposed project sites are within the Five Wounds Urban Village. The Five Wounds Creek Trail is a paved north-south multi-use pedestrian and bicycle trail that is anticipated to be constructed in this area in the future. The planned Five Wounds Creek Trail would be located to the west of the Vila de Camila and Casa Inclusiva project sites and east of the Residencias Arianna project site.[1] see Figure 5). Local access to the trail would be provided via an entrance near the intersection of N. 28th Street and E. Julian Street. The Five Wounds Creek Trail and access points are not part of the proposed project or a connected action and would be subject to separate environmental review.

PROJECT DESCRIPTION

As stated above, the proposed project consists of three residential developments. Each of the three developments are described below.

Vila de Camila – 1325 E. Julian Street

The development proposed for the Vila de Camila project site at 1325 E. Julian Street would consist of four apartment buildings on a single vacant parcel. Site photos are provided in Figure 4. The buildings would be 10 stories in height. A total of 633 units, in studio, one-bedroom, two-bedroom, and three-bedroom configurations, are proposed (386 units between Buildings A and B, 177 units for Building C, and 70 units for Building D), with 20 percent of those units being reserved for low-income tenants. Income restrictions for the 127 units will range between 20 percent and 120 percent of the annual median income (AMI). In addition, a total of approximately 11,500 square feet of ground-floor commercial space is proposed between the four buildings. The proposed site plan for this development is presented in Figure 5. Floor plans are provided in Figure 6a through 6f. Elevations for the proposed buildings are shown in Figures 7a and 7b. The maximum height for proposed development would be 109 feet from the top of the elevator.

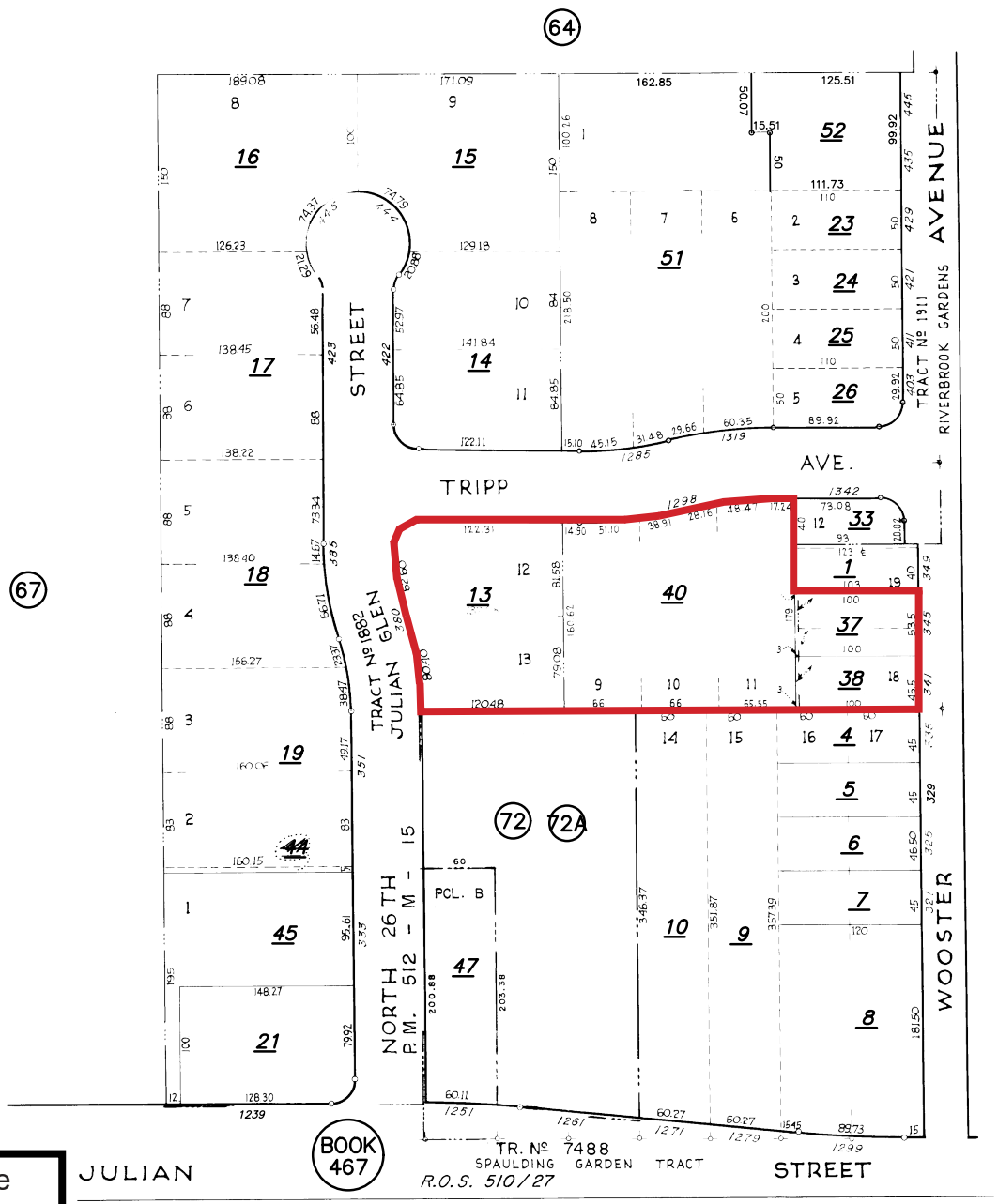
[1] https://www.sanjoseca.gov/home/showpublisheddocument/89409/637985739730530000

Location Map

Figure 1

Julian & Tripp Mixed-Use Development
Initial Study

Path: P:\DDA Current Projects\2022-06 Julian & Tripp Combined Development\Figures\Figure 1 - Location Map.pdf

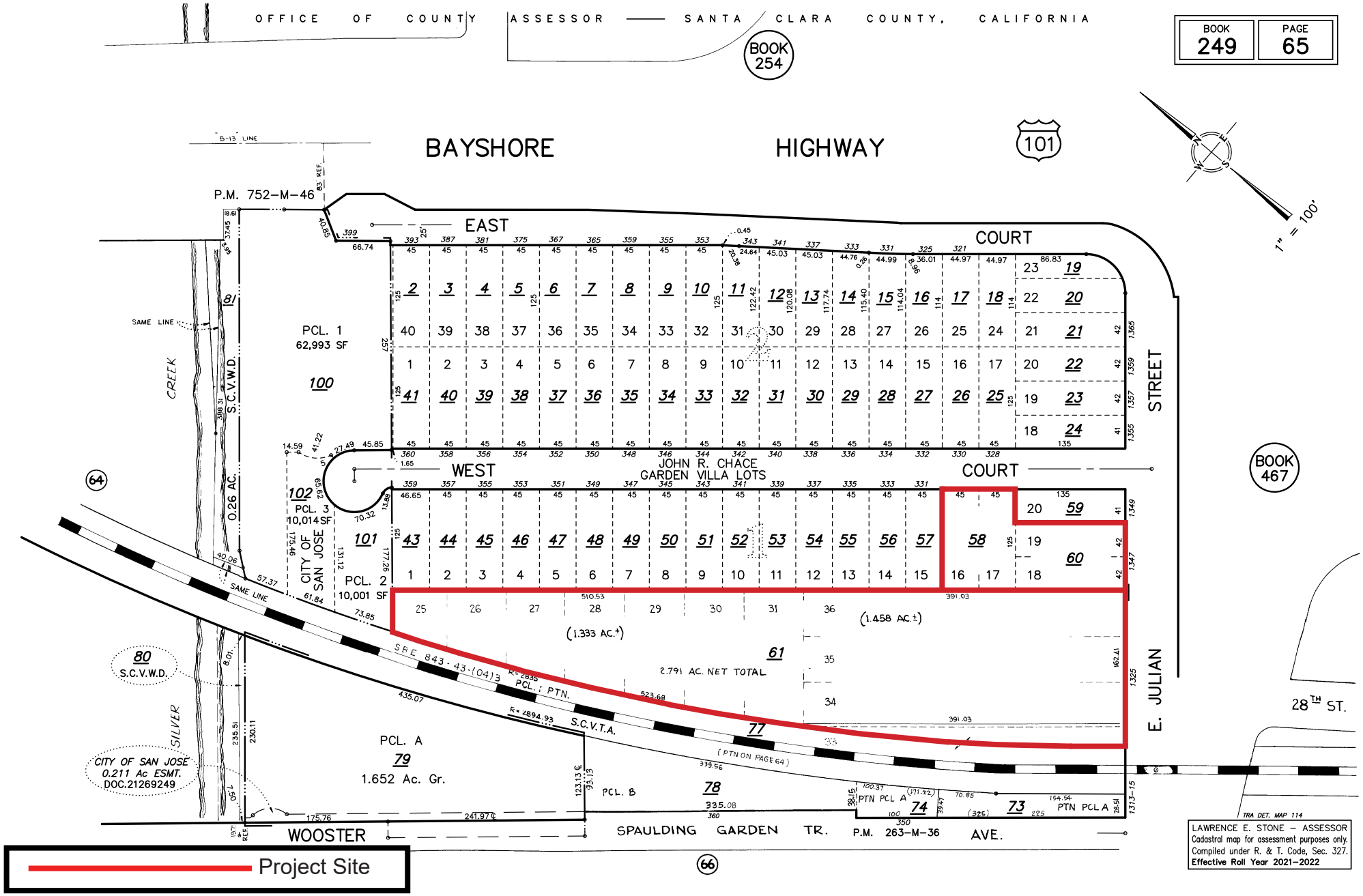


Source: Santa Clara County Assessor, February 2022

APN Map - Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure 2a

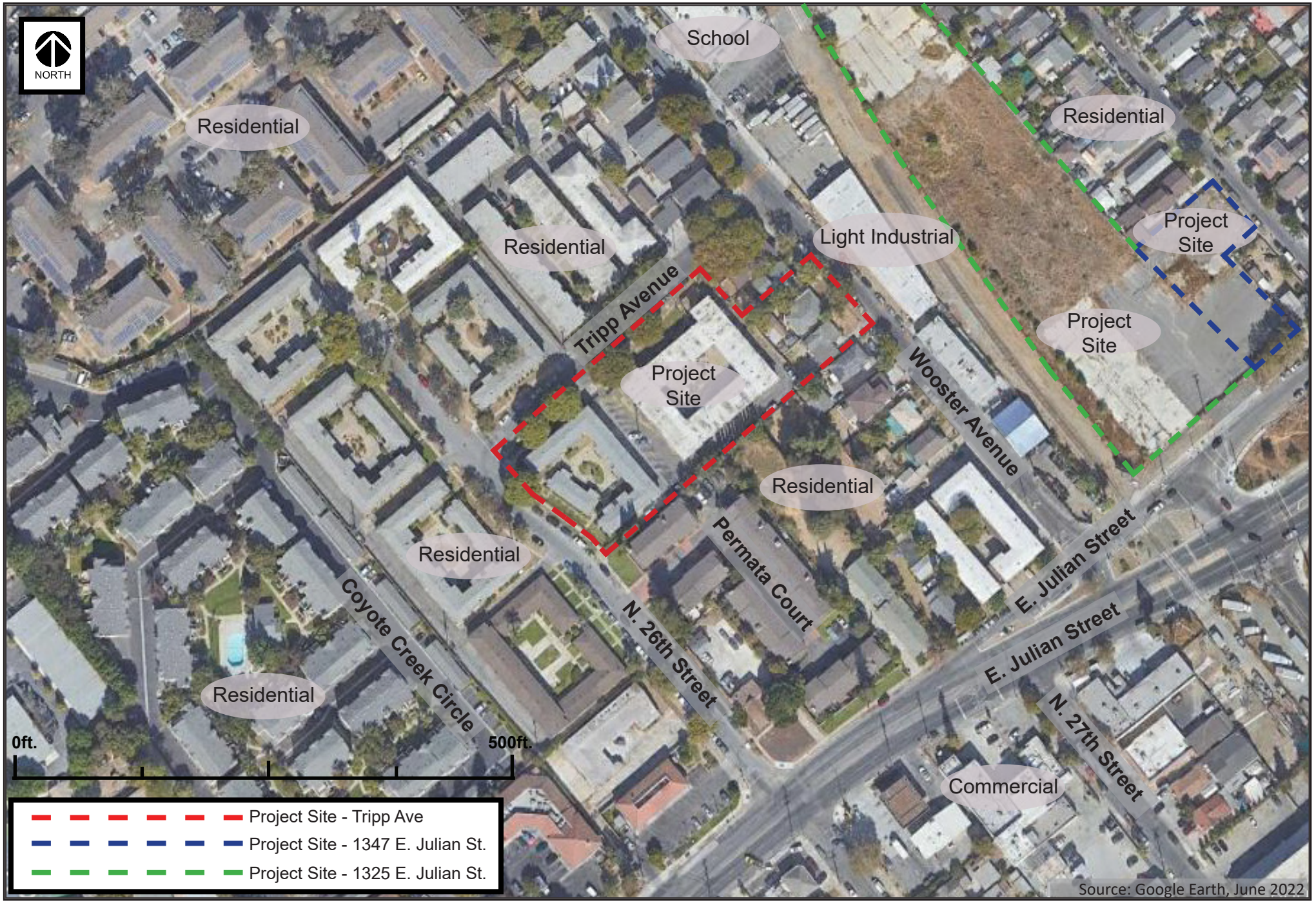


Source: Santa Clara County Assessor, February 2022

APN Map - E. Julian Street

Julian & Tripp Mixed-Use Development
Initial Study

Figure 2b



Vicinity Map - Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
3a

Vicinity Map - E. Julian Street

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
3b

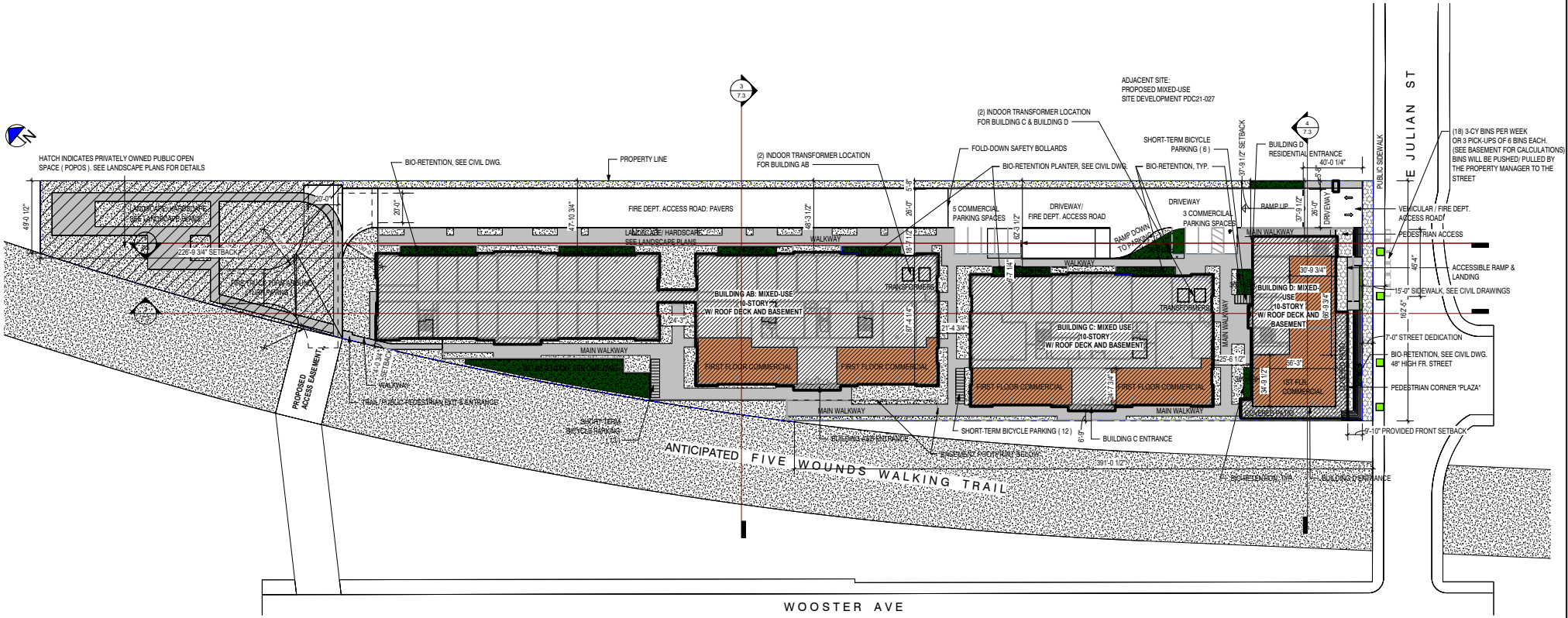
Photo #1: North facing view of property from E. Julian Street.

Photo #2: West facing view of property from E. Julian Street.

Site Photos - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
4

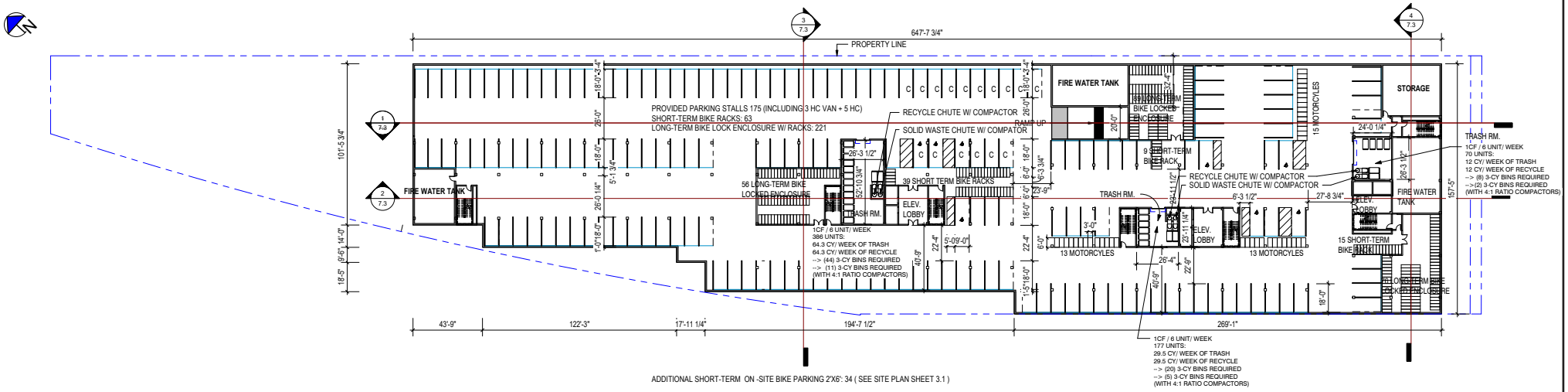


Source: Anderson Architects, September 2023

Site Plan - 1325 E. Julian Street

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
5

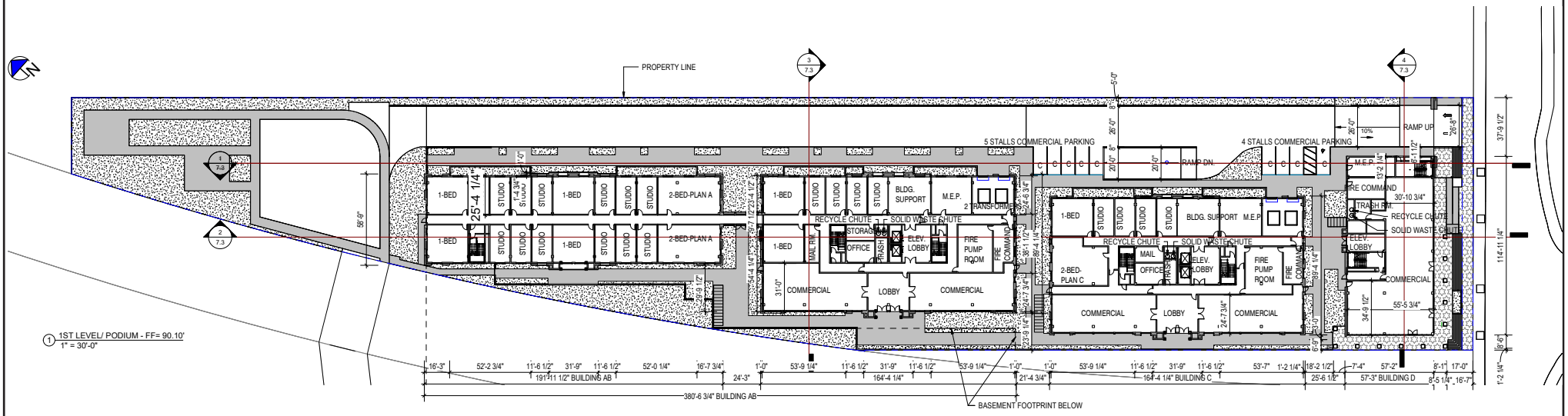


Source: Anderson Architects, September 2023

Floor Plan - Basement - 1325 E. Julian

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
6a

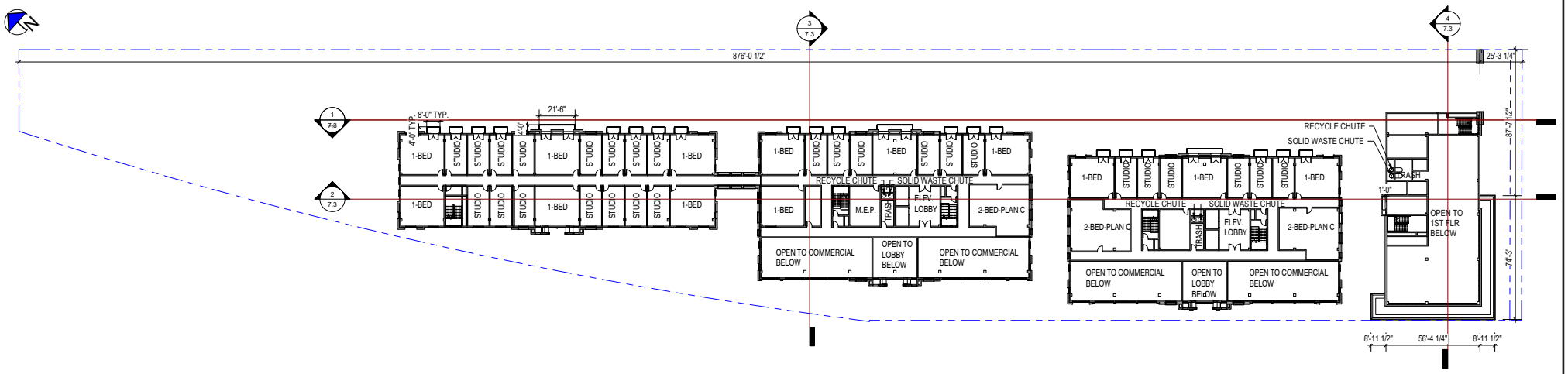


Source: Anderson Architects, September 2023

Floor Plan - 1st Floor - 1325 E. Julian

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
6b

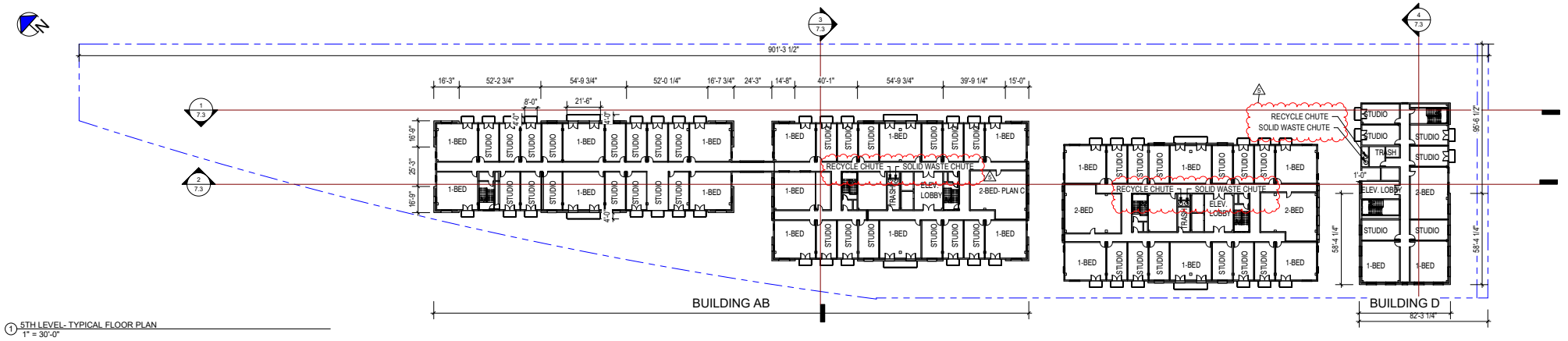


Source: Anderson Architects, September 2023

Floor Plan - 2nd Floor - 1325 E. Julian

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
6c



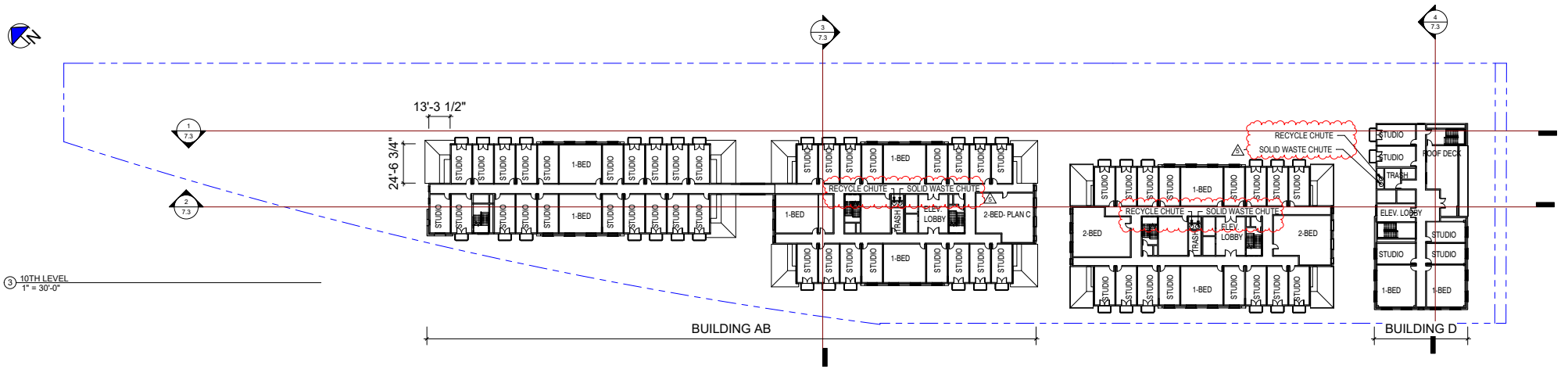
1 5TH LEVEL- TYPICAL FLOOR PLAN
1" = 30'-0"

Source: Anderson Architects, July 2023

Floor Plan - 3rd - 9th Floors - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
6d



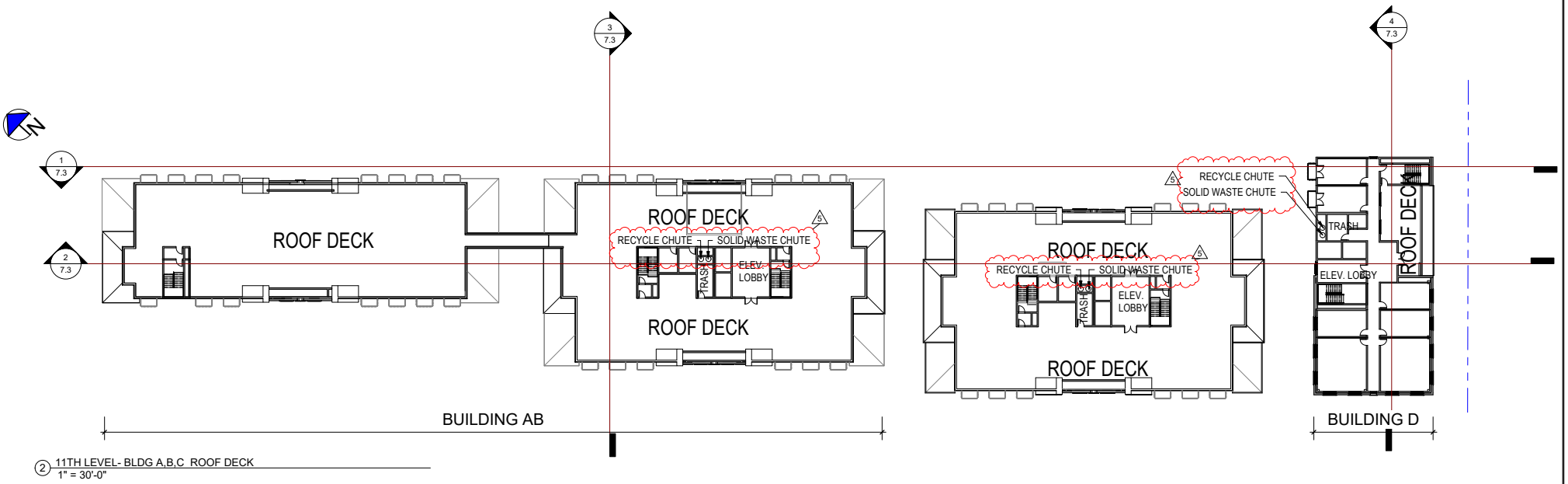
3 10TH LEVEL
1" = 30'-0"

Source: Anderson Architects, July 2023

Floor Plan - 10th Floor - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
6e



2 11TH LEVEL- BLDG A,B,C ROOF DECK
1" = 30'-0"

Source: Anderson Architects, July 2023

Floor Plan - Roof - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

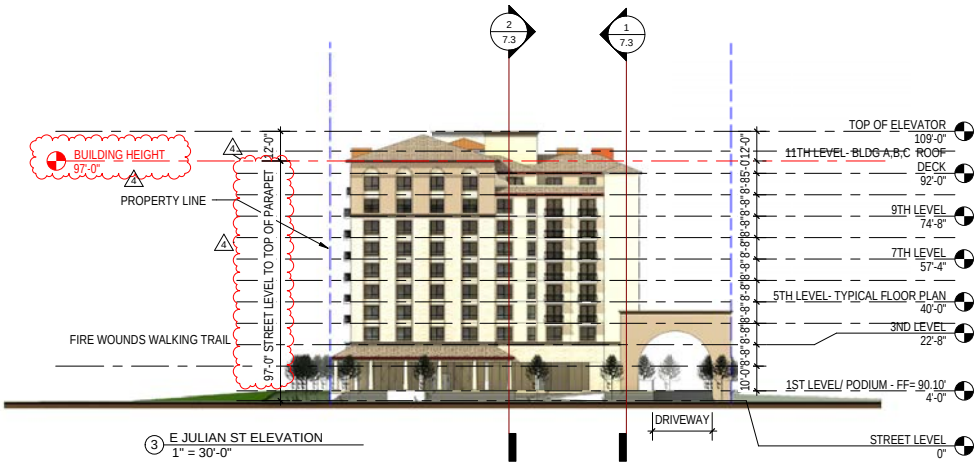
Figure
6f

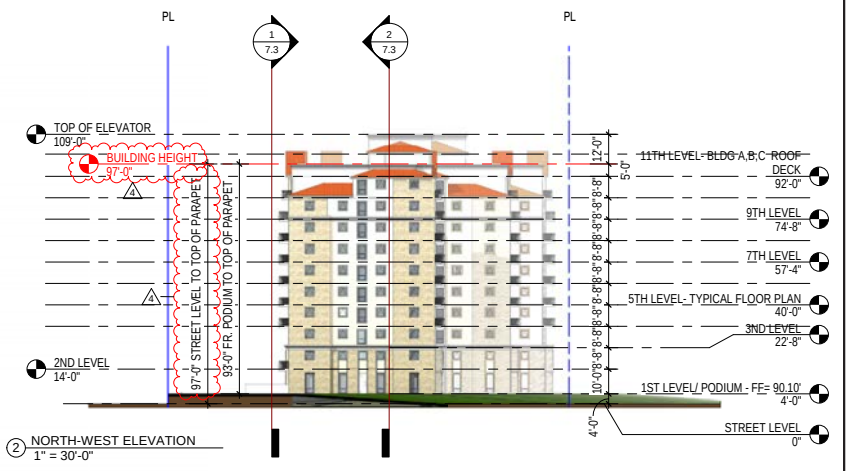
Source: Anderson Architects, February 2023

Elevations - Northeast & Southwest - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
7a





Source: Anderson Architects, February 2023

Elevations - Northwest & Southeast - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
7b

Proposed common outdoor areas for the apartment building consist of open space areas located between the proposed buildings. Outdoor amenities would consist of seating areas, a fire pit, and a bocce court.

The Vila de Camila project site is designated as *Urban Village* in the City's 2040 General Plan. The *Urban Village* designation allows a density of up to 250 dwelling units per acre (du/ac) and a minimum floor area ratio (FAR) of 0.75 and a maximum FAR of up to 10.0. The Vila de Camila project site is located within the Five Wounds Urban Village. Pursuant to AB 3194, the project would be subject to *Urban Village* zoning district development standards without the need for a conforming rezoning.

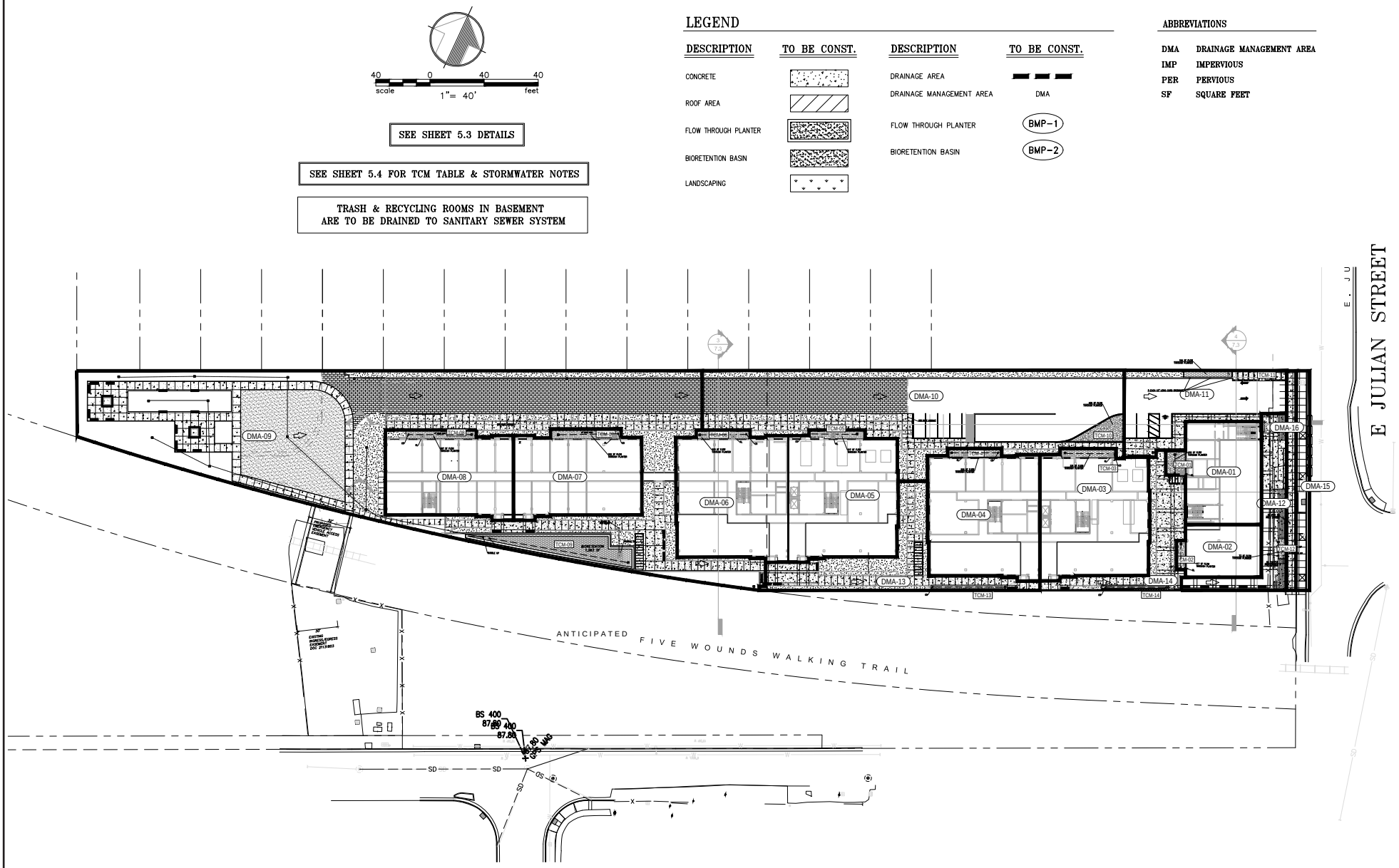
The project would require an access easement across the future Five Wounds Trail for the 1325 Julian project (from Wooster), as shown in Figure 5. The record of the proposed permit application indicates that there is an unresolved dispute between the permittee and other claimants to the ownership of real property interests including a potential easement over the adjacent Valley Transportation Authority's linear corridor benefiting the subject site. Prior to the issuance of the building permit, the permittee shall provide the City with reliable evidence of permittee's unencumbered clear ownership of an easement of sufficient alignment and width to satisfy Fire Code emergency vehicle access to the subject site (other than deeds of trust or other monetary encumbrances).

The proposed project would include a State Density bonus incentives and waivers to allow for the increased height of development from 60 to 109 feet, a reduction of the minimum commercial Floor Area Ratio (FAR) from 0.75 to 0.09, the orientation of residential units away from the planned Five Wounds Trail, and a parking reduction to 159 residential spaces. Additional project details are described below.

Access and Parking. Vehicular access to the Vila de Camila project site would be provided via a new, driveway on E. Julian Street. Internal pedestrian circulation would be provided via new walkways connecting the open space and residential buildings. Residential parking for all four buildings would be provided in a single-story underground parking garage beneath the entire site. The basement-level parking garage for the proposed development would provide a total of 159 parking stalls for residents (0.25 stalls per unit) and 16 parking stalls for the proposed commercial use. An additional 9 parking spaces for the proposed commercial use would be provided on the ground floor. 63 short-term bicycle rack spaces, and 221 long-term bicycle spaces are also provided in the basement level. An additional 31 short-term bicycle spaces are provided on the first-floor level.

Lighting. Outdoor lighting would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Utilities. The Vila de Camila project would include the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. The Vila de Camila project includes installation of a 10-inch sewer lateral to connect to the existing 15-inch sewer main located in East Julian Street. Stormwater from the site would be directed towards an existing inlet located along the project's frontage via flow-through planters located throughout the site and overland release. The Vila de Camila project would not require the upsizing of the existing sewer main, stormwater inlet or other offsite improvements for utilities infrastructure. The project also includes rooftop installation of solar panels. A stormwater control plan for this development is provided in Figure 8.



Source: Anderson Architects, February 2023

Stormwater Control Plan - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
8

Grading. Development of the Vila de Camila project would involve the excavation of approximately 38,000 cubic yards (CY) of material to be exported from the site and approximately 500 CY of fill material to be imported to the site. A grading and drainage plan for this development is provided in Figure 9.

Public Improvements. The Vila de Camila project proposes the replacement of about 162 feet of existing sidewalks along the project's frontage on East Julian Street. The new sidewalk would be about 15 feet in width.

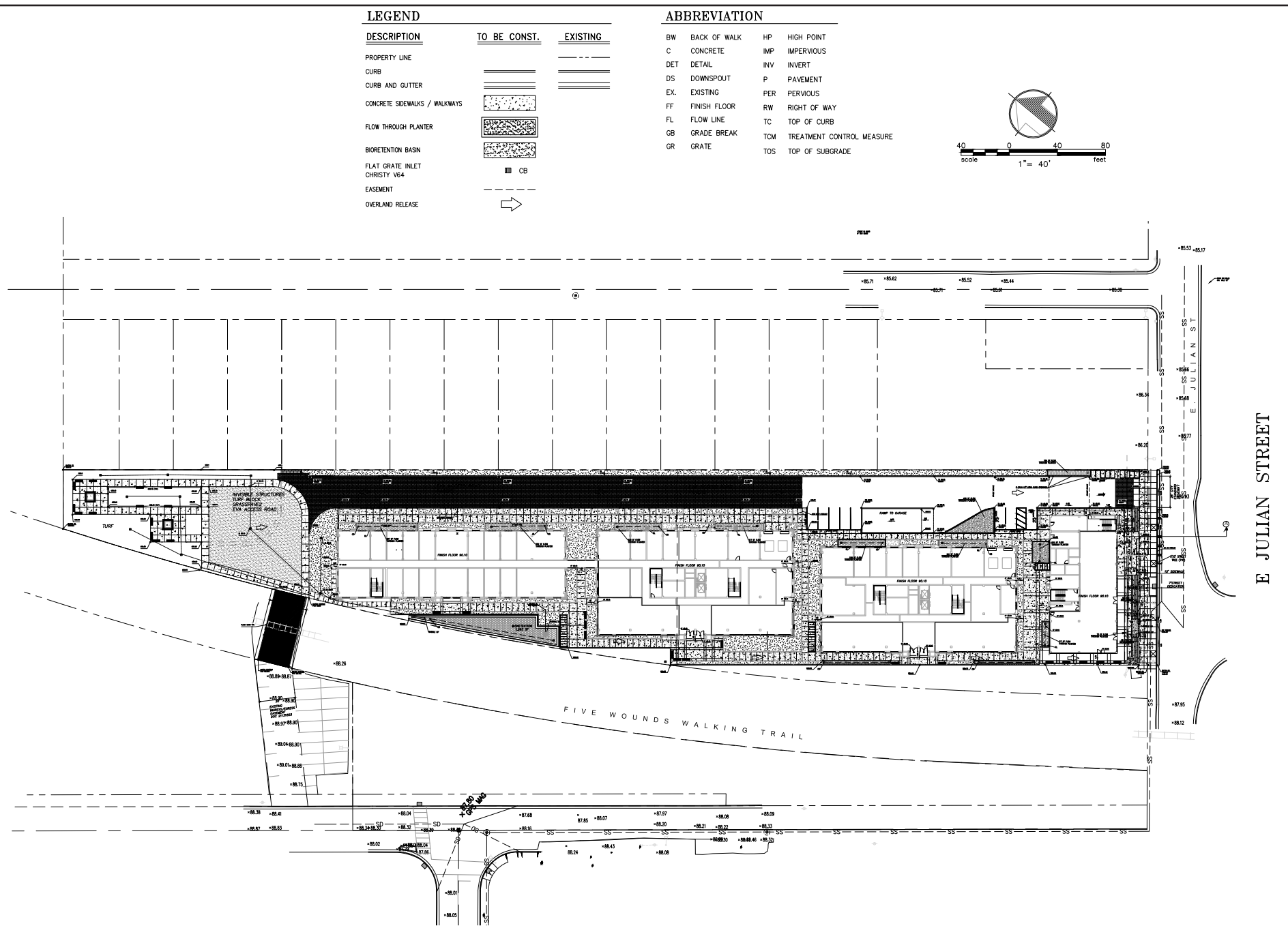
Landscaping and Tree Removal. Landscape plans have been prepared for this development, which are presented in Figure 10. The Vila de Camila project proposes to remove five existing trees, and replace them with 10 new on-site 24-inch box trees (equivalent to 20 15-gallon plantings) in accordance with the City's requirements (see section *D. Biological Resources* for further discussion).

Transportation Demand Management Plan. The Vila de Camila project includes a Transportation Demand Management (TDM) Plan, which is provided in Appendix H. The TDM Plan is intended to provide a combination of services, incentives, facilities, and actions that would reduce single-occupant vehicle trips associated with the Vila de Camila project. The TDM Plan proposes various measures to promote sustainable modes of transportation, including establishing a carpool/vanpool program, providing preferential parking for electric vehicles (EVs), providing secured and temporary bicycle parking, providing on-site bicycles for free use by residents, and designation of a transportation coordinator. The transportation coordinator would be responsible for maintaining an online kiosk containing information on available TDM services, providing transportation information packets to residents, providing trip planning assistance, and conducting annual mode share surveys.

Casa Inclusiva - 1347 E. Julian Street

The development proposed for the Casa Inclusiva project site at 1347 E. Julian Street consists of a single, six-story, approximately 63,097 square foot apartment building on two vacant parcels. Site photos are provided in Figure 11. A total of 45 units, in studio, one-bedroom, and two-bedroom configurations, are proposed in total. The proposed units would be offered as 100 percent affordable housing. In addition, this development includes approximately 2,500 square feet of ground floor commercial space. The proposed site plan for this development is presented in Figure 12. Floor plans are provided in Figure 13a through 13c. Elevations for the proposed buildings are shown in Figure 14. The maximum height for proposed development would be approximately 77.5 feet.

The Casa Inclusiva project site consists of two parcels that are designated in the General Plan as *Urban Village* (APN 249-65-060) and *Residential Neighborhood* (APN 249-65-058) in the City's 2040 General Plan. The *Urban Village* designation allows a density of up to 250 du/ac and an FAR up to 10.0. The height and building form of development within the Urban Village areas can vary significantly depending upon the type and character of the Urban Village. The *Residential Neighborhood* designation allows a density of up to 8 du/ac and an FAR up to 0.7. The Casa Inclusiva project site is located within the Five Wounds Urban Village. The Casa Inclusiva project also includes 2,454 sf of ground floor retail/commercial space. The residential and commercial components of the Casa Inclusiva project are located on APN 249-65-060 and will be subject to *Urban Village* zoning district development standards without the need for a conforming rezoning.

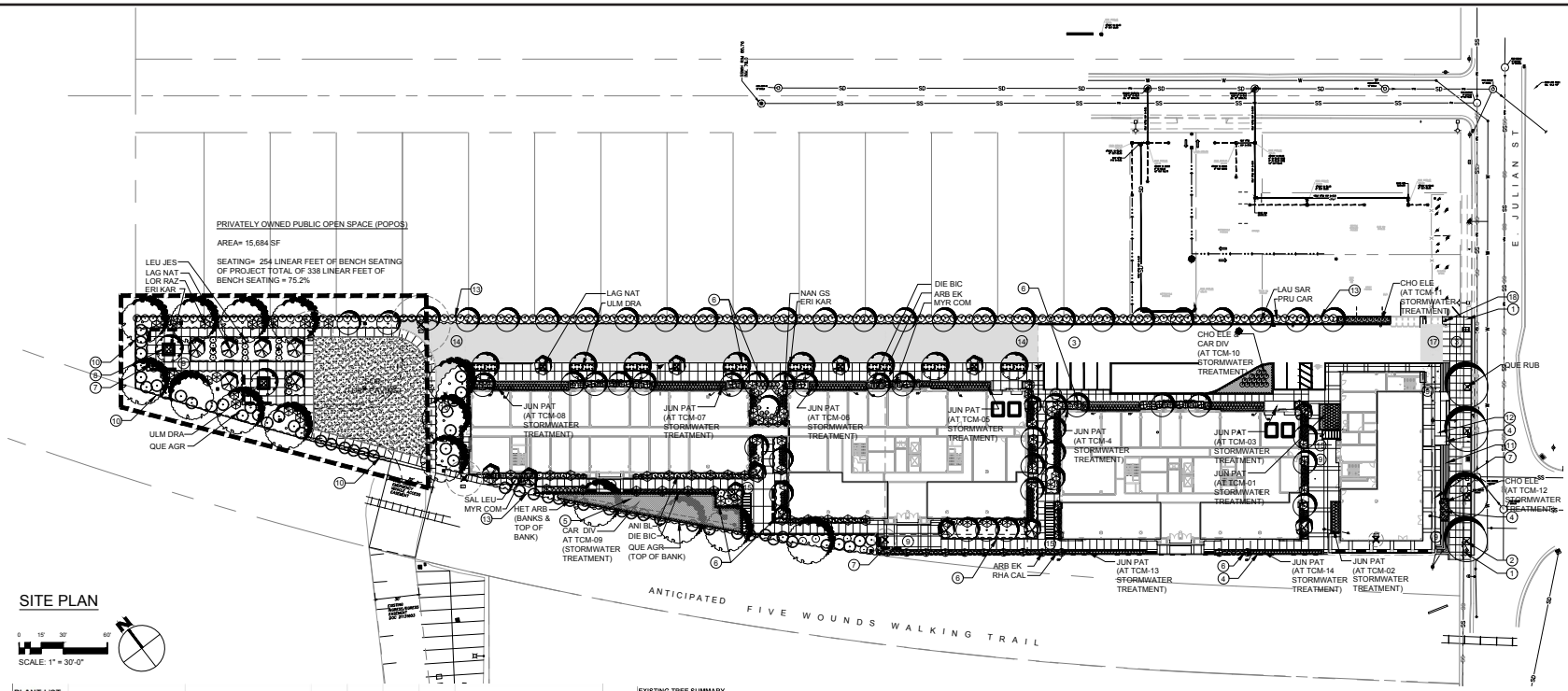


Source: Anderson Architects, February 2023

Grading and Drainage Plan - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
9



SITE PLAN

SCALE: 1" = 30'-0"

PLANT LIST							
ABBREV.	BOTANICAL NAME	COMMON NAME	SIZE	BASIN*	BANKS*	UPLAND*	MISC. NOTES & REQUIREMENTS
TREES							
LAG MUS	*Lagerstroemia x 'Muskogee'*	Crape Myrtle (Lavender)	24" Box				Hi. Br./SL/Match
LAG NAT	*Lagerstroemia i. 'Natchez'*	Crape Myrtle (White)	24" Box				Hi. Br./SL/Match
LAG TUS	*Lagerstroemia i. 'Tuscarora'*	Crape Myrtle (Pink)	24" Box				Hi. Br./SL/Match
LAU SAR	*Laurus n. 'Saratoga'*	Hybrid Laurel	24" box				S.L./No. Whorl, Br./N. Drp. Br./Match
QUE AGR	*Quercus agrifolia*	Coast Live Oak	24" Box				
QUE RUB	*Quercus rubra*	Red Oak	24" box				S.L./No. Whorl, Br./N. Drp. Br./Match
ULM DRA	*Ulmus parvifolia 'Drake'*	Chinese Evergreen Elm	24" box				Hi. Br.
SHRUBS							
ARB EK	*Arbutus unedo 'Elfin King'*	Strawberry Tree	5 G.C.				Mult. St./Stem up.
HET ARB	*Heteromeles arbutifolia*	Toyon	5 G.C.				Dt
JUN DF	*Juniperus chinensis 'Daub's Frosted'*	Daub's Frosted Juniper	1 G.C.				F & B/Br. Gr.
LEU JES	*Leucadendron 'Jester'*	Sunshine Conebush	5 G.C.				F & B
MYR COM	*Myrtus communis 'Compacta'*	Dwarf True Myrtle	5 G.C.				F & B/Br. Gr.
NAN GS	*Nandina domestica 'Gulf Stream'*	Dwarf Heavenly Bamboo	1 G.C.				F & B
PRU CAR	*Prunus caroliniana 'Compacta'*	Carolina Cherry Laurel	5 G.C.				F & B
RHA CAL	*Rhamnus californica "Mound San Bruno"*	Coffeeberry	5 G.C.				F & B
PERENNIALS/BULBS/ANNUALS							
ACH MIL	*Achillea millefolium 'Moonshine'*	Common Yarrow	1 G.C.				
ANI BL	*Anigozanthos 'Bush Lantern'*	Yellow Kangaroo Paws	1 G.C.				
CAL SPE	*Calandrinia 'Spectabilis'*	Rock Purslane	1 G.C.				
DIE BIC	*Dietes bicolor*	Forthright Lily	1 G.C.				
ERI KAR	*Erigeron karvinskianus 'Moerheimii'*	Fleabane	1 G.C.				
IRI CAN	*Iris d. 'Canyon Snow'*	Pacific Coast Iris Hybrid	1 G.C.				
LAV MUN	*Lavandula angustifolia 'Munstead'*	English Lavender	1 G.C.				
LIM PER	*Limonium perezii*	Sea Lavender	1 G.C.				
PER LS	*Perovskia atriplicifolia 'Little Spire'*	Little Spire Russian Sage	1 G.C.				
SAL LEU	*Salvia leucantha*	Mexican Bush Sage	1 G.C.				F & B/N. Drp. Br.
GROUNDCOVERS							
FES EB	*Festuca ovina 'Elijah Blue'*	Blue Fescue	1 G.C.				Plant @ 12" o.c.
LAN MON	*Lantana montevidensis*	Trailing Lantana	1 G.C.				Plant @ 2'-6" o.c.
ROS PRO	*Rosmarinus officinalis 'Prostratus'*	Dwarf Rosemary	1 G.C.				Plant @ 6'-0" o.c.
VINES							
MAC UC	*Macfadyena unguis-cati*	Cat's Claw Creeper	5 G.C.				
STORMWATER TREATMENT AREAS							
CAR DIV	*Carex divulsa (tumulicola)*	Berkeley Sedge	1 G.C.	X	X	X	Plant at 15" o.c.
CHO ELE	*Chondropetalum elephantinum*	Large Cape Rush	1 G.C.	X	X	X	
JUN PAT	*Juncus patens*	California Grey Rush	1 G.C.	X	X	X	
LAWN (SOD)							
SOD	Sodded lawn shall be "Bolero" mix 100% Bolero Dwarf Fescue available through Delta Bluegrass, (800) 637-8873						

Note:	This list together with the plant list prepared by Taniguchi Landscape Architecture must accompany the contractor's nursery order(s)
SL.	Single main, straight, dominant, leader
Hi. Br.	High branched—lowest limbs held above rootball 5' min. for 15 gallon can 6' min. for 24" box trees
Br. Gr.	Branched to ground
F & B	Full dense, bushy, vigorous plants, with young growth closely spaced on branches, no old/woody plants.
N.V.S.-30 deg.	Narrow upright vase shape 30 degrees or less spread in branch/trunk structure
N.V.S.-45 deg.	Narrow upright vase shape 45 degrees or less spread in branch/trunk structure
No. Whorl. Br.	No closely spaced whirled branches. Select even symmetrical branch distribution
Match	Matched size, form, caliper, branching and cultivar. Select from one lot, one grower, for guaranteed consistency through life of plants. In general plants within a group or area are to be matched, unless noted otherwise.
T.F.	Tree Form
S.F.	Shrub Form
Mult. St.	Multi stemmed
G.C.	Gallon Can
N.C.N.	No Common Name
Stem up.	Stem up to expose trunk and lower branch pattern
o.c.	On center
N. Drp. Br.	No long heavy drooping branches

EXISTING TREE SUMMARY							
Number	Tree species | Common Name	Trunk Diameter (DBH)	Circumference (inch)	Height (feet)	Spread (feet)	Disposition (proposed)	
1	Ulmus pumila | Siberian Elm		20.0	62.8	25	13	Remove
2	Ailanthus altissimia| Tree of Heaven	12.12,10,10,15	185.26	28	30	Remove	
3	Ailanthus altissimia| Tree of Heaven	6,8,10,12	113.04	24	24	Remove	
4	Washingtonia robusta | Mexican Fan Palm	18	56.52	10	15	Remove	
5	Washingtonia robusta | Mexican Fan Palm	24	75.36	10	10	Remove	
	Site contains many small Ailanthus altissima seedlings						

Tree Replacement Ratios

Circumference of tree to be removed	No. of trees to be removed	Type of tree to be removed			Minimum size of ea. replacement tree	No. & size of replacement trees
		Native	Non-native	Orchard		
38 inches or more (ordinance size tree)	5	5:1	4:1	3:1	15 gallon can	
		0	5	0		**20**
19- 38 inches (non-ordinance size)	0	3:1	2:1	None	15 gallon can	
		0	0	0		**0**
Less than 19 inches	0	1:1	1:1	1:1	15 gallon can	
		0	0	0		**0**
TOTAL						**20**
						20, 15 gallon can or 10, 24 in. box
Landscape Plan Proposal: replacement trees						**10, 24" box trees**
Unmet replacement trees on-site						0
In-lieu fee ($755.00 per tree x 0 trees)						$0.00

NOTES:

1. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT-OF-WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY A SPECIES.

2. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF FLOW-THROUGH PLANTER BOXES AND BIORETENTION AREAS, BUT RATHER ON THE UPLAND PLANTING ZONES OF THE BIORETENTION AREAS PER APPENDIX D OF THE SCVURPPP C.3 STORMWATER HANDBOOK. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, DOWNSPOUTS, CHANNEL/GRATES, ETC.) AND WILL OFFSET OR RELOCATE TREES OUTSIDE OF FLOW-THROUGH PLANTER BOXES OR TO THE UPLAND PLANTING ZONES OF BIORETENTION AREAS.

3. INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTINGS AND SIDE SLOPES.

4. SEE THE CIVIL ENGINEERING DRAWINGS FOR STORMWATER TREATMENT.

LEGEND

PROPOSED TREES

EXISTING TREES TO BE REMOVED

#999 EXISTING TREE NUMBER

SHRUB AND GROUNDCOVER AREA

BIORETENTION AREA (SEE CIVIL ENGINEER'S STORMWATER TREATMENT PLANS)

FLOW-THOROUGH PLANTER (SEE CIVIL ENGINEER'S STORMWATER TREATMENT PLANS)

KEY NOTES: PROPOSED IMPROVEMENTS

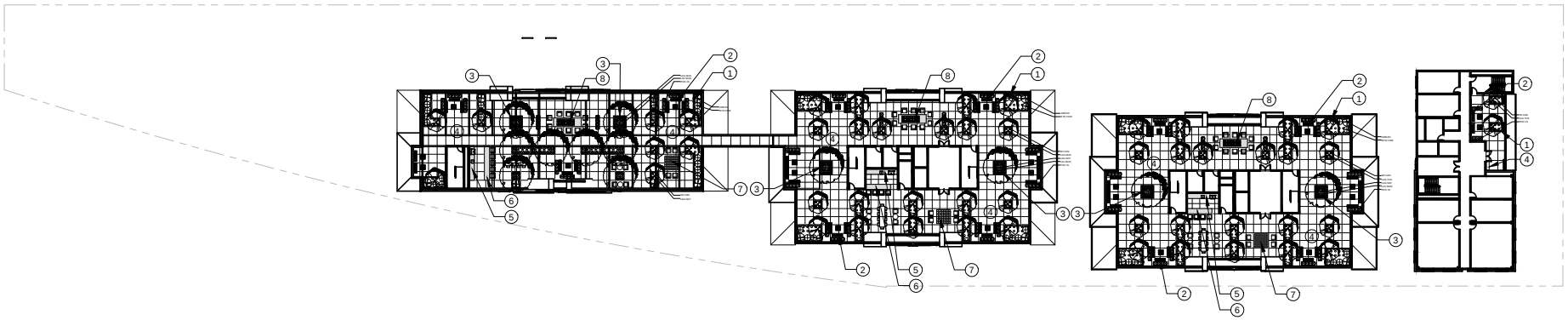
1. CONCRETE CITY SIDEWALK
2. STREET TREE: IN 5 FT X 5 FT TREEWELL. FINAL SPECIES TO BE CONFIRMED BY CITY ARBORIST.
3. DRIVEWAY
4. STORMWATER TREATMENT AREA (FLOW-THROUGH RAISED PLANTER)--SEE CIVIL ENG PLANS
5. STORMWATER TREATMENT AREA (BIO-RETENTION AREA)--SEE CIVIL ENG PLANS
6. RAISED PLANTER WALL
7. SITE FURNITURE
8. TREE PLANTER W/BUILT-IN BENCH
9. DECORATIVE CONCRETE PAVING
10. UNFENCED POPOS PERIMETER
11. STEPS
12. ADA RAMP
13. METAL FENCE AT PROPERTY LINE--6 FT HIGH
14. FIRE ACCESS DRIVE (PAVERS)
15. BIKE RACKS
16. TRANSFORMERS
17. PAVERS AT DRIVEWAY
18. TRASH BIN STAGING AREA

Source: Anderson Architects, February 2023

Landscape Plan - Street Level - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure 10a



SITE PLAN

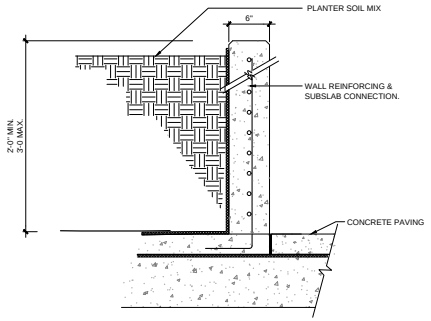
0 15' 30' 60'

SCALE: 1" = 30'-0"

VOLUME OF SOIL FOR TREES:

FOR ON-STRUCTURE STREET LEVEL AND ROOF LEVEL COURTYARDS

TOTAL COURTYARD PLANTING AREA (SF):	13,197
TOTAL TREES (SMALL):	125
TOTAL SOIL VOLUME REQ. (CF):	87,500



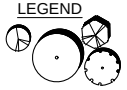
NOTES:
1. INTEGRAL COLOR CONCRETE

SECTION

1 PODIUM COURTYARD PLANTER WALL

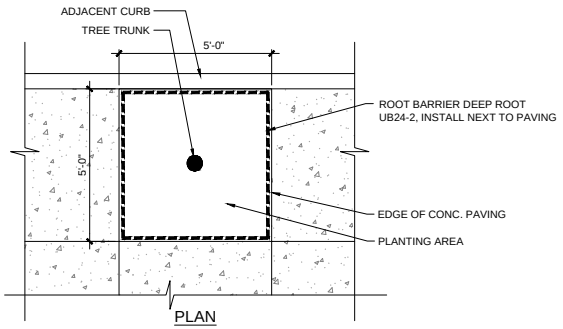
SCALE: 1" = 1'-0"

LEGEND



PROPOSED TREES

SHRUB AND GROUNDCOVER AREA



NOTE:
1. TOP OF ROOT BARRIER TO BE LEVEL WITH TOP OF CONC. PAVING
2. INSTALL PER MANUFACTURER RECOMMENDATIONS.

2 TREE WELL

SCALE: 1/2" = 1'-0"

KEY NOTES: PROPOSED IMPROVEMENTS

1. RAISED PLANTER WALL
2. SITE FURNITURE
3. TREE PLANTER W/BUILT-IN BENCH
4. DECORATIVE CONCRETE PAVING
5. BBQ COUNTER
6. BAR COUNTER
7. GAME BOARD--CONCRETE FINISH TO DEPICT BOARD
8. FIRE PIT

NOTES:

1. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT-OF-WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY A SPECIES.

2. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF FLOW-THROUGH PLANTER BOXES AND BIORETENTION AREAS, BUT RATHER ON THE UPLAND PLANTING ZONES OF THE BIORETENTION AREAS PER APPENDIX D OF THE SCVURPPP C.3 STORMWATER HANDBOOK. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, DOWNSPOUTS, CHANNEL/GRATES, ETC.) AND WILL OFFSET OR RELOCATE TREES OUTSIDE OF FLOW-THROUGH PLANTER BOXES OR TO THE UPLAND PLANTING ZONES OF BIORETENTION AREAS.

3. INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTINGS AND SIDE SLOPES.

4. SEE THE CIVIL ENGINEERING DRAWINGS FOR STORMWATER TREATMENT.

Source: Anderson Architects, February 2023

Landscape Plan - Roof Level - 1325 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure 10b

Photo #1: Northwest facing view of property from E. Julian Street.

Photo #2: West facing view of property from E. Julian Street.

Photo #3: South facing view of property from West Court.

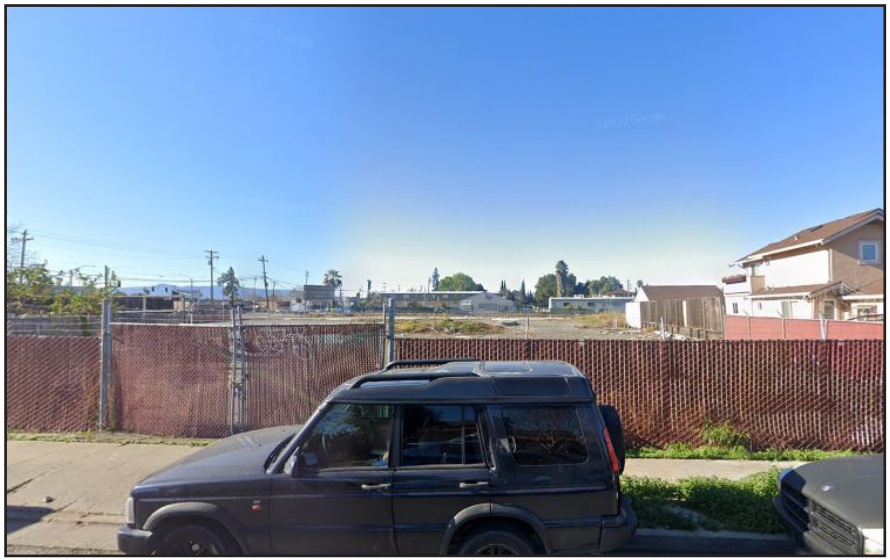


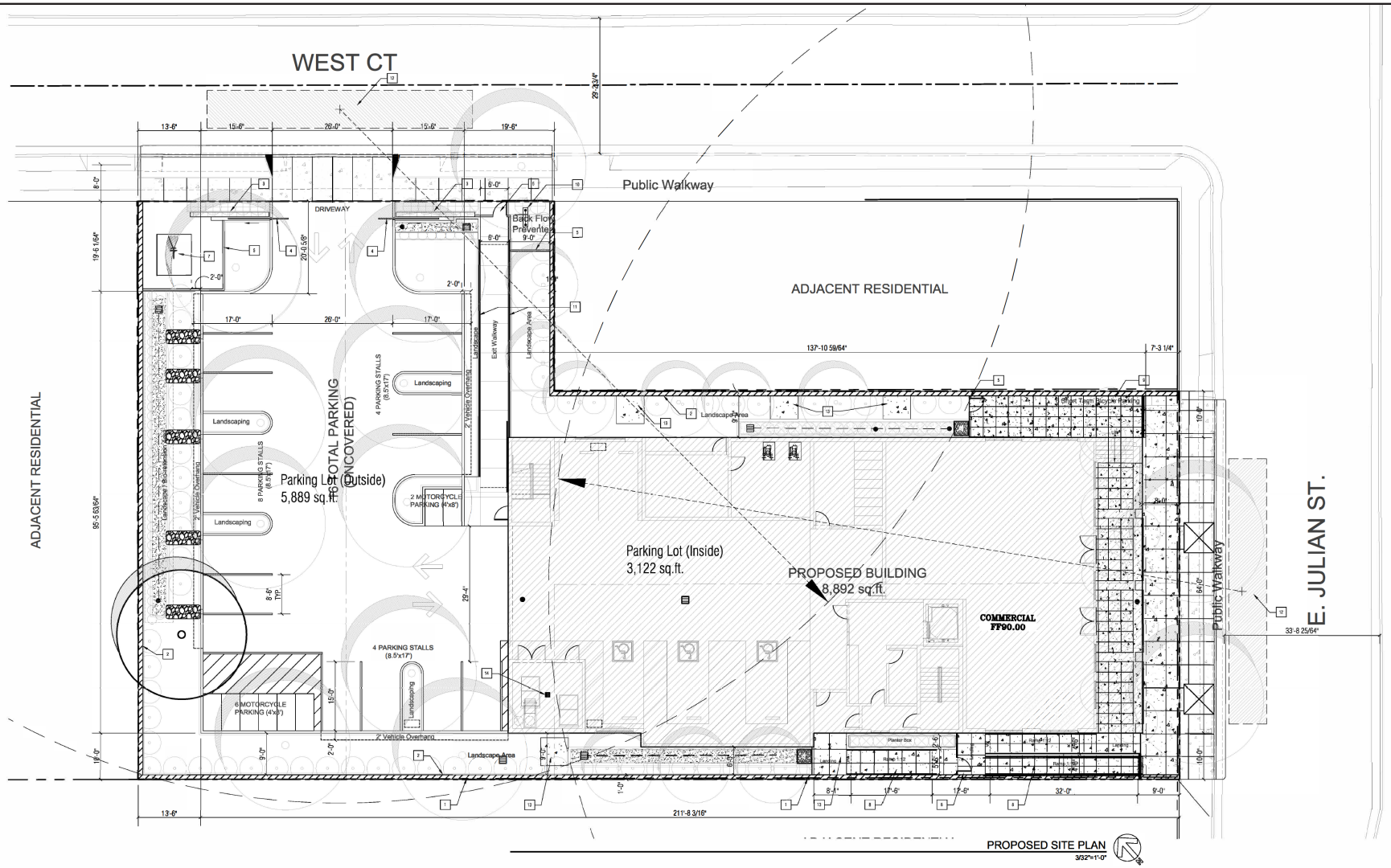
Photo #4: Southwest facing view of property from West Court.

Source: Google, March 2021

Site Photos - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
11



PROPOSED SITE PLAN
3/32"=1'-0"

SITE PLAN KEY NOTES

1. PROPERTY LINE
2. 8 FEET HIGH PERIMETER PRECAST CONCRETE WALL
3. LOW STONE WALL
4. METAL SLIDING PARKING GATES
5. 6 FT. HIGH METAL FENCE OR SECURITY GATE
6. SECURITY GATE / EGRESS GATE
7. TRANSFORMER
8. ADA ACCESS RAMP
9. BICYCLE (SHORT-TERM) PARKING
10. BACK FLOW PREVENTER
11. METAL HANDRAIL
12. HATCH AREA INDICATES OUTLINE OF AERIAL APPARATUS FIRE TRUCK W/ 150 FEET MAX. REACH.
13. FIRE DEPARTMENT LADDER CONCRETE PAD
14. AREA DRAIN AT TRASH ROOM CONNECTED TO SEWER LINE

SITE AREA

TOTAL LOT AREA	22,605 SQ.FT.
BLDG. FOOTPRINT	8,892 SQ.FT.

PROPOSED PARKING COUNT

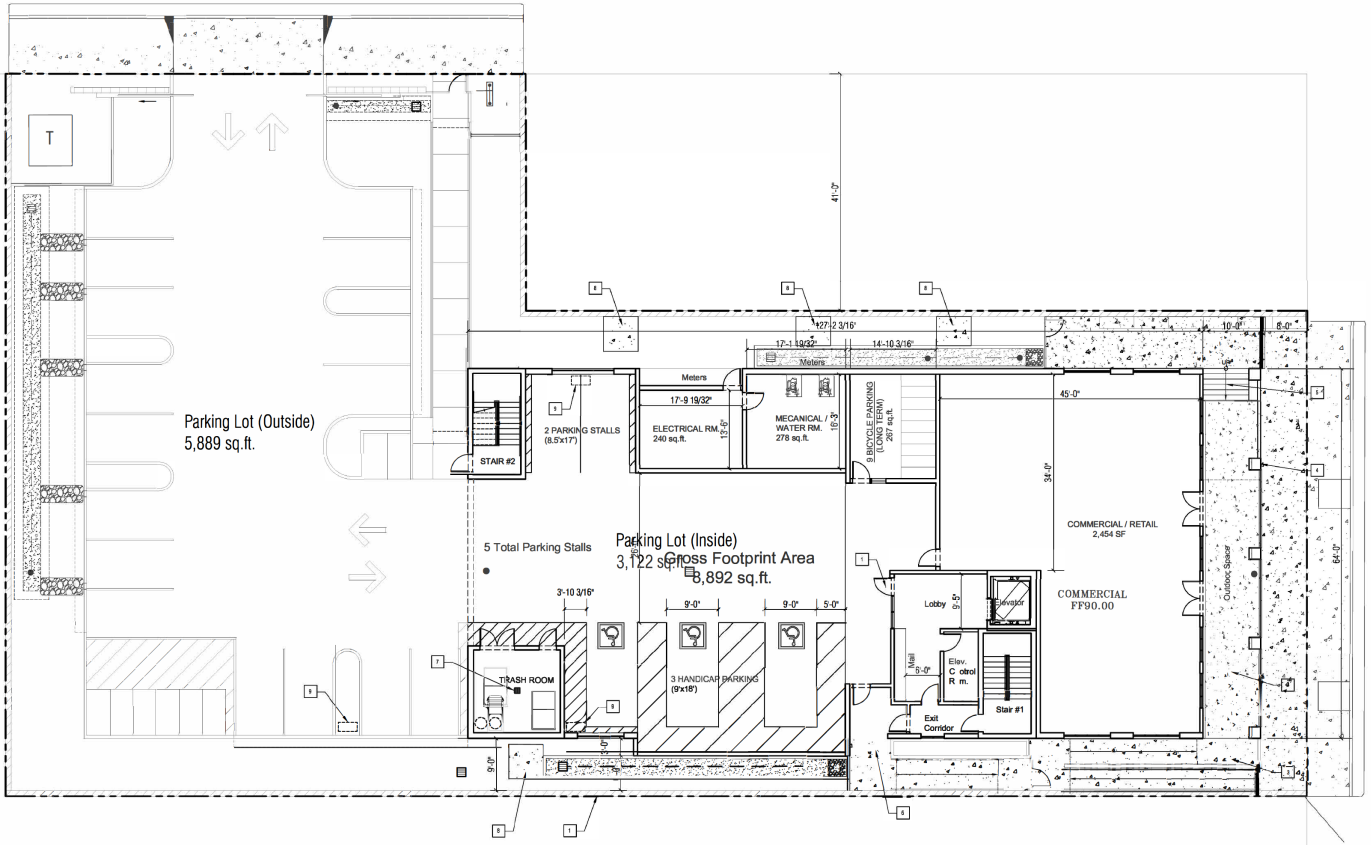
OUTSIDE BUILDING (UNCOVERED)	16 STALLS
INSIDE BUILDING (COVERED)	5 STALLS (INCL. 3 HC)
TOTAL	21 STALLS

Source: Anderson Architects, July 2023

Site Plan - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
12



PROPOSED 1ST FLOOR PLAN
3/32"=1'-0"

PROPOSED TWO TIER BIKE RACK
3/32"=1'-0"

OVERALL BLDG. SQ. FOOTAGE	8,892 SQ.FT.
PROPOSED PARKING TOTAL	2 STALLS (INCL. 3 HANDICAP STALLS

SITE PLAN KEY NOTES

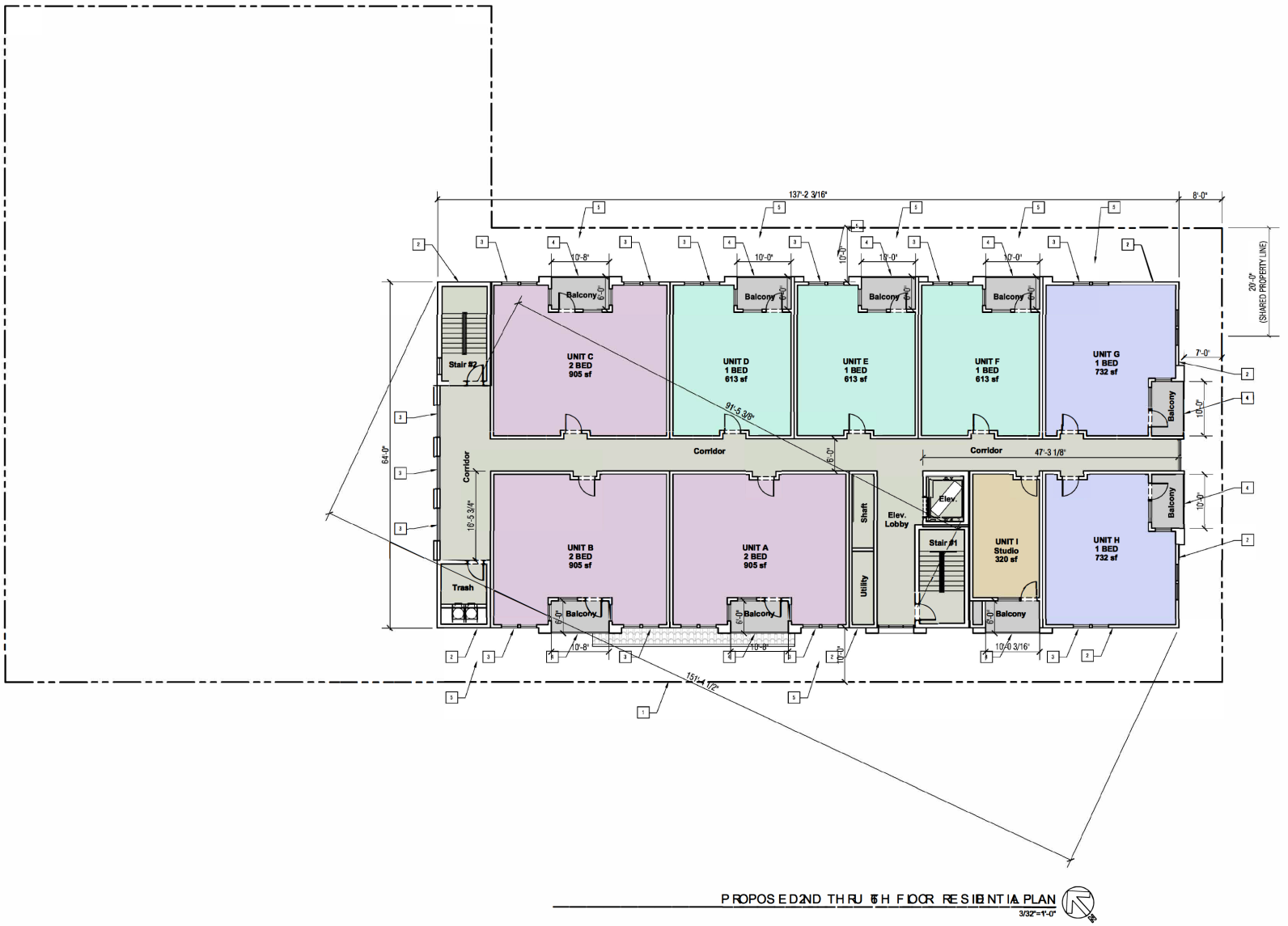
1. PROPERTY LINE
2. COMMERCIAL PORCH AREA
3. ADA RAMP, SEE SITE PLAN
4. COLUMN W/ STONE
5. EXTERIOR STAIRCASE
6. MAIN LOBBY DOOR
7. AREA DRAIN AT TRASH ROOM
8. FIRE DEPARTMENT CONCRETE PAD
9. EV CHARGING STATION

Source: Anderson Architects, July 2023

Floor Plan - 1st Floor - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
13a



PROPOSED 2ND THRU 6TH FLOOR RESIDENTIAL PLAN
3/32"=1'-0"

GROSS FLOOR AREA 8,921 SQ.FT.

UNIT COUNT PER LEVEL

2 BEDRM	3
1 BEDRM	5
STUDIO	1
TOTAL	9

TOTAL UNITS
9 PER FLOOR x 5 = 45 UNITS

PRIVATE OPEN SPACE
TOTAL 2,790 SQ.FT. PER FLOOR
AVERAGE SQ.FT. PER UNIT 62 SQ.FT.

FLOOR PLAN KEY NOTES

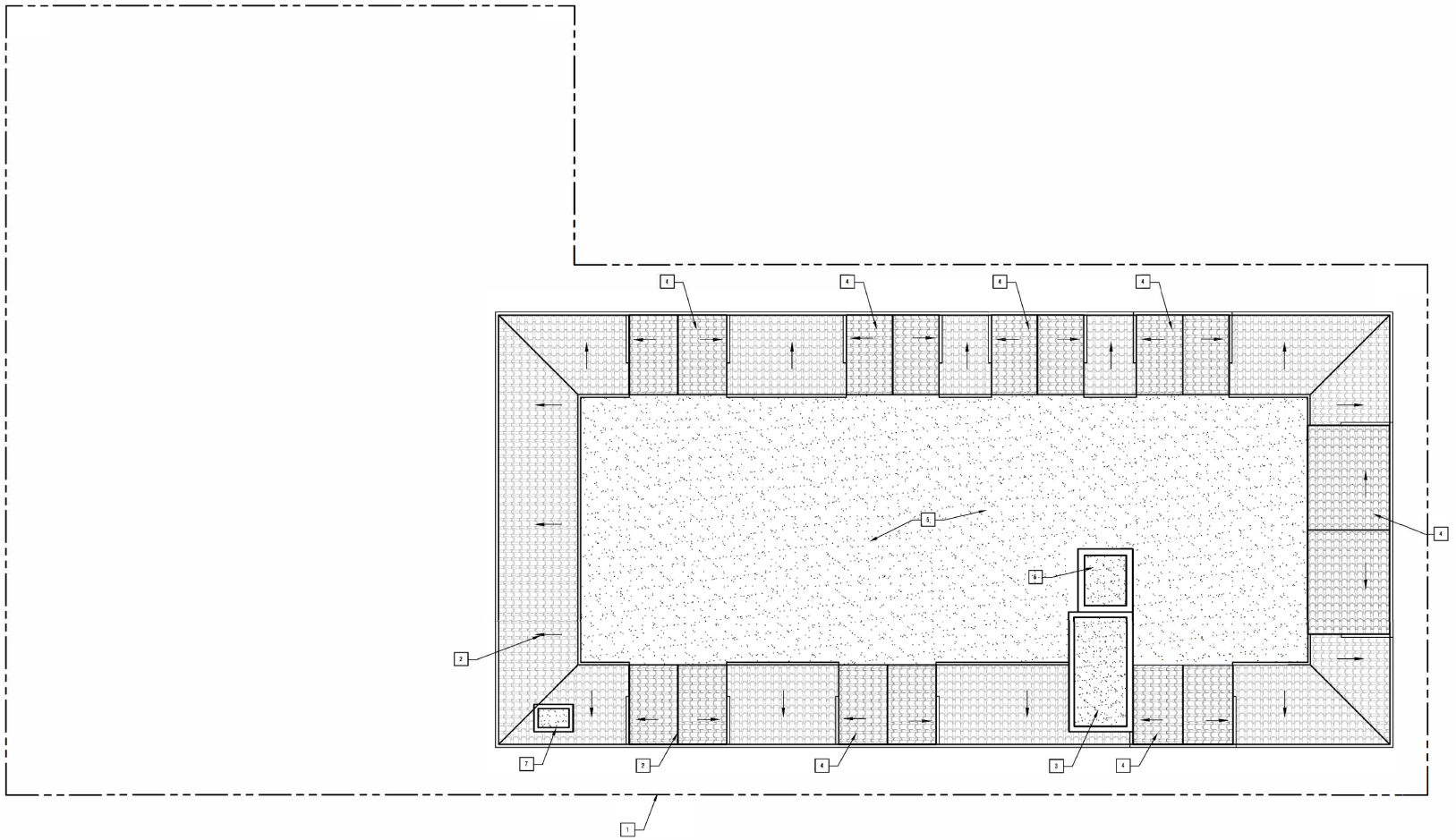
1. PROPERTY LINE
2. EXTERIOR STUCCO FINISH
3. DOUBLE PANE ALUMINUM WINDOWS
4. METAL BALCONY RAILING
5. RESCUE CONCRETE LANDING PAD BELOW

Source: Anderson Architects, July 2023

Floor Plan - 2nd to 6th Floors - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
13b



ROOF PLAN KEY NOTES

1. PROPERTY LINE
2. SLOPE ROOF
3. STAIR TOWER TO ACCESS ROOF DECK
4. BALCONY ROOF
5. FLAT ROOF
6. ELEVATOR TOWER
7. TRASH CHUTE EXHAUST VENT

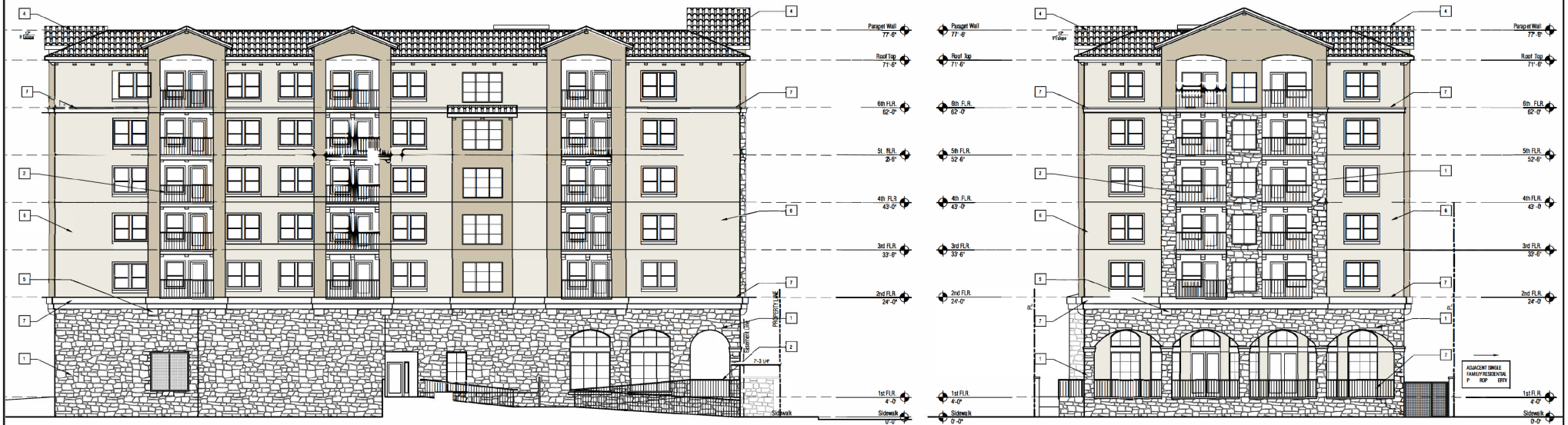
PROPOSED ROOF PLAN
3/32"=1'-0"

Source: Anderson Architects, July 2023

Floor Plan - Roof - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
13c



PROPOSED ELEVATIONS - LEFT ELEVATIONS
3/32"=1'-0"

PROPOSED FRONT ELEVATION ALONG JULIAN ST.
3/32"=1'-0"

ELEVATION KEY NOTES
1. STONE VENEER
2. DECORATIVE WROUGHT IRON RAILING
3. DARK ALUMINUM WINDOW FRAMES AT STOREFRONT
4. SPANISH ROOF TILES
5. CORBELS
6. SMOOTH SAND FINISH STUCCO
7. HORIZONTAL BANDING
8. GARAGE VENTILATION OPENING W/ METAL MESH SCREENS

TOTAL STUCCO PERCENTAGE (FRONTAGE)
TOTAL STUCCO AREA = 2,779 SF
TOTAL ELEVATION AREA = 4,813 SF
2,779 SF / 4,813 SF = .577 = 58%

TOTAL STONE PERCENTAGE (FRONTAGE)
TOTAL STONE AREA = 1,403 SF
TOTAL ELEVATION AREA = 4,813 SF
1,403 SF / 4,813 SF = .291 = 29%

TOTAL WROUGHT IRON PERCENTAGE (FRONTAGE)
TOTAL WROUGHT IRON = 558 SF
TOTAL ELEVATION AREA = 4,813 SF
558 SF / 4,813 SF = .116 = 12%

Source: Anderson Architects, July 2023

Elevations - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
14

The proposed project would include a State Density Bonus Law incentives or waivers to allow for an increase in height, a reduction of the minimum commercial Floor Area Ratio (FAR), reduced stepdown requirements on the north side of the site, and a reduction in common open space. Additional project details are described below.

Access and Parking. Vehicular access to the Casa Inclusiva project site would be provided via a new, two-way driveway connecting to West Court. The driveway would connect to the first-floor parking area. The Casa Inclusiva project includes 21 residential parking spaces, including 16 uniform stalls in a surface parking lot and 5 stalls (3 ADA accessible stalls and 2 uniform stalls) within a small parking garage on the first floor of the building. The project would also provide a total of 15 bicycle parking spaces: 9 long-term bicycle spaces (secure bike room) and 6 short-term bicycle spaces (bike racks). An additional eight spaces for motorcycles would also be provided. No basement level parking is proposed. The proposed project includes a TDM Plan that includes new mandatory TDM requirements per City Council Policy 5-1. The TDM plan is discussed further below and is included in Appendix H.

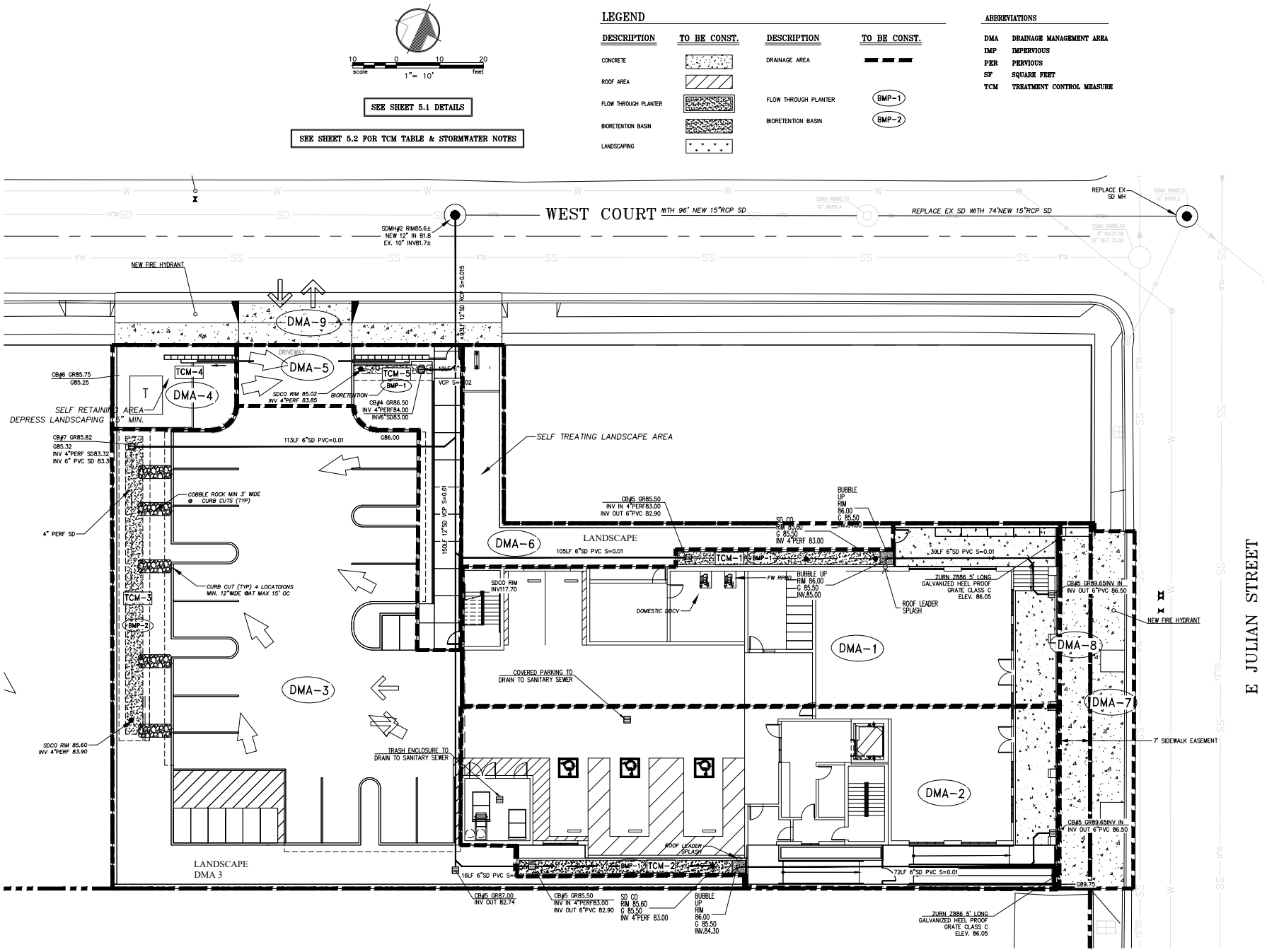
Lighting. Outdoor lighting would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Utilities. The Casa Inclusiva project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. The Casa Inclusiva project includes installation of a 6-inch sewer lateral to connect to the existing 15-inch sewer main located in East Julian Street. The Casa Inclusiva project would not require the upsizing of the existing sewer main. The Casa Inclusiva project includes replacement of the existing 8-inch stormwater main in West Court with a new 15-inch stormwater main. Stormwater from the site would be directed towards the new stormwater main located in West Court. A pair of new fire hydrants (one on the project's frontage on West Court and the other along the frontage on East Julian Street) would be installed. The project also includes rooftop installation of solar panels. A stormwater control plan for this development is provided in Figure 15.

Grading. Development of the Casa Inclusiva project would involve the excavation of approximately 200 CY of material to be exported from the site and approximately 1,300 CY of fill material to be imported to the site. A grading and drainage plan for this development is provided in Figure 16.

Public Improvements. The Casa Inclusiva project proposes the replacement of about 84 feet of existing sidewalks along the project's frontage on East Julian Street, and 90 feet of existing sidewalks along the project's frontage on West Court. The new sidewalks would be about six feet in width.

Landscaping and Tree Removal. Landscape plans have been prepared for the Casa Inclusiva project, which are presented in Figure 17. The Casa Inclusiva project proposes to remove 11 existing trees and replace them with 22 new on-site trees (24-inch box planting, equivalent to 44 15-gallon trees) in accordance with the City's requirements (see *D. Biological Resources* for further discussion).

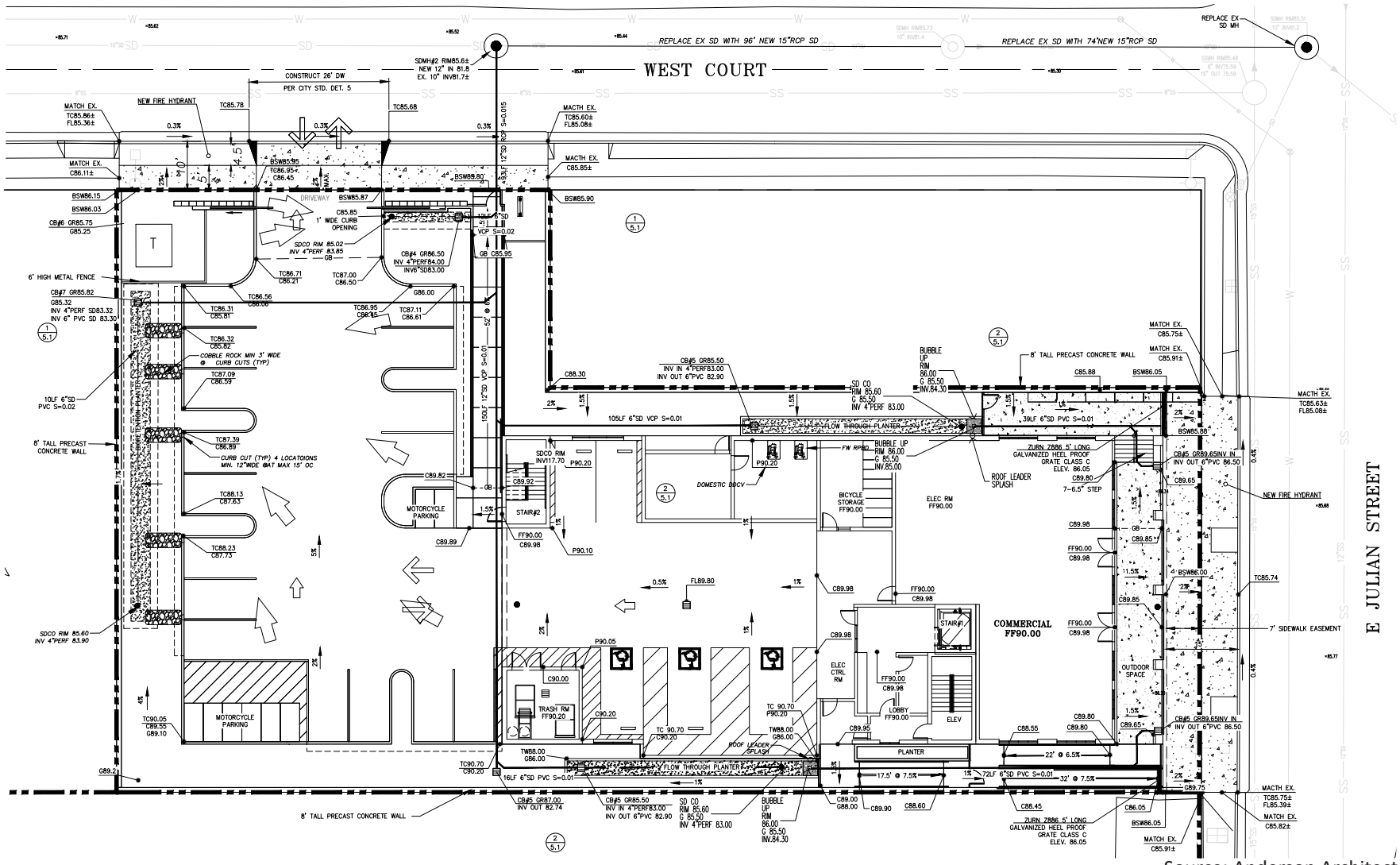


Source: Anderson Architects, July 2022

Stormwater Control Plan - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
15

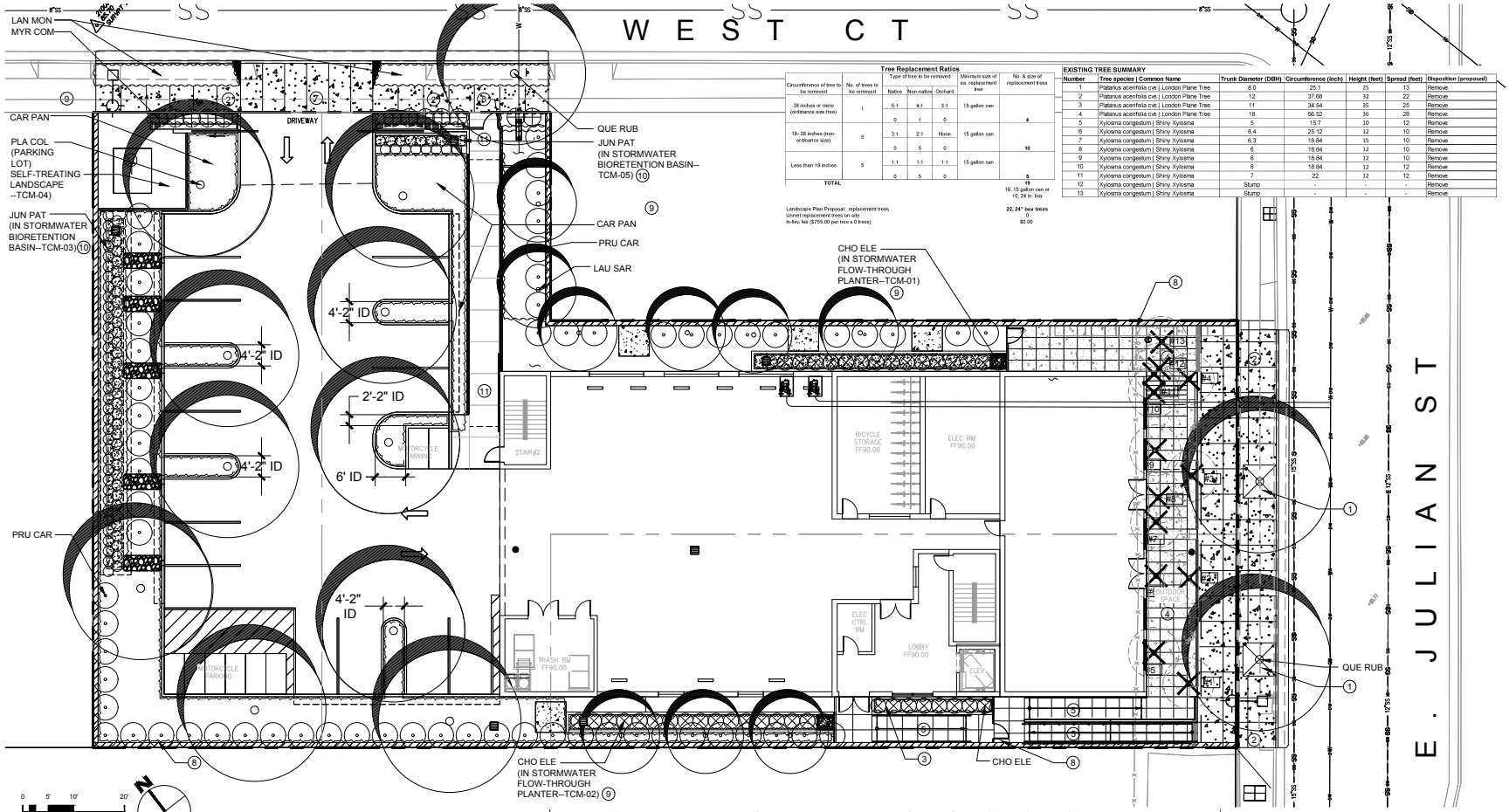


Source: Anderson Architects, July 2022

Grading and Drainage Plan - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure
16



Tree Replacement Ratios

Circumference of tree to be removed	No. of trees to be removed	Type of tree to be removed			Minimum size of ea. replacement tree	No. & size of replacement trees
		Native	Non-native	Orchard		
38 inches or more (ordinance size tree)	1	5:1	4:1	3:1	15 gallon can	4
		0	1	0		
19- 38 inches (non-ordinance size)	5	3:1	2:1	None	15 gallon can	10
		0	5	0		
Less than 19 inches	5	1:1	1:1	1:1	15 gallon can	5
		0	5	0		19
TOTAL						19, 15 gallon can or 10, 24 in. box

Landscape Plan Proposal: replacement trees
Unmet replacement trees on-site
In-lieu fee ($755.00 per tree x 0 trees)

22, 24" box trees
0
$0.00

EXISTING TREE SUMMARY

Number	Tree species | Common Name	Trunk Diameter (DBH)	Circumference (inch)	Height (feet)	Spread (feet)	Disposition (proposed)
1	Platanus acerifolia cve | London Plane Tree	8.0	25.1	25	13	Remove
2	Platanus acerifolia cve | London Plane Tree	12	37.68	32	22	Remove
3	Platanus acerifolia cve | London Plane Tree	11	34.54	35	25	Remove
4	Platanus acerifolia cve | London Plane Tree	18	56.52	36	28	Remove
5	Xylosma congestum | Shiny Xylosma	5	15.7	10	12	Remove
6	Xylosma congestum | Shiny Xylosma	8.4	25.12	12	10	Remove
7	Xylosma congestum | Shiny Xylosma	6.3	18.84	15	10	Remove
8	Xylosma congestum | Shiny Xylosma	6	18.84	12	10	Remove
9	Xylosma congestum | Shiny Xylosma	6	18.84	12	10	Remove
10	Xylosma congestum | Shiny Xylosma	6	18.84	12	12	Remove
11	Xylosma congestum | Shiny Xylosma	7	22	12	12	Remove
12	Xylosma congestum | Shiny Xylosma	Stump	-	-	-	Remove
13	Xylosma congestum | Shiny Xylosma	Stump	-	-	-	Remove

NOTES:

1. ALL MULCH IN BIORETENTION CELLS SHALL BE A LAYER 3 INCHES DEEP AND BE A NON-FLOATABLE, COMPOSTED MATERIAL.

2. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF FLOW-THROUGH PLANTER BOXES AND BIORETENTION AREAS, BUT RATHER ON THE UPLAND PLANTING ZONES OF BIORETENTION AREAS PER APPENDIX D OF THE SCVURPPP C.3 STORMWATER HANDBOOK. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, DOWNSPOUTS, CHANNEL/GRATES, ETC.) AND WILL OFFSET OR RELOCATE TREES OUTSIDE OF FLOW-THROUGH PLANTER BOXES OR TO THE UPLAND PLANTING ZONES OF BIORETENTION AREAS.

3. FOR TREE WELL DETAIL, SEE SHEET 10.1

4. NORTH EDGE OF PARKING LOT = 95 FEET LONG. SCREEN SHRUBS AND TREES PROPOSED ALONG ENTIRE LENGTH = 100%

5. PARKING LOT SHADING
PARKING LOT AREA = 6223 SF
PROPOSED SHADE = 3936 SF (62%) OF PARKING LOT AREA

LEGEND

PROPOSED TREES

X EXISTING TREES TO BE REMOVED

#99 EXISTING TREE NUMBER

SHRUB AND GROUNDCOVER AREA

PLANT LIST

ABBREV.	BOTANICAL NAME	COMMON NAME	SIZE	BASIN*	BANKS*	UPLAND*	MISC. NOTES & REQUIREMENTS
TREES							
PLA COL	*Platanus acerifolia 'Columbia'*	London Plane Tree	15 G.C.				SL/Hi. Br./Match
LAU SAR	*Laurus n. 'Saratoga'*	Hybrid Laurel	24" box				S.L./No. Whorl. Br./N. Drp. Br./Match
QUE RUB	*Quercus rubra*	Red Oak	24" box				S.L./No. Whorl. Br./N. Drp. Br./Match
SHRUBS							
MYR COM	*Myrtus communis 'Compacta'*	Dwarf True Myrtle	5 G.C.				F & B/Br. Gr.
PRU CAR	*Prunus caroliniana 'Compacta'*	Carolina Cherry Laurel	5 G.C.				F & B
GROUNDCOVERS							
CAR PAN	*Carex pansa*	Dune Sedge	1 G.C.				Plant at 15" o.c.
LAN MON	*Lantana montevidensis*	Trailing Lantana	1 G.C.				Plant at 2'-6" o.c.
STORMWATER TREATMENT AREAS (and other areas)							
CHO ELE	*Chondropetalum elephantinum*	Large Cape Rush	1 G.C.	X			
JUN PAT	*Juncus patens*	California Grey Rush	1 G.C.	X	X		

*** Planting zones per Appendix D of the SCVURPPP C.3 Handbook**

Note: This list together with the plant list prepared by Taniguchi Landscape Architecture must accompany the contractor's nursery order(s)

SL	Single main, straight, dominant, leader
Hi. Br.	High branched—lowest limbs held above rootball 5' min. for 15 gallon can 6' min. for 24" box trees
Br. Gr.	Branched to ground
F & B	Full dense, bushy, vigorous plants, with young growth closely spaced on branches, no old/woody plants.
No. Whorl. Br.	No closely spaced whirled branches. Select even symmetrical branch distribution
Match	Matched size, form, caliper, branching and cultivar. Select from one lot, one grower, for guaranteed consistency through life of plants. In general plants within a group or area are to be matched, unless noted otherwise.
G.C.	Gallon Can
o.c.	On center
N. Drp. Br.	No long heavy drooping branches

KEY NOTES: STREET LEVEL

1. TREE WELL IN SIDEWALK CITY STD. 6.5' X 6.5' (FOR ESTIMATED TRUNK DIAMETER OF 3 FEET
2. PROPOSED SIDEWALK CITY STD.
3. RAISED PLANTERS
4. ENTRY PLAZA/DECORATIVE CONCRETE PAVING
5. ADA RAMP
7. DRIVEWAY
8. FENCE/GATE-6 FT HIGH
9. STORMWATER FLOW-THROUGH PLANTER--SEE CIVIL DRAWINGS
10. STORMWATER BIORETENTION AREA--SEE CIVIL DRAWINGS
11. CONCRETE WALK

Source: Anderson Architects, July 2023

Landscape Plan - 1347 E. Julian

Julian & Tripp Mixed-Use Development
Initial Study

Figure 17

Transportation Demand Management Plan. The Casa Inclusiva project includes a TDM Plan, which is provided in Appendix H. Non-exempt projects are required to provide a TDM Plan to meet the City's new "TDM Points Target" as detailed in the new parking and TDM ordinance. The proposed 45-unit Multiple Dwelling Casa Inclusiva project is classified as a Home-End Use Level 1 (small-size residential) project. Home-End Use Level 1 projects are defined as single-family detached, single-family attached, or multi-family residential projects of 16 to 299 dwelling units in size. Based on this definition, the project is required to prepare a TDM Plan that achieves a minimum of 25 TDM points. The TDM measures include providing 100 percent affordable housing, monetary contributions to offsite multimodal network improvements[2], reduced parking, and unbundled parking.

Residencias Arianna - 1298 Tripp Avenue

The development proposed for the Residencias Arianna project site consists of one apartment building on four parcels. Site photos are provided in Figure 18. The proposed building would be six stories in height with one level of basement parking. A total of 235 units (100 percent affordable), in studio, one-bedroom, and two-bedroom configurations, as well as approximately 820 square feet of ground floor commercial space are proposed. The proposed site plan for the Residencias Arianna project is presented in Figure 19. Floor plans are provided in Figure 20a through 20h. Elevations for the proposed buildings are shown in Figures 21a and 21b. The maximum height for the Residencias Arianna project would be approximately 73 feet. The Residencias Arianna site is currently occupied by two single-family residences (345 and 341 Wooster Avenue) and two apartment buildings (1298 Tripp Avenue and 380 North 26th Street) that would be demolished as part of the project.

A common outdoor area for the apartment building would be located on the ground level. The first floor would include two courtyards. The building would have a pair of third-floor common outdoor areas located in the middle of the building. Additionally, three common open spaces areas would be located on the sixth floor of the building. Roof decks would also be included.

The Residencias Arianna project site consists of four parcels that are designated in the General Plan as *Mixed Use Neighborhood* in the City's 2040 General Plan. The *Mixed Use Neighborhood* designation allows a density of up to 30 du/ac and an FAR of 0.25 to 2.0. A portion of the project site is located within the Five Wounds Urban Village (249-66-037 and 249-66-038). The Residencias Arianna project will be subject to *Mixed Use Neighborhood* zoning district development standards without the need for a conforming rezoning.

The Residencias Arianna project would include a height requirement waiver under Assembly Bill (AB) 2345 to allow for the increased height of the proposed development. AB 2345 allows for increased development density if a minimum of 20 percent of residential units are reserved for low-income tenants (see section *K. Land Use* for further discussion). Additional requests under the State Density Bonus Law include an increase in the FAR of the site, a decrease in stepdown requirements adjacent to residences, a reduction in common open space, and a reduction of the required balcony widths. The applicant is also requesting parking reduction of up to 71 percent (at 0.25 stalls per unit). Additional project details are described below.

[2] Planned offsite improvements consist of squaring up the geometry of the N. 28th Street/E. Julian Street intersection, implementing signal modifications, and removing a portion of the E. Julian Street frontage road and associated median island. Improvements also include crosswalks on all four legs of the N. 28th Street/E. Julian Street intersection and striped bike lanes along E. Julian Street. These offsite improvements are identified as part of the East San Jose Multimodal Transportation Improvement Plan and would be subject to separate CEQA review.

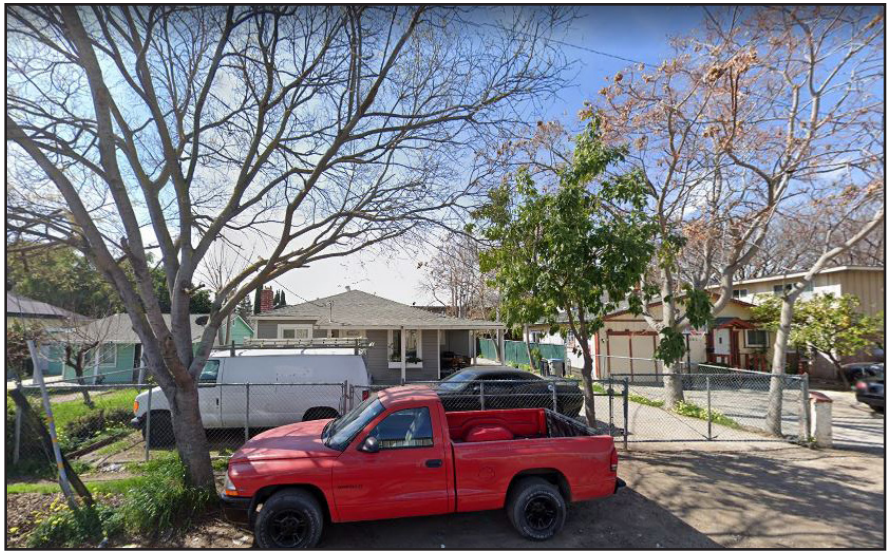


Photo #1: Southwest facing view of single family residences from Wooster Avenue.
Source: Google - March 2021

Photo #2: Northeast facing view of apartments from N. 26th Ave.
Source: Google - March 2021

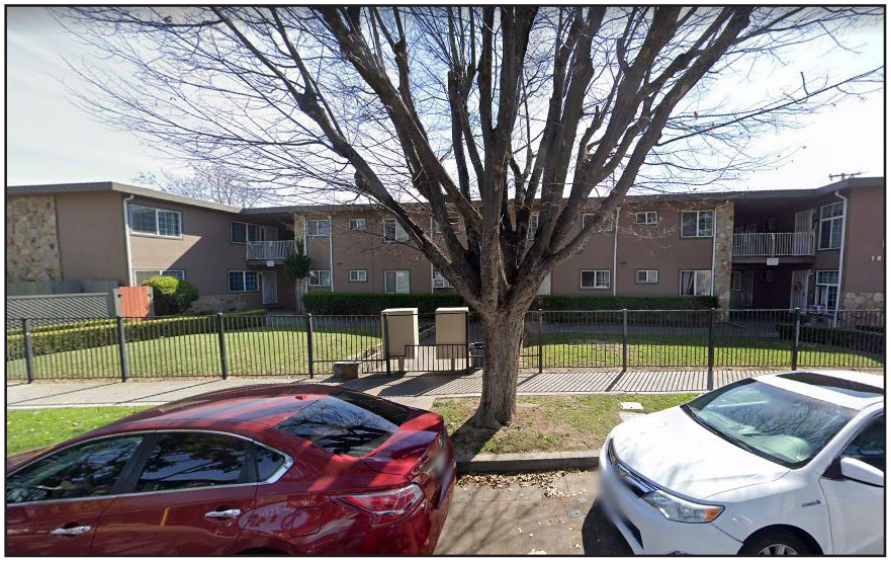


Photo #3: South facing view of apartments from Tripp Avenue (part 1).
Source: Google - March 2021

Photo #4: South facing view of apartments from Tripp Avenue (part 2).
Source: Google - March 2021

Site Photos - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
18a

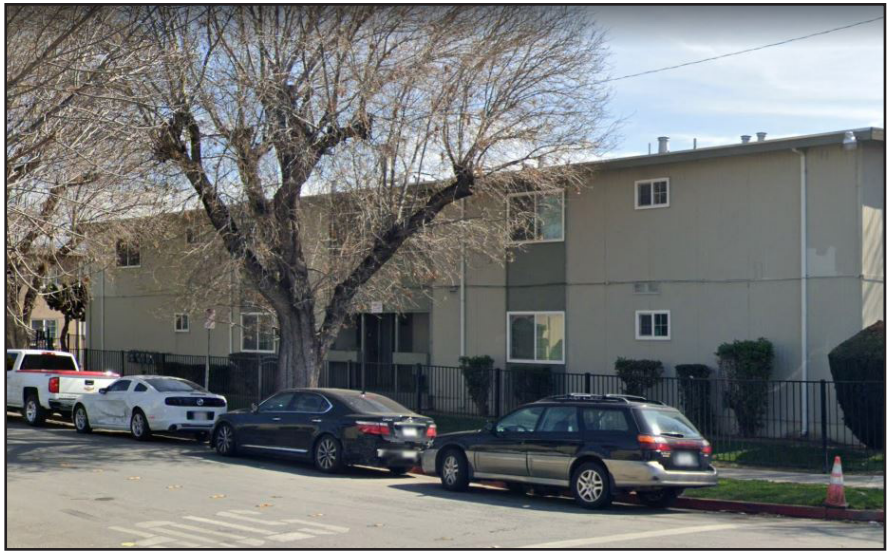


Photo #5: East facing view of apartments from N. 26th Ave.
Source: Google - March 2021

Photo #6: Northeast facing view of apartments from N. 26th Ave.
Source: Anderson Architects - July 2022

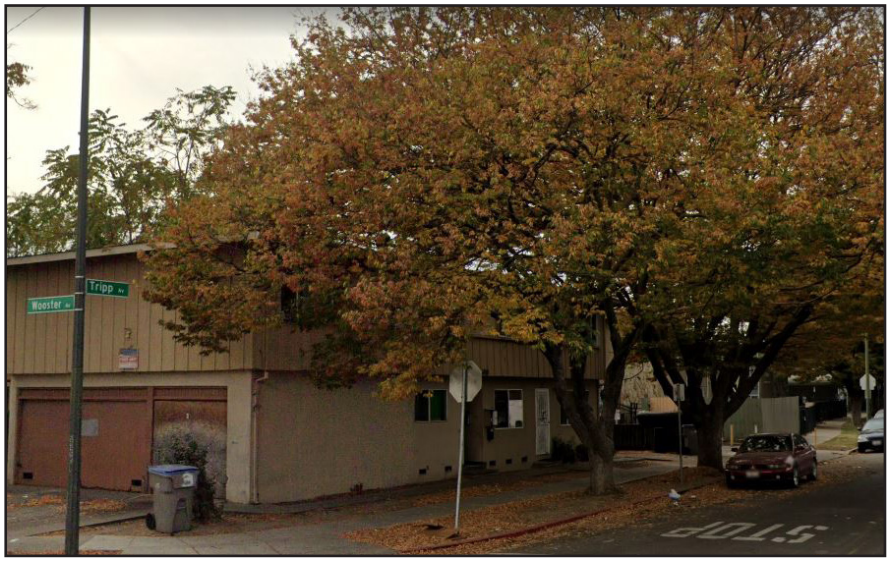


Photo #7: South facing view of apartments from Wooster Ave.
Source: Anderson Architects - July 2022

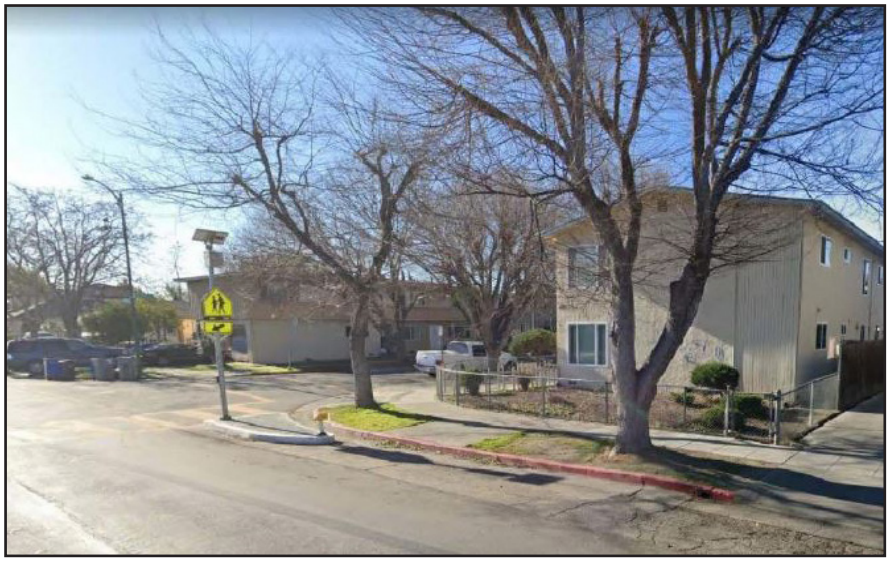


Photo #4: Southeast facing view of apartment from Wooster Ave.
Source: Anderson Architects - July 2022

Site Photos - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
18b

Area Schedule (Gross Balcony Area) - Private Open Space
Private Open Space Required =((134-Studio + 77- 1Bed) X 30 S.F) + (24-2 Bed X 45 S.F) = 6,330 S.F + 1,080 S.F = 7,410 S.F

Name	Level	Area (S.F)
Balcony	1st Floor	3,685.8
Balcony	2nd Floor	3,841.8
Balcony	3rd Floor	3,841.8
Balcony	4th Floor	3,841.8
Balcony	5th Floor	3,841.8
Balcony	6th Floor	3,449.8
		22,502.8

Area Schedule (Gross Building)-Cover Sheet
(Includes Commercial Space & Balcony Area)

Name	Level	Area (S.F)
Basement		
Garage	Basement	44,101.9
		44,101.9
1st Floor		
Entry/ Lobby/ Office	1st Floor	2,853.5
Building (Residential)	1st Floor	28,599.2
Commercial	1st Floor	820.5
Balcony	1st Floor	3,685.8
		35,959
2nd Floor		
Building (Residential)	2nd Floor	31,585.9
Balcony	2nd Floor	3,841.8
		35,427.7
3rd Floor		
Building (Residential)	3rd Floor	30,062.3
Balcony	3rd Floor	3,841.8
		33,904.1
4th Floor		
Building (Residential)	4th Floor	30,012
Balcony	4th Floor	3,841.8
		33,853.8
5th Floor		
Building (Residential)	5th Floor	30,012
Balcony	5th Floor	3,841.8
		33,853.8
6th Floor		
Building (Residential)	6th Floor	28,455.7
Balcony	6th Floor	3,449.8
		31,905.5
Roof Level		
Building (Residential)	Roof Level	1,934.5
		1,934.5
		250,940.3

APN	249-66-013, 249-66-040, 249-66-037, 249-66-038
PROJECT ADDRESS	1298 TRIPP AVENUE, SAN JOSE CA 95116
GENERAL PLAN	MUN/ URBAN VILLAGE
ZONING	APN 249-66-013,040 : R-M (MULTIPLE RESIDENCE DISTRICT) APN 249-66- 037, 038 : R-1-8 (Single Family Residential (Upto 8 Units Per Acre)
PROPOSED USE	100% AFFORDABLE RESIDENTIAL (80% LOW, 20% MODERATE INCOME)
PROPOSED TYPE OF CONSTRUCTION	TYPE IA (BASEMENT, 1ST FLR .) TYPE III A (2ND, 3RD, 4TH, 5TH AND 6TH FLR.)
AUTOMATIC SPRINKLER	YES
PROPOSED TYPE OF OCCUPANCY	S-2 (GARAGE) / B (OFFICE) / R-2 (RES.) / A-2 (COMMUNITY SPACES)
LOT SIZE	1.49 Acre (64,904.4) SF
BUILDING FOOTPRINT	35,959.0 SF
NUMBER OF UNITS	235 UNITS
DU/AC	PER AB2345 THERE IS NO DENSITY LIMIT
HEIGHT	ALLOWABLE 35'-0" PLUS AN ADDITIONAL 33'-0" ALLOWED PER AB 2345

F.A. R Calculations :

1. **Total Area for 1st through Roof Level = 206,838.4 SF**

F.A.R = 206,838.4 / 64,904.4 = 3.19 =3.2

Source: Anderson Architects, May 2023

Site Plan - 1298 Tripp Avenue

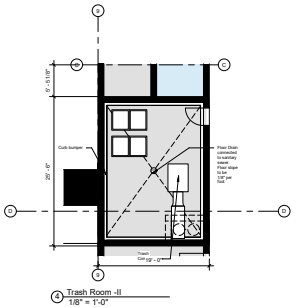
Julian & Tripp Mixed-Use Development
Initial Study

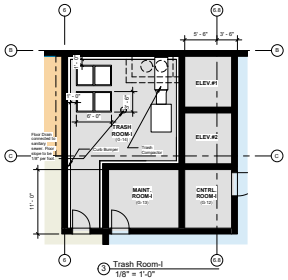
Figure
19

Parking Required (Residential) , Car Parking Formula = Parking per BR* No. of BR (Count calculated), Bicycle & Motorcycle Reqd. = No. of Units/4										
Bedroom	Count Calculated	Parking Per Bedroom	Car Parking Required	Bicycle Parking Required	Accessible Parking Required @5%	EVSE Required @10%	EVSE for Accessible stalls (Van Accessible)	EV Ready @ 20% per San Jose Reach Code	EV Capable @70% per San Jose Reach Code	Guest parking @ 5%
Building										
0 Bedroom	134	0.25	33.5	33.5	1.7	3.4	0.7	6.7	23.5	1.7
1 Bedroom	77	0.25	19.3	19.3	1.0	1.9	0.4	3.9	13.5	1.0
2 Bedroom	24	0.25	6.0	6.0	0.3	0.6	0.1	1.2	4.2	0.3
	235		58.8	58.8	2.9	5.9	1.2	11.8	41.1	2.9
Grand total: 235	235		58.8	58.8	2.9	5.9	1.2	11.8	41.1	2.9

Parking Provided - Residential			
Description	Type	Count	Level
Car Parking			
Uniform Car Parking (EVSE)	8.5' x 17' - 90 deg.	4	Basement
Accessible Parking, Van (EVSE)	9' x 18' (8' Aisle)	2	Basement
Uniform Car Parking (EV Ready)	8.5' x 17' - 90 deg.	11	Basement
Accessible Parking (EV Ready)	9' x 18' (8' Aisle)	1	Basement
Uniform Car Parking (EV Capable)	8.5' x 17' - 90 deg.	28	Basement
Tandem Car Parking (EV Capable)	9' x 18' - 90 deg. *	10	Basement
Uniform Car Parking (EV Capable) - Guest Parking	8.5' x 17' - 90 deg.	4	Basement
Accessible Parking (EV Capable)	9' x 18' (8' Aisle)	1	Basement
Uniform Car Parking	8.5' x 17' - 90 deg.	26	Basement
		87	
Residential Bike Parking			
Long-Term Residential Bicycle parking	Bike Rack	86	Basement
Short- Term Residential Bicycle Parking	Bike Rack Outdoor 2'x6'	4	1st Floor
		90	

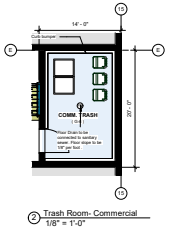
Unit Count with Net Area			
Name	Bedroom	Area	Unit Count
0 Bedroom			
Unit SA-Type1 19'-0" X 22'-0"	0 Bedroom	<varies>	34
Unit SA-Type2 19-0" X 22'-0"	0 Bedroom	340.3 SF	72
Unit SB-Type1 19'-0" X 22'-0"	0 Bedroom	<varies>	17
Unit SB-Type2 19'-0" X 22'-0"	0 Bedroom	343.1 SF	6
Unit SB-Type3 19'-0" X 22'-0"	0 Bedroom	<varies>	5
			134
1 Bedroom			
Unit IA 24'-6" X 26'-0"	1 Bedroom	<varies>	54
Unit IB-Type1 26'-0" X 26'-0"	1 Bedroom	<varies>	18
Unit IB-Type2 26'-0" X 26'-0"	1 Bedroom	579.6 SF	5
			77
2 Bedroom			
Unit IIA 36'-0" X 26'-0"	2 Bedroom	822.9 SF	18
Unit IIB 33'-4" X 25'-3"	2 Bedroom	734.3 SF	6
			24
Grand total			235





Parking Required (Commercial)						
Name	Level	Gross Area (S.F)	Bike Formula	Required Bicycle Parking	Car Parking Formula	Required Car Parking
Commercial	1st Floor	820.5	1/3000 Of Floor Area Per Table 20-190	0	(Commercial Gross AreaX85%)/ 250SF	2.8
Grand total		820.5		0		2.8

Parking Provided - Commercial			
Description	Type	Count	Level
Car Parking			
Uniform Car Parking - Commercial	8.5' x 17' - 90 deg_ CM	2	Basement
Accessible Parking, Van - Commercial	9' x 18' (8' Aisle) - CM	1	Basement
		3	
Commercial			
Long - Term Commercial Bicycle parking	Bike Rack - Indoor	4	Basement
Short- Term Commercial Bicycle Parking	Bike Rack Outdoor 2'x6'- Commercial	1	1st Floor
		5	



WasteCaddy – Dumpster Tow

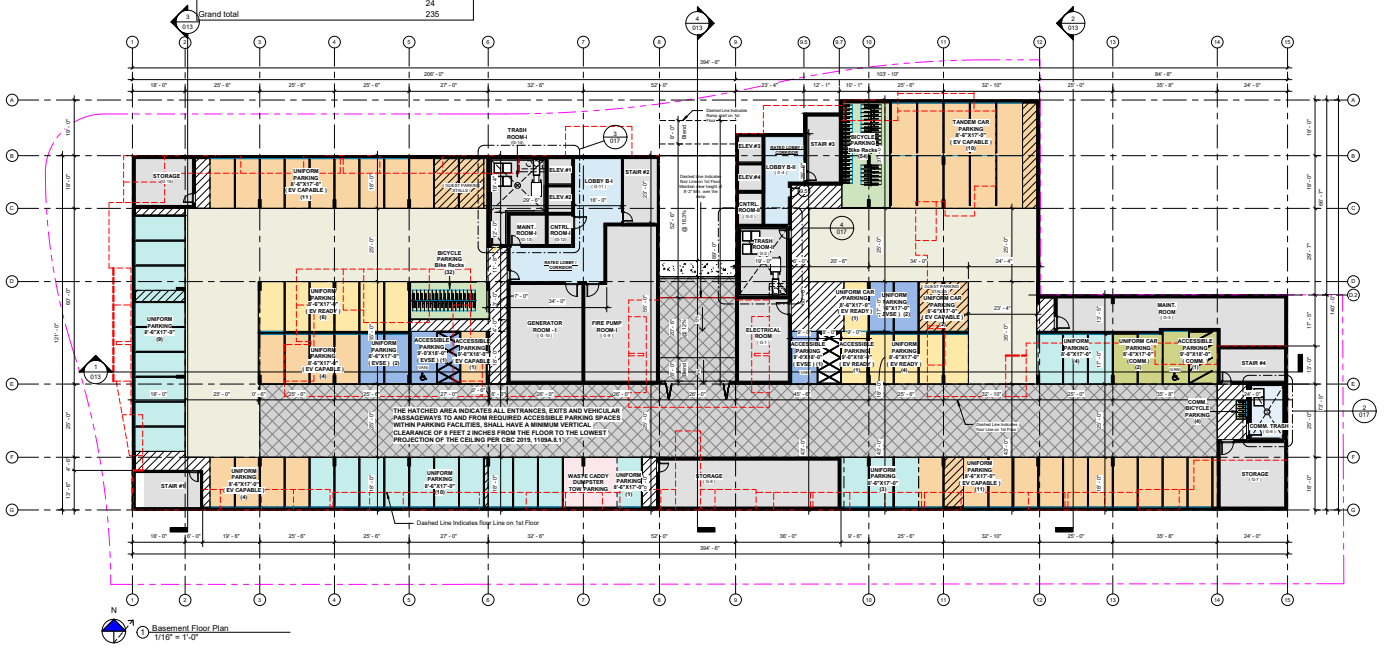
- WasteCaddy Dumpster Tow Pulls Garbage Dumpsters up to 5000 lbs
- 36 Volt 3 Battery System
- Dumpster Brackets Bolt/Weld to Dumpsters
- 0-3 MPH Forward/Reverse
- Works Up Inclines, Snow, Or Ice
- Charger works with 120/220 Hz Outlets

Request More Information

To purchase or inquire:

REQUEST DEMO | CONTACT SALES

VIEW VIDEO TESTIMONIALS



Source: Anderson Architects, May 2023

Floor Plan - Basement - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20a

Source: Anderson Architects, May 2023

Floor Plan - 1st Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

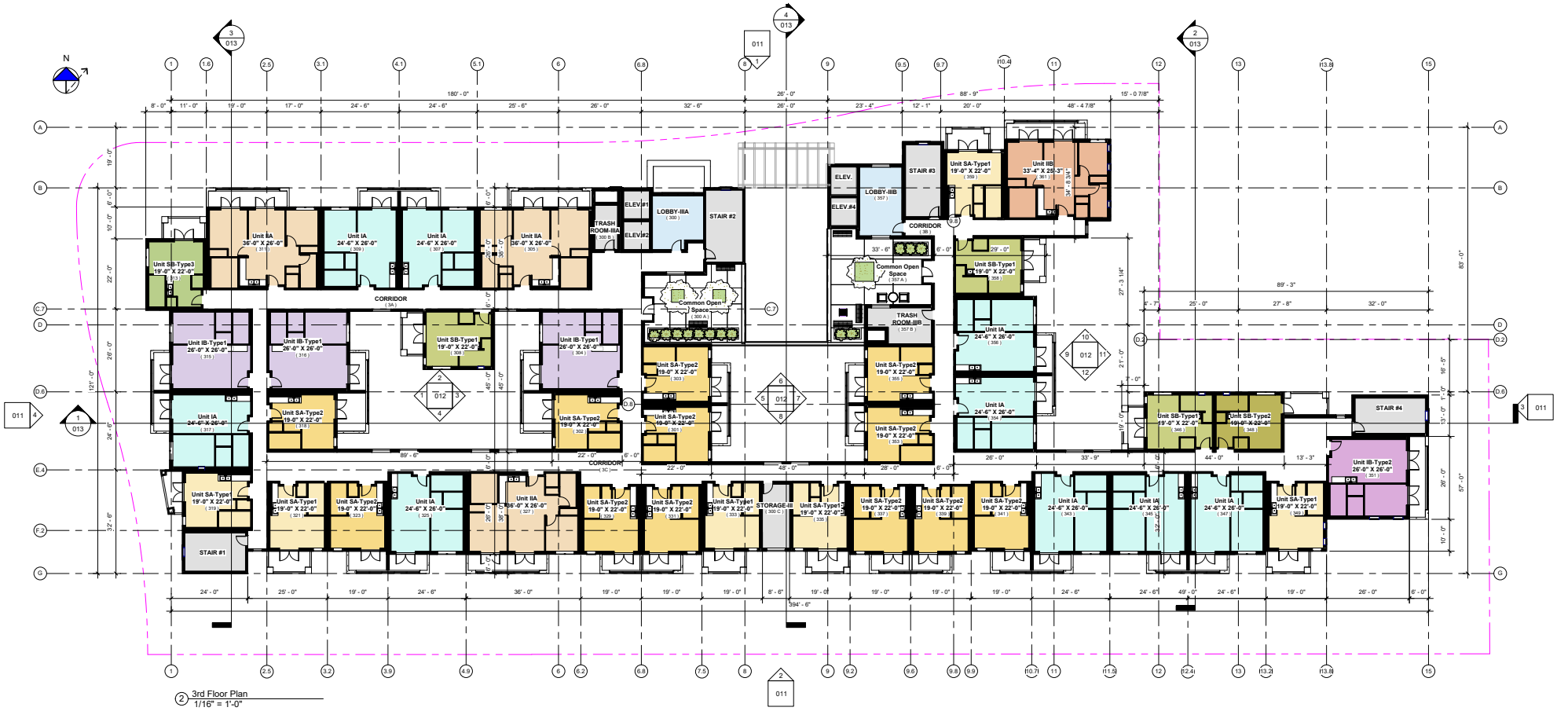
Figure
20b

Source: Anderson Architects, May 2023

Floor Plan - 2nd Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20c



2 3rd Floor Plan
1/16" = 1'-0"

Source: Anderson Architects, May 2023

Floor Plan - 3rd Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20d

1 4th Floor Plan
1/16" = 1'-0"

Source: Anderson Architects, May 2023

Floor Plan - 4th Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20e

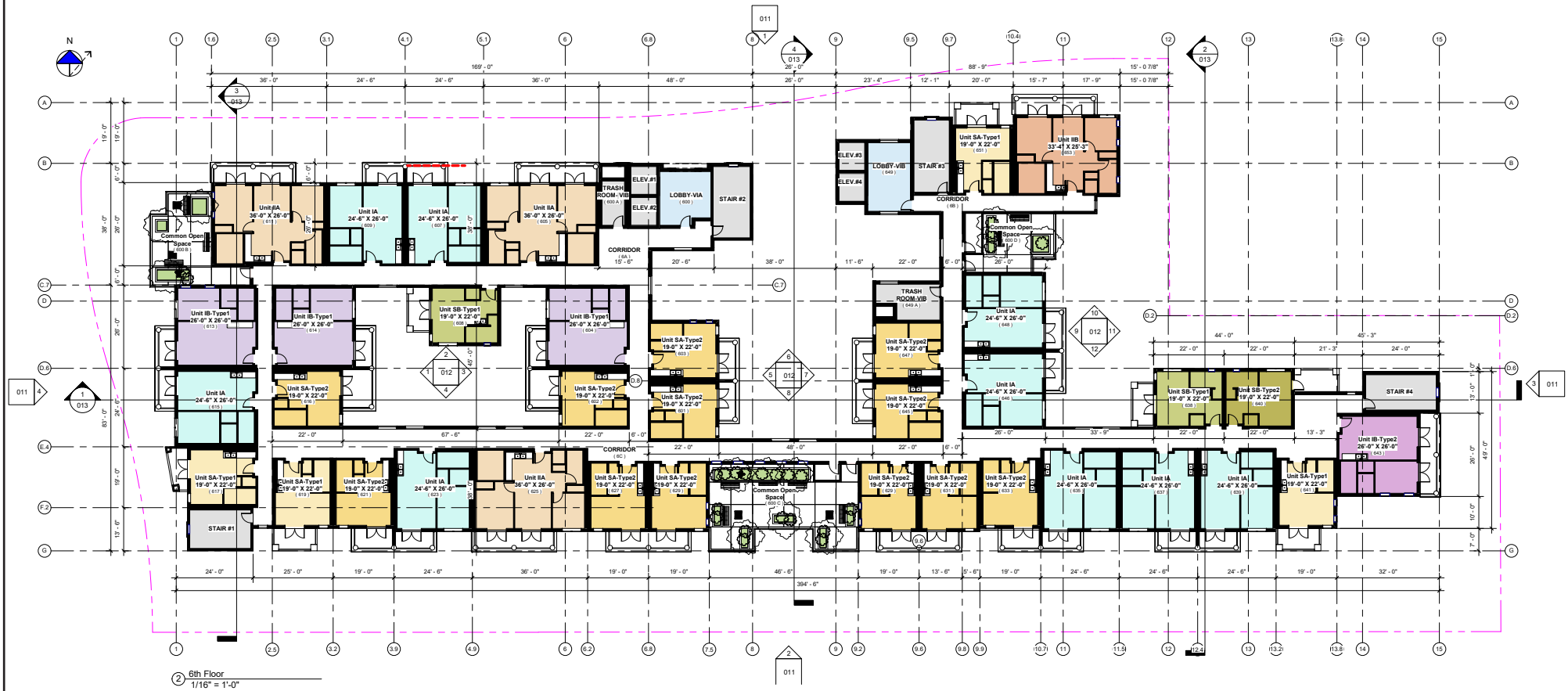
1 5th Floor
1/16" = 1'-0"

Source: Anderson Architects, May 2023

Floor Plan - 5th Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20f



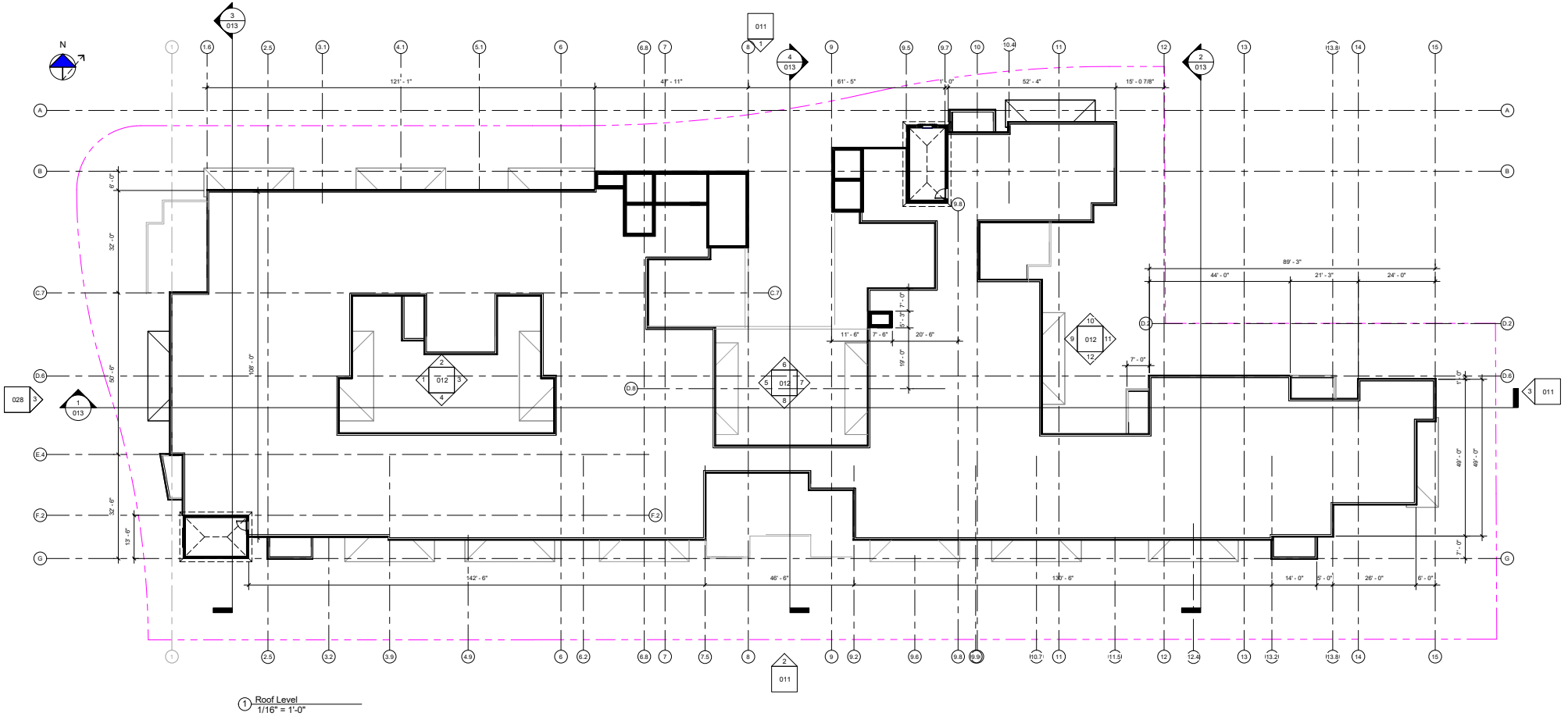
2 6th Floor
1/16" = 1'-0"

Source: Anderson Architects, May 2023

Floor Plan - 6th Floor - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20g



Source: Anderson Architects, May 2023

Floor Plan - Roof - 1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
20h

3 East Elevation
1/16" = 1'-0"

4 West Elevation
1/16" = 1'-0"

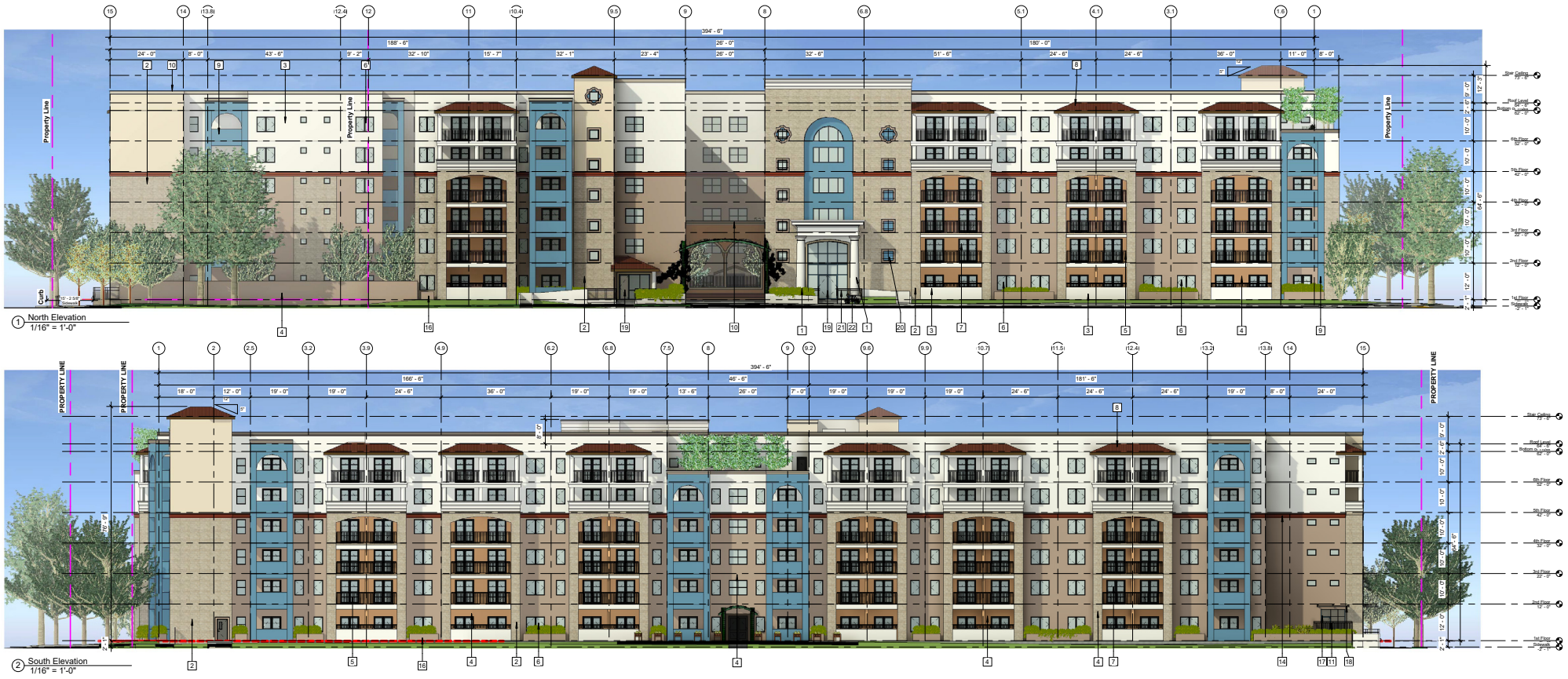
Key Notes	
1	WHITE TUSCAN COLUMN COVERS FROM PACIFICCOLUMNS.COM OR EQUAL
2	CASA BLANCA ROUGHCUT STONE FROM ELDORADO STONE OR EQUAL
3	STUCCO PAINT SW7006 EXTRA WHITE OR EQUAL
4	STUCCO PAINT SW7501 THRESHOLD TAUPE OR EQUAL
5	METAL RAILING PAINTED BLACK
6	ALUMINUM CASEMENT WINDOWS, BLACK FRAME COLOR AND BLUE-GREEN GLASS TINT
7	ALUMINUM SWING DOOR, BLACK FRAME COLOR AND BLUE- GREEN GLASS TINT
8	SPANISH METAL ROOF TILE, COLOR COLONIAL RED FROM BERRIDGE MANF. COMP. OR EQUAL
9	STUCCO PAINT SW6508 SECURE BLUE OR EQUAL
10	PARAPET TRIM PAINTED WITH SW7573 EAGLET BEIGE OR EQUAL
11	METAL FENCE PAINTED BLACK, SEE LANDSCAPE FOR DETAILS
12	STUCCO PAINT SW6353 CHIVALRY COPPER OR EQUAL
13	DOOR/ WINDOW SMOOTH TRIM / QUATREFOIL TRIM PAINTED WITH SW7501 THRESHOLD TAUPE OR EQUAL
14	STUCCO PAINT SW2839 ROYCRAFT COPPER RED OR EQUAL
15	BALCONY ROUND COLUMNS WITH SMOOTH STUCCO PAINTED SW7006 EXTRA WHITE OR EQUAL
16	CONCRETE PLANTER, ALSO SEE CIVIL/ LANDSCAPE DWGS.
17	STOREFRONT DOOR/ WINDOW SYSTEM COMMERCIAL- CLEAR GLASS, FRAME COLOR TO MATCH SW6508 SECURE BLUE
18	METAL SUNSHADE WITH EGGCRATE GRILL AND FORMED FASCIA FROM CONSTRUCTION SPECIALTIES (C-SGROUP/SUN-CONTROLS/SHADOWLINE) OR EQUAL
19	STOREFRONT DOOR/ WINDOW SYSTEM LOBBY - TINTED GLASS, FRAME COLOR TO MATCH SW6508 SECURE BLUE
20	NICHE PAINTED WITH SW 6508 SECURE BLUE WITH SMOOTH STUCCO TRIM PAINTED WITH SW7501 THRESHOLD TAUPE OR EQUAL. IRON GRILLE PAINTED BLACK
21	4'-0" TALL GLASS GUARDRAIL WITH STAINLESS STEEL TOP RAIL AND HANDRAIL. ALSO PROVIDE AN ALUMINUM SHOE BASE FROM VIVA RAILINGS OR EQUAL
22	HOOP BICYCLE RACK FROM DERO, COLOR BLUE RAL 5005 OR EQUAL

Source: Anderson Architects, May 2023

Elevations - West (Building 1) and East (Building 2) -1298 Tripp Avenue

Julian & Tripp Mixed-Use Development
Initial Study

Figure
21a



Source: Anderson Architects, May 2023

Elevations - North and South - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
21b

Access and Parking. Vehicular access to the Residencias Arianna project site would be provided via a new, two-way driveway connecting to Tripp Avenue. The driveways would connect to the basement-level parking garage. No surface level parking is proposed. The basement-level parking garage for the proposed development would provide a total of 87 residential parking stalls (including EV spaces and ADA compliant spaces) and an additional 3 commercial parking spaces. In addition, 86 bicycle parking spaces would also be provided in the basement-level garage and 4 bicycle spaces would be provided on the first floor for residents, while 5 bicycle parking spaces for the commercial use would be provided between the basement and first floor levels of the development.

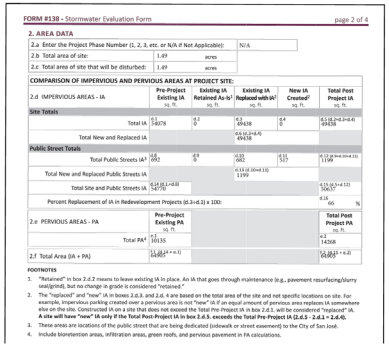
Lighting. Outdoor lighting would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Utilities. The Residencias Arianna project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. The Residencias Arianna project includes installation of a new 6-inch sewer lateral to connect to the existing 8-inch sewer main located in Tripp Avenue and a 6-inch sewer lateral to connect to the existing 8-inch sewer main in Wooster Avenue. The Residencias Arianna project includes installation of a new 12-inch stormwater lateral to connect to the existing 12-inch stormwater main in North 26th Street. The project would also retain the existing 12-inch stormwater lateral that conveys stormwater to a stormwater inlet located on the west side of the site. A stormwater control plan for this development is provided in Figure 22. The Residencias Arianna project would not require the upsizing of the existing sewer main, stormwater main or other offsite improvements for utilities infrastructure. The project would include rooftop installation of solar panels.

Grading. Development of the Residencias Arianna project would involve the excavation of approximately 21,000 CY of material to be exported from the site. A grading and drainage plan for this development is provided in Figure 23.

Public Improvements. The Residencias Arianna project would include the replacement of about 138 feet of existing sidewalks along the project's frontage on Wooster Avenue. The new sidewalks would be about 10 feet in width.

Landscaping and Tree Removal. Landscape plans have been prepared for the Residencias Arianna project, which are presented in Figure 24a to 24c. The Residencias Arianna project proposes to remove 9 existing trees, including one street tree, and replace them with 71 new on-site trees (24-inch box planting, equivalent to 142 15-gallon trees) in accordance with the City's requirements (see *D. Biological Resources* for further discussion).



FORM #138 - Stormwater Evaluation Form page 2 of 4

2. AREA DATA

2.a Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable):		N/A	
2.b Total area of site:	1.49	acres	
2.c Total area of site that will be disturbed:	1.49	acres	

COMPARISON OF IMPERVIOUS AND PERVIOUS AREAS AT PROJECT SITE:

2.d IMPERVIOUS AREAS - IA	Pre-Project Existing IA sq. ft.	Existing IA Retained As-Is[1] sq. ft.	Existing IA Replaced with IA[2] sq. ft.	New IA Created[2] sq. ft.	Total Post Project IA sq. ft.
Site Totals					
Total IA	63 / 54078	62 / 0	63 / 49438	64 / 0	63 (1.14-2.4+3.4) / 49438
Total New and Replaced IA			63 (1.14-2.4+3.4) / 49438		
Public Street Totals					
Total Public Streets IA[3]	60 / 662	59 / 5	61 / 665	615 / 517	61 (7.18-4.4+0.11) / 1,199
Total New and Replaced Public Streets IA			61 (7.18-4.4+0.11) / 1199		
Total Site and Public Streets IA	63 (1.14+0.8) / 54,670				63 (1.14+3.4+0.11) / 50670
Percent Replacement of IA in Redevelopment Projects (63.3+0.1) x 100:					86 / 66 %

2.e PERVIOUS AREAS - PA	Pre-Project Existing PA sq. ft.	Total Post Project PA sq. ft.
Total PA[4]	36 / 36135	36 / 14268
2.f Total Area (IA + PA)	1.49 (1.14 + 0.3) / 64803	1.49 (1.14 + 0.3) / 64803

FOOTNOTES

1. "Retained" in box 2.d.2 means to leave existing IA in place. An IA that goes through maintenance (e.g., pavement resurfacing/slurry seal/grind), but no change in grade is considered "retained."
2. The "replaced" and "new" IA in boxes 2.d.3. and 2.d. 4 are based on the total area of the site and not specific locations on site. For example, impervious parking created over a pervious area is not "new" IA if an equal amount of pervious area replaces IA somewhere else on the site. Constructed IA on a site that does not exceed the total Pre-Project IA in box 2.d.1. will be considered "replaced" IA. **A site will have "new" IA only if the Total Post-Project IA in box 2.d.5. exceeds the Total Pre-Project IA (2.d.5 - 2.d.1 = 2.d.4).**
3. These areas are locations of the public street that are being dedicated (sidewalk or street easement) to the City of San José.
4. Include bioretention areas, infiltration areas, green roofs, and pervious pavement in PA calculations.

LEGEND

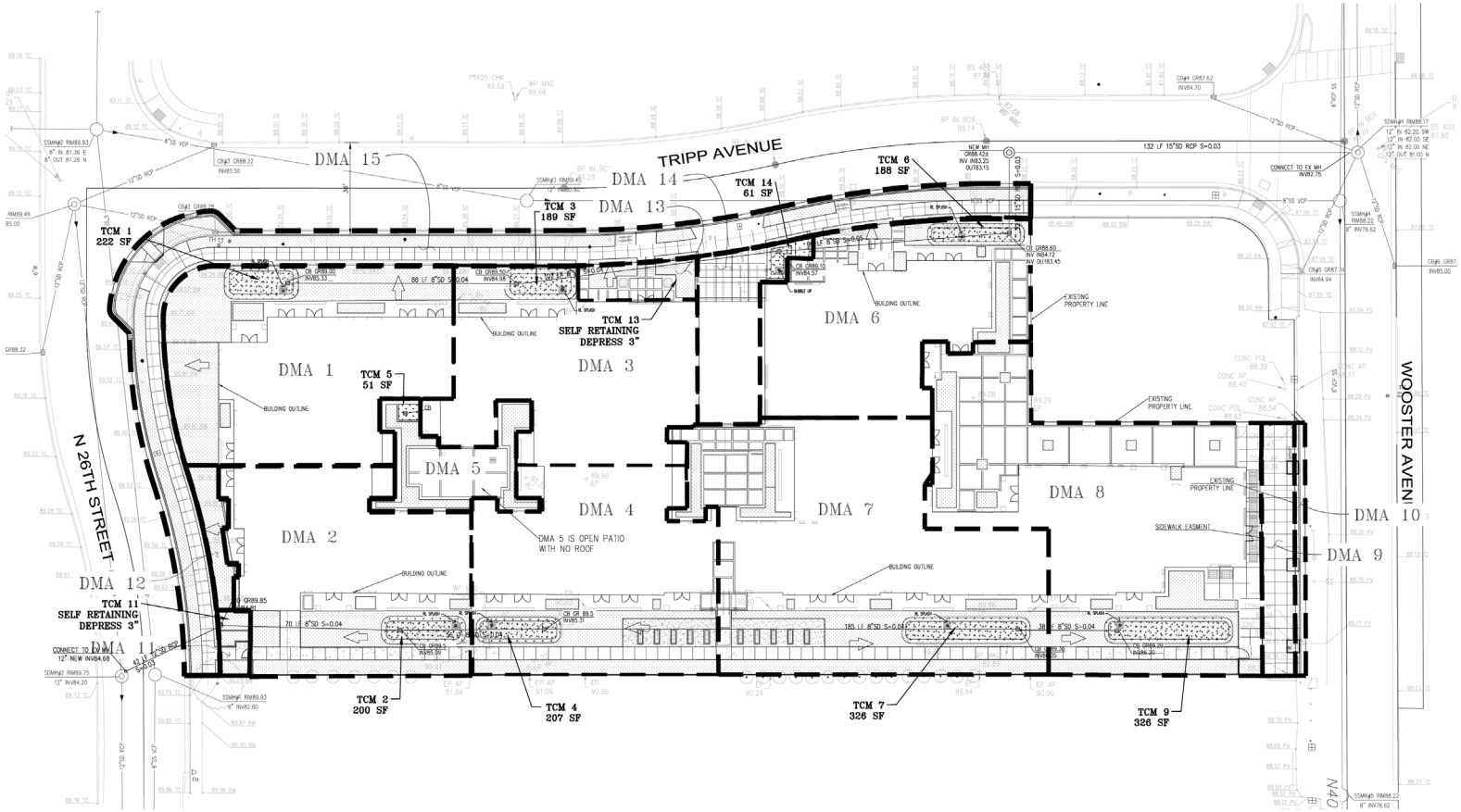
DESCRIPTION	TO BE CONST.
BIORETENTION BASIN OR FLOW THROUGH PLANTER	
CONCRETE	
DRAINAGE BOUNDARY	

20 0 20 40
scale 1" = 20' feet

SEE SHEET 009 FOR DETAILS, TCM TABLE & STORMWATER NOTES

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
TCM	TREATMENT CONTROL MEASURE



Source: Anderson Architects, May 2023

Stormwater Control Plan - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
22

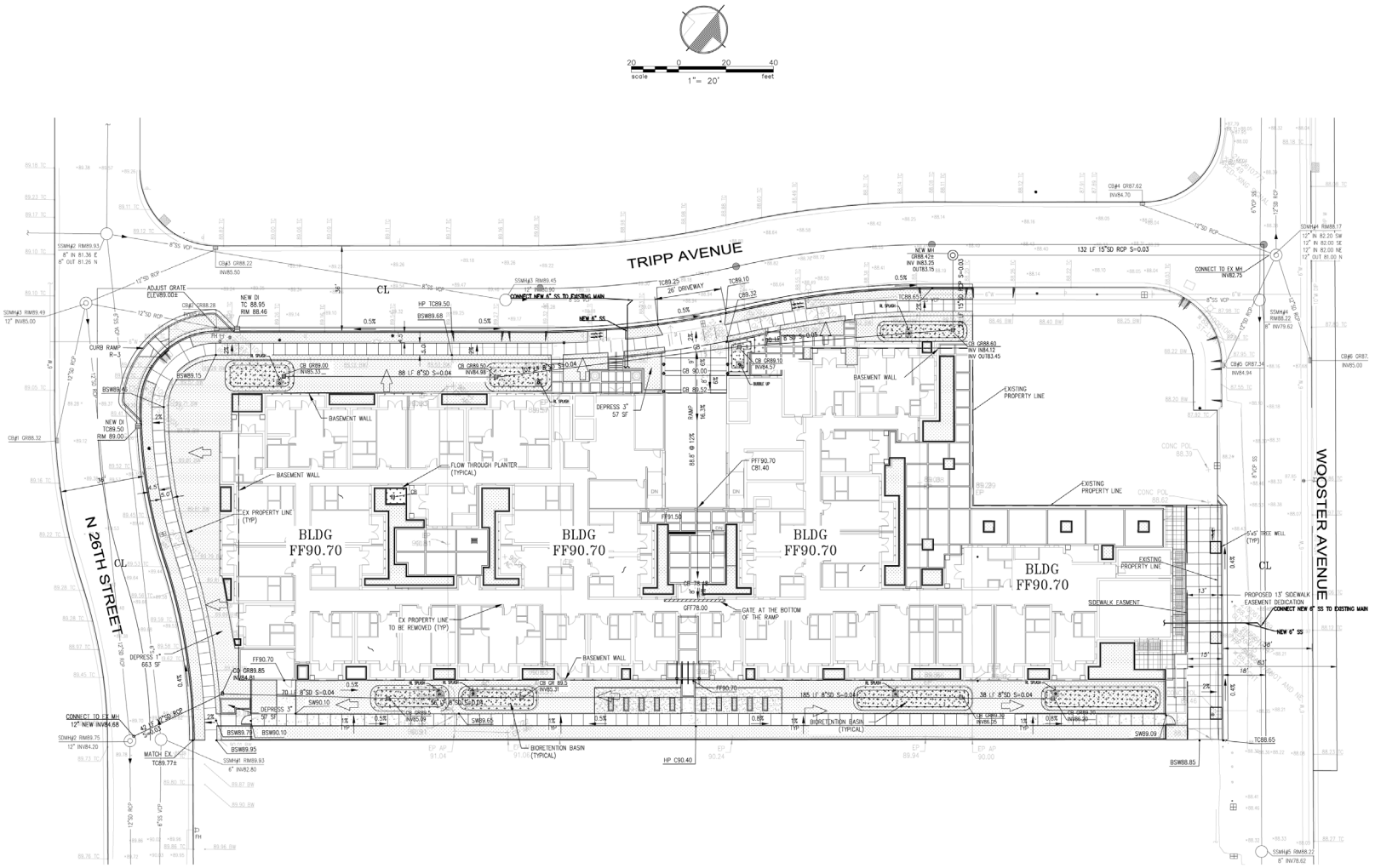
LEGEND

DESCRIPTION	TO BE CONST.	EXISTING
PROPERTY LINE		
CURB		
CURB AND GUTTER		
FLAT GRATE INLET CHRISTY V64	□ CB	
STORM DRAIN CLEANOUT	● SDCO	
SANITARY SEWER CLEANOUT	● SSCO	
WATER METER	■ WM	

DESCRIPTION	TO BE CONST.	EXISTING
SUBDRAIN		
STORM DRAIN LINE	— SD —	— SD —
SANITARY SEWER LINE	— SS —	— SS —
WATER LINE	— W —	— W —
JOINT TRENCH	— JT —	
ELECTRICAL LINE	— E —	
GAS LINE	— G —	— G —

SANITARY SEWER CALCULATIONS:

134 STUDIO UNITS x 150 GPD PER UNIT = 20,100 GPD
77 1 BEDROOM X X 150 GPD PER UNIT = 11,550 GPD
24 2 BEDROOM X 200 GPD PER UNIT = 4,800 GPD
TOTAL FLOW 36,450 GPD

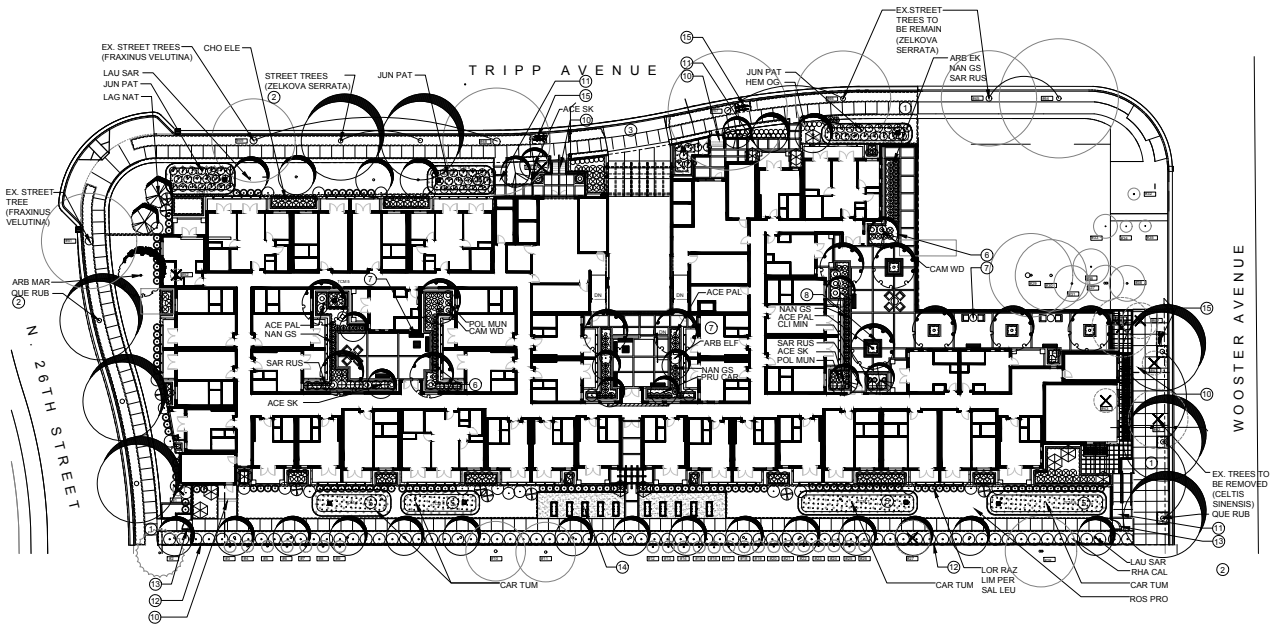


Source: Anderson Architects, May 2023

Grading and Drainage Plan - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
23



LEGEND

PROPOSED TREES

EXISTING TREES TO REMAIN

EXISTING TREES TO BE REMOVED

SHRUB AND GROUNDCOVER AREA

KEY NOTES: PROPOSED IMPROVEMENTS

1. CONCRETE CITY SIDEWALK
2. STREET TREE: FINAL SPECIES TO BE CONFIRMED BY CITY ARBORIST. QUERCUS RUBRA IN 5' X 5' TREE WELLS ON WOOSTER AVE AND IN PARK STRIP ON N. 26TH STREET ZELKOVA SERRATA (INFILLS) IN PARK STRIP ON TRIPP AVE
3. DRIVEWAY
4. STORMWATER TREATMENT AREA (FLOW-THROUGH RAISED PLANTER)--SEE CIVIL ENG PLANS
5. STORMWATER TREATMENT AREA (BIO-RETENTION AREA)--SEE CIVIL ENG PLANS
6. RAISED PLANTER WALL
7. SITE FURNITURE
8. TREE PLANTER W/BUILT-IN BENCH
9. DECORATIVE CONCRETE PAVING
10. STEPS
11. ADA RAMP
12. METAL FENCE AT PROPERTY LINE--6 FT HIGH
13. METAL GATE TO MATCH FENCE--6FT HIGH
14. COMMUNITY GARDEN: PLANTERS W/GRAVEL PAVING
15. BIKE RACK

NOTES:

1. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT-OF-WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES.
2. SEE THE CVIL ENGINEERING DRAWINGS FOR STORMWATER TREATMENT.
3. INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN THE AREAS BETWEEN STORMWATER TREATMENT PLANTINGS AND SIDE SLOPES.

COMMUNAL OPEN SPACE TREE SHADE:

FOR ON-STRUCTURE STREET LEVEL, 3RD FLOOR AND 6TH FLOOR COURTYARDS

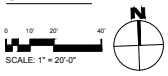
TOTAL COURYARD AREA (SF):	7,330
TOTAL TREE SHADE (SF):	3,918
TOTAL PERCENT TREE SHADE:	53.5%

VOLUME OF SOIL FOR TREES:

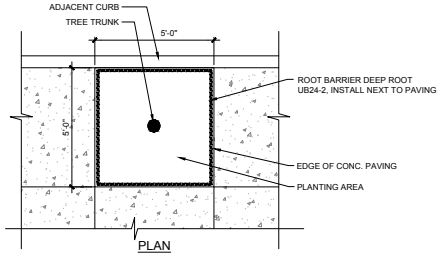
FOR ON-GRADE STREET LEVEL (FOR ON-STRUCTURE STREET LEVEL, 3RD FLOOR, 6TH FLOOR COURTYARDS SEE SHEET 023)

TOTAL PLANTING AREA (SF):	14,915
TOTAL TREES	
LARGE:	8
SMALL:	27
EXISTING:	5
SOIL VOLUME SMALL TREES (700 CF EA)	18,900
SOIL VOLUME LARGE TREES (2100 CF EA)	27,300
TOTAL SOIL VOLUME REQ. (CF):	46,200

SITE PLAN



SCALE: 1" = 20'-0"



NOTE:
1. TOP OF ROOT BARRIER TO BE LEVEL WITH TOP OF CONC. PAVING
2. INSTALL PER MANUFACTURER RECOMMENDATIONS.

1 TREE WELL

SCALE: 1/2" = 1'-0"

PLANT LIST

ABBREV.	BOTANICAL NAME	COMMON NAME	SIZE	MISC. NOTES & REQUIREMENTS
TREES				
ACE PAL	*Acer palmatum*	Japanese Maple	24" Box	Mult. St./N.V.S.-45°/Stem up.
ACE SK	*Acer palmatum 'Sango Kaku'*	Coral Bark Maple	24" Box	Mult. St./N.V.S.-45°/Stem up.
ARB MAR	*Arbutus 'Marina'*	Strawberry Tree	24" Box	S.L./No. Whorl, Br./N. Drp. Br./Match
LAG MUS	*Lagerstroemia x 'Muskogee'*	Crape Myrtle (Lavender)	24" Box	Hi. Br./SL/Match
LAG NAT	*Lagerstroemia i. 'Natchez'*	Crape Myrtle (White)	24" Box	Stds. matched forms
LAU NOB	*Laurus nobilis 'Saratoga'*	Sweet Bay	24" Box	S.L./No. Whorl, Br./N. Drp. Br./Match
QUE RUB	*Quercus rubra*	Red Oak	24" box	S.L./No. Whorl, Br./N. Drp. Br./Match
ZEL SER	*Zelkova serrata*	Japanese Zelkova	24" box	S.L./No. Whorl, Br./N. Drp. Br./Match
SHRUBS				
ARB EK	*Arbutus unedo 'Elfin King'*	Strawberry Tree	15 G.C.	Mult. St./Stem up.
CAL LJ	*Callistemon viminalis 'Little John'*	Dw Weeping Bottlebrush	5 G.C.	F & B/Br. Gr.
CAM WD	*Camellia sasanqua 'White Doves'*	Camellia	5 G.C.	
CLI MIN	*Clivia miniata*	Kaffir Lily	1 G.C.	
DIE BIC	*Dietes bicolor*	Fortnight Lily	1 G.C.	
LOR RAZ	*Loropetalum chinense 'Razzleberri'*	N.C.N.	5 G.C.	
NAN GS	*Nandina domestica 'Gulf Stream'*	Dwarf Heavenly Bamboo	1 G.C.	F & B
PHO JS	*Phormium tenax 'Jack Spratt'+*	Dwarf Red New Zealand Flax	5 G.C.	Match
PRU CAR	*Prunus caroliniana 'compacta'*	Dwarf Carolina Laurel Cherry	15 G.C.	SL
RHA CAL	*Rhamnus californica*	Coffeeberry	5 G.C.	
ROS PRO	*Rosmarinus officinalis 'Prostratus'*	Dwarf Rosemary	1 G.C.	
SAL LEU	*Salvia leucantha*	Mexican Bush Sage	1 G.C.	F & B/N. Drp. Br.
SAR RUS	*Sarcococca ruscifolia*	Fragrant sarcococca	5 G.C.	F & B/Br. Gr.
PERENNIALS/BULBS/ANNUALS				
ACA MOL	*Acanthus mollis*	Bear's Breech	1 G.C.	
ACH MIL	*Achillea millefolium 'Moonshine'*	Common Yarrow		
CHO ELE	*Chloropetalum elephantinum*	Large Cape Rush	1 G.C.	
ERI KAR	*Erigeron karvinskianus 'Moerheimii'*	Fleabane	1 G.C.	
HEM OG	*Hemerocallis "Our Gertrude"*	Evergreen, repeat bloom Daylily	B.R.	Double fan min., plant at 18" o.c. max.
IRI CAN	*Iris d. 'Canyon Snow'*	Pacific Coast Iris Hybrid	1 G.C.	
LAV MUN	*Lavandula angustifolia 'Munstead'*	English Lavender	1 G.C.	
LIM PER	*Limonium perezii*	Sea Lavender	1 G.C.	
GROUNDCOVERS				
EUO COL	*Euonymus fortunei 'Colorata'*	Purple-leaf Winter Creeper	Flats	Plant at 2'-0" o.c.
FES GLA	*Festuca ovina 'Glauca'*	Blue Fescue	1 G.C.	
LAN MON	*Lantana montevidensis*	Trailing Lantana	1 G.C.	Plant at 2'-6" o.c.
VINES				
FIC PUM	*Ficus pumila*	Creeping Fig	5 G.C.	
HAR HW	*Hardenbergia violacea 'Happy Wanderer'*	N.C.N.	5 G.C.	
STORMWATER TREATMENT AREAS				
CAR TUM	*Carex tumicuola*	Berkeley Sedge	1 G.C.	Plant at 15" o.c.
JUN PAT	*Juncus patens*	California Grey Rush	1 G.C.	Plant at 15" o.c.

PLANT LIST ABBREVIATIONS:

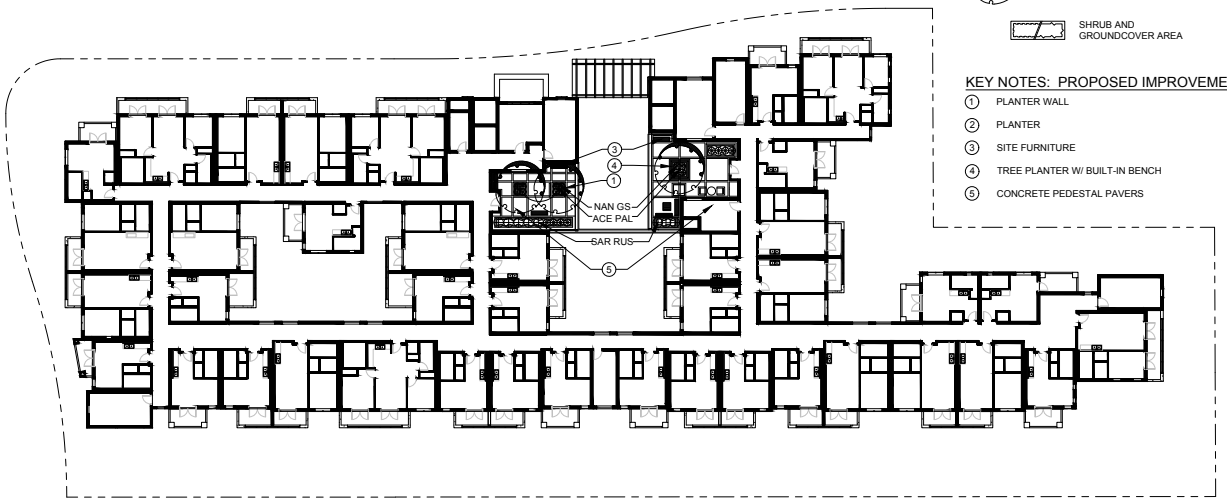
Note:	This list together with the plant list prepared by Taniguchi Landscape Architecture must accompany the contractor's nursery order(s)
SL.	Single main, straight, dominant, leader
Hi. Br.	High branched---lowest limbs held above rootball 5' min. for 15 gallon can 6' min. for 24" box trees
No Top	No topping or pruning of upper branches
Br. Gr.	Branched to ground
F & B	Full dense, bushy, vigorous plants, with young growth closely spaced on branches, no old/woody plants.
N.V.S.-30 deg.	Narrow upright vase shape 30 degrees or less spread in branch/trunk structure
N.V.S.-45 deg.	Narrow upright vase shape 45 degrees or less spread in branch/trunk structure
No. Whorl. Br.	No closely spaced whirled branches. Select even symmetrical branch distribution
Match	Matched size, form, caliper, branching and cultivar. Select from one lot, one grower, for guaranteed consistency through life of plants. In general plants within a group or area are to be matched, unless noted otherwise.
T.F.	Tree Form
S.F.	Shrub Form
N.F.	Narrow upright Form
B.R.	Bare Root
B & B	Balled and Burlap
Mult. St.	Multi stemmed
Flat	Rooted cuttings from flats at on center distance specified in list. See groundcover/shrub o.c. planting detail for layout.
Cat.	Caliper
EV.	Evergreen
G.C.	Gallon Can
N.C.N.	No Common Name
Trail/ F	Select trailing Forms for prostrate growth
Veg. Gr.	Vegetative Grown
Hed. F.	Hedge Form (clipped)
Stem up.	Stem up to expose trunk and lower branch pattern
o.c.	On center
N. Drp. Br.	No long heavy drooping branches

Source: Anderson Architects, May 2023

Landscape Plan - First Floor - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
24a



THIRD FLOOR

0 10' 20' 40'

SCALE: 1" = 20'-0"

N

LEGEND

PROPOSED TREES

SHRUB AND GROUNDCOVER AREA

KEY NOTES: PROPOSED IMPROVEMENTS

1. PLANTER WALL
2. PLANTER
3. SITE FURNITURE
4. TREE PLANTER W/ BUILT-IN BENCH
5. CONCRETE PEDESTAL PAVERS

1 PODIUM COURTYARD PLANTER WALL

SCALE: 1" = 1'-0"

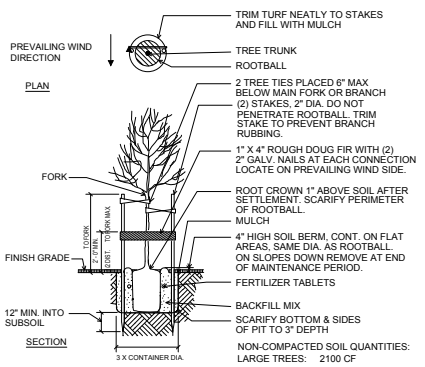
VOLUME OF SOIL FOR TREES:

FOR ON STRUCTURE STREET LEVEL, 3RD FLOOR AND 6TH FLOOR COURTYARDS

TOTAL COURTYARD PLANTING AREA (SF):	2,904
TOTAL TREES (SMALL):	23
TOTAL SOIL VOLUME REQ. (CF):	16,100

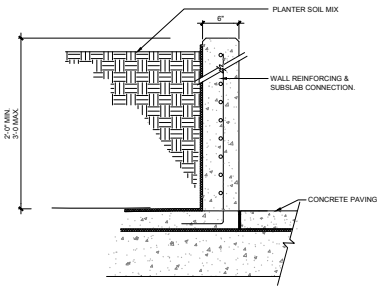
NOTES:

1. FOR PLANT LIST SEE SHEET 022.



2 TREE PLANTING

NOT TO SCALE



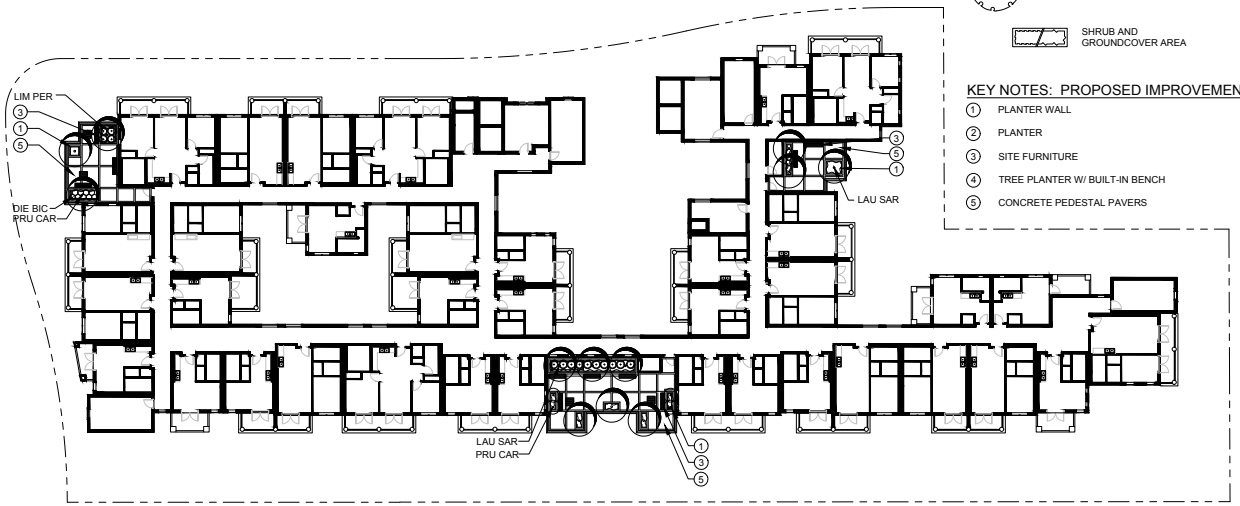
SECTION

Source: Anderson Architects, May 2023

Landscape Plan - Third Floor - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure
24b



LEGEND

PROPOSED TREES

SHRUB AND GROUNDCOVER AREA

KEY NOTES: PROPOSED IMPROVEMENTS

1. PLANTER WALL
2. PLANTER
3. SITE FURNITURE
4. TREE PLANTER W/ BUILT-IN BENCH
5. CONCRETE PEDESTAL PAVERS

1 PODIUM COURTYARD PLANTER WALL

SCALE: 1" = 1'-0"

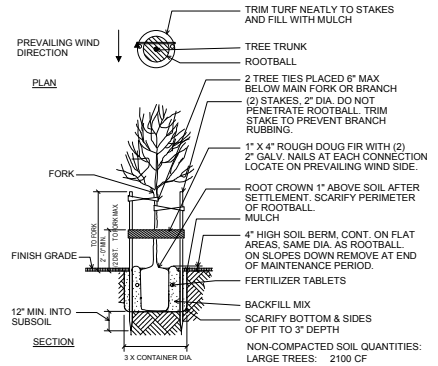
VOLUME OF SOIL FOR TREES:

FOR ON STRUCTURE STREET LEVEL, 3RD FLOOR AND 6TH FLOOR COURTYARDS

TOTAL COURTYARD PLANTING AREA (SF):	2,904
TOTAL TREES (SMALL):	23
TOTAL SOIL VOLUME REQ. (CF):	16,100

NOTES:

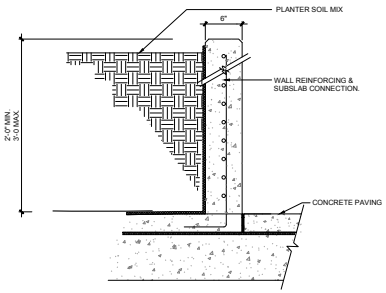
1. FOR PLANT LIST SEE SHEET 022.



NON-COMPACTED SOIL QUANTITIES:
LARGE TREES: 2100 CF
MEDIUM TREES: 1400 CF
SMALL TREES: 700 CF

2 TREE PLANTING

NOT TO SCALE



NOTES:
1. INTEGRAL COLOR CONCRETE

SECTION

SIXTH FLOOR

0 10' 20' 40'

SCALE: 1" = 20'-0"

N

Source: Anderson Architects, May 2023

Landscape Plan - Sixth Floor - 1298 Tripp Ave

Julian & Tripp Mixed-Use Development
Initial Study

Figure 24c

Transportation Demand Management Plan. The Residencias Arianna project includes a Transportation Demand Management Plan (TDM), which is provided in Appendix H. The TDM is intended to provide a combination of services, incentives, facilities, and actions that reduce single-occupant vehicle trips associated with the Residencias Arianna project. The TDM proposes various measures to promote sustainable modes of transportation, including establishing a carpool/vanpool program, providing preferential parking for electric vehicles (EVs), providing secured and temporary bicycle parking, providing on-site bicycles for free use by residents, and designation of a transportation coordinator. The transportation coordinator would be responsible for maintaining an online kiosk containing information on available TDM services, providing transportation information packets to residents, providing trip planning assistance, and conducting annual mode share surveys.

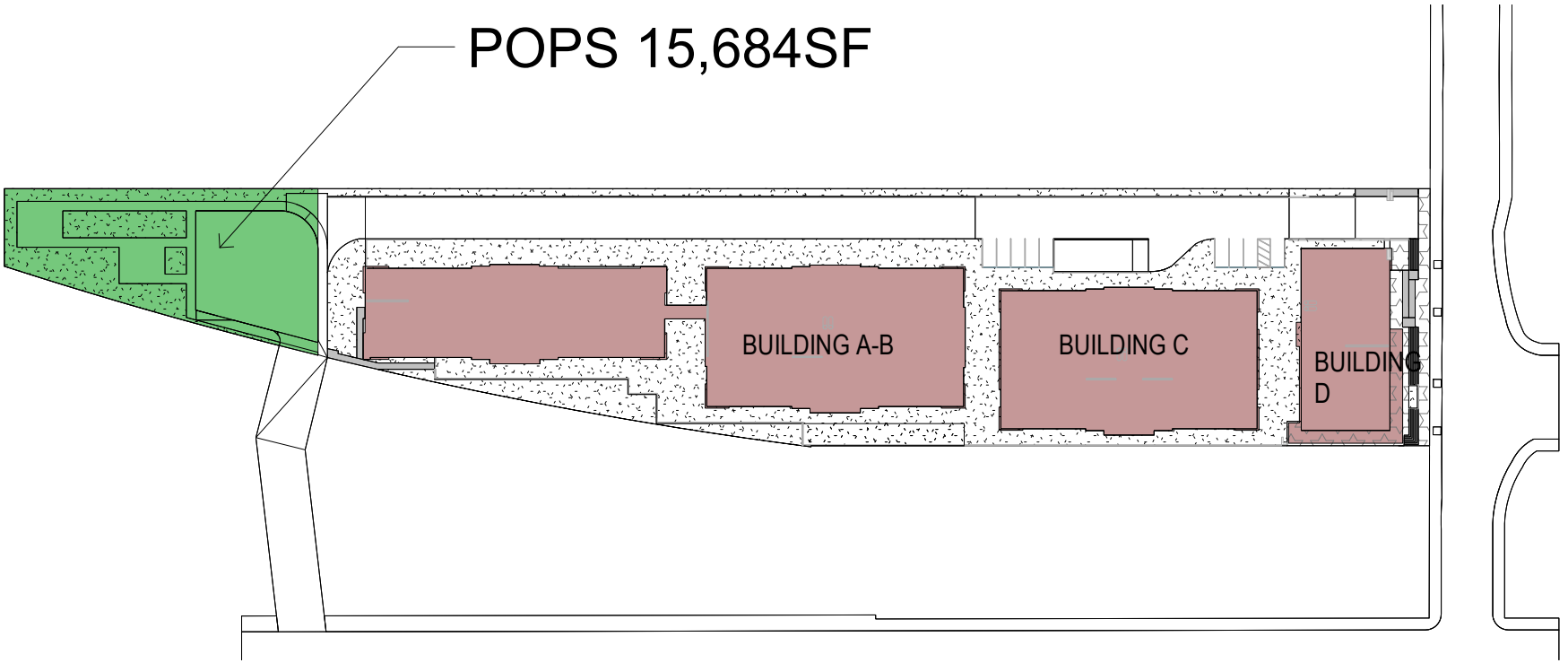
PROJECT CONSTRUCTION

The construction schedule for the three developments would be staggered and would occur between October 2024 and October 2029. All construction staging for each of the proposed developments would occur at the northern portion of the Vila de Camila site (1325 East Julian Street) that would be developed as a privately owned open space once all construction is complete. The staging area is depicted in Figure 25. The Casa Inclusiva development (1347 East Julian Street) would be constructed first and is anticipated to be the first completed, with construction lasting approximately 12 months from early October 2024 through September 2025. Construction activities at the sites at Vila de Camila project site and the Residencias Arianna project site would overlap. Construction for the Vila de Camila site (1325 East Julian Street) would begin concurrently in September 2025, concluding at the beginning of May 2028 (33 months). Construction activities at the Residencias Arianna site (1298 Tripp Avenue) are expected to start in early June 2027, and all exterior construction is expected to conclude in early July 2028 (13 months). The construction schedule for Residencias Arianna would have a 6-month hiatus before interior construction would start in early February 2029, and all interior work would conclude by early October 2029 (8 months). The earliest year of full operation for the entire project is assumed to be 2030.

Table 1
Construction Schedules

Project site	Construction Start	Construction End	Year of Operation
Casa Inclusiva (1347 East Julian Street)	October 2024	September 2025	2025
Vila de Camila (1325 East Julian Street)	September 2025	May 2028	2028
Residencias Arianna (1298 Tripp Avenue)	June 2027	October 2029*	2029

* Includes hiatus of 6 months between conclusion of exterior construction in July 2028 and beginning of interior construction in February 2029.



Source: Anderson Architects, September 2023

Proposed Staging Area

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
25

PROJECT APPROVALS

The City of San José is the lead agency with responsibility for approving the proposed project. Each of the three development projects are expected to require the following permits and approvals from the Lead Agency:

Vila de Camila (File No. H22-012):

- Site Development Permit
- Building Permit
- Grading Permit
- Access Easement
- Other Public Works Clearances, as applicable

Casa Inclusiva (File No. H22-001):

- Site Development Permit
- Building Permit
- Grading Permit
- Other Public Works Clearances, as applicable

Residencias Arianna (File No. H21-050):

- Site Development Permit
- Demolition Permit
- Building Permit
- Grading Permit
- Other Public Works Clearances, as applicable

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☒ Land Use/Planning	☒ Mineral Resources
☒ Noise	☒ Population/Housing	☒ Public Services
☒ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities/Service Systems	☒ Wildfire	☒ Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

This section describes the existing environmental conditions in and near the project area and analyzes environmental impacts associated with the proposed project. The environmental checklist, as recommended in the CEQA Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation Measures (MMs) are identified for all potentially significant project impacts. "Mitigation Measures" are measures that minimize, avoid, or eliminate a significant impact (CEQA Guidelines § 15370).

Important Note to the Reader:

In a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)], the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects that the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

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

Therefore, although not required by CEQA, this chapter will also discuss "planning considerations" limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances. This additional discussion is provided for informational purposes only.

A. AESTHETICS

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is the portion of Highway 9 that starts at the intersection of Highway 9 and Saratoga-Los Gatos Road in Saratoga. This officially designated highway located approximately 11 miles southwest of the project site. In addition, the scenic designated portion of Interstate-680 in Fremont is located about 13 miles north of the project site. The project site is not located near these designated scenic highways.

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.

SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Local

Outdoor Lighting Policy (City Council Policy 4-3)

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) and City of San José Interim Lighting Policy Broad Spectrum Lighting for Private Development promote energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing

views. The project sites are not located along any scenic corridors per the City's Scenic Corridors Diagram.

General Plan Policies

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

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Existing Setting

The proposed project consists of three developments located on three distinct sites. The sites on East Julian Street are located adjacent to each other, while the Residencias Arianna site at 1298 Tripp Avenue is located about 300 feet to the west. The sites are located in a predominantly residential and light industrial area. The visual character of the Vila de Camila project site and the Casa Inclusiva project site would generally be described as "disturbed," as the sites are vacant with sparse ruderal ground cover and paved areas associated with the previous light industrial land uses. Adjacent land uses to the east consist primarily of single-story single-family residential units built in the 1920s through the 1940s. Uses to the west of the sites consist of single-story automotive/light industrial buildings with metal siding and roofing and parking lots, as well as the Rocketship Elementary School, a two-story building which opened in 2011. A defunct railroad is also located west of the project sites.

The visual character of the Residencias Arianna site is more developed, as the site is occupied by multi-family residential buildings (with heights up to two stories) and single-family residences, with limited landscaping along the street frontages on Tripp Avenue and Wooster Avenue. Adjacent land uses to the east consist of the aforementioned automotive/light industrial buildings on Wooster Avenue, as well as a two-story apartment building located on the corner of Wooster Avenue and Tripp Avenue that was constructed in 1962. Adjacent uses to the north, west, and south consist primarily of 1-2 story apartment buildings and townhomes built in the 1950s through the 1980s.

Photographs of the project sites are presented in Figure 11 and an aerial of the project area is provided in Figure 3. As shown in the photos, the Vila de Camila and Casa Inclusiva project sites are largely vacant and disturbed in nature. The Residencias Arianna project site is occupied by two apartment buildings (1298 Tripp Avenue and 380 North 26th Street) and two single family residences (345 and 341 Wooster Avenue). Both the Vila de Camila and Casa Inclusiva project sites contain onsite trees and shrubs, while the Residencias Arianna project site contains trees and landscaping. In addition, offsite street trees front the properties.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2, 3
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2, 3

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's General Plan states that San José contains many scenic resources that include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development downtown. The project sites are located in an urbanized location in San José. Some views of scenic vistas towards the Diablo Mountain Range are available from existing, adjacent residences near Tripp Avenue and Wooster Avenue (those south and east of the Residencias Arianna site and north and east of the Vila de Camila and Casa Inclusiva sites). Views of scenic vistas are not available from the single-family residences located near the sites on East Julian Street.

Views of scenic vistas from Tripp Avenue and Wooster Avenue may be partially obstructed by the proposed multi-story developments at Tripp Avenue and East Julian Street. However, these views are not considered pristine due to the presence of existing development between the residences and the viewshed toward the Diablo Range. The City does not have any applicable policies related to preservation of views from private property in the *Urban Village, Residential Neighborhood,* or *Mixed-Use Neighborhood* designations. Since the City does not have any applicable policies related to impacts to views from private properties, this is not considered to be an impact under CEQA (see case Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477).[3] Additionally, the project sites are not located along any scenic corridors per the City's Scenic Corridors Diagram.[4] The project, therefore, would have a less than significant impact on a scenic vista.

b) **No Impact**. The project sites are not located within a state-designated scenic route or City-designated scenic corridor. As discussed above, the nearest designated scenic route is the portion of Highway 9 that starts at the intersection of Highway 9 and Saratoga-Los Gatos Road in Saratoga, located about 11 miles southwest of the project sites. In addition, the project sites are located about 13 miles from the scenic designated portion of Interstate-680 in Fremont. The project sites are not visible from this portion of Highway 9 or any other designated scenic highways and, therefore, would not impact scenic resources within a state-designated scenic highway.

c) **Less Than Significant Impact**. The project would alter the existing visual character of the Vila de Camila and Casa Inclusiva project sites and their immediate surroundings by introducing new 6 to 10-story buildings, respectively onto sites that are currently vacant. In addition, the project would alter the existing visual character of the Residencias Arianna project site and its immediate surroundings by introducing 6-story buildings onto a site occupied by existing 2-story apartment buildings and single-family residences. The building elevations for the three developments are presented in Figures 7a-7b, 14, and 21a-21b. In addition, conceptual

[3] Association of Environmental Professionals, Thresholds of Significance, November 20, 2020. Available at: https://ceqaportal.org/tp/CEQA%20Portal%20Topic%20Paper_Thresholds%20of%20Signifcance_2020%20Update.pdf
[4] https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000

renderings of each development are provided in Figures 26-28. The maximum building height for the Vila de Camila development would be 109 feet, while the maximum height for both the Casa Inclusiva and the Residencias Arianna developments would be 77.5 feet and 73 feet respectively. The project sites are located in an area characterized by a mix of existing single-family and multi-family residential uses ranging from one to three stories in height, as well as light industrial land uses. Due to the project site's location in a primarily developed residential area of the City and the proximity to public transit uses, the project site is considered to be located in an urbanized area.

The project would alter the existing public views of the site from surrounding roadways including, but not limited to, Tripp Avenue, East Julian Street, Wooster Avenue, and North 26th Street in the vicinity of the project. Other public views, (e.g., from Highway 101) would be more distant, and the effects from the proposed buildings would be less noticeable. While the proposed developments would range from 6 to 10 stories in height and would be higher than the existing residential land uses, the proposed project is consistent with the height limitations under the General Plan Designation of *Urban Village.*

The proposed project would be required to 1) conform to the City's Design Guidelines, and 2) undergo design review to ensure the scale and mass are compatible with surrounding development. In addition, the project proposes landscaping to soften the visual effects of development through planting of shrubs and groundcover in outdoor areas and replacement of all trees proposed to be removed as part of the development. By adhering to these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings within this urbanized area.

The proposed project would also meet the criteria of SB 743 because 1) the project would construct a residential mixed-use project, and 2) the project is located within a transit priority area. Per SB 743, all aesthetic impacts would be considered less than significant. Consistent with Public Resources Code Section 21099, the project would have a less than significant aesthetics impact.

d) **Less Than Significant Impact**. The existing site current source of light and glare at the project site are generated by streetlights and passing cars, as well as existing adjacent residences and other development. The project does not propose any major sources of lighting or glare. Outdoor lighting would be provided for access and security. Site lighting would serve as both functional and accent lighting for the development and would be consistent with the architectural character of the development. All outdoor lighting would conform to the City's Outdoor Lighting policies and would be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties, consistent with City standards. In addition, the project does not propose to introduce materials into the design that would create substantial glare. The project would have a less than significant impact related to lighting and glare.

Conclusion: The project would have a less than significant impact on aesthetics.

Source: Anderson Architects, August 2022

Conceptual Rendering -1325 East Julian Street

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
26

Source: Anderson Architects, August 2022

Conceptual Rendering - 1347 East Julian Street

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
27

Source: Anderson Architects, March 2023

Conceptual Rendering - 1298 Tripp Avenue

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
28

B. AGRICULTURAL AND FORESTRY RESOURCES

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland". Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

General Plan Policies

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

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

Envision San José 2040 Relevant Agricultural Resources Policies	
	• Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Existing Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed infill project site does not contain any agricultural and forest/timber resources.

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "Urban and Built-Up Land" on the 2016 Santa Clara County Important Farmland Map (California Department of Conservation).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
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?				X	2

Explanation

a) **No Impact**. The project sites are infill properties and are designated as Urban and Built-Up Land on the Important Farmlands Map for Santa Clara County. None of the project sites contain any prime farmland, unique farmland, or farmland of statewide importance. The project would not affect agricultural land.

b) **No Impact**. The project is proposed on developed infill properties, are not zoned for agricultural use, and do not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur.

c) **No Impact**. The project would not impact forest resources since the sites do not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

d) **No Impact**. See c) above. No other changes to the environment would occur from the project that would result in the loss of forest land or conversion of forest land to non-forest uses.

e) **No Impact**. As per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none are present on these infill properties.

Conclusion: The project would have no impact on agricultural resources.

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (June 2023). This report is included as Appendix A.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

The Federal Clean Air Act (CAA) allows California to seek a waiver of the federal preemption that prohibits states and local jurisdictions from enacting emission standards and other emission-related requirements for new motor vehicles and engines (CAA section 209(a)). The California Air Resources Board (CARB) serves as the representative of California in filing waiver requests with U.S. EPA. After California files a written request for a waiver, U.S. EPA will publish a notice for a public hearing and submission of comments in the *Federal Register*. After consideration of comments received, the Administrator of U.S. EPA will issue a written determination on California's request, which is also published the *Federal Register*.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area*

Air Quality Management District court case. In 2023, the BAAQMD again revised the *California Environmental Quality Act* (*CEQA) Air Quality Guidelines* that included the original significance thresholds to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The thresholds contained in this CEQA guidance are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The updated guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process consistent with CEQA requirements including thresholds of significance, mitigation measures, and background air quality information. They include assessment methodologies for air toxins, odors, and GHG emissions.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 2 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

General Plan Policies

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

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

Air Pollutants and Contaminants

Multiple federal and state standards govern air pollution to regulate and mitigate health impacts. At the federal level, there are six criteria pollutants for NAAQS have been established: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), suspended particulate matter (PM: $PM_{2.5}$ and PM_{10}), and sulfur dioxide (SO_2). California sets standards similar to the NAAQS as California Ambient Air Quality Standards (CAAQS). Note that California includes pollutants or contaminants that are specific to certain industries and not associated with this project. These include hydrogen sulfide and vinyl chloride.

Ozone. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including combustion in motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the Bay Area, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, shortness of breath, and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide. Carbon monoxide is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles. While CO transport is limited, it disperses with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations near congested roadways or intersections may reach unhealthful levels that adversely affect local sensitive receptors (e.g., residents, schoolchildren, the elderly, hospital patients, etc.). Typically, high CO concentrations are associated

with roadways or intersections operating at unacceptable levels of service (LOS) or with extremely high traffic volumes. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, fatigue, impair central nervous system function, and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal.

Nitrogen Dioxide. Nitrogen Dioxide is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Aside from its contribution to ozone formation, NO_2 also contribute to other pollution problems, including a high concentration of fine particulate matter, poor visibility, and acid deposition. NO_2 may be visible as a coloring component on high pollution days, especially in conjunction with high ozone levels. NO_2 decreases lung function and may reduce resistance to infection. On January 22, 2010, the U.S. EPA strengthened the health-based NAAQS for NO_2.

Sulfur Dioxide. Sulfur dioxide is a colorless, irritating gas formed primarily from the incomplete combustion of fuels containing sulfur. Industrial facilities also contribute to gaseous SO_2 levels in the region. SO_2 irritates the respiratory tract, can injure lung tissue when combined with fine particulate matter and reduces visibility and the level of sunlight.

Particulate Matter. Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air. Coarse particles are those that are larger than 2.5 microns but smaller than 10 microns (PM_{10}). $PM_{2.5}$ refers to fine suspended particulate matter with an aerodynamic diameter of 2.5 microns or less that is not readily filtered out by the lungs. Nitrates, sulfates, dust, and combustion particulates are major components of PM_{10} and $PM_{2.5}$. These small particles can be directly emitted into the atmosphere as by-products of fuel combustion, through abrasions, such as tire or brake lining wear, or through fugitive dust (wind or mechanical erosion of soil). They can also be formed in the atmosphere through chemical reactions. Particulates may transport carcinogens and other toxic compounds that adhere to the particle surfaces and can enter the human body through the lungs.

Lead. Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in the air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Over 20 years ago, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, the U.S. EPA established national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. The EPA banned the use of leaded gasoline in highway vehicles in December 1995. As a result of the EPA's regulatory efforts to remove lead from gasoline, emissions of lead from the transportation sector and lead levels in the air decreased dramatically.

Air Pollutants of Concern in the Bay Area

High ozone levels are caused by the cumulative emissions of ROG and NO_X. These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. TACs are injurious in small quantities and are regulated by the EPA and CARB. Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants.

High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high-volume transit centers, or schools with a high volume of bus traffic. Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites and at new TAC sources that the project would introduce. These sources include railroads, highways, busy surface streets, and stationary sources identified by BAAQMD.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Air Quality Setting

The project is located in Santa Clara County, which is part of the San Francisco Bay Area Air Basin. The Air Basin includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeast portion of Sonoma County and the southwest portion of Solano County. This project is within the jurisdiction of the BAAQMD. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants, and the number of days during which the region exceeds air quality standards, have fallen dramatically. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Local Climate and Air Quality

Air quality is a function of both local climate and local sources of air pollution. Air quality is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. Climate and topography are major influences on air quality.

Climate and Meteorology. During the summer, mostly clear skies result in warm daytime temperatures and cool nights in the Santa Clara Valley. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland, where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Air Pollution Potential. Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air, which usually reaches across San Mateo County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the county, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the $PM_{2.5}$ standard each winter. This is due to the high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flows into the region. Recently, wildfires have caused many days per year of unhealthy air during summer and fall due to high particle pollution (e.g., $PM_{2.5}$ and PM_{10} levels that exceed standards).

Attainment Status Designations. The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for all state standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An "unclassified" designation signifies that data does not support either an attainment or nonattainment status. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

Existing Air Pollutant Levels. BAAQMD monitors air pollution at various sites within the Bay Area. The closest air monitoring station (158 Jackson Street) that monitored O_3, CO, NO, NO_2, and $PM_{2.5}$ over the past five years (2017 through 2021) is in the City of San José, approximately 1.5 miles west of the project site. The data shows that the project area has exceeded the state and/or federal O_3, PM_{10}, and $PM_{2.5}$ ambient air quality standards one or more times during the past few years. The most recent time-period available illustrating air quality trends collected by BAAQMD and CARB is presented in Appendix A. Ozone standards (including 1-hr concentration and 8-hr concentration) were exceeded at a range between 1 to 8 days annually between 2017 and 2021. $PM_{2.5}$ concentrations were exceeded at a range between 1 to 12 days annually between in 2017 and 2021. As a note, these levels were influenced by smoke from wildfires.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of increased susceptibility to respiratory distress within the populations associated with these uses. For cancer risk assessments, children are the most sensitive receptors since they are more susceptible to cancer-causing TACs. Residential locations are assumed to include infants and small children.

The closest sensitive receptors to the Vila Camila project site are residences across West Court to the northeast and residences immediately to the north. Commercial and light industrial uses are located generally to the south. The proposed Casa Inclusiva development would be located immediately to the east. The closest sensitive receptors to the Casa Inclusiva project site are residences immediately adjacent to the northeast and an elementary school, Rocketship Discovery Prep, located about 50 to 60 feet northwest. The proposed Vila Camila development would be located immediately to the west. Commercial and light industrial uses are located generally to the south. The closest sensitive receptors to the Residencias Arianna project site are residences immediately to the south and then across Tripp Ave and N. 26th Street. Commercial/light industrial uses lie to the east and several schools about 600 feet away: San Jose Head Start, Ace Inspire Academy, and Sunrise Middle School.

Additionally, the project would introduce new sensitive residential receptors to the three project sites in the form of new residents.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6, 7
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?			X		2, 5, 7
c) Expose sensitive receptors to substantial pollutant concentrations?		X			2, 5, 7
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		2, 5, 7

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented in Table 2.

As summarized in the "Project Consistency" column of Table 2, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants as described in b) below. Therefore, the project would have a less than significant impact on clean air planning efforts.

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include long-term and short-term bicycle parking consistent with City's Zoning Ordinance standards. Additionally, the project proposes the replacement of about 162 feet of existing sidewalks along the project's frontage on East Julian Street. The new sidewalk would be about 15 feet in width. In addition, the project would provide a total of 138 feet of 10-foot-wide replacement sidewalks for the project frontage at the Residencias Arianna site. The project also includes a TDM program for each of the proposed developments. The TDM for Residencias Arianna consists of a 20% residential parking space reduction and an additional 50% reduction in parking under the State Density Bonus Law. The TDM includes measures such as rideshare/carpool matching, informational resources, and alternative forms of transportation. The TDM for Vila de Camila consists of a 20% residential parking space reduction and an additional 50% reduction in parking under the State Density Bonus Law. The TDM includes measures such as rideshare/carpool matching, preferential treatment for electric vehicles, informational resources, and alternative forms of transportation. The TDM for Casa Inclusiva consists of providing 100% affordable housing, providing monetary contributions to multimodal network improvements (offsite), reduced parking, and unbundled parking. Therefore, the project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) and the City's Green Building Ordinance, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) the City's Green Building Ordinance, and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities.	The Residencias Arianna and Vila de Camila project sites would locate vehicle parking in basement-level parking garages attached to each development, while the Casa Inclusiva project would provide first floor parking both in an enclosed structure and as surface parking spaces. In addition, the project would provide new landscaping, including planting of shrubs, groundcover, and replacement trees to outdoor areas. These features would minimize surface parking and reduce the project's heat island effect. The project, therefore, is consistent with this measure.
Water Management Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in	The project would be required to adhere to State and local polices to conserve water, including, but not

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	new and existing buildings; incorporate into local planning guidance.	limited to, AB 1668: Water Conservation and Drought Planning, AB 2731: Landscape Water Use Efficiency, implementation of a stormwater control plan, and adherence to the City's levelled water shortage restrictions on potable water use. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Consistent with the City's tree replacement requirements, the project would plant 70 trees across all three developments. In addition, the proposed developments include other landscaping features such as planting of various shrubs and groundcover in outdoor areas. Therefore, the project is consistent with this control measure.

b) **Less Than Significant Impact**. The San Francisco Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide.

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The applicable thresholds are presented below in Table 3.

Table 3 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	

Table 3 BAAQMD Air Quality Significance Thresholds				
Pollutant	**Construction Thresholds**		**Operational Thresholds**	
	Average Daily Emissions (lbs./day)		**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Fugitive Dust ($PM_{2.5}$, PM_{10})	Best Management Practices (BMPs)*		Not Applicable	
Health Risks and Hazards	**Single Sources/Individual Projects**		**Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)**	
Excess Cancer Risk	>10 in one million	OR Compliance with Qualified Community Risk Reduction Plan	>100 per one million	OR Compliance with Qualified Community Risk Reduction Plan
Chronic or Acute Hazard Index	>1.0		>10.0	
Incremental annual average $PM_{2.5}$	>0.3 µg/m^3		>0.8 µg/m^3	
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter * BAAQMD strongly recommends implementing all feasible fugitive dust management practices especially when construction projects are located near sensitive communities, including schools, residential areas, or other sensitive land uses. Source: Bay Area Air Quality Management District, 2022				

The air quality assessment for the project (Appendix A) used the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 to estimate air pollutant emissions from construction and operation of the project at buildout.[5]

Construction Emissions

CalEEMod computes annual emissions for construction based on the project type, size and acreage. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions (e.g., from tractors, backhoes, etc.), while offsite activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on information provided by the project applicant.

The project land use types and size, and anticipated construction schedule were input to CalEEMod, as shown on Table 4.

[5] CalEEMod quantifies ozone precursors, criteria pollutants, and greenhouse gas emissions from the construction and operation of new land use development and linear projects in California.

Table 4 Construction Land Uses Entered into CalEEMod				
Project Land Uses	**Size**	**Units**	**Square Feet**	**Acreage**
Casa Inclusiva (1347 E. Julian St) (2024-2025)				
Apartments Mid Rise	45	Dwelling Units	44,605	0.52
Strip Mall	2.45	1,000-ft	2,454	
Parking Lot	16	Parking Spaces	5,889	
Unenclosed Parking Structure with Elevator	5	Parking Spaces	3,112	
Vila de Camila (1325 E. Julian St) (2025-2028)				
Apartments Mid Rise	633	Dwelling Units	533,537	3
Strip Mall	11.44	1,000-sf	11,437	
Parking Lot	8	Parking Spaces	1,458	
Enclosed Parking Structure with Elevator	174	Parking Spaces	90,512	
Residencias Arianna (1298 Tripp Ave) (2027-2029)				
Apartments Mid Rise	235	Dwelling Units	206,018	1.49
Strip Mall	0.82	1,000-sf	821	
Enclosed Parking Structure with Elevator	90	Parking Spaces	44,101	

The construction equipment worksheet provided by the applicant included the schedule for each phase, projected equipment usage, and estimated truck hauling volumes. Within each phase, the quantity of equipment to be used along with the average hours per day and total number of workdays were provided. Since different equipment would have varying estimates of the working days per phase, the equipment usage hours per day for each phase was computed by dividing the total number of hours that the equipment would be used by the number of days in that phase. The construction schedule included the following build-out timeline:

- Casa Inclusiva would begin construction in October 2024 and built out over a period of approximately 12 months, or 262 construction workdays.

- Vila de Camila would begin September 2025 and built out over a period of 33 months, or 697 construction workdays.

- Residencias Arianna would begin in June 2027 and built out over a period of approximately 21 months, or 465 construction workdays.

The earliest full calendar year of simultaneous operation of all three project components, following completion of construction, was assumed to be 2030.

Average daily emissions were annualized for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 5 shows the annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 5, predicted annualized project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction.

Table 5 Construction Period Emissions				
Year	**ROG**	**NOx**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Construction Emissions Per Year (Tons)				
2024 (Casa Inclusiva)	0.02	0.19	0.01	0.01
2025 (Casa Inclusiva and Vila de Camila)	0.37	0.52	0.01	0.01
2026 (Vila de Camila)	0.16	0.74	0.01	0.01
2027 (Residencias Arianna and Vila de Camila)	3.41	2.11	0.05	0.04
2028 (Residencias Arianna and Vila de Camila)	0.89	0.59	0.01	0.01
2029 (Residencias Arianna)	1.48	0.13	<0.01	<0.01
Average Daily Construction Emissions Per Year (pounds/day)				
2024 (66 construction workdays)	0.61	5.88	0.26	0.24
2025 (261 construction workdays)	2.82	3.97	0.11	0.10
2026 (261 construction workdays)	1.22	5.68	0.11	0.10
2027 (261 construction workdays)	26.13	16.14	0.35	0.33
2028 (131 construction workdays)	16.30	1.45	0.02	0.02
2029 (181 construction workdays)	10.89	7.38	0.17	0.15
Total Average Daily (1,161 days)	10.89	7.38	0.17	0.15
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices (BMPs) are implemented to reduce these emissions. The standard permit condition below includes implementation of BAAQMD's basic BMPs.

Standard Permit Conditions

Construction-related 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.

- Limit all vehicle speeds on unpaved roads to 15 mph.

- Replant vegetation in disturbed areas as quickly as possible.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

The proposed project would not exceed the BAAQMD thresholds for construction air quality emissions (see Table 5). With incorporation of standard permit conditions identified above, the proposed project would have a less than significant impact related to resulting in a cumulatively considerable net increase of any criteria pollutant during construction.

Operational Emissions

Operational air emissions from the projects would be generated primarily from autos driven by future residents, employees, and customers. Evaporative emissions from architectural coatings and household products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from the operation of each proposed Project component assuming full build-out, as described in Appendix A.

Annual emissions were predicted using CalEEMod and daily emissions were calculated assuming 365 days of operation. Table 6, 7, and 8 shows unmitigated net average daily operational emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during the first calendar year that each project component would be completed and operating. Table 9 shows unmitigated net average daily operational emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during the first calendar year that all the project components are completed and operating. None of the unmitigated operational period emissions exceed the BAAQMD significance thresholds.

Table 6 Operational Period Emissions – Casa Inclusiva				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2026 Annual Project Operational Emissions (*tons/year*)	0.35	0.08	0.07	0.014
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2026 Daily Project Operational Emissions (*pounds/day*)[1]	1.94	0.45	0.37	0.07
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Notes: [1]Assumes 365-day operation.				

Table 7 Operational Period Emissions – Residencias Arianna				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2030 Annual Project Operational Emissions (*tons/year*)	1.46	0.25	0.61	0.16
2023 Existing Use Emissions (*tons/year*)	0.46	0.19	0.09	0.02
Net Annual Emissions (*tons/year*)	1.00	0.06	0.52	0.14
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2030 Daily Project Operational Emissions (*pounds/day*)[1]	5.48	0.35	2.84	0.75
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Notes: [1]Assumes 365-day operation.				

Table 8 Operational Period Emissions – Vila de Camila				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2029 Annual Project Operational Emissions (*tons/year*)	3.98	0.78	0.72	0.14
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2029 Daily Project Operational Emissions (*pounds/day*)[1]	21.84	4.26	3.95	0.75
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Notes: [1]Assumes 365-day operation.				

Table 9 Operational Period Emissions – First Year of Full Build-Out Operation				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2030 Annual Projects Operational Emissions (*tons/year*)	5.73	1.06	2.61	0.67
2022 Existing Use Emissions (*tons/year*)	0.46	0.19	0.09	0.02
Net Annual Emissions (*tons/year*)	5.27	0.87	2.52	0.65
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2029 Daily Projects Operational Emissions (*pounds/day*)[1]	28.90	4.76	13.79	3.58
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Notes: [1]Assumes 365-day operation.				

The proposed project would not exceed operational thresholds for operational air quality emissions, resulting in a less than significant impact. With incorporation of standard permit conditions the proposed project would have a less than significant impact related to resulting in a cumulatively considerable net increase of any criteria pollutant.

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

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. The project would not include the installation of any emergency generators powered by a diesel engine but would generate some traffic consisting of mostly light-duty gasoline-powered vehicles, which would produce TAC and air pollutant emissions.

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

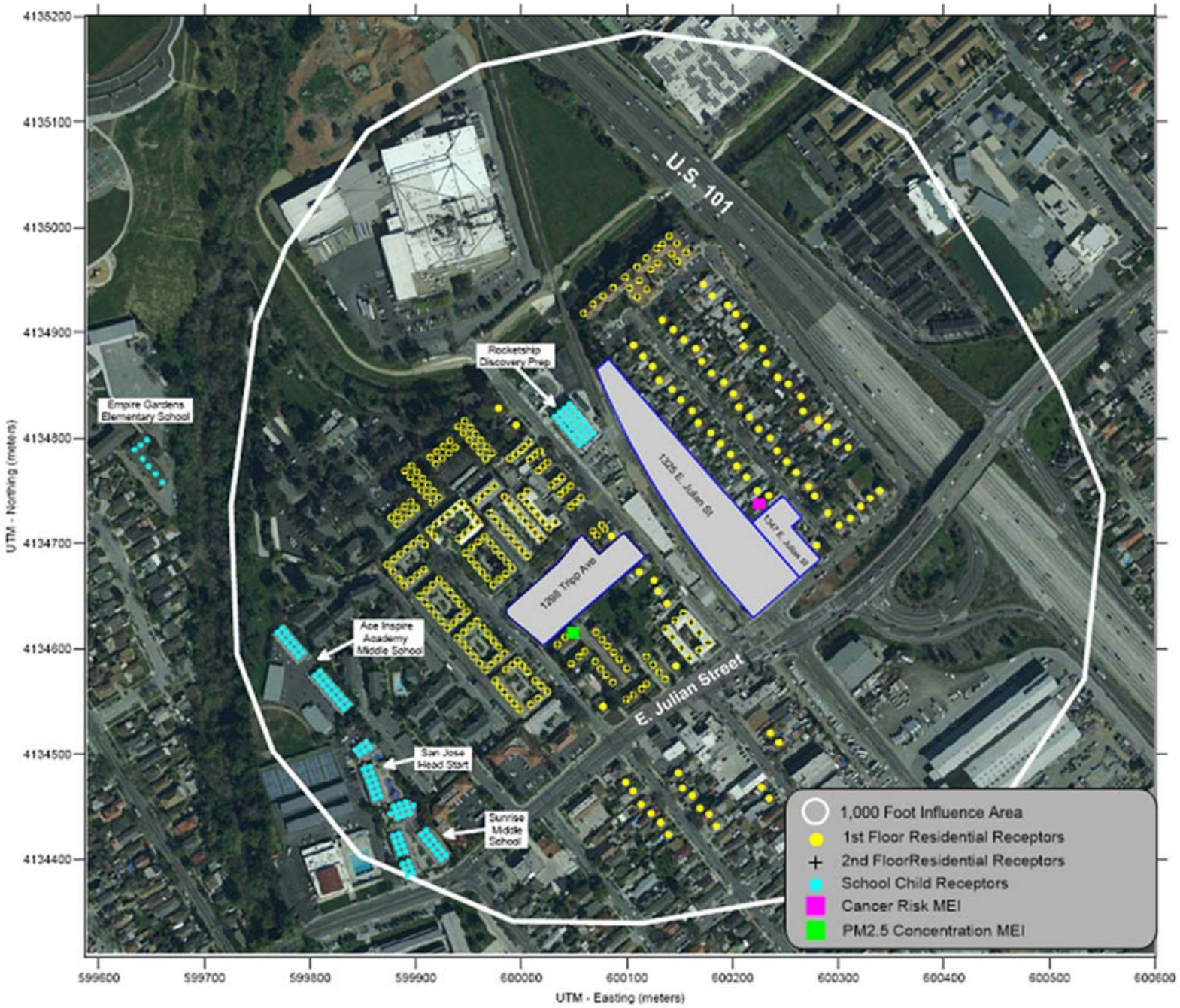
Community Health Risk Impacts Associated with Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$.[6] This assessment included dispersion modeling to predict the offsite and onsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. The project would introduce new sensitive receptors in the form of residents.

Receptors for this assessment included locations where sensitive populations would be present for extended periods of time (i.e., chronic exposures). This includes the nearby existing residences and schools that are indicated in Figure 29. Residential receptors are assumed to include all receptor groups (i.e., third trimester, infants, children, and adults) with almost continuous exposure to project emissions. There is a preschool and four schools in the nearby area with children, ages one to 13. While there are additional sensitive receptors within 1,000 feet of the project site, the receptors chosen are adequate to identify maximum impacts from the project.

[6] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.



Source: Illingworth & Rodkin, June 2023

Location of Nearby Sensitive Receptors and Maximally Exposed Individual

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure 29

The maximum modeled annual DPM and $PM_{2.5}$ concentrations were assessed for the entire construction period that included all three project components. Results of this assessment indicated that the construction MEI for cancer risk and $PM_{2.5}$ occurred at different locations. The cancer risk MEI was located on the first floor (5 feet) of an adjacent residence northwest of the 1347 E. Julian Street site. The annual $PM_{2.5}$ concentration MEI was located on the first floor (5 feet) of an adjacent residence south of the 1298 Tripp Avenue site. The location of the cancer risk and $PM_{2.5}$ MEIs are shown in Figure 29. Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with construction activities at the nearby schools. The maximum increased cancer risks were adjusted using infant and/or child exposure parameters. The maximum uncontrolled school health risk impacts occurred at Rocketship Discovery Prep school west of the 1325 E. Julian Street site. Table 10 lists the health risks from construction at the location of the residential construction MEIs and maximum school receptor.

The unmitigated maximum cancer risks and annual $PM_{2.5}$ concentration from construction activities at the project residential MEI locations would exceed or be at the single-source significance thresholds. However, with the incorporation of the Mitigation Measures AQ-1 and AQ-2 (see below), the mitigated risk would no longer exceed the significance thresholds. The unmitigated annual non-cancer hazards from construction activities would be below the single-source significance threshold. In addition, the maximum cancer risk, $PM_{2.5}$ concentrations and HIs at all nearby schools would not exceed their respective BAAQMD single-source significance thresholds.

Table 10
Construction Risk Impacts at the Off-Site Receptors

Source		Cancer Risk[1] (per million)	Annual $PM_{2.5}$[1] ($\mu g/m^3$)	Hazard Index
Project Construction – **Residential Exposure**				
	Unmitigated	**10.11 (infant)**	**0.34**	0.01
	Mitigated*	4.72 (infant)	0.28	0.01
	BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	***Yes***	***Yes***	*No*
	Mitigated*	*No*	*No*	*No*
Project Construction – **Maximum School Exposure**				
(Rocketship Discovery Prep)	Unmitigated	2.12 (child)	0.03	>0.01
	Mitigated*	1.41 (child)	0.03	<0.01
	BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*
	Mitigated*	*No*	*No*	*No*

Notes: [1] Maximum cancer risk and PM2.5 concentration occur at different receptor locations.
[2] Construction equipment with Tier 4 interim engines and enhanced BMPs as Mitigation Measures.

The standard permit condition identified under impact b) includes implementation of BAAQMD's standard BMPs. However, for this analysis, both basic and enhanced BMPs are required since the unmitigated fugitive dust emissions from project construction sources are at the BAAQMD single-source threshold for the health risk analysis. Mitigation Measure AQ-1 includes implementation of BAAQMD's enhanced construction mitigation measures.

Impact AQ-1: The proposed project would result in fugitive dust exceeding the Bay Area Air Quality Management District (BAAQMD) annual threshold of 0.3 particulate matter of 2.5 microns ($PM_{2.5}$) as a result of construction activities.

Mitigation Measures

MM AQ-1 The following enhanced measures to reduce PM_{10} and $PM_{2.5}$ from construction would be incorporated onto the project plans and implemented throughout construction to ensure that short-term health impacts to nearby sensitive receptors are avoided.

- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

With implementation of the standard permit conditions and the enhanced BAAQMD measures provided in Mitigation Measure AQ-1,[7] the proposed project would have a less than significant impact related to fugitive dust emissions during construction.

Community Health Risk Impacts Associated with Operation

The proposed project consists of mixed-use developments located on three sites. Heavy-duty diesel truck traffic or stationary equipment that could emit substantial TACs (e.g., emergency generators or fire pumps) are not generated by this type of project. Diesel powered vehicles are the primary concern with local traffic-generated TAC impacts. Per BAAQMD recommended risks and methodology, a road with less than 10,000 total vehicle per day is considered a low-

[7] The full list of BAAQMD enhanced measures was not included for this project as implementation of the identified measures was sufficient to mitigate emissions below fugitive dust thresholds.

impact source of TACs.[8] The project would generate 3,435 new net daily trips (inclusive of all three project sites) when taking into account the existing use and various trip reductions.[9] The project traffic would be dispersed on the roadway system with a majority of the trips being from light-duty vehicles (i.e., passenger automobiles), which is a fraction of 10,000 daily vehicles. In addition, projects with the potential to cause or contribute to increased cancer risk from traffic include those that attract high numbers of diesel-powered on road trucks or use off-road diesel equipment on site, such as a warehouse distribution center, a quarry, or a manufacturing facility. Therefore, emissions from project operation are considered negligible and are not analyzed in further detail.

Cumulative Community Health Risk at Construction MEI

Health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors located within 1,000 feet of a project site (i.e., influence area). These sources include rail lines, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. As identified in Figure 29, the construction MEIs for cancer risk and $PM_{2.5}$ concentration are also the project MEIs. At this location, the MEIs would be exposed to six years of project construction. The annual $PM_{2.5}$ concentration and HI values are based on an annual maximum risk for the entirety of the project. Table 11, below, reports maximum off-site cumulative impacts from construction of the project. The project would have an exceedance with respect to health risk caused by project construction activities, since the maximum unmitigated cancer risk and annual $PM_{2.5}$ concentration exceeds or meets the BAAQMD single-source threshold for residential uses. This is a significant impact.

Table 11
Cumulative Health Risk Impact at the Location of the Project MEIs[10]

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impacts at MEIs				
Project Construction	Unmitigated	**10.11 (infant)**	**0.34**	0.01
	Mitigated	4.72 (infant)	0.28	0.01
BAAQMD Single-Source Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	***Yes***	***Yes***	*No*
	Mitigated	*No*	*No*	*No*
Cumulative Sources				
U.S. 101, ADT 156,000		5.83	0.02	<0.01
E. Julian Street, ADT 13,500		0.53	0.03	<0.01
Eggo Company (Facility ID #5582, Manufacturing), MEI at 950 feet				
	Generator (based on screening)	0.30	<0.00	<0.00

[8] BAAQMD, 2012, *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0.* May. Web: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en

[9] Hexagon Transportation Consultants, Inc., *Five Wounds Residential Mixed-Use Developments Draft Local Transportation Analysis,* October 27, 2022.

[10] As discussed previously, the CalEEMod construction emissions were updated based on revised development schedules for the proposed project.

Table 11 Cumulative Health Risk Impact at the Location of the Project MEIs[10]			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Boiler (based on $PM_{2.5}$ dispersion modeling) Conveyors (based on screening)	0.09 <0.01	0.01 <0.01	<0.01 <0.01
Verizon Wireless (Hwy 101/Julian) (Facility ID #18356, Information), MEIs at +1,000 feet	0.05	<0.01	<0.01
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), MEIs at 700 & 375 feet	0.57	-	<0.01
Therma LLC (Facility ID #23894, Manufacturing)	Site Removed		
Combined Sources Unmitigated Mitigated	 46.28 10.13	 0.42 0.36	 0.07 0.07
BAAQMD Cumulative Source Threshold	***100***	***0.8***	***10.0***
Exceed Threshold? Unmitigated Mitigated	 *No* *No*	 *No* *No*	 *No* *No*

Impact AQ-2: Project construction would result in an infant cancer risk of 10.11 in one million and annual $PM_{2.5}$ emissions of 0.34 $\mu g/m^3$, at the maximally exposed individuals (MEIs), which exceeds the BAAQMD's cancer risk significance thresholds.

Mitigation Measures

MM AQ-2 Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction operations plan with equipment verified by an air quality specialist that demonstrates off-road equipment used on-site to construct the project would achieve a fleet-wide average of a 10 percent reduction or more in diesel particulate matter (DPM) exhaust emissions. Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM_{10} and $PM_{2.5}$).
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 10 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
    - Use of electrical or non-diesel fueled equipment.

- As an alternative to the measures above, the project applicant could request a plan from a qualified air quality specialist that reduces on and near-site construction diesel particulate matter emissions by a minimum of 10 percent or greater. The plan shall be submitted to the City of San José Director of Planning, Building and Code Enforcement ort the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

CalEEMod was used to compute emissions associated with both mitigation measures assuming that all equipment would meet U.S. EPA Tier 4 Interim engine standards and BAAQMD basic and enhanced best management practices for construction were included. With these implemented, the project's construction cancer risk levels (assuming infant exposure) would be reduced by 53 percent to 4.72 per million and the $PM_{2.5}$ concentration would be reduced by 18 percent to 0.28 $\mu g/m^3$. As a result, the project's construction risks and hazards would be reduced below the BAAQMD single-source thresholds.

d) **Less Than Significant Impact**. The proposed project consists of three mixed-use developments. The proposed project would not create other emissions including new sources of odor. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. This represents a temporary impact and implementation of abatement measures for construction period emissions identified in c) above would further assure that this impact is less than significant.

Non-CEQA Effects

The project would introduce new residents that are sensitive receptors. In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (CBIA vs. BAAQMD) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA.

However, General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution and the identification of project design measures to avoid significant risks to future residents and users of the project. The project proposes new sensitive receptors (residential occupants) in the proximity of nearby potential TAC sources, as shown in Figure 29. Though not necessarily a CEQA issue, the effect of existing TAC sources on future project receptors was conducted to comply with the 2017 CAP goal of reducing TAC exposure and protecting public health as well as the City's General Plan Policy MS-11.1. The types of uses proposed by the project (residential) would not create a substantial source of localized TACs.

Due to the staggered construction schedule, project residents could occupy a building once it has completed construction. Therefore, it was assumed that the Casa Inclusiva development would be

constructed and have sensitive receptors during the construction of Residencias Arianna and Vila de Camila projects. The construction analysis for the new residents was conducted in the same manner as described above for the off-site MEI. Receptors were placed within the residential building footprint of the Casa Inclusiva site at 1347 E. Julian and were spaced every 23 feet (7 meter). Receptor heights of 29 feet (8.8 meters) and 38 feet (11.7 meters) were used representing sensitive receptors on the second and third floors of the building. The second floor is the first level with residential units, the first floor will only serve commercial uses. Maximum increased cancer risks were calculated for Casa Inclusiva residents using the maximum modeled TAC concentrations. Maximum construction impacts would occur at the second-floor level of the building, as shown in Figure 29. The on-site health risk impacts are shown in Table 12 for Casa Inclusiva. There would be no sensitive receptors exposed to construction TAC sources at the Residencias Arianna or Vila de Camila sites.

A review of the project area indicates that traffic on US Highway 101 and East Julian Street has an average daily traffic (ADT) of over 10,000 vehicles, which are considered sources of TACs. All other roadways within the area are assumed to have an ADT that is less than 10,000 vehicles. A review of BAAQMD's stationary source map website identified four stationary TAC sources with the potential to affect the project MEI, as shown on Figure 29. This project would not introduce any new TAC sources, such as generators.

Roadway Sources. To assess potential health impacts at the project site from traffic on US Highway 101 and East Julian Street, the health risk (potential cancer risks) impacts were computed using modeled TAC and $PM_{2.5}$ concentrations from traffic. For the purposes of the modeling, average speed on US Highway 101 was assumed to be 60 miles per hour (mph), while average traffic speed on East Julian Street was assumed to be 30 mph. Vehicle traffic on the roadways was modeled using a series of volume sources along a line (line volume sources); with line segments used for opposing travel directions on each roadway. The same meteorological data and off-site sensitive receptor MEI locations from the previous project impact dispersion modeling were used in the roadway modeling. Other inputs to the model included road geometry, hourly traffic emissions, and receptor locations and heights. The traffic-related cancer risk, $PM_{2.5}$ concentration, and HI impacts on the project MEIs are shown in Tables 12, 13, and 14. Figure 30 shows the roadway links used for the modeling and receptor locations where concentrations were calculated. Concentrations were calculated at the project MEI with receptor heights of 5 feet (1.5 meters) to represent the breathing heights at the MEI receptors. TAC and $PM_{2.5}$ concentrations from traffic on US Highway 101 and East Julian Street at the project sites will decrease with distance from the respective roadways and with increasing height (floor levels).

Stationary Sources. Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Permitted Stationary Sources 2020* GIS website.[11] Of the four sources identified, one source was a gas dispensing facility, while the other three sources were considered generic sources. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. BAAQMD provided updated emissions data and screening risk values. Upon further evaluation, one of the three generic sources (Plant 23894, Therma LLC) was found to have been closed and was no longer considered a stationary source of emissions. The remaining three stationary sources are described below:

[11] BAAQMD, Web: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3

Source: Illingworth & Rodkin, June 2023

Nearby TAC and $PM_{2.5}$ Sources

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure 30

- Plant 5582, Eggo Company, which manufactures food products, affects the project area. This source includes conveyors, boilers, and an emergency generator powered by diesel. BAAQMD's Health Risk Calculator Beta 4.0 was used to predict screening level risks based on the 2022 emissions report. Emissions for Plant 5582, which were provided by BAAQMD, are entered into the calculator. Particulate matter emissions from the conveyor includes all particulate sizes. To assess $PM_{2.5}$ emissions, the PM size profile that BAAQMD provides was used. The conveyor source was assumed to fall under PM Profile 778 "EPA Avg: Food and Agriculture" with a weight fraction of $PM_{2.5}$ to total particulates of 0.14, 14 percent by weight $PM_{2.5}$. Screening $PM_{2.5}$ concentrations computed using the calculator for the natural gas boiler exceed single-source thresholds. Therefore, dispersion modeling for this source was conducted. The facility boiler was modeled as a point source centrally located on the roof of the Kellogg (Eggo) building using AERMOD along with meteorological data and receptors described previously for other sources. $PM_{2.5}$ emissions and source parameters used for the modeling are provided in Appendix A, Attachment 5.

- Plant 18356, Verizon Wireless, is a diesel-powered generator. Screening risks provided by BAAQMD were used with the Distance Adjustment Multiplier Tool for internal combustion engines to account for the distance between source and receptor.

- Plant 110689-1, Mobil SS#63175, is a gasoline dispensing facility. Screening risks provided by BAAQMD were used with the Distance Adjustment Multiplier Tool for Gasoline Dispensing Facility to account for the distance between source and receptor.

For this project, the sensitive receptors identified in Figure 30 as the construction MEIs for cancer risk and $PM_{2.5}$ concentration are also the project MEIs. At this location, the MEIs would be exposed to six years of project construction. The annual $PM_{2.5}$ concentration and HI values are based on an annual maximum risk for the entirety of the project. Tables 12, 13, and 14, below, reports both the project and cumulative health risk impacts at the sensitive receptor most affected by project construction (i.e., the MEIs).

Table 12
Health Risk Impacts for Casa Inclusiva (1347 E. Julian Street)

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Sources			
Construction Impacts			
Unmitigated	**13.37**	0.07	0.01
Mitigated	**10.64**	0.07	0.01
COA MERV13	4.21	0.02	<0.01
Existing TAC Sources			
U.S. 101, ADT 156,000	3.30	0.05	<0.01
E. Julian, ADT 13,500	0.41	0.02	<0.01
Eggo Company (Facility ID #5582, Manufacturing), MEI at >1,000 feet			
Generator (based on screening)	0.29	<0.01	0.00
Boiler (based on $PM_{2.5}$ dispersion modeling)	0.08	0.02	<0.01
Conveyors (based on screening)	0.00	0.01	0.01
Verizon Wireless (Hwy 101/Julian) (Facility ID #18356, Information), MEI at ~1,000	0.05	0.00	0.00

Table 12 Health Risk Impacts for Casa Inclusiva (1347 E. Julian Street)			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), MEI at 475 feet	0.98	0.00	<0.01
Therma LLC (Facility ID #23894, Manufacturing)	Site removed		
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?			
Unmitigated	***Yes***	*No*	*No*
Mitigated	***Yes***	*No*	*No*
COA MERV13	*No*	*No*	*No*
Combined Sources			
Unmitigated	18.48	<0.18	<0.06
Mitigated	15.75	<0.18	<0.06
COA MERV13	9.32	<0.13	<0.06
BAAQMD Cumulative Source Threshold	***100***	***0.8***	***10.0***
Exceed Threshold?	*No*	*No*	*No*

Table 13 Health Risk Impacts for Residencias Arianna (1298 Tripp Avenue)			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Existing TAC Sources			
U.S. 101, ADT 156,000	2.48	0.03	<0.01
E. Julian, ADT 13,500	0.46	0.02	<0.01
Eggo Company (Facility ID #5582, Manufacturing), MEI at 885 feet			
Generator (based on screening)	0.37	0.01	0.00
Boiler (based on $PM_{2.5}$ dispersion modeling)	0.10	0.02	<0.01
Conveyors (based on screening)	0.00	<0.01	0.00
Verizon Wireless (Hwy 101/Julian) (Facility ID #18356, Information), MEI at ~1,000	0.05	0.00	0.00
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), MEI at 420 feet	1.30	0.00	<0.01
Therma LLC (Facility ID #23894, Manufacturing)	Site removed		
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?	*No*	*No*	*No*
Combined Sources	<4.76	<0.09	<0.04
BAAQMD Cumulative Source Threshold	*100*	*0.8*	*10.0*
Exceed Threshold?	*No*	*No*	*No*

Table 14 Health Risk Impacts for Vila de Camila (1325 E. Julian Street)			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Existing TAC Sources			
U.S. 101, ADT 156,000	4.52	0.06	<0.01
E. Julian, ADT 13,500	0.96	0.05	<0.01

Table 14 Health Risk Impacts for Vila de Camila (1325 E. Julian Street)			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Eggo Company (Facility ID #5582, Manufacturing), MEI at 450 feet			
Generator (based on screening)	0.88	<0.01	0.00
Boiler (based on $PM_{2.5}$ dispersion modeling)	0.21	0.04	<0.01
Conveyors (based on screening)	0.00	0.01	0.00
Verizon Wireless (Hwy 101/Julian) (Facility ID #18356, Information), MEI at ~1,000	0.05	0.00	0.00
Mobil SS#63175 (Facility ID #110689_1, Gas Dispensing Facility), MEI at 650 feet	0.67	0.00	<0.01
Therma LLC (Facility ID #23894, Manufacturing)	Site removed		
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold?	*No*	*No*	*No*
Combined Sources	7.29	0.17	<0.04
BAAQMD Cumulative Source Threshold	*100*	*0.8*	*10.0*
Exceed Threshold?	*No*	*No*	*No*

The Health Risk Impact results on the proposed projects are described below:

- Unmitigated construction would exposures of cancer risk a that exceed single-source thresholds at the 1347 E. Julian Street site. Implementation of Mitigation Measures AQ-1 and AQ-2 would still not reduce construction period impacts to below the single-source thresholds. A Condition of Approval is recommended to install and maintain MERV13 air filtration at the 1347 E. Julian Street site throughout the other sites' construction periods.

- Impacts from traffic and stationary sources would not exceed the single-source thresholds at any of the sites.

- The cumulative cancer risk and maximum annual $PM_{2.5}$ concentration would not exceed the BAAQMD cumulative-source thresholds.

- The annual HI from the project's unmitigated and mitigated impacts, as well as the impacts from the other nearby sources, do not exceed the single- and cumulative-source thresholds.

The project would include the following condition of approval to reduce project receptor exposures at the 1347 E. Julian Street site to cancer risk.

Condition of Approval

Filtration in ventilation systems at the project site would be recommended to reduce the level of harmful pollutants to below the significant thresholds. The significant exposure for new project receptors is judged by two effects: 1) increased cancer risk, and 2) annual $PM_{2.5}$ concentration. Exposure to cancer risk from the construction of 1325 E. Julian Street and 1298 Tripp Avenue are above the thresholds. The cancer risks from construction are based on exposure to DPM from the exhaust of construction equipment. Reducing particulate matter exposure would reduce both annual $PM_{2.5}$ exposures and cancer risk.

The project shall include the following measures to minimize long-term increased cancer risk and annual $PM_{2.5}$ exposure for new project occupants:

- Install air filtration for the entire residential building. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, shall filter all fresh air that would be circulated into the dwelling units.

- Design the ventilation system to keep the building at positive pressure when doors and windows are closed to reduce the intrusion of unfiltered outside air into the building.

- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required that includes regular filter replacement throughout the construction of the other project sites.

- Ensure that the use agreement and other property documents: 1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, 2) include assurance that new owners or tenants are provided information on the ventilation system, and 3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

A properly installed and operated ventilation system with MERV13 would achieve an 80-percent reduction for small particulates.[12] The overall effectiveness calculations take into account the amount of time spent outdoors and away from home. Assuming that the filtration system is 80-percent effective and the individual is being exposed to 21 hours of indoor filtered air and three hours of outdoor unfiltered air, then the overall effectiveness of a MERV13 filtration system would be about 70-percent for $PM_{2.5}$ exposure. This would reduce the cancer risk from the other projects' construction on 1347 E. Julian Street to 4.21 per million. With this Condition of Approval design feature, impacts from construction would be below their respective single-source threshold.

Conclusion: The project would have a less than significant impact on air quality with implementation of mitigation measures and standard permit conditions.

[12] Bay Area Air Quality Management District (2016). Appendix B: Best Practices to Reduce Exposure to Local Air Pollution, *Planning Healthy Places A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning* (p. 38). http://www.baaqmd.gov/~/media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

D. BIOLOGICAL RESOURCES

The Casa Inclusiva and Vila de Camila project sites contain 11 and 5 trees, respectively, that would be removed to make way for the proposed developments. In addition, the Residencias Arianna project site contains 16 trees that are proposed for removal. An arborist report was prepared to document the existing trees within and adjacent to the at the Residencias Arianna project site by Bo Firestone Consulting & Design (April 2022), and is contained in Appendix B. Information regarding tree removal from the Casa Inclusiva and Vila de Camila project sites was noted on the plans for each development, which are also included in Appendix B. The conclusions and recommendations of this report are discussed in the following section.

Regulatory Framework

Federal and State

Special-Status Species

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

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species 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 Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation,

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

In addition, the HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

The City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors (City of San José 2016). 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. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

General Plan Policies

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

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-2.1	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).
Policy ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
Policy ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not

Envision San José 2040 Relevant Biological Resource Policies	
	feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Existing Setting

As discussed above, all three of the project sites contain mature trees. In addition, mature trees are located adjacent to this site. The Residencias Arianna project site is currently occupied of two multi-family apartment buildings and two single-family residences across four parcels, while the Casa Inclusiva and Vila de Camila project sites are vacant. Due to the disturbed nature of the project site, it is considered to have a relatively low habitat value. The northern boundary of the Vila de Camila site is located about 200 feet from Lower Silver Creek. The Residencias Arianna project site is located approximately 800 feet from Coyote Creek. This site contains some landscaping and onsite trees in various configurations. In addition, sidewalk street trees front the Residencias Arianna project site.

A tree survey was completed for the Residencias Arianna project site by Bo Firestone Consulting & Design (April 2022), and is contained in Appendix B. The results of the tree survey are presented below in Table 15 below. Tables 16 and 17 show the trees proposed for removal at the Vila de Camila and Casa Inclusiva project sites, respectively. Tree location maps for the Vila de Camila and Casa Inclusiva project sites are provided in Appendix B.

Table 15
Tree Survey Results -Residencias Arianna

No.	Species	Scientific Name	Trunk Diameter (inches)	Condition	Proposed Action
1	Chinese Juniper	*Juniperus chinesis*	11	Poor	Remove
2^	Hollywood Juniper	*Juniperus chinesis "Tourlosa"*	9	Good	Retain
3^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
4^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
5^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain

Table 15 Tree Survey Results -Residencias Arianna					
No.	**Species**	**Scientific Name**	**Trunk Diameter (inches)**	**Condition**	**Proposed Action**
6^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
7^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
8^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
9^	Italian Cypress	*Cupressus sempervirens*	8	Good	Retain
10^	**Raywood Ash**	***Fraxinus oxycarpa 'Raywood'***	**14**	**Poor**	**Retain**
11^	**Raywood Ash**	***Fraxinus oxycarpa 'Raywood'***	**12**	**Fair**	**Retain**
12^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
13^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
14^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
15^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
16^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
17^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
18^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
19^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
20^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
21^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
22^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
23^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
24^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
25^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
26^	Italian Cypress	*Cupressus sempervirens*	6	Good	Retain
27	Fig	*Ficus carica*	6	Fair	Remove
28^	**Avocado**	***Persea americana***	**(2) 10**	**Good**	**Retain**
29	**Tree of Heaven**	***Ailanthus altissima***	**24, 10**	**Fair**	**Retain**
30	**Tree of Heaven**	***Ailanthus altissima***	**12**	**Fair**	**Retain**
31	Guava species	*Psidum spp.*	8	Fair	Retain
32	Guava species	*Psidum spp.*	6	Fair	Retain
33	Lemon	*Citrus limon*	4	Fair	Retain
34	Apple	*Malus spp.*	4	Poor	Retain

Table 15
Tree Survey Results -Residencias Arianna

No.	Species	Scientific Name	Trunk Diameter (inches)	Condition	Proposed Action
35	Apple	*Malus spp.*	4	Poor	Retain
36	Citrus	*Citrus spp.*	6	Fair	Retain
37	**Tree of Heaven**	***Ailanthus altissima***	**(2) 10**	**Fair**	**Retain**
38	Tree of Heaven	*Ailanthus altissima*	9	Fair	Retain
39	Tree of Heaven	*Ailanthus altissima*	4	Fair	Remove
40	Tree of Heaven	*Ailanthus altissima*	8	Fair	Remove
41	Avocado	*Persea americana*	6	Fair	Remove
42*	**Chinese Hackberry**	***Celtis sinensis***	**14**	**Fair**	**Remove**
43	Tree of Heaven	*Ailanthus altissima*	10	Fair	Remove
44*	**Sawleaf Zelkova**	***Zelkova serrata***	**23**	**Fair**	**Retain**
45*	**Sawleaf Zelkova**	***Zelkova serrata***	**29**	**Fair**	**Retain**
46*	**Sawleaf Zelkova**	***Zelkova serrata***	**24**	**Good**	**Retain**
47*	**Sawleaf Zelkova**	***Zelkova serrata***	**31**	**Fair**	**Retain**
48*	**Modesto Ash**	***Fraxinus velutina***	**37**	**Fair**	**Retain**
49*	**Modesto Ash**	***Fraxinus velutina***	**35**	**Fair**	**Retain**
50	Juniper	*Juniperus spp.*	8	Poor	Remove
51*	**Modesto Ash**	***Fraxinus velutina***	**39**	**Fair**	**Retain**
52	Weeping Bottlebrush	*Callistemon viminalis*	6	Poor	Remove

Ordinance size trees are shown in **bold**.
*Indicates street tree.
^Indicates off-site tree
Source: Bo Firestone Consulting & Design, Arborist Report, April 2022

Table 16
Tree Survey Results – Vila de Camila

No.	Species	Scientific Name	Trunk Diameter (inches)	Proposed Action
1	**Siberian Elm**	***Ulmus pumila***	**20**	**Remove**
2	**Tree of Heaven**	***Ailanthus altissima***	**12, 12, 10, 10, 15**	**Remove**
3	**Tree of Heaven**	***Ailanthus altissima***	**6, 8, 10, 12**	**Remove**
4	**Mexican Fan Palm**	***Washingtonia robusta***	**18**	**Remove**
5	**Mexican Fan Palm**	***Washingtonia robusta***	**24**	**Remove**

Ordinance size trees are shown in **bold**.
Source: Taniguchi Landscape Architecture, July 2022

Table 17
Tree Survey Results - Casa Inclusiva

No.	Species	Scientific Name	Trunk Diameter (inches)	Proposed Action
1	London Plane Tree	*Platanus acerifolia cvs.*	8	Remove
2	**London Plane Tree**	***Platanus acerifolia cvs.***	**12**	**Remove**
3	London Plane Tree	*Platanus acerifolia cvs.*	11	Remove
4	**London Plane Tree**	***Platanus acerifolia cvs.***	**18**	**Remove**
5	Shiny Xylosma	*Xylosma congestum*	5	Remove
6	**Shiny Xylosma**	***Xylosma congestum***	**8, 4**	**Remove**
7	Shiny Xylosma	*Xylosma congestum*	6, 3	Remove
8	Shiny Xylosma	*Xylosma congestum*	6	Remove

Table 17 Tree Survey Results - Casa Inclusiva				
No.	**Species**	**Scientific Name**	**Trunk Diameter (inches)**	**Proposed Action**
9	Shiny Xylosma	*Xylosma congestum*	6	Remove
10	Shiny Xylosma	*Xylosma congestum*	6	Remove
11	Shiny Xylosma	*Xylosma congestum*	7	Remove
Ordinance size trees are shown in **bold**. Source: Taniguchi Landscape Architecture, July 2022				

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		1, 2
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?				X	1, 2
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?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 8
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?			X		1, 2, 9, 10

Explanation

a) **Less Than Significant with Mitigation Incorporated**. The project sites consist of developed or otherwise disturbed sites consisting of disturbed and ruderal habitat. Ruderal and disturbed habitat types are generally considered to have low value for natively occurring biological

resources.[13] However, all three project sites contain mature trees which may provide nesting habitat for migratory birds, including raptors (birds of prey) (see additional discussion under e below). In addition, there are mature street trees adjacent to this project site. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. These species could be disturbed during tree removal and construction activities.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measures

MM BIO-1 The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 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/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist/biologist, 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, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

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

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors would be less than significant.

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13 https://help.natureserve.org/biotics/content/record_management/Element_Files/Element_Tracking/ETRACK_Ruderal.htm#:~:text=Ruderal%20vegetation%20is%20defined%20as,characteristic%20species%20combination%2C%20whether%20tree%2C

b) **Less Than Significant Impact**. The project site is located on disturbed properties that do not contain any sensitive natural communities. The northern boundary of the project site at Vila de Camila is located about 200 feet from Lower Silver Creek. In addition, Coyote Creek is located about 800 feet to the west of the Residencias Arianna project site. The City's Riparian Corridor Policy Protection and Bird-Safe Design Policy applies to projects within 300 feet of a riparian corridor's top of bank or edge of vegetation, whichever is greater. The Vila de Camila project site is located within this 300 foot zone. However, with implementation of the proposed 226 foot setback as shown on Figure 5, the Vila de Camila project would comply with the setback requirement of 100 feet from the nearby riparian area. The other project sites are outside of this 300 foot zone and would not be subject to the Riparian Corridor Policy. Based on this discussion, the project would have a less than significant impact on riparian habitat or other sensitive natural communities.

c) **No Impact**. The project property does not contain any state or federally protected wetlands. See also discussion b) above.

d) **Less Than Significant Impact**. The project is proposed in an urbanized setting surrounded by existing development on most sides and has not been found to contain any native resident or wildlife species. The northern boundary of the Vila de Camila project site is located about 200 feet from Lower Silver Creek, outside the City's 100-foot riparian setback. However, tree removal or other construction activities could potentially disrupt nesting raptors. With the implementation of MM BIO-1, the project would reduce these potential impacts to less than significant. No tree removal is proposed within 200 feet of the riparian area. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

e) **Less Than Significant Impact**. A tree survey was completed for the Residencias Arianna project site (Bo Firestone Consulting & Design, April 2022) and is contained in Appendix B. The results of the tree survey are presented above in Table 15. In addition, tree removal data was provided in the plan sets for the Vila de Camila and Casa Inclusiva project sites (provided in Appendix B), as presented above in Table 16 and Table 17, respectively.

No street trees are proposed for removal at the Vila de Camila and Casa Inclusiva project sites. However, one street tree would be removed from the Residencias Arianna project site. This street tree exceeds 38 inches in circumference (12 inches in diameter) and is protected by the City's Tree Protection Ordinance. There are no designated heritage trees on any of the sites. The Residencias Arianna project proposes to remove trees (see Table 15), the Vila de Camila proposes to remove 5 trees (see Table 16), and the Casa Inclusiva project proposes to remove 11 trees (see Table 17), for a total of 32 trees removed across all three sites (see Tables 15 – 17). The City requires replacement of all removed trees in accordance with the replacement ratios presented below. Street tree removal and replacement must be conducted in consultation with the City's Department of Transportation.

As a part of the development approval, the project will implement the following standard permit conditions to mitigate for impacts to trees. The project, therefore, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

Circumference of Tree to be Removed	Replacement Ratios Based on Type of Tree to be Removed			Minimum Size Replacement Tree**
	Native*	Non-Native	Orchard	
38 inches or greater	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.

  - 26 trees onsite would be removed. 6 trees would be replaced at a 1:1 ratio, 11 trees would be replaced at a 2:1 ratio, and the remaining 8 trees would be replaced at a 4:1 ratio. The total number and size of replacement trees required to be planted on-site is 60 trees.

  - If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. 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 with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

With implementation of this standard permit condition, the project would comply with the local policies or ordinances protecting biological resources, resulting in a less than significant impact.

f) **Less Than Significant Impact**. The project is located within the SCVHP plan area and is considered a Covered Activity. The project sites are located on land designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following standard permit condition in accordance with the SCVHP.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan

With implementation of this standard permit condition, the project would comply with the SCVHP, resulting in a less than significant impact.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and permit conditions.

E. CULTURAL RESOURCES

This section is based on a Historic Resources Assessment prepared for the four existing structures at the Residencias Arianna project site by Treanor HL (March 1, 2022). A copy of this report is provided in Appendix C. As stated previously, the project sites at East Julian Street are vacant and do not contain any structures that could be subject to historic evaluation. In addition, a Historical/Archaeological Literature Review and Assessment was prepared by Charles Mikulik Archaeological Consulting (CMAC) for the project (March 2022) (Appendix D, Confidential). *This report may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this Initial Study. Qualified personnel, however, may request a copy of the report from the City's Planning Division.*

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act and California Register of Historical Resources

The California Environmental Quality Act (CEQA) requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing

in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the CRHR. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the CRHR must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

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

Local

Historic Preservation Ordinance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan. The City of San José uses the landmark criteria as a threshold of CEQA for historic resources.

For a historic resource to qualify as a City Landmark or City Landmark Historic District, it must have "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and be one of the following resource types:

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

In addition, the designation must conform to the goals and polices of the General Plan.

General Plan Policies

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

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy 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.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The Historic Resources Inventory (HRI) is a list of citywide historic resources that have been identified as potentially significant and/or documented and evaluated in surveys (including Contributing Structures and Structures of Merit), properties listed in and eligible for listing in the NRHP and CRHR, and properties that are designated or eligible for designation as City Landmarks, City Landmark Districts and Conservation Areas in accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code).

Existing Setting

Archaeologic Resources

A Historical/Archaeological Literature Review and Assessment was completed for the project site by CMAC (March 2022). On February 21, 2022, CMAC conducted a records search at the Northwest Information Center of the California Historical Resources Information System, an adjunct to Sonoma State University. The purpose of this record search was to obtain and review previous cultural resource records, cultural resource studies, and any additional documentation pertaining to historic properties located within a half-mile extent of the project site.

All recorded archaeological sites within ½ mile, and all other cultural resources and studies within and adjacent to the project site were reviewed. Additional research was conducted using available database files, CMAC's library and a search of applicable historic-era maps and aerial imagery.

No Native American archaeological sites have been recorded within approximately ½ mile radius from the project site. No archaeological sites are recorded for the project site. In 1990, David Chavez & Associates conducted an archaeological surface reconnaissance and review for the Bay Area Rapid Transit (BART) extension in Santa Clara County, which included the project site. The results of this previous field survey did not indicate any archaeological sites within the area near Miguelita Creek. The findings of the archaeological review indicate that there is a low to moderate sensitivity for historic-era archaeological deposits, and a moderate to high sensitivity for buried pre-contact archaeological deposits within the project area.

Historic Resources

As discussed above, the Vila de Camila and the Casa Inclusiva project sites do not contain any structures. However, the Residencias Arianna project site is occupied by apartment buildings and single-family residences. A historic report was prepared by TreanorHL (March 2022) for the existing structures at the Residencias Arianna project site, as well as some adjacent structures, including 1298 Tripp Avenue, 349 Wooster Avenue, 380 North 26th Street, 1342 Tripp Avenue, 345 Wooster Avenue, and 341 Wooster Avenue by TreanorHL (March 2022). TreanorHL reviewed available historic records for the project area and determined that the sites and the surrounding area were likely utilized as agricultural and/or ranch land in the late 19th century. While much of downtown San José and its immediate area was urbanized or residential by this time, this area was unincorporated and undeveloped for the first half of the 20th century. The area was annexed into the City of San Jose in the 1950s. In the 1880s, underdeveloped areas within the city limits of San José were subdivided for residential use. Areas that were not yet annexed continued on as agricultural, grazing, or ranch land. The larger block of land encompassing the project site; the area east of Coyote Creek, north of McKee Road (now East Julian Street), west of King Road and south of Mabury Avenue, consisted of approximately 284 undeveloped acres until the mid-20th century.

Less than half a mile from the project site, Highway 101 (or the Bayshore Highway) divides the East-West Citadel neighborhood from the Anne Darling neighborhood to the east. Construction for the Bayshore Highway began in 1924 and took nearly 10 years to reach the City of San José. The Bayshore Highway reached the City and passed the Guadalupe River c. 1937. The name of the Bayshore Highway was changed to the Bayshore Freeway between the 1940s and 1960s, during a period of reconstruction of the freeway to accommodate higher levels of traffic and to address safety concerns. Ramps were added at this time, including two southeast of the project site on East Julian Street. The block, in which the subject properties are located today, was unspecified in its use until 1951 when the Sanborn Insurance Company documented the area. The larger block of land east of Coyote Creek, north of McKee Road (now East Julian Street), and west of Wooster Avenue was not subdivided, and instead had structures irregularly laid on the properties including seven modest sized dwellings, five detached garages, and multiple accessory structures. The area from 300 to 355 Wooster Avenue was labeled as a poultry house and had a hen house in the north end of the parcel. Although research did not reveal any building permits as far back as the 1930s, an address on this block on Wooster Avenue was recorded in the City Directories as early as 1931.

The transformation of the area to a primarily residential neighborhood began in the mid-20th century, following annexation into the City of San Jose. The poultry farm was removed in the 1950s and 1960s, and multiple apartment complexes were built on and around the project block. Streets were created or extended to serve the area. Between 1958 and 1960, North 26th Street was extended further north, and the Julian West apartment complexes west of the project site were completed. In the early 1960s, Wooster Avenue was extended to the 500s block and Tripp Avenue was created. At this time, the

buildings at 1298 Tripp Avenue and 1342 Tripp Avenue were constructed. In the same decade, East Julian Street was extended further east passed Coyote Creek into what was McKee Road, likely to accommodate the ramps leading to the Bayshore Freeway.

While much of the area is predominately residential, light industrial use remains in the surrounding area. California Department of Transportation conducted a historic resources survey of certain properties on the King Road between Mabury Road and McKee Road labelling the area as industrial without specifying the type of industrial use. In the mid-1960s, the Eggo Foods Corporation constructed a warehouse on the large plot of land located at the end of Wooster Avenue, north of the project site. The company has since been changed to Kellogg's, but the company still occupies the space which serves as a factory and warehouse distribution center. More apartment complexes were developed in the neighborhood in the 1970s onward, but the project site has not changed significantly since the mid-1970s.

The historic resources assessment determined that none of the surveyed properties located on the project site were previously identified as historic resources on the City's Historic Resources Inventory. No historic-era resources or properties are listed on federal, state, or local inventories within the area. The project site was documented and evaluated for potential historic significance against the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR) and San José City Landmark criteria and it was determined that none of the properties are eligible for listing and are therefore not considered historical resources under CEQA (see Appendix C).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?			X		1, 2, 17
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 11
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2

Explanation

a) **Less Than Significant Impact.** The Vila de Camila and Casa Inclusiva project sites are currently vacant. Development of these sites would not impact any historic structures or resources.

The Residencias Arianna project site consists of four parcels, two of which contain a single-family residence (345 and 341 Wooster Avenue), and two of which contain multi-family apartment buildings (1298 Tripp and 380 North 26th Street). Five of the buildings were constructed over 45 years ago, with the earliest construction date being 1947. Although five of

these buildings are over 45 years old, none of the existing structures were determined to be historically significant on the national, state or local levels. In addition, a review of the City's historic resources viewer did not identify any listed or eligible historical resources in the immediate vicinity (200 feet) of the project site. The nearest listed resource on the City's historic resources viewer is Cobbledick-Kibbe Glass Company, located 550 feet southeast at 224 North 27th Street. The Residencias Arianna project site is not associated with any significant events or persons throughout history. The architectural styles of the existing structures are not considered to be exemplary representatives of any documented architectural styles. The historic assessment concluded that none of the existing structures possess sufficient historical significance for listing on the NRHR, CRHR or the San José Historic Resource Inventory as a Candidate City Landmark. The Residencias Arianna development at 1298 Tripp Avenue, therefore, would have a less than significant impact on historic resources.

b) **Less Than Significant with Mitigation Incorporated**. Based on the archaeological literature review prepared for the project, no archaeological sites have been identified in the project area. The project site was found to have a low to moderate sensitivity for historic-era archaeological deposits, and a moderate to high sensitivity for buried pre-contact archaeological deposits within the project area. However, Native American archaeological sites have been recorded adjacent to major creeks and tributaries. The project involves demolition, grading and excavation. As a result, it is possible that older soils with archaeological remains may be encountered during foundation work or other construction activities and result in a significant impact to archaeological resources.

Impact CR-1: The project may impact buried archaeological resources during excavation and construction activities.

Mitigation Measures

MM CR-1 **Cultural Sensitivity Training**. Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions 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. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee within seven days of completion of the training.

MM CR-2 **Monitoring Plan**. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archeologist, 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 prepare a monitoring plan for all earthmoving activities (includes demolition activities that could disturb native soil, any earthmoving−e.g., grading or excavation for foundations, footings, and trenching for underground utilities). The Plan shall be submitted to the Director

of the Planning, Building, and Code Enforcement or the Director's designee for review. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

MM CR-3 **Sub-Surface Monitoring**. A qualified archeologist in collaboration with a Native American monitor, 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 also be present during applicable earthmoving activities in accordance with in the Monitoring Plan in MM CR-2. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or landscaping. Monitoring shall continue until it is determined by a qualified archeologist in collaboration with a Native American monitor that excavation has reached the maximum depth at which archaeological remains could be expected to occur.

MM CR-4 **Evaluation**. The project applicant shall notify the Director of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the project area during the 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 Jose Department of Planning, Building, and Code Enforcement or the Director's designee.

In addition to the mitigation identified above, as part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources and human remains during construction for accidental discovery outside of the monitored times.

Standard Permit Conditions

- 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 Commission for the City of San Jose 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 issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Standard permit conditions identified below, as well as standard permit conditions identified in b) above to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries.

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the 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.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of identified mitigation measures and permit conditions.

F. ENERGY

Regulatory Framework

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

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[14]

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[15]

[14] CEC. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency

[15] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint,[16] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 18 below.

Table 18
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008.

Municipal Code

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

Climate Smart San José

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

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy

[16] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

San José Reach Code Initiative for Building Efficiency

The City Council approved Ordinance No. 30311 in September 2019 to amend various sections of Title 24 of the City's Municipal Code to adopt provisions of the 2019 California Green Building Standards Code and California Building Energy Efficiency Standards with certain exceptions, modifications and additions which serve as a Reach Code to increase building efficiency, mandate solar readiness and increase requirements related to electric vehicle charging stations. The Reach Code goes into effect on January 1, 2020 and affects all new construction.

San José Clean Energy

San José Clean Energy (SJCE) is an electricity supplier operated by the City's Community Energy Department. Since launching in February 2019, SJCE has provided City businesses and residents with access to cheaper and cleaner energy sources. SJCE serves as an alternative to traditionally privatized energy sources by being a community-governed organization. Oversight for SJCE activities is provided by City Council in cooperation with a Community Advisory Commission.

General Plan Policies

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

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Envision San José 2040 Relevant Energy Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Existing Setting

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is expected that the project would be enrolled in and receive energy from the SJCE program.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2021, natural gas facilities provided 7 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 39 percent; hydroelectric operations provided 4 percent; and renewable energy facilities including solar, geothermal, and biomass provided 50 percent.[17]

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40

[17] Pacific Gas & Electric (PG&E), Clean energy solutions, 2021.

percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2020 was consumed primarily by the commercial sector (72 percent), followed by the residential sector consuming 26 percent. In 2020, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[18] SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and PG&E delivers it via their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, 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.[19] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2020, Santa Clara County used approximately 3.4 percent of the state's total consumption of natural gas.[20]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[21] 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 25.4 mpg in 2020.[22] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.[23] [24]

[18] CEC, Energy Consumption Data Management System: Electricity Consumption by County, 2021.
[19] California Gas and Electric Utilities, 2019 California Gas Report Supplement, 2019.
[20] CEC, Energy Consumption Data Management System: Gas Consumption by County, 2021.
[21] California Department of Tax and Fee Administration, Motor Vehicle Fuel Distribution, 2020.
[22] United States Environmental Protection Agency (EPA), The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975, 2021.
[23] United States Department of Energy, Alternative Fuels Data Center: Energy Independence and Security Act of 2007, 2007.
[24] United States Government Publishing Office, Public Law 110–140—Dec. 19, 2007 Energy Independence and Security Act of 2007, 2007.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. Energy use consumed by the proposed project was estimated in the Air Quality & Greenhouse Gas Assessment prepared by Illingworth & Rodkin (Appendix A). This included electricity consumption for the three proposed developments. A discussion of the project's effect on energy use is presented below.

Construction Impacts

The construction schedule for the three developments would be staggered and would occur between October 2024 and October 2029. The Casa Inclusiva development (1347 East Julian Street) would be the constructed first and is anticipated to be the first completed, with construction lasting approximately 12 months from early October 2024 through September 2025. Construction activities at the sites at Vila de Camila project site and the Residencias Arianna project site would overlap. Construction for the Casa Inclusiva site (1325 East Julian Street) begins the same month (September 2025), concluding at the beginning of May 2028 (33 months). Construction activities at the Residencias Ariana site (1298 Tripp Avenue) are expected to start in early June 2027, and all exterior construction is expected to conclude in early July 2028 (13 months). The construction schedule shows a hiatus before interior construction starts in early February 2029, and all interior work would conclude by early October 2029 (8 months). Continuous construction activities are expected for about 3 years and 9 months, with 8 months of additional interior construction work at the Residencias Ariana site (1298 Tripp Avenue) site after a 7-month break.

The project would require demolition for the Residencias Arianna project site. All sites would require site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used

wastefully due to the added expense associated with renting, maintaining, and fueling of construction equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed as Mitigation Measure AQ-1 in *C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less than significant.

Operational Impacts

As described previously, PG&E's 2021 electricity mix was 50 percent renewable. The project would enroll in the SJCE program at the TotalGreen level, which is 100 percent renewable. Operation of the Vila de Camila, Casa Inclusiva, and Residencias Arianna developments would consume energy, in the form of electricity, primarily for building heating and cooling, lighting, cooking, and water heating. The City of San José passed an ordinance in December 2020 that prohibits the use of natural gas infrastructure in new buildings. This ordinance applies to any new construction (with the exception of hospitals, restaurants, etc.) starting August 1, 2021. The ordinance is the latest milestone for Climate Smart San José, the City's GHG emission reduction plan adopted by the City Council in 2018. Tables 19, 20, and 21 summarize the estimated energy use of the Vila de Camila, Casa Inclusiva, and Residencias Arianna developments, respectively. The proposed developments exclude natural gas infrastructure in compliance with this regulation.

Table 19
Estimated Annual Energy Use – Vila de Camila (2030)

Proposed Project	Electricity Use (kWh)	Natural Gas Use[1] (kBtu)
Apartments – Mid Rise	4,002,370	0
Enclosed Parking with Elevator	492,385	0
Strip Mall	114,508	0

Source: Appendix A
[1] All project natural gas use was set to zero and assigned to electricity use in CalEEMod in accordance with Climate Smart San José.

Table 20
Estimated Annual Energy Use – Casa Inclusiva (2030)

Proposed Project	Electricity Use (kWh)	Natural Gas Use[1] (kBtu)
Apartments – Mid Rise	269,625	0
Parking Lot	0.00	0
Strip Mall	25,068	0
Unenclosed Parking with Elevator	8,7707	0

Table 20 Estimated Annual Energy Use – Casa Inclusiva (2030)		
Proposed Project	**Electricity Use (kWh)**	**Natural Gas Use[1] (kBtu)**
Source: Appendix A [1] All project natural gas use was set to zero and assigned to electricity use in CalEEMod in accordance with Climate Smart San José.		

Table 21 Estimated Annual Energy Use – Residencias Arianna (2030)		
Proposed Project	**Electricity Use (kWh)**	**Natural Gas Use[1] (kBtu)**
Apartments – Mid Rise	1,485,870	0
Enclosed Parking with Elevator	239,909	0
Strip Mall	29,248	0
Source: Appendix A [1] All project natural gas use was set to zero and assigned to electricity use in CalEEMod in accordance with Climate Smart San José.		

The energy use increase is a conservative estimate, because these estimates for energy use do not take into account the efficiency measures incorporated into each of the proposed developments. The project would enroll in the SJCE program at the TotalGreen level, which is 100 percent renewable. In addition, the proposed developments would be built to the 2022 or most recent California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code. These measures include insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. In addition, the project would be required to submit a LEED, GreenPoint, or Build-It-Green checklist as part of their development permit applications in accordance with Council Policy 6-32, which promotes practices to minimize the use and waste of energy, water, and other resources in the City of San José

Transportation-Related Energy-Use

The proposed project would result in an increase in traffic to the Vila de Camila project site of approximately 2,609 net new daily vehicle trips, an increase in traffic to the Casa Inclusiva project site of approximately 233 net new daily vehicle trips, and an increase in traffic to the Residencias Arianna project site of approximately 636 net new daily vehicle trips (Appendix H). The total residential annual vehicle-miles-traveled (VMT) for the Vila de Camila project is approximately 6,285,081 miles assuming an average trip length of 6.6 miles per resident, while the total residential annual VMT for the Casa Inclusiva project is approximately 551,092 miles assuming an average trip length of 6.48 miles per resident, and the total residential annual VMT for the Residencias Arianna project is approximately 1,525,159 miles assuming an average trip length of 6.57 miles per resident, for a combined annual VMT total of 8,361,332 miles (refer to *Q. Transportation* and Appendix H). Table 22 provides the estimated gasoline consumption for the three proposed developments based on the U.S. EPA's estimated average fuel economy of 25.4 miles per gallon (mpg).

Table 22 Transportation Related Energy-Use	
Development	**Annual Transportation Fuel Consumption (gallons/year)**
Vila de Camila	277,444
Casa Inclusiva	21,696
Residencias Arianna	60,045
Total	359,185

In addition, the proposed project is in close proximity (400 feet south of Residencias Arianna and 800-1,000 feet southwest of the other two sites) to major transit services, including Santa Clara Valley Transit Authority's frequent bus routes 22, 23, 64A, 64B, and Rapid Route 522, and would be located in close proximity to the future Five Wounds Bay Area Rapid Transit (BART) station. Therefore, implementation of the project would not result in a substantial increase on automobile-related energy use.

The proposed project would be required to build to the State's CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Although the project does not include on-site renewable energy resources, the proposed building would be built to align with LEED standards, consistent with San José Council Policy 6-32.

The proposed project would provide bicycle parking consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the project's alignment with measures required for LEED Certification, the proposed project would comply with existing State energy standards.

Based on the discussion above, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

b) **Less Than Significant Impact**. Operation of the proposed project would consume energy for building heating and cooling, lighting, cooking, and water heating. Energy would also be consumed during vehicle trips generated by residential occupants. Although the project would increase the project site's energy use, the proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion: The project would have less than significant impacts related to energy use.

G GEOLOGY AND SOILS

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Zoning Act was passed in 1972 with the intent to reduce the loss of life and property associated with surface rupture caused by active fault lines. The Alquist-Priolo Earthquake Zoning Act prohibits the placement of structures for human occupancy above active faults and sets minimum distances for construction away from the fault line. These fault lines are shown on Alquist-Priolo Maps, which are produced by the California Geological Survey.

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey to identify and map areas prone to various earthquake-related hazards, including liquefaction, landslides, and amplified ground shaking. The SHMA is intended to reduce the threat of seismic hazards to public health and to minimize the loss of life and property through identification and mitigation of seismic hazards. The State Geologist establishes regulatory zones (Zones of Required Investigation) and issues Seismic Hazard Zone Maps. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development.

California Building Code

The 2022 California Building Standards Code (CBC) was published on July 1, 2022 and took effect on January 1, 2023. The CBC is a compilation of three types of building criteria from three different origins:

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

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

Paleontological Resources Regulations - California Public Resources Code

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. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Municipal Code Chapter 17.10 – Geologic Hazard Regulations

Chapter 17.10 of the City's municipal code provides regulations for natural and artificial geologic hazards. Geologic hazard zones are defined as being any land in an area identified as very high, high, or moderate/high landslide susceptibility zones, being on a California earthquake fault zone map, or one of the City maps dated 1983 or 1985. Provisions made under this Chapter include prohibiting construction or grading of any property in a geologic hazard zone except in full compliance with Chapter 17.10, and granting any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer the power to order immediate cessation of construction in the event a new geologic hazard is discovered.

Section 17.10.600 of this code states that "[n]o regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study." This section outlines various requirements for such a report, including requiring supervision of a certified engineering geologist or geotechnical engineer, incorporation of dust control measures to avoid air quality impacts from fugitive dust, requiring preparation of a cultural resources assessment to avoid cultural impacts, and other requirements.

Municipal Code Chapter 17.40 – Dangerous Building Code

Chapter 17.40 of the City's municipal code regulates dangerous buildings, defined as "any building or structure or portion thereof which creates an endangerment to the life, limb, health, property, safety or welfare of the occupants of the building or members of the public." Dangerous buildings are considered to be "public nuisances" and the City Manager has the power to restrict such buildings from use or occupancy and to initiate abatement procedures.

General Plan Policies

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

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the

Envision San José 2040 Relevant Geology and Soil Policies	
	severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Existing Setting

The Vila de Camila and Casa Inclusiva project sites are essentially flat lots with an elevation of approximately 88 feet above mean sea level, while the Residencias Arianna project site, also essentially flat, has an approximate elevation of 90 feet above mean sea level (Google Earth, July 2022). Regionally, the topographic slope is to the north, towards San Francisco Bay.

The project site is located in Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay lenses.

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project.[25] In addition, the Santa Clara County Fault Rupture Hazard Zones map does not identify any fault hazard zones in the project area.

[25] https://maps.conservation.ca.gov/cgs/EQZApp/app/

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by seismic shaking or other rapid loading. Liquefied soil can also settle. Each of the three project sites are located within an area zoned by the State of California as having potential for seismically induced liquefaction hazards,[26] and by the City of San José on the GIS Map Viewer.[27]

Expansive soils have a high shrink-swell potential that can impact the structural integrity of buildings and other structures. Much of the soil in San José is moderately to highly expansive. Moderately to highly expansive soils are found both on the valley floor and in hillside areas.[28]

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
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?			X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2, 3

[26] California Geological Service, EQ Zapp: California Earthquake Hazards Zone Application, 2019.
[27] https://gis.sanjoseca.gov/maps/publicgisviewer/
[28] *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

Explanation

ai) **No Impact**. Based on a review of the California Department of Conservation's EQZapp GIS viewer, none of the three project sites are not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross any of the three sites. The risk of ground rupture within the three sites is considered low. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone. The project will be designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential direct or indirect damage from seismic shaking on the project site as described below. As a result, no impact would occur as a result of rupture of a known fault.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed structures would be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. The project site is not located within a seismic hazards zone as mapped by the California Department of Conservation's EQZapp GIS viewer.[29] Seismic impacts will be further minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes. This represents a less than significant impact.

aiii) **Less Than Significant Impact**. As described above, the project sites may be subject to strong ground shaking in the event of a major earthquake. A design-level geotechnical analysis for each of the three developments would be required prior to construction to identify potential geotechnical hazards and provide recommendations to minimize these hazards. The project will be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition.

Standard Permit Condition

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

aiv) **No Impact**. The project sites are located in a topographically flat area and would not be subject to landslides.

b) **Less Than Significant Impact**. Ground disturbance during construction of the project would expose soils, increasing the potential for wind and/or water erosion at the site. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process.

[29] https://www.conservation.ca.gov/cgs/geohazards/eq-zapp

In addition, the project would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollution Discharge Elimination System (NPDES) General Construction Permit and the City's Municipal Code (refer to Section 3.10, Hydrology and Water Quality). The 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. The City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion, including the Standard Permit Conditions. Implementation of the Standard Permit Conditions and preparation of the SWPPP would reduce potential soil erosion impacts to a less than significant level.

Standard Permit 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.
- 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.

c) **Less Than Significant Impact**. The project sites may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed structures. As described in the 2040 General Plan EIR, geologic hazards will be reduced and managed consistent with City adopted regulations and policies, in combination with state building regulations. Impacts associated with these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. A design-level geotechnical analysis would be prepared for each of the developments to provide recommendations to minimize these hazards as described in aiii) above. This would reduce any potentially significant geotechnical impacts to less than significant.

d) **Less Than Significant Impact**. As described in the 2040 General Plan EIR, much of the soil in San José is moderately to highly expansive. Therefore, the project sites may contain expansive soils, which could damage proposed structures on the site. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A design-level geotechnical analysis would be prepared for each of the developments to provide recommendations to minimize these hazards as described in the standard permit condition for a iii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less than significant level.

e) **No Impact**. The project does not propose any septic systems. The proposed project would connect to the City's existing sanitary sewer system. As no existing septic systems are known

to occur on any of the three sites, no impact would occur. Any existing septic systems located on the sites would be removed in accordance with all regulatory requirements.

f) **Less Than Significant Impact**. The project sites are located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[30] The project proposes grading that could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard permit condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on any of the project sites.

Standard Permit Condition

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

Conclusion: The project would have a less than significant impact on geology and soils with implementation of identified standard permit conditions.

[30] Figure 3.11-1 "Palaeontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

H. GREENHOUSE GAS EMISSIONS

Regulatory Framework

Federal

The Federal Clean Air Act (CAA), first passed in 1970, is the overarching federal-level law that, as of 2007 via the U.S. Supreme court decision in Massachusetts v. EPA, enables the U.S. EPA to provide regulations of key GHG emissions sources (mobile emissions), established a mandatory emissions reporting program for large stationary emitters, and implementation of vehicle fuel efficiency standards.

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[31]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a

[31] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 32 – California Global Warming Solutions Act of 2006

In September 2015, the California Legislature passed SB 350 (de Leon 2015), which increases the State's Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Executive Order S-03-05

On June 1, 2005 Governor Schwarzenegger signed Executive Order S-03-05, the purpose of which was to implement requirements for the California Environmental Protection Agency (EPA) to provide ongoing reporting on a biennial basis to the State Legislature and Governor's Office on how global warming is affecting the State. Required areas of impact reporting include public health, water supply, agriculture, coastline, and forestry. The EPA secretary is required to prepare and report on ongoing and upcoming mitigation designed to counteract these impacts.

Executive Order B-30-15

On April 15, 2015 Governor Brown signed Executive Order B-30-15, the purpose of which is to establish a GHG reduction of 40 percent below 1990 levels by 2030. The Executive Order is intended to help the State work towards a further emissions reduction target of 80 percent below 1990 levels by the year 2050. The order directed state agencies to prepare for climate change impacts through prioritization of adaptation actions to reduce GHG emissions, preparation for uncertain climate impacts through implementation of flexible approaches, protection of vulnerable populations, and prioritization of natural infrastructure approaches.

Executive Order B-55-18 and SB 100 – 100 Percent Clean Energy Act of 2018

On September 10, 2018 Governor Brown signed both SB 100 – 100 Percent Clean Energy Act of 2018 and Executive Order B-55-18 to Achieve Carbon Neutrality. SB 100 sets California on course to achieving carbon-free emissions from the electric power production sector by 2045. SB100 also increases the required emissions reduction generated by retail sales to 60% by 2030, an increase in 10% compared to previous goals. B-55-18 establishes a new goal of achieving statewide "carbon neutrality as early as possible and no later than 2045, and to achieve and maintain net negative emissions thereafter".

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors (see Table 3).

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)

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

Council Policy 6-32 Private Sector Green Building Policy

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

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects, at the City's discretion.

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on 11/17/2020. The 2030 GHG Reduction Strategy went into effect on 12/17/2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City of San José's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist (checklist) was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental

reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

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

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 José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) address the need for regulations to improve energy efficiency and combat climate change. The 2019 CAL Green standards include some substantial changes intended to increase the energy efficiency of buildings. For example, the code encourages the installation of solar and heat pump water heaters in low-rise residential buildings. The 2019 California Code went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[32] The City's reach code applies only to new residential and non-residential construction in San José. It incentivizes all-electric construction, requires increased energy efficiency and electrification-readiness for those choosing to maintain the presence of natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment (EVSE) installation for all development types.

General Plan Policies

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

[32] City of San José Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Existing Setting

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective

in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. Climate change is a cumulative effect from local, regional, and global GHG emission contributions. According to the EPA on a Global scale, CARB on a state scale, and BAAQMD on a County scale, the transportation sector is the largest emitter of GHG emissions, followed by electricity generation and the industrial sector.[33],[34] ,[35] The City of San José also has the transportation sector as the largest emitter of GHG emission, but followed by residential and commercial development.[36]

The U.S. EPA reported that in 2020, total gross nationwide GHG emissions were 5,981.4 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[37] These emissions were lower than peak levels of 7,434.8 MMT that were emitted in 2005. CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2019 emissions.[38] In 2019, GHG emissions from statewide emitting activities were 418.2 MMT. The 2020 emissions have decreased by 15 percent since peak levels in 2004 and are 13 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 MT per person to 10.5 MT per person in 2019. The most recent Bay Area emission inventory was computed for the year 2011.[39] The Bay Area GHG emission were 87 MMT. As a point of comparison, statewide emissions were about 444 MMT in 2011. According to San José's GHGRS, the City's emissions were 5.71 MMT.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 7
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3

Explanation

a) **Less Than Significant Impact**. Development of the project would generate GHG emissions. GHG emissions associated with development would occur over the short-term from

[33] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[34] CARB, Current California GHG Emission Inventory Data, 2022.
[35] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.
[36] City of San José, San José 2030 Greenhouse Gas Reduction Strategy, August 2020.
[37] EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks, 2022.
[38] CARB, Current California GHG Emission Inventory Data, 2022.
[39] BAAQMD, Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011, 2015.

construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. Per Appendix A, the metric tons of carbon dioxide equivalent ($MTCO_2e$) from construction of the Casa Inclusiva development is estimated to be 55.74 $MTCO_2e$ for 2024 and 10.93 $MTCO_2e$ for 2025, while construction of the Residencias Arianna development would generate an estimated 149.78 $MTCO_2e$ for 2025, 176.25 $MTCO_2e$ for 2026, and 136.28 $MTCO_2e$ for 2027, and construction of the Vila de Camila development would generate an estimated 120.89 $MTCO_2e$ for 2026, 197.17 $MTCO_2e$ for 2027, and 173.15 $MTCO_2e$ for 2028. Long-term operational emissions would also be generated from vehicular traffic, energy and water use, and solid waste disposal. However, the GHG generation would be considered less than significant provided the project demonstrates that it is consistent with the City's 2030 GHG Reduction Strategy.

Each of the three developments that comprise the proposed project are subject to the GHG reduction strategies identified in the City's 2030 GHG Reduction Strategy Compliance Checklist. Each development would implement and comply with GHG reduction measures as determined by the City to reduce the project's GHG emissions.

The GHG Reduction Strategy Compliance Checklists for each of the proposed developments are contained in Appendix E. Each development's compliance with the City's 2030 GHG Reduction Strategy Compliance Checklist is discussed below.

Vila de Camila - 1325 East Julian Street

The Vila de Camila development at 1325 East Julian Street is consistent with the Land Use/Transportation Diagram designation of *Urban Village*, as described in Appendix E-1. Pedestrian facilities are already in place in the vicinity of the proposed project. In addition, the proposed project would include the replacement of about 162 feet of existing sidewalks along the project's frontage on East Julian Street with 15-foot-wide sidewalks. The GHG Reduction Strategies to be incorporated into the Vila de Camila development include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment into the San Jose Clean Energy program at TotalGreen level
- Incorporation of bicycle storage and related facilities
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species
- Inclusion of a TDM Plan
- Installation of rooftop solar panels and orientation of the building to maximize solar generation.

Casa Inclusiva - 1347 East Julian Street

The Casa Inclusiva development at 1347 East Julian Street is consistent with the Land Use/Transportation Diagram designations of *Urban Village* and *Residential Neighborhood*, as described in Appendix E-2. Pedestrian facilities are already in place in the vicinity of the proposed project. In addition, the proposed project would include the replacement of about 84 feet of existing sidewalks along the project's frontage on East Julian Street and 90 feet of

existing sidewalks along the project's frontage on West Court with 6-foot-wide sidewalks. The GHG Reduction Strategies to be incorporated into the Casa Inclusiva development include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment into the San Jose Clean Energy program at TotalGreen level
- Incorporation of bicycle storage and related facilities
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species
- Inclusion of a TDM Plan
- Installation of rooftop solar panels and orientation of the building to maximize solar generation.

Residencias Arianna - 1298 Tripp Avenue

The Residencias Arianna development at 1298 Tripp Avenue is consistent with the Land Use/Transportation Diagram designation of *Mixed-Use Neighborhood*, as described in Appendix E-3. Pedestrian facilities are already in place in the vicinity of the proposed project. In addition, the proposed project would include the replacement of about 138 feet of existing sidewalks along the project's frontage on Wooster Avenue with 10-foot-wide sidewalks. The GHG Reduction Strategies to be incorporated into the Residencias Arianna development include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment into the San Jose Clean Energy program at TotalGreen level
- Incorporation of bicycle storage and related facilities
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species
- Inclusion of a TDM Plan
- Installation of rooftop solar panels and orientation of the building to maximize solar generation.

With implementation of GHG reduction strategies, future development would have a less than significant impact related to GHG emissions.

b) **Less Than Significant Impact**. The City's 2030 GHG Reduction Strategy Compliance Checklist has been completed for each of the proposed developments, as presented in Appendix E.

Vila de Camila - 1325 East Julian Street

The Vila de Camila development at 1325 East Julian Street complies with the City's 2030 GHG Reduction Strategy as demonstrated in Appendix E-1. In fulfillment of GHG Reduction Strategy #1, the Vila de Camila development plans to enroll in the SJCE program at the

TotalGreen level. In addition, the Vila de Camila project would include all electrical infrastructure and would not utilize natural gas in fulfillment of GHG Reduction Strategy #2. The Vila de Camila project includes rooftop installation of solar panels, in compliance with GHG Reduction Strategy #3. The Vila de Camila project would participate in the City's Zero Waste Strategic plan per GHG Reduction Strategy #5. The Vila de Camila project includes a TDM plan to reduce vehicle miles travelled consistent with GHG Reduction Strategy #6. The Vila de Camila project would utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, Vila de Camila the project would be consistent with the existing General Plan land use diagram, would be required to provide pedestrian and bicycle facilities consistent with the Municipal Code, and would comply with green building ordinances and all applicable energy efficiency measures. Therefore, the Vila de Camila development would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would comply with the City's 2030 GHG Reduction Strategy.

Casa Inclusiva - 1347 East Julian Street

The Casa Inclusiva development at 1347 East Julian Street complies with the City's 2030 GHG Reduction Strategy as demonstrated in Appendix E-2. In fulfillment of GHG Reduction Strategy #1, the Casa Inclusiva development plans to enroll in the SJCE program at the TotalGreen level. In addition, the Casa Inclusiva project would include all electrical infrastructure and would not utilize natural gas in fulfillment of GHG Reduction Strategy #2. The Casa Inclusiva project includes rooftop installation of solar panels, in compliance with GHG Reduction Strategy #3. The Casa Inclusiva project would participate in the City's Zero Waste Strategic plan per GHG Reduction Strategy #5. The Casa Inclusiva project includes a TDM plan to reduce vehicle miles travelled consistent with GHG Reduction Strategy #6. The Casa Inclusiva project would utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, Casa Inclusiva the project would be consistent with the existing General Plan land use diagram, would be required to provide pedestrian and bicycle facilities consistent with the Municipal Code, and would comply with green building ordinances and all applicable energy efficiency measures. Therefore, the Casa Inclusiva development would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would comply with the City's 2030 GHG Reduction Strategy.

Residencias Arianna - 1298 Tripp Avenue

The Residencias Arianna development at 1298 Tripp Avenue complies with the City's 2030 GHG Reduction Strategy as demonstrated in Appendix E-3. In fulfillment of GHG Reduction Strategy #1, the Residencias Arianna development plans to enroll in the SJCE program at the TotalGreen level. In addition, the Residencias Arianna project would include all electrical infrastructure and would not utilize natural gas in fulfillment of GHG Reduction Strategy #2. The Residencias Arianna project includes rooftop installation of solar panels, in compliance with GHG Reduction Strategy #3. The Residencias Arianna project would participate in the City's Zero Waste Strategic plan per GHG Reduction Strategy #5. The Residencias Arianna project includes a TDM plan to reduce vehicle miles travelled consistent with GHG Reduction Strategy #6. The Residencias Arianna project would utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, the Residencias Arianna project would be consistent with the existing General Plan land use diagram, would be required

to provide pedestrian and bicycle facilities consistent with the Municipal Code, and would comply with green building ordinances and all applicable energy efficiency measures. Therefore, the Residencias Arianna development would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would comply with the City's 2030 GHG Reduction Strategy.

The following standard permit condition applies to each of the proposed developments.

Standard Permit Condition

Proof of Enrollment in SJCE. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San Jose Community Energy (SJCE) TotalGreen program (approximately 100% carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

Therefore, the project would have a less than significant impact related to conflicting with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would incorporate the standard permit condition identified above and would comply with the City's 2030 GHG Reduction Strategy.

Conclusion: The project would have a less than significant impact related to GHG emissions with implementation of standard permit conditions.

I. HAZARDS AND HAZARDOUS MATERIALS

Phase I Environmental Site Assessments were prepared for the proposed project and are included as appendices. jEnviro Assessment, PC. prepared a Phase I Environmental Site Assessment for the Vila de Camila and Casa Inclusiva project sites (April 21, 2023), provided in Appendix F-1 and a Phase I Environmental Site Assessment for the 341 and 345 Wooster Avenue parcels that are part of the Residencias Arianna project site (Appendix F-2). In addition, Nova Group, GBC (Nova) completed a Phase I Environmental Site Assessment to evaluate the remainder of the Residencias Arianna project site (1298 Tripp Avenue and 380 North 26th Street) (October 18, 2019), contained in Appendix F-3. The intent of these Phase I Environmental Site Assessments is to assess existing Recognized Environmental Conditions (RECs) associated with the properties.

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. 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. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified.

Federal Aviation Regulations Part 77

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

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Cortese List: Section 65692.5(a)

California Code of Regulations Section 65962.5(a) requires that the DTSC compile and update an annual list, known as the Cortese List, of all hazardous waste facilities subject to corrective action, pursuant to Section 25187.5 of the Health and Safety Code. Facilities are added to the Cortese List are those that have failed to comply with a posted date for taking corrective action for an existing hazard or because DTSC determined that immediate corrective action is necessary to abate an imminent or substantial endangerment.

California Code of Regulations, Title 8 Section 1529 – Asbestos

California Code of Regulations, Title 8, Section 1529 regulates asbestos exposure in all construction work, including structure demolition, removal of asbestos-containing materials, activities involving construction or alteration of existing structures that contain asbestos, installation of asbestos-containing products, emergency cleanup, and other activities. Section 1529 regulates permissible exposure limits for individual employees, standards for demarcation of regulated asbestos work areas, and safety protocol and equipment.

California Code of Regulations, Title 8 Section 1532.1 – Lead

California Code of Regulations, Title 8, Section 1532.1 applies to all construction work where an employee may be occupationally exposed to lead. As defined in this section, an employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50\mu g/m^3$) averaged over an 8-hour period. Employers are required to identify hazards at existing job sites and provide workers with training and sanitation stations for decontamination. Compliance is regulated by the California Occupational Safety Health Program (CAL/OSHA).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) program is designed to help prevent the accidental release of substances that pose harm to public health and the environment. CalARP also provides guidance for minimizing damage from spills and requires businesses to develop Risk Management Plans (RMPs) if they handle a certain amount of a regulated substance. RMPs are detailed engineering documents that analyze the potential accident factors and identify mitigation for rapid implementation to reduce accident potential and address any accidental releases. The CalARP program is implemented by Unified Program Agencies (UPAs) at the local government levels. UPAs work

directly with businesses to review and approve RMPs, conduct inspections, and provide public-facing data.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. 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. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if naturally occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action 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.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	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.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the

Envision San José 2040 Relevant Hazardous Material Policies	
	California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

Vila De Camila and Casa Inclusiva - 1325 and 1347 E. Julian Street

The Vila de Camila and Casa Inclusiva project sites are located adjacent to each other at 1325 and 1347 E. Julian Street. The Vila de Camila project site consists of one irregularly shaped parcel (APN 249-65-061), while the Casa Inclusiva project site consists of two parcels (APNs 249-65-058 and 249-65-060). These sites consist of vacant, disturbed land.

Records Review: Enviro Assessment's investigation (Appendix F-1) was based on a review of relevant property records, historical record sources, and environmental record sources. Table 23 shows the agencies that were contacted pertaining to possible past development and/or activity at the site.

Table 23
Regulatory Agency Records – 1325 East Julian Street and 1347 East Julian Street

Name of Agency	Records Reviewed
Santa Clara County Department of Environmental Health	Response received in April 17, 2023. Response indicated no records were found for the subject properties.
City of San José Building and Planning Departments	Response received in April 20, 2023. Response directed Enviro Assessment to review the City's Permit Portal for relevant records. Eight total records were identified (three for 1347 East Julian Street, four for 1325 East Julian Street, and one "unidentified") from the period of 1974-2014. The records for 1347 East Julian consisted of an application for plumbing and/or gas piping survey, an application for plumbing (various fixtures) and information regarding a conditional use permit for open space. The records for 1325 East Julian Street consisted of a compliance review for an open storage yard, a general plan amendment application from light industrial and medium low density residential to medium high density residential, a permit record for the demolition of a fire damaged building, and a plot plan detailing the structures to be demolished. The "unidentified" record was related to a site plan detailing structures on the southern portion labeled as "G & G International" and "Gypsum Drywall Supply Co."
City of San José Fire Department	Response received in April 19, 2023. Response directed Enviro Assessment to review the City's Permit Portal for relevant records. Eight total records were identified (three for 1347 East Julian Street, four for 1325 East Julian Street, and one "unidentified") from the period of 1974-2014. These records are discussed the row above.

Site Reconnaissance: Enviro Assessment conducted a reconnaissance of the property on April 18, 2023. The site reconnaissance noted a pole mounted transformer located along the southern boundary of the site, which appeared to be in good condition, and which was labeled "no polychlorinated biphenyls" (PCBs). In addition, three surface drains were observed in the northern concrete slab and two sanitary sewer connections were observed at the southeast corner of the southern concrete slab on the 1325 East Julian Street parcel. No staining was observed surrounding these drains at either location. No other signs of contamination were noted during site reconnaissance at the Vila de Camila or the Casa Inclusiva project sites.

Summary of Phase I Assessment: The Phase I included a review of local, state, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the site was completed to review site use and current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials and to conduct written/oral interviews with persons knowledgeable about current and past site use.

The site reconnaissance and records review found documentation or physical evidence of groundwater impairments associated with the use or past use of the project site. These impacts were related to four USTs located on a nearby site that affected local groundwater. This case was assessed, investigated, and subsequently closed. A "No Further Action" letter was issued on July 26, 2000, and this record is considered an Historical Recognized Condition (HREC).

Residencias Arianna - 1298 Tripp Avenue

The Residencias Arianna project site at 1298 Tripp Avenue is located on four parcels. Two of the parcels are occupied by single-family residences (APNs 249-66-037 and 249-66-038), while the remaining two parcels are occupied by multiple-family residential buildings (APNs 249-66-013 and 249-66-040).

Records Review: Enviro Assessment's investigation (Appendix F-2) was based on a review of relevant property records, historical record sources, and environmental record sources. Table 24 shows the agencies that were contacted pertaining to possible past development and/or activity at the site.

Table 24
Regulatory Agency Records – 341 Wooster Avenue and 345 Wooster Avenue

Name of Agency	Records Reviewed
Santa Clara County Department of Environmental Health	Response received in April 17, 2023. Response indicated no records were found for the subject properties.
City of San José Building and Planning Departments	Response received in April 20, 2023. Response directed Enviro Assessment to review the City's Permit Portal for relevant records. One building permit was found for 341 Wooster Avenue, related to replacement of a gas line.
City of San José Fire Department	Response received in April 19, 2023. Response directed Enviro Assessment to review the City's Permit Portal for relevant records. One building permit was found for 341 Wooster Avenue, related to replacement of a gas line.

Nova's investigation (Appendix F-3) was based on a review of relevant property records, historical record sources, and environmental record sources. Table 25 shows the agencies that were contacted pertaining to possible past development and/or activity at the site.

Table 25
Regulatory Agency Records – 1298 Tripp Avenue and 380 North 26th Street

Name of Agency	Records Reviewed
City of San José Building and Planning Departments	No records were found for the property address.
Santa Clara County Department of Environmental Health	Did not receive a response before the completion of the Phase I report

Table 25 Regulatory Agency Records – 1298 Tripp Avenue and 380 North 26th Street	
Name of Agency	**Records Reviewed**
City of San José Fire Department	Records for the City of San José were requested in corresponding departments.
San Jose Water Company	Water quality report was obtained.

Site Reconnaissance: Nova conducted a reconnaissance of the 1298 Tripp Avenue and 380 North 26th Street properties. Similarly, Enviro Assessment conducted a site reconnaissance of the 341 Wooster Avenue and 345 Wooster Avenue properties. The site reconnaissance conducted by both firms did not identify any RECs in connection with the Residencias Arianna project site.

Summary of Phase I Assessment: The Phase I assessments both included a review of local, state, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. Reconnaissance of the parcels was completed to review site use and then-current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials and to conduct written/oral interviews with persons knowledgeable about current and past site use.

The Phase I Assessments revealed no evidence of RECs in connection with the parcels, and the Residencias Arianna site was found suitable for residential land use. Neither Nova nor Enviro Assessment recommended that any further investigations would be required for the Residencias Arianna project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 12
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?		X			1, 2, 12
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			1, 2, 12
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2, 12

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X		1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires				X	1, 2

Explanation

a) **Less Than Significant Impact**. The proposed developments would not involve the routine transport, use, or disposal of hazardous materials. Residential uses, as well as the limited commercial uses included in the development at the Vila de Camila site and the Residencias Arianna site, may apply small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer's specifications.

The project would use fuels, lubricants, paints, and solvents during construction activities. The project would prepare and implement a Storm Water Pollution Prevention Plan and appropriate best management practices to minimize the impact on water quality from release of hazardous materials during construction. In addition, the applicant proposes to implement standard protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction including, but not limited to, storing and handling materials in accordance with industry standards and manufacturer recommendations.

b) **Less Than Significant with Mitigation Incorporated**. Based on the findings of the Phase I assessments, no RECs and no controlled RECs were identified for any of the three project sites. The assessment prepared for the Casa Inclusiva and Vila de Camila project sites (Appendix F-1) noted that one HREC, associated with a gasoline leak to the local groundwater was recorded for the site. However, this HREC was issued a "No Further Action" letter on July 26, 2000. Enviro Assessment concluded that the Casa Inclusiva and the Vila de Camila project sites were suitable for the proposed uses.

The assessment prepared (Appendix F-2) for the 341 Wooster Avenue and 345 Wooster Avenue, and the assessment prepared by Nova for the 1298 Tripp Avenue and 380 North 26th Street properties (Appendix F-3) revealed no evidence of RECs in connection with the site and found that the greater Residencias Arianna project site is suitable for the proposed uses.

However, due to the previous use of the Casa Inclusiva and Vila de Camila sites for industrial use, previous agricultural use, and potential for Naturally Occurring Asbestos (NOA) on the Residencias Arianna site, and the defunct railroad track on the western portion of the Vila de

Camila site, the project could result in a potentially significant impact with respect to release of hazardous materials and result in a potentially significant impact.

Impact HAZ-1: Due to a portion of the site's historic use associated with various types of manufacturing facilities with documented evidence of past releases from former USTs for the addresses, 1325 and 1347 East Julian Street and the potential for the presence of Naturally Occurring Asbestos (NOA) in addition to the presence of a railroad track adjoining the western parcel boundary, there is a possibility to encounter environmental contamination in the soil, soil gas and/or groundwater in this portion of the project area. Additionally, due to the agricultural history associated with the address, 1298 Tripp Avenue, there is a potential that the shallow soil in this parcel contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If environmental impacts are present in the site's subsurface media and not mitigated, construction of the project could result in exposure of construction workers, occupants of adjacent properties and future site occupants to toxic and/or hazardous contamination.

Mitigation Measures

MM HAZ-1 Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II Environmental Site Assessment to determine if the prior site uses have resulted in an impact to the soil, soil gas and/or groundwater. The Phase II investigation should include collection and analysis of shallow soil samples for organochlorine pesticides and pesticide-based metals, arsenic and lead to evaluate past agricultural use associated with the site address, 1298 Tripp Avenue. The Phase II investigation for the site address, 1325 and 1347 East Julian Street should include collection and analysis of soil, soil gas and/or groundwater samples to investigate this portion of the site's historic uses and releases associated with former USTs in addition to evaluating any potential subsurface impacts due to the adjoining railroad spur. The Phase II investigation for 1325 and 1347 East Julian Street shall also include soil sampling and analysis for asbestos in accordance with the California Air resources Board (CARB) test method 435.

If the Phase II results indicate concentration of contaminants present in the subsurface above the applicable construction worker and residential environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control (DTSC), or the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. If asbestos is present above 0.25%, the applicant shall prepare the Asbestos Dust Mitigation Plan and adhere to the requirements specified in the final regulation order for Asbestos Airborne Toxic Control Measure (ACTM) for Construction, Grading, Quarrying, and Surface Mining Operations, California Code of Regulations Title 17, Section 93105. The ADMP would include track-out prevention and control, storage piles, onsite traffic control, preparation of areas prior to earth

moving activities, and control for offsite transport, consistent with the ACTM. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

Asbestos & Lead Based Paint in Demolished Buildings

Development of the Residencias Arianna project would require the demolition of existing buildings on the northern parcel. Since the buildings were constructed in 1960s, these structures could likely contain asbestos building materials and/or lead-based paint. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. As a part of the development permit approval, the project will conform to the following standard permit conditions.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

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

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With implementation of the standard permit conditions above for the Residencias Arianna site, the project would have a less than significant impact related to the release of hazardous materials into the environment.

c) **Less than Significant with Mitigation Incorporated**. The project sites are located within ¼ of a mile from San Jose High School and Rocketship Discovery Prep School. However, as discussed above under impact a), the proposed project would not routinely use significant quantities of hazardous materials that would pose a risk to students in the event of an accidental release. However, as described under impact b), above, RECs could be associated with the project sites due to previous industrial and agricultural uses, as well as the age of the existing buildings. With implementation of Mitigation Measure HAZ-1 and Standard Permit Conditions identified above under impact b), the proposed project would have a less than significant impact related to emitting hazardous waste within a ¼ mile of an existing or proposed school.

d) **No Impact**. None of the project sites are located on properties that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List). The Phase I Assessments prepared for the subject properties did not note any nearby records on the Cortese List within a radius of 1-mile.

e) **Less Than Significant Impact**. The Norman Y. Mineta San José International Airport is located approximately 2.3 miles west of the project sites. The project is not located within the Santa Clara County Airport Land Use Commission's adopted Comprehensive Land Use Plan for the airport and policies in the plan do not apply to this project.

Under Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace", any proposed structure on the project site exceeding approximately 100 feet in height above ground level (AGL)/190 feet above mean sea level (AMSL) would require submittal to the Federal Aviation Administration (FAA) for airspace safety review. As the maximum proposed building height for the Vila de Camila (1325 East Julian) project is 109 feet AGL/199 feet AMSL, permittee shall obtain from the FAA a "Determination of No Hazard" for each of the proposed rooftop corners and any additional higher points. Upon compliance with conditions set forth by the FAA in its determinations, the proposed project would not result in a substantial safety hazard for people residing or working in the project area. This represents a less than significant impact.

f) **Less Than Significant Impact**. The proposed development would not interfere with any adopted emergency or evacuation plans. All construction staging would occur on the Vila de Camila site (1325 East Julian Street) and no offsite staging or road closures are proposed. Emergency access for all three sites would have to be approved by the City's Fire Department prior to construction. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements.

g) **No Impact**. The project would not expose people or structures to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *T. Wildfire* of this Initial Study.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials with the incorporation of standard permit conditions as identified above.

J. HYDROLOGY AND WATER QUALITY

Regulatory Framework

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established by the U.S. 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.

Federal and State

Clean Water Act – Section 404

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States (waters of the U.S.) and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the U.S. EPA has implemented pollution control programs and established water quality standards, and together with the U.S. Army Corps of Engineers, regulates discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters.

National Flood Insurance Program

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

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications

- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage based on area of land disturbed.

Statewide Construction General Permit

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

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) 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. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution,

and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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

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

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

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Green Stormwater Infrastructure Plan

The City of San José has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.

General Plan Policies

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Existing Setting

The three sites are essentially flat and lie at an elevation of about 88 feet to 90 feet above mean sea level (Google Earth, July 2022). The current runoff from each site is directed into existing inlets that discharge to the City's drainage system.

The project sites do not contain any natural drainages or waterways. The nearest waterway is Silver Creek, located about 240 feet north of the Vila de Camila project site. In addition, Coyote Creek is located about 850 feet west of the Residencias Arianna project site. The Vila de Camila and Casa Inclusiva project sites are located in a Federal Emergency Management Agency (FEMA)[40] Flood Zone AH, characterized as an area with a 1% annual chance of flooding at depths of 1 to 3 feet. The Residencias Arianna project site is located in FEMA Flood Zones AH and X (shaded). Flood Zone X, when shaded, is characterized as an area with an annual flood risk between 1 and 0.2 percent.

The City owns and maintains the storm drainage system in the project area. The drainage lines that serve the Vila de Camila and Casa Inclusiva project sites drain into an open pipe outlet at Silver Creek, located approximately 1,000 feet northeast of the site. The drainage lines that serve the Residencias Arianna project site drain into an open pipe outlet at Coyote Creek, located approximately 1,175 feet southwest of the site. No over-land release of stormwater drains directly into any water body from the project site.[41]

The project sites are located within the inundation area for the Leroy Anderson Dam, based on the "California Dam Breach Inundation Maps" map provided by the California Department of Water Resources.[42]

[40] Federal Emergency Management Agency, Flood Insurance Rate Map Number 06085C0251J (Panel 0251J), February 2014.
[41] https://gis.sanjoseca.gov/maps/utilityviewer/
[42] https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
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:					
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2
iv)	Impede or redirect flood flows?			X		1, 2, 13
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2, 13
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing water quality measures through the grading and building permit process. All construction/demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The project is subject to Municipal Code Section 20.100.480, which requires the project to incorporate BMPs to control the discharge of storm water pollutants including sediments associated with construction activities including erosion. In addition, a stormwater pollution prevention plan (SWPPP) would be required under the NPDES General Construction Permit.

The measures identified below are based on RWQCB BMPs and would be included to reduce construction and development-related water quality impacts. These BMPs would be implemented at all three project sites prior to and during earthmoving activities onsite and would continue until the construction is complete and during the post-construction period as appropriate.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

The project is located in an urban environment and operation of the mixed-use developments would not utilize materials that would significantly harm the water quality in the area. The City has developed policies that implement Provision C.3, consistent with the Municipal Regional Permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. In accordance with Provision C.3, the project would incorporate site design, source control, and treatment system requirements to manage operational stormwater drainage. Proposed site design features for the Residencias Arianna development include bioretention areas lined with underdrain, flow-through planters, self-retaining areas, and self-treating areas. Proposed site design features for the Vila de Camila development include bioretention basins lined with underdrain, flow-through planters, and bubbler boxes. Proposed site design features for the Casa Inclusiva development include bioretention basins lined with underdrain and flow-through planters.

Source control measures would include beneficial landscaping, water efficient irrigation systems, and good housekeeping. Treatment systems proposed include bioretention areas, sized

to control the off-site stormwater flow rate consistent with City's C.3 requirements. The proposed project would include bioretention basins along the site boundary for treatment of any stormwater runoff. The bioretention basins would be numerically sized to treat the roof and parking lot runoff on-site before entering the City's storm drainage system.

In addition, the project includes Mitigation Measure HAZ-1 to reduce impacts related to hazardous materials release from soil contamination, which would further ensure that this impact is less than significant. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality.

b) **Less Than Significant Impact**. The project site is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[43] The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility. The Residencias Arianna development proposes excavation to construct the below-grade parking for the proposed apartment buildings. According to the records search for this site conducted by Nova for the Phase I Assessment, groundwater depth in the project area is approximately 15 feet below surface. The project would require excavation of 12 feet depth to construct the proposed basement level parking. The project does not propose any wells or groundwater pumping. Thus, the Residencias Arianna development would not decrease groundwater supplies or interfere substantially with groundwater recharge.

The Vila de Camila development proposes excavation to construct the below-grade parking for the proposed apartment buildings. According to the records search for this site conducted by ENGEO for the Phase I Assessment, groundwater depth in the project area is approximately 25 feet below surface. The project would require excavation of 13 feet depth to construct the proposed basement level parking. The project does not propose any wells or groundwater pumping. Thus, the Vila de Camila development would not decrease groundwater supplies or interfere substantially with groundwater recharge.

The Casa Inclusiva development does not propose any major excavation, as below-grade parking is not proposed. As stated above, groundwater depth at this site is approximately 25 feet below surface. The project does not propose any wells or groundwater pumping. Thus, the Casa Inclusiva development would not decrease groundwater supplies or interfere substantially with groundwater recharge.

ci) **Less Than Significant Impact**. Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the relatively small size and flatness of the sites. The City's implementation requirements to protect water quality are described below.

[43] Santa Clara Valley Water District. *Sustainable Groundwater Management*. Available at: https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.

Construction Impacts

Prior to the commencement of any clearing, grading or excavation, the project is required to comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works. The project applicant is required to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. Additionally, the project applicant is required to file a Notice of Intent (NOI) with the State Water Resource Control Board (SWRCB) to comply with the General Permit and prepare a SWPPP that includes measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP shall be posted at each of the project sites and will be updated to reflect current site conditions.

The project shall incorporate Best Management Practices (BMPs) into all three project sites to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs include but not limited to preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters throughout construction. Prior to the issuance of a grading permit, the project applicant may be required to submit an Erosion Control Plan to the Department of Public Works.

All projects in the City, including the proposed project, are required to comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation, as well as the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. Additionally, implementation of the standard permit conditions under threshold a) would further prevent any substantial erosion or siltation off of the site. Thus, impacts would be less than significant.

The measures identified under impact a) are based on RWQCB BMPs and would be included in the project to reduce construction related water quality impacts. These BMPs would be implemented at all three project sites prior to and during earthmoving activities onsite and would continue until the construction is complete and during the post-construction period as appropriate.

Post-Construction Impacts

The project is required to comply with applicable provisions of Council Policy 6-29 Post-Construction Urban Runoff Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project would be required to implement BMPs, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges. The project sites are not located in a Hydromodification Management area. However, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Public Works.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 and

8-14. The project would not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance.

cii) **Less Than Significant Impact**. The project would increase the amount of impervious area on one of the three project sites compared to existing developed conditions. Development of the Casa Inclusiva site would not increase the amount of impervious surfaces compared to existing conditions. Development of the Vila de Camila project would result in a 34,371 sf increase in impervious surfaces on the site compared to existing conditions. Development of the Residencias Arianna site would decrease the amount of impervious surfaces by 4,640 sf compared to existing conditions. Each development would implement a stormwater control plan to manage runoff. Runoff will be collected in a storm drain system and conveyed within a proposed storm drain system prior to entering into the City's storm drainage system. As discussed under impact a), the proposed project would comply with C.3 Provision "New Development and Redevelopment" of the MRP which requires appropriate source control, site design, and stormwater treatment measures to prevent increases in runoff from projects. Per City review for compliance with these requirements, the proposed project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off the site; impacts would be less than significant.

ciii) **Less Than Significant Impact**. The City owns and maintains the storm drainage system in the project area. The drainage lines that serve the Vila de Camila and Casa Inclusiva project sites drain into an open pipe outlet at Silver Creek, located approximately 1,000 feet northeast of the site. The drainage lines that serve the Residencias Arianna project site drain into an open pipe outlet at Coyote Creek, located approximately 1,175 feet southwest of the site. The existing storm drain inlets would be preserved as part of the Residencias Arianna project. For the Vila de Camila development, stormwater would flow into bioretention areas located through the site and into existing storm inlets along East Julian Street. For the Casa Inclusiva development, a new 12" storm drain lateral would be built and connect to the existing storm drainage system in West Court. For the Residencias Arianna development a new drainage inlet and 12" storm drain lateral would be built and connect to the existing storm drainage system in Wooster Avenue. As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

civ) **Less Than Significant Impact** The Vila de Camila and Casa Inclusiva project sites are located in a Federal Emergency Management Agency (FEMA) Flood Zone AH, characterized as an area with a 1% annual chance of flooding at depths of 1 to 3 feet. The Residencias Arianna project site is located in FEMA Flood Zones AH and X (shaded). Flood Zone X, when shaded, is characterized as an area with an annual flood risk between 1 and 0.2 percent. Flood insurance is mandatory purchase for properties within Flood Zone AH.

The components of the proposed development located in Flood Zone AH would be required to be elevated to or above the base flood elevation specified on the FIRM, as mandated by the City's Municipal Code Section 17.08.620.B.7.(b). The FIRM for the project area has a base flood elevation of 89 feet. As stated above, the Vila de Camila and Casa Inclusiva project sites are essentially flat and lie at an elevation of about 88 feet above mean sea level (Google Earth, July 2022), while the Residencias Arianna project site is essentially flat and lies at an elevation of about 90 feet above mean sea level (Google Earth, July 2022). As a result, the structures at Vila de Camila and Casa Inclusiva project sites would require a minimum elevation of two feet to meet City code. The structures on the eastern portion of the Residencias Arianna project site

(portion of the site in Zone AH) are about 90 feet above sea level, and are not expected to require additional elevation. Consistent with the City's recommendations and review, conditions implemented into the design of the proposed project to be consistent with flood zone shall be reviewed prior to grading and building permits issuance.

d) **Less Than Significant Impact**. As described in c) above, the project is located within a 100-year floodplain and flood hazard zone and would be required to comply with all applicable federal and state regulations, including the City's requirements for Special Flood Hazard Area Regulations. However, the project site is not located in an area subject to significant seiche or tsunami risk.

Based on a review of the California Department of Water Resources' California Dam Breach Inundation Maps, the project site is located within the inundation area for the Anderson Dam. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the dam at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources, Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure, thus diminishing the potential for the release of pollutants due to project inundation. The proposed project consists of mixed-use development that would not generate a substantial amount of pollutants during operation. This represents a less than significant impact.

e) **Less Than Significant Impact**. The proposed project is located within the boundaries of Valley Water's Groundwater Management Plan for the Santa Clara and Las Llagas Subbasins and is underlain by the Santa Clara Subbasin. The Groundwater Management Plan is intended to manage groundwater quality in the Santa Clara and Las Llagas Subbasins. The project consists of development of three sites, totaling approximately 4.8 gross acres (2.79-acre site for Vila de Camila, 0.52-acre site for Casa Inclusiva, and 1.49-acre site for Residencias Arianna). As described above, grading and construction activities could result in a temporary increase in erosion affecting the quality of storm water runoff. However, construction and operation of the project would not result in significant water quality or groundwater quality impacts since the proposed project would be required to comply with the City of San José Grading Ordinance and implement standard BMPs during construction. Therefore, the project would not result in impacts that would conflict with or obstruct implementation of the Groundwater Management Plan for the Santa Clara and Las Llagas Subbasins.

Conclusion: The project would have a less than significant impact on hydrology and water quality with implementation of identified standard permit conditions.

K. LAND USE AND PLANNING

Regulatory Framework

State

The California State Density Bonus Law (California Government Code Section 65915) was adopted in 1979 in recognition of California's acute and growing affordable housing needs. The State Density Bonus Law has been amended multiple times since adoption, in response to evolving housing conditions, to provide clarification on the legislation, to respond to legal and implementation challenges, and to incorporate new or expanded provisions.

Regional and Local

Santa Clara Valley Habitat Plan

As discussed in Section D, Biological Resources, the HCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. As it pertains to issues of land use, the HCP helps public and private entities within the HCP's jurisdiction plan and conduct projects and activities in ways that lessen the impact on natural resources.

Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design

As discussed in Section D, Biological Resources, the City's Riparian Corridor Policy Study analyzed streams and riparian corridors in the City of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridors and provides guidance for project design that protects and preserves these riparian corridors (City of San José 2016). 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. The Riparian Corridor Protection and Bird-Safe Design Policy establishes a standard of a 100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

San José Municipal Code Chapter 20.190 – Affordable Housing Density Bonuses and Incentives

Chapter 20.190 of the City's Municipal Code provides density bonuses for eligible residential development projects within City limits. This section largely contains the mechanism for enforcing the density bonuses mandated at the State level (see discussion of AB 1763, above). This section mandates that density bonuses are ineligible for sites where dwelling units were demolished within the last five years. However, Section 20.190.030.C of the municipal code notes specific exceptions to this mandate, including provision of restricted affordable units at the percentages specific in State Housing Density Bonuses and Incentives Law, and/or 100 percent occupation of all units by either low or very low income households. This section also sets out development standards for affordable units, including requiring concurrent construction with market rate units in the same development and various design standards to ensure that affordable units are constructed in a uniform manner compared to market-rate units constructed as part of the same development.

General Plan Designation

The Vila de Camila project site is designated *Urban Village* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram, the Casa Inclusiva project site is designated *Urban Village* and *Residential Neighborhood*, and the Residencias Arianna site is designated *Mixed-Use Neighborhood*.

General Plan Policies

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

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy LU-9.3	Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy LU-10.3	Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.
Policy VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Five Wounds Urban Village

The *Five Wounds Urban Village Plan* (FWUV Plan) was adopted by the City in November 2013. The FWUV was part of the first group of Urban Village Plans prepared and adopted by the City under the Urban Village strategy of the Envision San José 2040 General Plan. The FWUV is an approved policy document intended to guide the future growth of the Five Wounds Urban Village into a vibrant mixed-use and pedestrian-oriented district. The FWUV was developed to align development within the Urban Village with the Santa Clara – Alum Rock Bus Rapid Transit System (BRT) project along East Santa Clara Street and the future extension of Bay Area Rapid Transit (BART) services to the area.

In November 2020, the City prepared an update to the FWUV Plan. This update was intended to 1) modify Interim land Uses and Land Use Policies to allow transit-supportive development to move ahead of the full funding of the 28th Street/Little Portugal BART station; 2) revise the Urban Village land use designation to increase residential density from 95 to 250 dwelling units per acre (DU/AC) and 3) reduce the minimum commercial FAR requirement. The CEQA impacts to the amendment to the FWUV Plan were analyzed in an EIR Addendum, which determined that no new impacts would occur as a result of the update.

Existing Setting

The Vila de Camila project site is designated *Urban Village* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram, the Casa Inclusiva project site is designated *Urban Village* and *Residential Neighborhood*, and the Residencias Arianna site is designated *Mixed-Use Neighborhood.*

The *Urban Village* designation is applied within the Urban Village areas to accommodate higher density housing growth along with a significant amount of job growth, with an allowable density of up to 250 du/ac and an FAR up to 10.0. The *Residential Neighborhood* designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, with a typical allowable density of up to 8 du/ac (matching the character of the existing neighborhood) and an FAR up 0.7. The *Mixed-Use Neighborhood* designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and also to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms, with an allowable density of up to 30 du/ac and an FAR of 0.25 to 2.0.

The Vila de Camila project site is currently zoned LI – Light Industrial, while the Casa Inclusiva project site is zoned HI – Heavy Industrial and R-1-8 Single-Family Residence, and the Residencias Arianna site is zoned as MUN - Mixed Use Neighborhood (1298 Tripp Avenue and 380 North 26th Street) and UR - Urban Residential (345 and 341 Wooster Avenue).

The LI – Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The HI – Heavy Industrial Zoning District is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. The UR – Urban Residential Zoning District is intended to implement the Urban Residential general plan land use designation. The R-1-8 – Single-Family Residential Zoning District is intended to reserve land for the construction, use and occupancy of single-family subdivisions. The MUN - Mixed Use Neighborhood

district provides conventional development standards and alternate development standards in order to accommodate a mix of housing product types.

The project sites are located in an area containing a mix of residential neighborhood and light industrial uses. Land uses surrounding each of the project sites are listed below and are identified in the aerial photo in Figure 3.

Vila de Camila

- North: Vacant land, residential, Lower Silver Creek
- South: E. Julian Street, industrial
- East: 1347 E. Julian Street, West Court, residential, Highway 101
- West: Railroad (defunct), industrial, Wooster Avenue

Casa Inclusiva

- North: residential
- South: E. Julian Street, industrial
- East: West Court, residential, Highway 101
- West: 1325 E. Julian Street, railroad (defunct), industrial

Residencias Arianna

- North: Tripp Avenue, residential
- South: Residential, Permata Court
- East: Wooster Avenue, industrial
- West: North 26th Street, residential

The project is located about 2.3 miles east of the Norman Y. Mineta San José International Airport. The project site is located outside the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for the airport. This is further described in *Section H. Hazards and Hazardous Materials* of this Initial Study.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2
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?			X		1, 3

Explanation

a) **No Impact**. The project sites are located in an urbanized area surrounded primarily by residential and light industrial land uses. The proposed project development would result in new mixed-uses on existing parcels.

This action would not divide an existing community, as the existing residential uses to the north and east of these sites are already separated from similar residential uses to the west by a now defunct railway and light industrial land uses. No impact would occur.

b) **Less Than Significant Impact**. The proposed project consists of three Site Development Permit applications to allow construction of mixed-use developments on three separate sites. An analysis of consistency for each development with the respective General Plan and zoning designations of each site is presented below.

The Vila de Camila project site is designated *Urban Village* in the General Plan, the Casa Inclusiva site carries designations of *Urban Village* and *Residential Neighborhood*, and the Residencias Arianna site carries the designation of *Mixed-Use Neighborhood*.

Vila de Camila

The Vila de Camila project site is designated *Urban Village* in the General Plan. The *Urban Village* designation allows a density of up to 250 du/ac and a minimum FAR of 0.75 within the *Five Wounds Urban Village Plan*. Standalone residential projects that do not include a commercial component are not consistent with the designation in the *Five Wounds Urban Village Plan*. The Vila de Camila development proposes a density of approximately 227 DU/AC, and a commercial FAR of 0.09. Under the State Density Bonus the applicant is requesting waiver from the minimum FAR requirement of 0.75. With approval of the waiver, the development would be consistent with the *Urban Village* designation for the site.

The Vila de Camila project site carries a zoning designation of LI – Light Industrial. Under AB 3194, the conforming zoning district to General Plan can be applied for a residential development project. Therefore, the Vila de Camila project would proceed using the UV – Urban Village Zoning District and not require confirming rezoning. Per Section 20.55.203, Table 20-138 of the Zoning Code, mixed use residential/ commercial use is permitted with a Site Development Permit. The proposed development on 1325 Julian Street would be subject to State Density bonus incentives and waivers to allow for the increased height of development from 60 to 109 feet, the orientation of residential units away from the planned Five Wounds Trail, and a parking reduction to 159 residential spaces. Approval of incentives and waivers in accordance with the State Density Bonus Law and conformance with zoning standards would ensure the proposed development is consistent with zoning.

Casa Inclusiva

The General Plan designation for Casa Inclusiva site is *Urban Village* and *Residential Neighborhood*. The *Residential Neighborhood* designation allows a typical density of 8 du/ac and an FAR up to 0.7. The Casa Inclusiva development proposes a density of approximately 87 du/ac that is consistent with the Urban Village designation, and commercial FAR of 0.22

under the State Density Bonus Law; therefore, it is consistent with the General Plan designations for the site.

The Casa Inclusiva project site is zoned HI – Heavy Industrial and R-1-8 Single-Family Residential. . Under AB 3194, the UV – Urban Village Zoning District would be applicable. The proposed project would include a State Density Bonus Law incentives or waivers to allow for an increase in height, a reduction of the minimum commercial Floor Area Ratio (FAR), reduced stepdown requirements on the north side of the site, and a reduction in common open space. Approval of incentives and waivers in accordance with the State Density Bonus Law and conformance with zoning standards would ensure the proposed development is consistent with zoning.

Residencias Arianna

The Residencias Arianna site is designated as *Mixed-Use Neighborhood* in the General Plan. The *Mixed-Use Neighborhood* designation allows a density of up to 30 du/ac (35 du/ac within the *Five Wounds Urban Village Plan*) and an FAR of 0.25 to 2.0. The applicant is requesting incentives and waivers under the State Density Bonus law by proposing a higher density of approximately 158 du/ac and a greater FAR of 3.19. AB 2345 allows for increased development density if a minimum of 20 percent of residential units are reserved for low-income tenants. Residencias Arianna would be consistent with the General Plan designation for the site based on the density bonus applicable to the proposed development.

The Residencia Arianna project site consists of parcels that are either designated MUN Mixed Use Neighborhood District or the UR Urban Residential District. The MUN Mixed Use Neighborhood district provides conventional development standards and alternate development standards in order to accommodate a mix of housing product types. The UR – Urban Residential Zoning District is intended to implement the Urban Residential general plan land use designation. Under AB 3194, the MUN Zoning District would be applicable.

The Residencias Arianna project would include a height requirement waiver under the State Density Bonus law to allow for the increased height of 73 feet for the proposed development., a decrease in stepdown requirements adjacent to residences, a reduction in common open space, and a reduction of the required balcony widths. The applicant is also requesting parking reduction of up to 71 percent (at 0.25 stalls per unit). Approval of incentives and waivers in accordance with the State Density Bonus Law and conformance with zoning standards would ensure the proposed development is consistent with zoning.

In terms of physical impacts on the environment, this Initial Study analyzes the environmental impacts of the project within each resource section of the document and provides measures and conditions to reduce the physical impacts of the project. The project's compliance with the City's riparian corridor policy is discussed under impacts b) and d) in *D. Biological Resources*. Therefore, the project would have a less than significant impact related to conflicts with land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Conclusion: The project would have a less than significant impact on land use and planning.

L. MINERAL RESOURCES

Regulatory Framework

State

Surface Mining and Reclamation Act

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Existing Setting

There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
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?				X	1, 2

Explanation

a), b) **No Impact**. The project site is located 4.25 miles north of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA. Therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

Conclusion: The project will have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (June 13, 2023), which is contained in Appendix G. The following discussion summarizes the results of this assessment.

Regulatory Setting

Federal

Federal Highway Administration Roadway Construction Noise Model

The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RNCM) is the national model for prediction of noise generated by construction projects. Since construction frequently occurs near residences and businesses, the FHWA developed the RNCM in an effort to control and monitor construction noise to avoid impacts on surrounding communities and neighborhoods. The RNCM provides a federally-recognized construction noise screening tool to reliably and easily predict construction noise levels and to determine compliance with noise limits for construction projects of varying types.

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[44] that project building materials and assemblies need to comply with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

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

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses.

[44] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	**Exterior DNL Value In Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.					
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)					

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General

Envision San José 2040 Relevant Noise and Vibration Policies	
	Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 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.

San José Municipal Code

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

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

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Existing Setting

Noise Fundamentals

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

Existing Noise Environment

The proposed project spans three sites located at 1298 Tripp Avenue (Residencias Arianna), 1325 East Julian Street (Vila de Camila), and 1347 East Julian Street (Casa Inclusiva) in the City of San José. The Vila de Camila and Casa Inclusiva project sites are currently vacant, while the Residencias Arianna project site is occupied by two existing apartment buildings (1298 Tripp Avenue and 380 North 26th Street) and two single-family residences (345 and 341 Wooster Avenue). The Vila de Camila project site is surrounded by vacant land and residential land uses to the north, the Casa Inclusiva project site, West Court, residential uses, and Highway 101 to the east, East Julian Street and industrial uses to the south, and industrial uses, and Wooster Avenue to the west. The Casa Inclusiva project site is

surrounded by West Court and residential land uses to the north, West Court, residential uses, and Highway 101 to the east, East Julian Street and industrial uses to the south, and the Vila de Camila project site and industrial uses to the west. The Residencias Arianna project site is surrounded by Tripp Avenue and residential land uses to the north, Wooster Avenue and industrial uses to the east, residential uses and Permata Court to the south, and North 26th Street and residential uses to the west.

The primary contributor to the noise environment at the project sites is vehicular traffic along the nearby East Julian Street overcrossing and Highway 101. Additional contributors to the existing noise environment include local roadway traffic, surrounding light industrial land uses, and intermittent jet aircraft flyovers associated with the Norman Y. Mineta San José International.

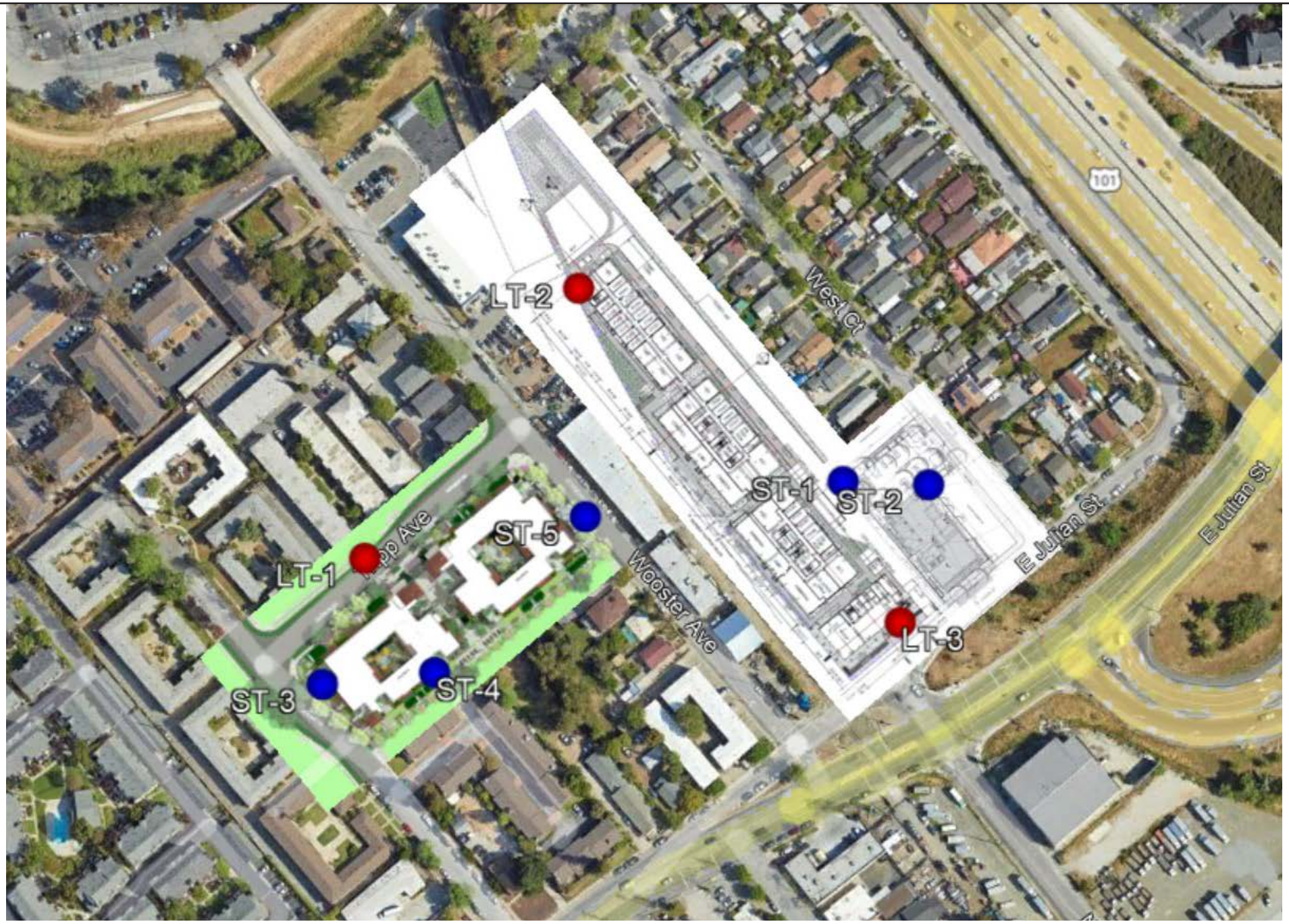
A noise monitoring survey consisting of three long-term (LT-1 through LT-3) and five short-term (ST-1 through ST-5) noise measurements was conducted at the sites between Tuesday, October 4, 2022, and Thursday, October 6, 2022. The noise measurement locations are shown in Figure 31.

Long-term noise measurement LT-1 was made approximately 20 feet north of the centerline of Tripp Avenue. Hourly average noise levels at LT-1 typically ranged from 52 to 62 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 46 to 53 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level on Wednesday, October 5, 2022, was 59 dBA DNL. The daily trend in noise levels at LT-1 is shown in Figures A1 through A3 of Appendix G.

LT-2 was made along the western boundary of the Vila de Camila site, adjacent to the walking trail. Hourly average noise levels at LT-2 typically ranged from 56 to 65 dBA L_{eq} during daytime hours and from 56 to 60 dBA L_{eq} during nighttime hours. The daily trend in noise levels at LT-2 is shown in Figures A4 through A6 of Appendix G.

LT-3 was made was made approximately 160 feet north of the centerline of the main East Julian Street roadway and approximately 45 feet north of the centerline of the East Julian Street frontage road. Hourly average noise levels at LT-3 typically ranged from 60 to 69 dBA L_{eq} during daytime hours and from 55 to 65 dBA L_{eq} during nighttime hours. The day-night average noise level was 67 dBA DNL on Wednesday, October 5, 2022. The daily trend in noise levels at LT-3 is shown in Figures A7 through A9 of Appendix G.

Short-term noise measurements ST-1 and ST-2 were made on Tuesday, October 4, 2022, between 12:30 p.m. and 1:00 p.m. ST-3 through ST-5 were made on Thursday, October 6, 2022, between 11:30 a.m. and 12:20 p.m. Table 26 summarizes the noise measurement results measured at each site.



Source: Illingworth & Rodkin, November 2022

Noise Measurement Locations

Julian & Tripp Combined Mixed-Use Development
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Figure
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Table 26 Summary of Short-Term Noise Measurement Data						
Noise Measurement Location (Date, Time)	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**$L_{eq(10\text{-}min)}$**
ST-1: northwestern corner of the Casa Inclusiva site (10/4/2022, 12:30-12:40 p.m.)	60	59	56	54	52	54
ST-2: ~170 feet from the centerline of the East Julian Street frontage road and ~65 feet from the centerline of West Court (10/4/2022, 12:50-1:00 p.m.)	66	63	57	55	53	56
ST-3: ~40 feet from the centerline of North 26th Street and ~70 feet from the centerline of Tripp Avenue (10/6/2022, 11:30-11:40 a.m.)	69	60	54	45	44	51
ST-4: southern boundary of the Residencias Arianna site (10/6/2022, 11:50 a.m.-12:00 p.m.)	60	56	53	49	47	50
ST-5: ~15 feet from the centerline of Wooster Avenue (10/6/2022, 12:10-12:20 p.m.)	73	70	62	55	50	59

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. 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?		X			1, 2, 3, 14
b) Generation of excessive groundborne vibration or groundborne noise levels?		X			1, 2, 14
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?			X		1, 2, 14

Explanation

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.

- A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.

- A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) a noise level increase of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.

- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For sensitive historic structures, a continuous vibration limit of 0.08 in/sec PPV is used to determine the impact significance.

- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

a) **Less Than Significant with Mitigation Incorporated**. The following addresses the temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. The noise and vibration effects associated with the project are described below based on the results of the noise and vibration study (see Appendix G).

Construction

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project that is 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.

Project construction at all three sites would occur from 7:00 a.m. to 7:00 p.m. The Casa Inclusiva development (1347 East Julian Street) would be constructed first and is anticipated to be the first completed, with construction lasting approximately 12 months from early October 2024 through September 2025. Construction activities at the sites at Vila de Camila project site (1347 East Julian Street) and the Residencias Arianna project site (1298 Tripp Avenue) would overlap. Construction for the Casa Inclusiva site (1325 East Julian Street) begins the same month (September 2025), concluding at the beginning of May 2028 (33 months). Construction activities at the Residencias Ariana site (1298 Tripp Avenue) are expected to start in early June 2027, and all exterior construction is expected to conclude in early July 2028 (13 months). The construction schedule shows a hiatus before interior construction starts in early February 2029, and all interior work would conclude by early October 2029 (8 months). Continuous construction activities are expected for about 3 years and 9 months, with 8 months of additional interior construction work at the Residencias Ariana site (1298 Tripp Avenue) site after a 7-month break.

Existing residences located along the northside of Tripp Avenue would have existing ambient noise levels represented by LT-1 of the monitoring survey, which ranged from 52 to 62 dBA L_{eq} during daytime hours. Rocketship Elementary, located on Wooster Avenue near the western boundary of the Vila de Camila project site would have existing ambient noise levels represented by LT-2 of the monitoring survey, which ranged from 55 to 65 dBA L_{eq} during daytime hours. Existing residences located along West Court would have existing ambient noise levels represented by LT-3 of the monitoring survey, which ranged from 60 to 69 dBA L_{eq} during daytime hours.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The construction of the proposed project would involve demolition, excavation, trenching, and building construction. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well. For the proposed project, pile driving, which generates excessive noise levels, is not expected.

Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet (see Appendix F, Table 5) from the equipment. Table 27 shows the hourly average noise level ranges, by construction phase, typical for various types of projects. Hourly average noise levels generated by construction are about 72 to 88 dBA L_{eq} for residential buildings, measured at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Table 27 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)								
	Domestic Housing		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. **II** - Minimum required equipment present at site. Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.								

Detailed lists of equipment expected to be used during each phase of all three developments were provided for this analysis and are summarized in Tables 28, 29, and 30. Federal Highway Administration's (FHWA's) Roadway Construction Noise Model (RCNM) was used to calculate the hourly average noise levels for each phase of construction, assuming every piece of equipment would operate simultaneously, which would represent the worst-case scenario. This construction noise model includes representative sound levels for the most common types of construction equipment and the approximate usage factors of such equipment that were developed based on an extensive database of information gathered during the construction of the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project or "Big Dig"). The usage factors represent the percentage of time that the equipment would be operating at full power.

Table 28 Estimated Construction Noise Levels at Casa Inclusiva at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
Site Preparation	7 days	Grader (1) [a] Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1)[a]	84 dBA L_{eq}
Grading/Excavation	11 days	Grader (1)[a] Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1) [a]	84 dBA L_{eq}
Trenching/Foundation	23 days	Tractor/Loader/Backhoe (1) [a] Excavator (1) [a]	82 dBA L_{eq}
Building – Exterior	174 days	Crane (1) Forklift (1) Generator Set (1) [a] Tractor/Loader/Backhoe (1) [a] Welder (1)	82 dBA L_{eq}

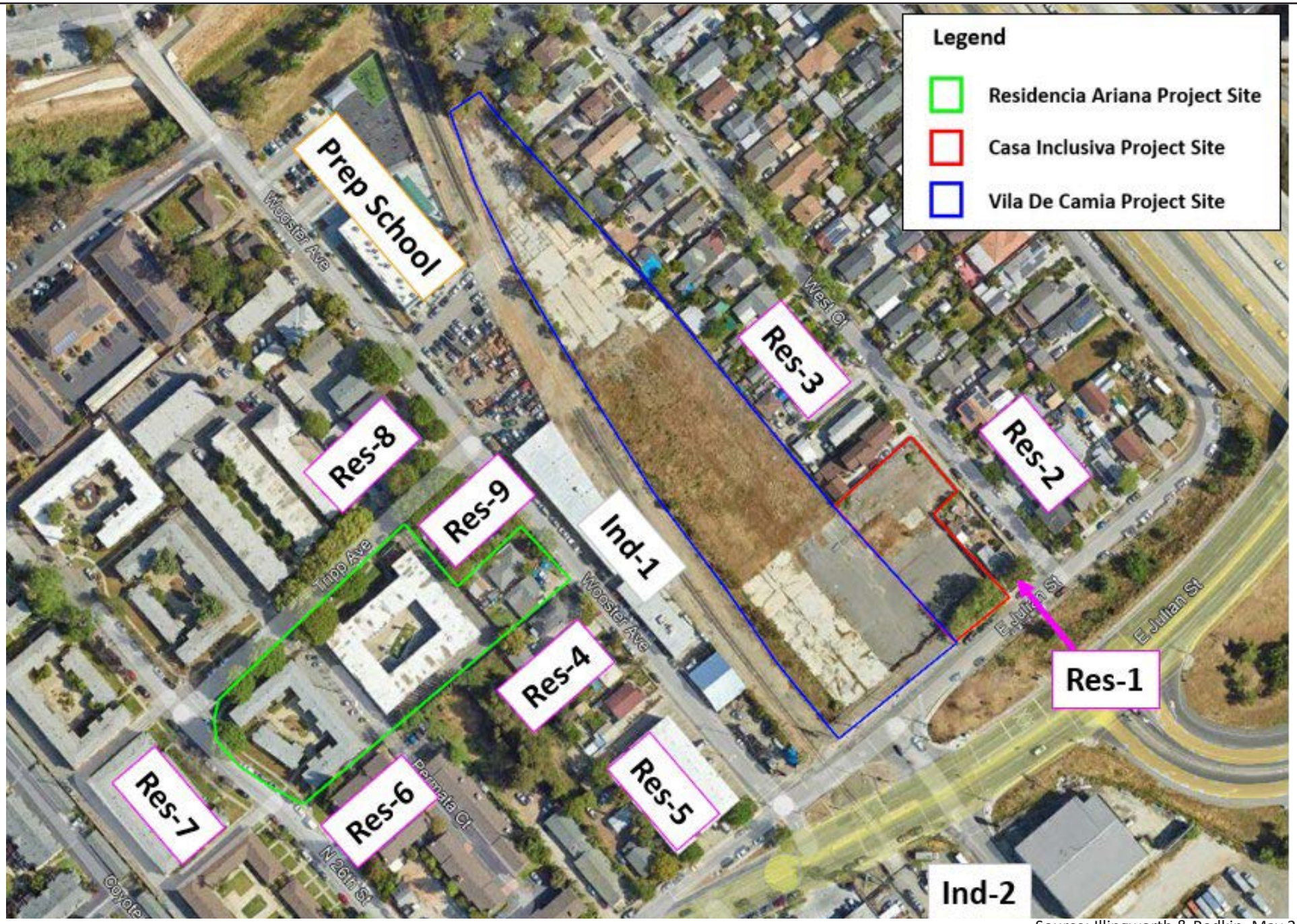
Table 28 Estimated Construction Noise Levels at Casa Inclusiva at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
Building – Interior/ Architectural Coating	114 days	Air Compressor (1) [a] Aerial Lift (1)[a]	75 dBA L_{eq}
Paving	24 days	Cement and Mortar Mixer (1)[a] Roller (1)[a]	77 dBA L_{eq}
[a] Denotes two loudest pieces of construction equipment per phase.			

Table 29 Estimated Construction Noise Levels at Residencias Arianna at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
Demolition	45 days	Concrete/Industrial Saw (4) [a] Excavator (4) Rubber-Tired Dozer (2) Tractor/Loader/Backhoe (2)[a]	85 dBA L_{eq}
Site Preparation	44 days	Grader (2) [a] Rubber-Tired Dozer (2) Tractor/Loader/Backhoe (2)[a]	84 dBA L_{eq}
Grading/Excavation	21 days	Excavator (2) Grader (2)[a] Rubber-Tired Dozer (2) Concrete/Industrial Saw (2) [a] Tractor/Loader/Backhoe (2)	85 dBA L_{eq}
Trenching/Foundation	110 days	Tractor/Loader/Backhoe (2) [a] Excavator (2) [a] Concrete Pump (4)	82 dBA L_{eq}
Building – Exterior	305 days	Crane (1) Forklift (2) Generator Set (2) [a] Tractor/Loader/Backhoe (2) [a] Welder (2)	85 dBA L_{eq}
Building – Interior/ Architectural Coating	181 days	Air Compressor (2) [a] Aerial Lift (2)[a]	75 dBA L_{eq}
[a] Denotes two loudest pieces of construction equipment per phase.			

Table 30 Estimated Construction Noise Levels at Vila de Camila at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
Demolition	42 days	Concrete/Industrial Saw (2) [a] Excavator (2) Rubber-Tired Dozer (2) Tractor/Loader/Backhoe (2)[a]	85 dBA L_{eq}
Site Preparation	45 days	Grader (2) [a]	84 dBA L_{eq}

Table 30 Estimated Construction Noise Levels at Vila de Camila at a Distance of 50 feet			
Phase of Construction	**Total Workdays**	**Construction Equipment (Quantity)**	**Estimated Construction Noise Level at 50 feet**
		Rubber-Tired Dozer (2) Tractor/Loader/Backhoe (2)[a]	
Grading/Excavation	44 days	Excavator (2) Grader (2)[a] Rubber-Tired Dozer (2) Concrete/Industrial Saw (2) [a] Tractor/Loader/Backhoe (2)	85 dBA L_{eq}
Trenching/Foundation	218 days	Tractor/Loader/Backhoe (2) [a] Excavator (2) Concrete Pump (2)[a]	82 dBA L_{eq}
Building – Exterior	326 days	Crane (2) Forklift (1) Generator Set (2) [a] Tractor/Loader/Backhoe (2) [a] Welder (4)	82 dBA L_{eq}
Building – Interior/ Architectural Coating	195 days	Air Compressor (4) [a] Aerial Lift (4)[a]	75 dBA L_{eq}
Paving	174 days	Paver (2) Paving Equipment (2)[a] Roller (1) Tractor/Loader/Backhoe (1)[a]	84 dBA L_{eq}
[a] Denotes two loudest pieces of construction equipment per phase.			

Noise-sensitive receptors in the vicinity of all three sites are identified in Figure 32. Each of the receptors identified in the figure would have varying levels of exposure to each of the individual construction sites. Temporary construction noise was assessed at the receiving property lines of all existing noise-sensitive receptors in the area that would have direct exposure to each individual site, which are identified in Figure 32. Tables 31, 32, and 33 summarize the hourly average noise levels calculated from all construction equipment operating simultaneously in each phase at the Casa Inclusiva project site, the Residencias Arianna project site, and the Vila de Camila project site, respectively, when the construction source level is positioned at the center of the respective sites and spread to the receiving property lines.



Source: Illingworth & Rodkin, May 2023

Location of Sensitive Receptors (Noise)

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Table 31
Estimated Construction Noise Levels for Casa Inclusiva at the Receiving Property Lines in the Project Vicinity

Phase of Construction	Calculated Hourly Average Noise Levels, L_{eq} (dBA)								
	Res-1 (40ft)	Res-2 (120ft)	Res-3 (90ft)	Ind-1 (275ft)	Prep School (575ft)	Ind-2 (325ft)	Res-4 & Res-5 (360ft)	Res-6 Res-7 & Res-8 (600ft+)	Res-9 (490ft)
Site Preparation	87	77	79	70	63	68	67	53*	55[a]
Grading/Excavation	87	77	79	70	63	68	67	53*	55[a]
Trenching/Foundation	84	74	77	67	61	65	65	50*	52[a]
Building – Exterior	85	75	78	68	62	67	66	51*	53[a]
Building – Interior/Architectural Coating	77	67	70	60	54	58	58	43*	45[a]
Paving	79	69	72	62	56	61	60	45*	47[a]

[*] Conservative 10 dBA attenuation was applied for intervening buildings.

Table 32
Estimated Construction Noise Levels for Residencias Arianna at the Receiving Property Lines in the Project Vicinity

Phase of Construction	Calculated Hourly Average Noise Levels, L_{eq} (dBA)								
	Res-4 & Res-6 (85ft)	Res-7 (275ft)	Res-8 (135ft)	Ind-1 (235ft)	Res-5 (265ft)	Prep School (325ft)	Res-1, Res-2 & Res-3 (525ft+)	Ind-2 (520ft+)	Res-9 (150ft)
Demolition	86	76	82	78	66*	75	61*	61*	81
Site Preparation	83	73	79	74	63*	71	57*	57*	78
Grading/Excavation	86	75	82	77	66*	74	60*	60*	81
Trenching/Foundation	83	73	79	74	63*	71	57*	57*	78
Building – Exterior	81	71	77	72	61*	69	55*	55*	76
Building – Interior/Architectural Coating	73	63	69	64	53*	61	47*	47*	68

* Conservative 10 dBA attenuation was applied for intervening buildings.

Table 33
Estimated Construction Noise Levels for Vila de Camila at the Receiving Property Lines in the Project Vicinity

Phase of Construction	Calculated Hourly Average Noise Levels, L_{eq} (dBA)								
	Res-3 (85ft)	**Res-1 & Res-2 (165ft)**	**Ind-1 (145ft)**	**Prep School (115ft)**	**Ind-2 (470ft)**	**Res-4 Res-5 (210ft)**	**Res-8 (240ft+)**	**Res-6 & Res-7 (460ft+)**	**Res-9 (335ft)**
Demolition	84	69*	80	82	69	66*	65*	60*	72
Site Preparation	83	67*	78	80	68	65*	64*	58*	71
Grading/Excavation	86	70*	82	83	71	68*	65*	61*	74
Trenching/Foundation	82	66*	77	79	67	64*	63*	57*	70
Building – Exterior	81	66*	77	79	67	64*	62*	57*	70
Building – Interior/Architectural Coating	76	60*	71	73	61	58*	57*	51*	64
Paving	81	65*	76	78	66	63*	62*	56*	69

* Conservative 10 dBA attenuation was applied for intervening buildings.

As shown in Tables 31, 32, and 33, construction noise levels would intermittently range from 75 to 87 dBA L_{eq} when activities occur approximately 40 to 50 feet from nearby receptors. When focused near the center of the project site, construction noise levels would typically range from 43 to 87 dBA L_{eq} at residential and school land uses and from 58 to 81 dBA L_{eq} at industrial uses. Table 34 summarizes the construction noise level results in Tables 31, 32, and 33 for each receptor.

Table 34
Summary of Construction Noise Levels Expected at Each Receiving Property Line in the Project Vicinity

Receptor	Casa Inclusiva 12 months	Residencias Arianna 21 Months[d]	Vila de Camila 33 Months	Total Duration Exceeding FTA Thresholds * Exceeding Ambient by 5 dBA or more
Res-1[a]	77 to 87 dBA L_{eq}	47 to 61 dBA L_{eq}[a]	60 to 70 dBA L_{eq}	10/2024 to 9/2025 (Casa Inclusiva)
Res-2[a]	67 to 77 dBA L_{eq}	47 to 61 dBA L_{eq}[a]	60 to 70 dBA L_{eq}[a]	N/A
Res-3[b]	70 to 79 dBA L_{eq}	47 to 61 dBA L_{eq}[b]	76 to 86 dBA L_{eq}	9/2025 to 5/2028 (Vila de Camila)
Res-4[b]	58 to 67 dBA L_{eq}	73 to 86 dBA L_{eq}	58 to 68 dBA L_{eq}[b]	462027 to 7/2028 (Residencias Arianna)
Res-5[a]	58 to 67 dBA L_{eq}	53 to 66 dBA L_{eq}[a]	58 to 68 dBA L_{eq}[a]	N/A
Res-6[c]	43 to 53 dBA L_{eq}	73 to 86 dBA L_{eq}	51 to 61 dBA L_{eq}[c]	6/2027 to 7/2028 (Residencias Arianna)
Res-7[c]	43 to 53 dBA L_{eq}	63 to 76 dBA L_{eq}	51 to 61 dBA L_{eq}[c]	N/A
Res-8[c]	43 to 53 dBA L_{eq}	69 to 82 dBA L_{eq}	57 to 67 dBA L_{eq}[c]	6/2027 to 7/2028 (Residencias Arianna)
Res-9[c]	45 to 55 dBA L_{eq}	68 to 81 dBA L_{eq}	64 to 74 dBA L_{eq}	6/2027 to 7/2028
Prep School[b]	54 to 63 dBA L_{eq}[b]	61 to 75 dBA L_{eq}	73 to 81 dBA L_{eq}	9/2025 to 5/2028 (Vila de Camila)
Ind-1[b]	60 to 70 dBA L_{eq}	64 to 78 dBA L_{eq}	71 to 81 dBA L_{eq}	N/A
Ind-2[a]	58 to 68 dBA L_{eq}	47 to 61 dBA L_{eq}[c]	61 to 71 dBA L_{eq}[c]	N/A

[a] Receptor's existing daytime ambient noise environment is represented by LT-3, which ranges from 60 to 69 dBA L_{eq}.
[b] Receptor's existing daytime ambient noise environment is represented by LT-2, which ranges from 56 to 65 dBA L_{eq}.
[c] Receptor's existing daytime ambient noise environment is represented by LT-1, which ranges from 52 to 62 dBA L_{eq}.

[d] Exterior construction at Residencias Arrianna would last 13 months from June 2027 to July 2028. After a hiatus, construction would resume for interior work, lasting 8 months from February 2029 to October 2029

Table 34 summarizes the construction noise level results in Tables 31 through 33 for each receptor. As shown on Table 34, when centered near the center of the site, the FTA's residential threshold of 80 dBA L_{eq} would be exceeded at seven existing noise-sensitive receptors, and at each of these receptors, existing ambient noise levels would be exceeded by 5 dBA or more. The following list summarizes the impacted receptors identified in Table 34:

- Res-1 during construction of Casa Inclusiva (1347 East Julian Street) from October 2024 to September 2025 – FTA threshold of 80 dBA L_{eq} is exceeded by 7 dBA for a total of 12 months;

- Res-3 during construction of Vila De Camila (1325 East Julian Street) from September 2025 to May 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 6 dBA for a total of 33 months;

- Prep School during construction of Vila De Camila (1325 East Julian Street) from September 2025 to May 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 3 dBA for a total of 33 months;

- Res-4 during the construction of Residencias Ariana (1298 Tripp Avenue) from June 2027 to July 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 6 dBA for a total of 13 months;

- Res-6 during the construction of Residencias Ariana (1298 Tripp Avenue) from June 2027 to July 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 6 dBA for a total of 13 months;

- Res-8 during the construction of Residencias Ariana (1298 Tripp Avenue) from June 2027 to July 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 2 dBA for a total of 13 months;

- Res-9 during the construction of Residencias Ariana (1298 Tripp Avenue) from June 2027 to July 2028 – FTA threshold of 80 dBA L_{eq} is exceeded by 1 dBA for a total of 13 months;

Res-1 would be exposed to this temporary noise level increase over FTA thresholds for a period not exceeding one year. The remaining residences and Prep School would be exposed to a temporary increase over FTA thresholds of 1 to 6 dBA for a period of 13 to 33 months. This would be considered a significant impact according to Policy EC-1.7 of the City's General Plan.

Impact NSE-1: Construction of the project would generate temporary increased noise levels exceeding 80 dBA L_{eq} at the nearby residential and school land uses, in exceedance of the City's exterior threshold. Construction of the proposed project would also generate temporary increased noise levels within 500 feet of the residential and the school land uses for a period of over 12 months, which is defined as significant impact under General Plan Policy EC-1.7.

Mitigation Measures

MM NSE 1 **Construction Noise Logistics Plan**: Prior to the issuance of any grading or building permits, the project applicant shall prepare and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. A temporary 10 to 12-foot noise barrier would provide 5 to 6 dBA attenuation for adjacent sensitive land uses when construction activities occur at the ground level.

- Erect a temporary noise control blanket barrier, where feasible, at the property line or on scaffolding just outside the proposed buildings facing the residences represented by "Res-3" in Figure 32 during construction of the upper floors of buildings at Vila de Camila (1325 East Julian Street) to control construction noise when activities occur above the ground level. Since construction of Vila De Camila (1325 East Julian Street) would be constructed in phases, with Buildings C and D (located at the rear of the site) to be built before Buildings A and B (located at the front of the site), the temporary noise control blanket barriers shall be installed at residences nearest to the active construction activities only.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines shall be strictly prohibited.

- 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.

- 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 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.

With implementation of mitigation measure NSE-1 and adherence to GP Policy EC-1.7, temporary construction noise levels would be reduced by up to 6 dBA at all impacted receptors. This would reduce the temporary noise level increase to below FTA thresholds throughout the duration of project construction. This represents a less than significant impact with incorporation of GP Policy EC-1.7 and mitigation identified above.

Project-Generated Noise Impacts During Operations

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for the nearby residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL. Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by 3 dBA DNL. For reference, a 3 dBA DNL noise increase would be expected if the project would double existing traffic volumes along a roadway.

Under the City's Noise Element, noise levels from nonresidential building equipment shall not exceed a noise level of 55 dBA DNL at receiving noise-sensitive land uses. While the majority of each project would include residential units, each proposed project does include ground-level commercial uses; conservatively, Policies EC-1.3 and EC-1.6 shall be enforced for each proposed project.

The City's General Plan does not include thresholds for equipment noise generated at residential buildings; however, the Municipal Code requires mechanical equipment noise to be maintained at or below 55 dBA at receiving residential properties when operational noise is generated at residential uses. Additionally, Section 20.40.600 of the Municipal Code includes a noise limit of 60 dBA on receiving nonresidential uses.

Project Traffic Increase

The traffic study included peak hour turning movements for the existing traffic volumes and project trips at eight intersections in the vicinity of the project sites. By comparing the existing plus project traffic scenario to the existing scenario, operation of the proposed developments

would result in a noise level increase of 2 dBA DNL or less along all roadway segments included in the traffic study, as shown below in Table 35. The project would not result in a permanent noise increase of 3 dBA DNL or more at noise-sensitive receptors in the project vicinity.

Table 35
Estimated Noise Level Increases of Existing Plus Project Traffic Volumes Over Existing Volumes at Receptors in the Project Vicinity

Roadway	Segment	Estimated Noise Level Increase
East Julian Street/ McKee Road	East of North 33rd Street	0 dBA DNL
	North 33rd Street to Highway 101 northbound ramps	0 dBA DNL
	Highway 101 northbound ramps to Highway 101 southbound ramps	0 dBA DNL
	Highway 101 southbound ramps to North 28th Street	0 dBA DNL
	North 28th Street to Wooster Avenue	0 dBA DNL
	Wooster Avenue to North 24th Street	0 dBA DNL
	West of North 24th Street	0 dBA DNL
East Julian Street frontage roadway	East of West Court	0 dBA DNL
	West of West Court	0 dBA DNL
East Santa Clara Street	East of North 28th Street	0 dBA DNL
	West of North 28th Street	0 dBA DNL
West Court	North of East Julian Street frontage roadway	0 dBA DNL
Wooster Avenue	North of East Julian Street/McKee Road	1 dBA DNL
	South of East Julian Street/McKee Road	0 dBA DNL
North 33rd Street	North of East Julian Street/McKee Road	0 dBA DNL
	South of East Julian Street/McKee Road	0 dBA DNL
North 28th Street	North of East Julian Street/McKee Road	2 dBA DNL
	East Julian Street/McKee Road to East Santa Clara Street	1 dBA DNL
	South of East Santa Clara Street	0 dBA DNL
North 24th Street	South of East Julian Street/McKee Road	0 dBA DNL
Highway 101 northbound on-ramp	At East Julian Street/McKee Road	0 dBA DNL
Highway 101 northbound off-ramp	At East Julian Street/McKee Road	0 dBA DNL
Highway 101 southbound on-ramp	At East Julian Street/McKee Road	0 dBA DNL

Mechanical Equipment

Casa Inclusiva: The site plan for the Casa Inclusiva development (Figure 12) shows the trash enclosure on the ground level of the building within the first-floor parking structure. Just north of the entrance to the parking structure along West Court, the site plan also shows a transformer located on the ground level of the 1347 East Julian Street project site. Transformers up to 1,000 kVA typically generate noise levels up to 64 dB, as measured at 1 meter (3.28 feet). Assuming the transformer runs continuously during daytime and nighttime hours, the day-night average noise level would be 70 dBA DNL at a distance of 1 meter (3.28 feet). The site plan shows an eight-foot-tall perimeter precast concrete wall located along the northern and eastern property lines of the Casa Inclusiva project site, as well as along the shared property lines with 1349 East Julian Street (identified in Figure 32 as Res-1). Assuming the wall is solid from ground to top, with no cracks or gaps, the wall would provide partial shielding for ground-level sources, such as the transformer. Conservatively, 5 dBA attenuation is assumed. However, the future receptors located at the upper floors of the buildings at the Vila de Camila site would have direct line-of-sight to the transformer, and conservatively, no attenuation is assumed at these receptors.

Heating, ventilation, and air conditioning (HVAC) units are typically part of residential buildings. For the proposed project, packaged terminal air conditioners (PTAC) style units will be mounted inside each residential unit and would be self-contained. No exterior condensers would be required for the proposed building. These types of units would be well shielded from off-site receptors surrounding the site. Noise would not be audible at the project boundaries.

The only noise-generating mechanical equipment audible at the project property lines would be noise from the exterior transformer. Table 36 summarizes the transformer noise levels calculated at the property lines of the receptors surrounding the Casa Inclusiva project site, with appropriate attenuation assumed.[45] Table 36 summarizes operational noise levels at receptors Res-1 through Res-2, Ind-2, and the future residences located at the Vila de Camila project site.

Table 36
Estimated Mechanical Equipment Noise Levels
for the Casa Inclusiva Project Site

Receptor	Distance from Transformer	Hourly L_{eq} dBA	DNL, dBA	Noise Level Increase, dBA DNL
Res-1	80 feet	31[a]	38[a]	0
Res-2	55 feet	40	46	0
Res-3	10 feet	49[a]	56[a]	0
Ind-2	420 feet	<20[a]	23[a]	0
Future Vila de Camila development	120 feet	33	39	N/A[b]

[a] A conservative 5 dBA reduction was applied to the noise levels due to the eight-foot concrete perimeter wall around the project site.
[b] Noise level increases would not occur at the future receptors at the Vila de Camila project site since the future receptors would not be exposed to existing ambient conditions.

[45] Receptors Ind-1, Prep School, and Res-4 through Res-8 would not be subject to future operational noise from the project site at 1347 East Julian Street due to distance and shielding from the proposed development at 1325 East Julian Street.

Based on the estimated noise levels in Table 36, mechanical equipment noise levels would not exceed the City's General Plan and Municipal Code thresholds at existing residential receptors to the east of the site, existing industrial receptors to the south of the site, or future residential receptors to the west of the site. However, the existing receptors to the north of the site would potentially be exposed to mechanical equipment noise levels exceeding the 55 dBA DNL threshold. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

Residencias Arianna: The site plan for the Residencias Ariana project (Figure 19) shows two generator rooms, pump rooms, electrical rooms, control rooms, trash rooms, and maintenance rooms in the basement level of the buildings, in addition to parking spaces. Noise levels generated from basement-level mechanical equipment would be well shielded from the surrounding receptors and would not exceed the City's thresholds at the nearest property lines. For all existing receptors, the noise level increase due to basement-level mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

The roof plan shows solar zones along the southern façades of both buildings. Solar panels typically generate low noise levels, which would not be audible or measurable at the property lines. Additionally, the same PTAC units discussed above for the Casa Inclusiva project site would be included within the residential units at the Residencias Arianna site. Similarly, these units would be well shielded from off-site receptors surrounding the site. Noise would not be audible at the project boundaries. Therefore, mechanical equipment noise levels generated at the Residencias Arianna project site would not exceed the City's General Plan and Municipal Code thresholds at existing or future receptors surrounding the project site. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

Vila de Camila: The site plan for the Vila de Camila project site shows trash and tank rooms at the basement level. Additional mechanical, electrical, and plumbing (MEP) rooms, as well as pump rooms, are shown in the buildings on the ground-level. The pump rooms are located on the interior of the second and third buildings where the surrounding receptors would be well-shielded from noise generated by equipment within the rooms. All noise levels generated from basement-level mechanical equipment and the equipment located inside rooms on the ground level would be adequately shielded from the surrounding receptors and would not exceed the City's thresholds at the nearest property lines. For all existing receptors, the noise level increase due to basement-level mechanical equipment and due to ground-level equipment located on the interior of the buildings would not be measurable or detectable (0 dBA DNL increase).

Two transformers are shown along the eastern façade of the second and third buildings at the Vila de Camila project site. At each building, the transformers would be located indoors with a minimum attenuation of 20 dBA from the building façade.

Two transformers up to 1,000 kVA would typically generate noise levels up to 47 dB, as measured at 1 meter (3.28 feet) with the incorporation of 20 dBA attenuation. Assuming both transformers run continuously during daytime and nighttime hours, the day-night average noise level would be 53 dBA DNL at a distance of 1 meter (3.28 feet) with the incorporation of 20 dBA attenuation. Res-3 and the future residences at Casa Inclusiva (1347 East Julian Street) would be the only receptors with exposure to the transformer noise. The distance from the center

of the nearest transformer room to the eastern boundary shared with these receptors would be 65 feet. At this distance, hourly average noise levels would be 21 dBA L_{eq}, and assuming continuous operation over a 24-hour period, the day-night average noise level would be 28 dBA DNL. Therefore, mechanical equipment noise levels would not exceed the City's General Plan and Municipal Code thresholds at receptors surrounding the site. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase).

PTAC units, identical to those discussed above to the Casa Inclusiva development, would be included within the residential units at the Vila de Camila site. These units would be well shielded from off-site receptors surrounding the site. Noise would not be audible at the project boundaries.

Truck Loading and Unloading

As loading zones are not specifically identified in the site plans for the three project sites, it is assumed that truck loading and unloading, as well as trash pickups, would occur within the parking garages at each of the sites. Since the parking structures at the Residencias Arianna project site and at the Vila de Camila project site are located in the basement level, they would be well shielded from the surrounding noise-sensitive receptors. At the Casa Inclusiva project site, the ground-level parking structure would be open to the surface parking lot and residences to the north of the site (Res-1). All other surrounding receptors would be well shielded by the building façade.

Smaller medium-sized delivery trucks, which are the size of truck expected to access the Casa Inclusiva project site, typically generate maximum noise levels of 60 to 65 dBA at 50 feet. The noise level of backup alarms can vary depending on the type and directivity of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA at a distance of 50 feet. Assuming up to one delivery in a given hour, and the truck maneuvering occurring for 15 minutes or less, the hourly average noise level would be 59 dBA L_{eq} at 50 feet.

The property line of Res-1 would be approximately 130 feet from the potential loading area within the parking structure at the Casa Inclusiva site. At this distance, truck maneuvering would generate hourly average noise levels of 51 dBA, and assuming up to two daytime deliveries in a 24-hour period, the day-night average noise level would be 40 dBA DNL. Truck deliveries occurring at the proposed project sites would not generate noise levels exceeding the City's thresholds at the nearby noise-sensitive land uses. For all existing receptors, the noise level increase due to truck delivery noise would not be measurable or detectable (0 dBA DNL increase).

Truck Loading and Unloading

The operational noise levels produced by the proposed project combined (i.e., traffic, mechanical equipment, and truck loading/unloading activities) would result in an increase of 2 dBA DNL or less at all existing noise-sensitive receptors surrounding the project site. Therefore, the proposed project would not result in a substantial increase over existing ambient noise levels in the project vicinity. Further, operational noise levels would not exceed 55 dBA DNL at the nearest noise-sensitive receptors or 60 dBA DNL at the nearest nonresidential uses for all operational noise sources generated at the Residencias Arianna and Vila de Camila

project sites. However, operational noise thresholds generated at the Casa Inclusiva project site would potentially exceed 55 dBA DNL at the existing receptor to the north (Res-1 in Figure 32) of this project site. Since the Casa Inclusiva development is majority residential, the thresholds established in the General Plan policies, which restrict noise levels generated at nonresidential buildings, would not be exceeded. The City of San José does not consider exceeding the Municipal Code thresholds a significant impact. Therefore, the proposed project would have a less-than-significant impact with respect to exceeding thresholds for operational-period noise.

The final design plans for the proposed project should be reviewed by a qualified acoustical consultant to address any potential conflicts with the General Plan or Municipal Code. The following mitigation measures would apply to the proposed project to ensure that operational noise levels for mechanical equipment would be reduced to a less than significant level.

Impact NSE-2: Operation of the project could result in operational noise from mechanical equipment that exceeds 55 dBA DNL at nearby residential land uses.

Mitigation Measures

MM NSE 2 Prior to issuance of any building permits and during final building design, the project applicant shall retain a qualified acoustical professional to prepare a detailed acoustical study to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise sensitive locations around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit. The detailed acoustical study demonstrating that mechanical equipment would not exceed 55 dBA DNL at adjacent sensitive receptors shall be signed by a qualified noise consultant and submitted to the Director of Planning, Building, and Code Enforcement, or Director's designee, prior to the issuance of a building permit. A copy of the acoustical study shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

Implementation of this mitigation measure would ensure that operational noise levels are reduced to a less than significant level.

Cumulative Impacts

Cumulative noise impacts would include temporary construction noise from cumulative construction projects. Based on a review the City's website, there is only one project located within 1,000 feet of the project sites: 1271 and 1279 East Julian Street, which adjoins the 1298 Tripp Avenue project site to the south, and is in the planning review phase. Noise-sensitive receptors identified as Res-4, Res-5, and Res-6 would be shared receptors with the 1271 and 1279 East Julian Street project site. While the construction schedule for the 1271 and 1279 East Julian Street project is not set, the expected dates of construction would be April 2024 through December 2025; therefore, the only overlapping period would occur between

September 2025 and December 2025 during the beginning construction of Vila De Camila (1325 East Julian Street), and all construction activities at the 1271 and 1279 East Julian Street site would conclude 1.5 years before construction of the Residencias Ariana project (1298 Tripp Avenue) starts. With the inclusion of the mitigation above and the measures proposed for the 1271 and 1298 East Julian Street project, the cumulative construction impact would be reduced to less than significant.

All other planned or approved projects would be more than 2,000 feet from the project sites (Roosevelt Park Apartments located at 21 North 21st Street), which would not share receptors with the proposed projects. Therefore, there would not be a cumulative construction impact.

For a substantial permanent cumulative noise increase to occur, two qualifications must be met: 1) if the cumulative plus project traffic volumes result in a noise level increase at sensitive receptors of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater, compared to existing traffic volumes; and 2) if the cumulative plus project traffic volumes result in a 1 dBA DNL or more noise level increase compared to the increase calculated for the cumulative (no project) conditions, which would be considered a cumulatively considerable contribution to the overall traffic noise increase. The traffic study (Appendix H) included cumulative (plus project) volumes but not cumulative (no project) volumes. The project trips were subtracted from the cumulative (plus project) volumes to calculate the cumulative (no project) scenario.

The traffic study included peak hour turning movements at eight intersections in the vicinity of the project sites. Table 37 summarizes the noise level increases calculated by comparing the cumulative (no project) and cumulative (plus project) traffic scenarios to the existing scenario, and the project's contribution to the cumulative (plus project) conditions, calculated by comparing the difference between the increase calculated for the cumulative (no project) scenario. As shown in Table 37, all roadway segments would have a noise level increase of 2 dBA DNL or less and would not meet the first criteria for a significant cumulative traffic noise impact. There would not be a cumulative noise level increase associated with the proposed projects. This represents a less than significant impact.

Table 37
Estimated Noise Level Increases of Background and Background Plus Project Traffic Volumes Over Existing Volumes at Receptors in the Project Vicinity

Roadway	Segment	Estimated Noise Level Increase Over Existing Volumes		Project's Contribution
		Cumulative (no project)	Cumulative (plus project)	
East Julian Street/ McKee Road	East of North 33rd Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	North 33rd Street to Highway 101 northbound ramps	0 dBA DNL	0 dBA DNL	0 dBA DNL
	Highway 101 northbound ramps to Highway 101 southbound ramps	0 dBA DNL	0 dBA DNL	0 dBA DNL
	Highway 101 southbound ramps to North 28th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	North 28th Street to Wooster Avenue	0 dBA DNL	0 dBA DNL	0 dBA DNL
	Wooster Avenue to North 24th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	West of North 24th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
East Julian Street frontage roadway	East of West Court	1 dBA DNL	1 dBA DNL	0 dBA DNL
	West of West Court	1 dBA DNL	2 dBA DNL	1 dBA DNL
East Santa Clara Street	East of North 28th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
	West of North 28th Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
West Court	North of East Julian Street	0 dBA DNL	2 dBA DNL	2 dBA DNL
Wooster Avenue	North of East Julian Street/McKee Road	0 dBA DNL	2 dBA DNL	2 dBA DNL
	South of East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL
North 33rd Street	North of East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL
	South of East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL
North 28th Street	North of East Julian Street/McKee Road	0 dBA DNL	2 dBA DNL	2 dBA DNL

Table 37
Estimated Noise Level Increases of Background and Background Plus Project Traffic Volumes Over Existing Volumes at Receptors in the Project Vicinity

Roadway	Segment	Estimated Noise Level Increase Over Existing Volumes		Project's Contribution
		Cumulative (no project)	Cumulative (plus project)	
	East Julian Street/McKee Road to East Santa Clara Street	0 dBA DNL	1 dBA DNL	1 dBA DNL
	South of East Santa Clara Street	0 dBA DNL	0 dBA DNL	0 dBA DNL
North 24th Street	South of East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL
Highway 101 northbound on-ramp	At East Julian Street/McKee Road	0 dBA DNL	1 dBA DNL	1 dBA DNL
Highway 101 northbound off-ramp	At East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL
Highway 101 southbound on-ramp	At East Julian Street/McKee Road	0 dBA DNL	0 dBA DNL	0 dBA DNL

b) **Less Than Significant with Mitigation Incorporated**. The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project.

According to the City's Historic Resource Inventory,[46] the nearest historical structure is located at 275 North 24th Street, which is over 950 feet from all three project sites. At this distance, construction vibration levels would have no impact on the historical structure. Historical buildings are not discussed further in this impact discussion.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 38 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 38 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings. Since no historical buildings are located within 60 feet of the site, the 0.08 in/sec PPV threshold would not be exceeded at any historical buildings during project construction and is not discussed further.

Table 38
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 feet. (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	in soil	0.008	4	2
	in rock	0.017	7	3
Vibratory Roller		0.210	61	27
Hoe Ram		0.089	28	13

[46] www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

Table 38 Vibration Source Levels for Construction Equipment			
Equipment	**PPV at 25 feet. (in/sec)**	**Minimum Distance to Meet 0.08 in/sec PPV (feet)**	**Minimum Distance to Meet 0.2 in/sec PPV (feet)**
Large bulldozer	0.089	28	13
Caisson drilling	0.089	28	13
Loaded trucks	0.076	24	11
Jackhammer	0.035	12	6
Small bulldozer	0.003	2	<1
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., August 2021.			

Project construction activities would potentially generate vibration levels up to 1.2 in/sec PPV at the buildings located within 5 feet of shared property lines with each of the project sites and up to 0.6 in/sec PPV at the buildings located within 10 feet of the shared property lines. A study completed by the US Bureau of Mines analyzed the effects of blast-induced vibration on buildings in USBM RI 8507.[47] The findings of this study have been applied to buildings effected by construction-generated vibrations.[48] Threshold damage, which is described as cosmetic damage in this report, would entail hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage would include hairline cracking in masonry or the loosening of plaster, and major structural damage would include wide cracking or shifting of foundation or bearing walls. Maximum vibration levels of 0.6 in/sec PPV or lower would result in a less than 8% chance of cosmetic damage. No minor or major damage would be expected at the buildings immediately adjoining the project site.

Neither cosmetic, minor, or major damage would occur at buildings located 30 feet or more from the project sites. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

In summary, the construction of the project would potentially generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV at non-historical properties in the project vicinity, as shown in Tables 39, 40, and 41. This represents a potentially significant impact.

[47] Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.
[48] Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

Table 39
Vibration Levels at Nearby Buildings Near the Casa Inclusiva Project Site

Equipment		PPV (in/sec)			
		Res-1 (10ft)	**Res-2 (55ft)**	**Res-3 (5ft)**	**Ind-2 (240 ft)**
Clam shovel drop		**0.553**	0.085	**1.186**	0.017
Hydromill (slurry wall)	in soil	**0.244**	0.003	0.047	0.001
	in rock	**0.244**	0.007	0.100	0.001
Vibratory Roller		**0.575**	0.088	**1.233**	0.017
Hoe Ram		**0.244**	0.037	**0.523**	0.007
Large bulldozer		**0.244**	0.037	**0.523**	0.007
Caisson drilling		**0.244**	0.037	**0.523**	0.007
Loaded trucks		**0.208**	0.032	**0.446**	0.006
Jackhammer		0.096	0.015	**0.206**	0.003
Small bulldozer		0.008	0.001	0.018	0.0002

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., November 2022.

Table 40
Vibration Levels at Nearby Buildings Near the Residencias Arianna Project Site

Equipment		PPV (in/sec)					
		Res-4 (5ft)	**Res-6 (15ft)**	**Res-7 (60ft)**	**Res-8 (55ft)**	**Ind-1 (50ft)**	**Res-9 (10ft)**
Clam shovel drop		**1.186**	**0.354**	0.077	0.085	0.094	0.553
Hydromill (slurry wall)	in soil	0.047	0.014	0.003	0.003	0.004	0.022
	in rock	0.100	0.030	0.006	0.007	0.008	0.047
Vibratory Roller		**1.233**	**0.368**	0.080	0.088	0.098	0.575
Hoe Ram		**0.523**	0.156	0.034	0.037	0.042	0.244
Large bulldozer		**0.523**	0.156	0.034	0.037	0.042	0.244
Caisson drilling		**0.523**	0.156	0.034	0.037	0.042	0.244
Loaded trucks		**0.446**	0.133	0.029	0.032	0.035	0.208
Jackhammer		**0.206**	0.061	0.013	0.015	0.016	0.096
Small bulldozer		0.018	0.005	0.001	0.001	0.001	0.008

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., May 2023.

Table 41
Vibration Levels at Nearby Buildings Near the Vila de Camila Project Site

Equipment		PPV (in/sec)				
		Res-3 (10ft)	**Ind-1 (55ft)**	**Prep School (55ft)**	**Ind-2 (240ft)**	**Future Casa Inclusiva (10ft)**
Clam shovel drop		**0.553**	0.085	0.085	0.017	**0.553**
Hydromill (slurry wall)	in soil	0.022	0.003	0.003	0.001	0.022
	in rock	0.047	0.007	0.007	0.001	0.047
Vibratory Roller		**0.575**	0.088	0.088	0.017	**0.575**
Hoe Ram		**0.244**	0.037	0.037	0.007	**0.244**
Large bulldozer		**0.244**	0.037	0.037	0.007	**0.244**

Table 41 Vibration Levels at Nearby Buildings Near the Vila de Camila Project Site					
Equipment	**PPV (in/sec)**				
	Res-3 (10ft)	**Ind-1 (55ft)**	**Prep School (55ft)**	**Ind-2 (240ft)**	**Future Casa Inclusiva (10ft)**
Caisson drilling	**0.244**	0.037	0.037	0.007	**0.244**
Loaded trucks	**0.208**	0.032	0.032	0.006	**0.208**
Jackhammer	0.096	0.015	0.015	0.003	0.096
Small bulldozer	0.008	0.001	0.001	0.0002	0.008
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., November 2022.					

Impact NSE-3: Construction of the project would generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV or more at buildings of normal conventional construction adjoining each project site.

Mitigation Measures

MM NSE 3 Prior to the issuance of any demolition or grading permits, the project applicant shall prepare a vibration monitoring plan to reduce vibration impacts resulting from construction of the project. The plan shall include, but is not limited to, the following measures shall be implemented during construction of the proposed project where vibration levels due to construction activities would exceed 0.2 in/sec PPV at building adjoining each project site:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Smaller equipment to minimize vibration levels to below 0.2 in/sec PPV shall be used at the property lines adjoining adjacent buildings. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional building.

- Avoid using vibratory rollers and clam shovel drops near sensitive areas.

- Select demolition methods not involving impact tools.

- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.

- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Implementation of this mitigation measure would reduce the vibration impact to a less than significant level.

c) **Less Than Significant Impact**. Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.3 miles west of the project site. The project sites lie well outside of the 60 dBA CNEL 2037 noise contour of the airport, according to the 2020 Amendment to the Norman Y. Mineta San José International Airport Master Plan Update Project[49] report (June 2020). Assuming standard construction materials for aircraft noise below 60 dBA DNL, the future interior noise levels resulting from aircraft would below 45 dBA DNL. As a result, the proposed project would not be subjected to significant amounts of noise from aircraft landing or taking from the airport and would be compatible with the City's interior noise standards for aircraft noise. This represents a less than significant impact.

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits.

The exterior noise threshold established in the City's General Plan for new residential projects is 60 dBA DNL at usable outdoor activity areas, excluding balconies and porches. For commercial uses, the City's "normally acceptable" threshold for outdoor activity areas is 65 dBA DNL. The City requires that interior noise levels be maintained at 45 dBA DNL or less for residential land uses, and the Cal Green Code applies to the non-residential components of the proposed mixed-use project.

The future noise environment at the site would continue to result primarily from vehicular traffic along East Julian Street, nearby Highway 101, and local roadways. The traffic study completed for the proposed projects included peak hour average daily traffic (ADT) along East Julian Street. Comparing the cumulative plus project traffic volumes to the existing traffic volumes resulted in less than a 1 dBA DNL increase under future conditions. According to the *Envision San José 2040 General Plan*

[49] https://www.flysanjose.com/sites/default/files/noise/2037_CNEL.pdf

Comprehensive Update EIR,[50] the traffic noise level increase at the project site based on future volumes along US 101 would be up to 1 dBA DNL. Assuming worst-case conditions, a future noise level increase at the project site would be 1 dBA DNL.

Future Exterior Noise Environment

Casa Inclusiva

The Casa Inclusiva site plan (Figure 12) shows an open space area on the ground-level along the southern façade, which would be associated with the commercial use. While each of the residential units show private balconies on floors two through six, private balconies would not be considered outdoor use areas subject to the exterior noise thresholds. There are no common use areas associated with the residential component of the Casa Inclusiva development. The ground-level open space associated with the commercial use would be subject to the City's 70 dBA DNL threshold at the center of the space.

The center of the outdoor space is approximately 40 feet from the centerline of the East Julian Street frontage road and approximately 165 feet from the centerline of East Julian Street. At this distance, the future exterior noise levels would be 68 dBA DNL, which would be below the City's normally acceptable threshold of 70 dBA DNL for commercial uses. The outdoor use areas proposed at this site would be compatible with the future noise environment at the Casa Inclusiva project site.

Residencias Arianna

The site plan (Figure 19) shows a pair of ground-level courtyard for the proposed building, and a common use outdoor area located in the middle of the building. The building has a pair of third-floor common outdoor areas located in the middle of the building. Additionally, three common open spaces are located on the sixth floor of the building. Roof decks are also included. These roof decks are shown along the entire roof plan for the building.

Both ground-level courtyards would be completely enclosed by the building and would not be exposed to direct traffic noise from surrounding roadways. The future exterior noise levels at the courtyards would be below the City's normally acceptable threshold of 60 dBA DNL for residential uses.

The center of the ground-level common use outdoor area located in the middle of the building would be approximately 130 feet from the centerline of Tripp Avenue, and the centers of both third-floor decks would be set back 85 feet from the centerline of Tripp Avenue. Further, the location of these decks in the middle of the building would provide adequate attenuation from Highway 101 and East Julian Street. Future exterior noise levels would be below 60 dBA DNL at each of the outdoor use areas located in the middle of the building.

The sixth-floor decks would be elevated above the surrounding buildings and would have some exposure to Highway 101 and East Julian Street. While the future development at the Vila de Camila project site, consisting of buildings which are 10-stories tall, would provide some shielding for the proposed building at the Residencias Arianna site, the traffic noise from Highway 101 and East Julian Street would exceed 60 dBA DNL at elevated areas with direct line-of-sight. The easternmost portion

[50] *Envision San José 2040 General Plan Comprehensive Update EIR*, State Clearinghouse Number 2009072096, File number PP09-011, June 2011.

of the building, closest to Highway 101, has a sixth-floor deck located in the northeast corner of the building. This deck would have some direct exposure to Highway 101 and East Julian Street. Future exterior noise levels at the sixth-floor deck located in the eastern portion of the building would range from 63 to 65 dBA DNL.

The other two sixth-floor decks would be located along the southern and western façades of the building. The deck along the western façade would be well shielded from Highway 101, and while the deck along the southern façade would have some exposure to Highway 101, the centers of the deck would be setback from the building edge and would be adequately shielded. Future noise levels at the sixth-floor decks on the southern and western façades of building would be below 60 dBA DNL at the centers of the outdoor use areas.

Vila de Camila

The site plan shows a public open space at the northernmost corner of the project site, adjacent to the Five Wounds Walking Trail; a covered patio associated with the ground-level commercial uses facing East Julian Street; a 10th-floor roof deck on the building nearest to East Julian Street; and roof decks on each of the proposed buildings at the Vila de Camila project site.

The public open space at the northernmost corner of the project site is represented by LT-2, which was dominated by non-traffic noise sources from the nearby Kellogg Co. Corporate Campus and light industrial land uses located opposite the walking trail. Future exterior noise levels at the public open space would be 66 dBA DNL, assuming worst-case conditions. This would exceed the City's normally acceptable threshold by 1 dBA DNL; however, this type of outdoor use area is intended to be open, especially to the adjacent walking trail. Therefore, constructing a barrier to shield the outdoor use area from surrounding stationary noise sources would not be recommended. Since the future exterior noise levels would exceed normally acceptable thresholds by up to 1 dBA DNL, it is recommended that the City permit the outdoor use area under conditionally acceptable conditions.

The ground-level commercial use facing East Julian Street would include a covered patio, and the center of this patio would be set back approximately 155 feet from the centerline of East Julian Street and approximately 45 feet from the centerline of the East Julian Street frontage roadway. At these distances, future exterior noise levels would be 68 dBA DNL, which would be below the City's 70 dBA DNL commercial use threshold.

The roof decks located on the 10th floor of the building nearest to East Julian Street and on the rooftops of the other three buildings on the Vila de Camila project site would be exposed to direct traffic noise exposure from both the East Julian Street/McKee Road overpass and Highway 101. The setback of the center of the 10th-floor roof deck would be approximately 185 feet north of the centerline of East Julian Street and approximately 615 feet east of the centerline of the nearest through lane along southbound Highway 101. Future noise levels at the 10th-floor roof deck at the building along East Julian Street would be 68 dBA DNL, and the future noise levels at the center of the roof decks on the other three buildings would range from 66 to 69 dBA DNL.

The residential outdoor use areas proposed at this project site would not be compatible with the future noise environment at the Vila de Camila project site. Implementation of design measures should be considered to reduce future exterior noise levels at the residential roof decks.

Recommended Measures to Reduce Exterior Noise Levels

Methods available to reduce exterior noise levels at the sixth-floor decks and roof decks associated with the Residencias Arianna development and roof decks associated with the Vila de Camila development include site planning alternatives (e.g., using the proposed buildings as noise barriers), the construction of traditional noise barriers, or a combination of the above. The sixth-floor decks at the eastern portion of the Residencias Arianna development could be relocated to the western building façade where the building would provide shielding from Highway 101. Other methods, such as constructing barriers along the edge of the sixth-floor decks, would reduce noise levels to 60 dBA DNL or below with a minimum height of five feet, as measured from the floor of the sixth-floor decks. These proposed barriers should be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft.^{2} To maintain visibility, ½-inch laminated glass would be a potential option.

The roof decks at the Residencias Arianna and Vila de Camila developments would take up the entire roof top of each building; therefore, increased setbacks or using the buildings to shield the roof decks from the surrounding traffic noise would not be feasible options. With setbacks of 910 feet or more, the roof decks at Residencias Arianna would reach noise levels of 60 dBA DNL or below with perimeter barriers of five feet tall. Similar to the sixth-floor decks, the proposed rooftop barriers should be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft.^{2} To maintain visibility, ½-inch laminated glass would be a potential option.

Due to setbacks of the roof decks of the Vila de Camila development being 615 feet from Highway 101, noise levels at the centers of the roof decks would range from 60 to 63 dBA DNL with eight-foot-tall perimeter barriers, which still exceeds the 60 dBA DNL normally acceptable threshold. Taller barriers on rooftops would not be practical. Since the unattenuated noise levels at the roof decks and the addition of barriers with reasonable heights would result in future exterior noise within the range of conditionally acceptable noise levels, the City of San José could permit this scenario under conditionally acceptable conditions.

Final design recommendations shall be made when building designs have been finalized. An acoustical consultant shall be retained to review the final site plan and provide recommendations to reduce future exterior noise levels.

Future Interior Noise Environment

The State of California and the City of San José requires that interior noise levels be maintained at 45 dBA DNL or less for residential land uses and that all non-residential land uses follow the requirements of the Cal Green Code.

Casa Inclusiva

The building proposed for the Casa Inclusiva project site is a six-story building with residences located on floors two through six. The upper floors would be exposed to traffic noise from East Julian Street and Highway 101. The southern building façade would be setback from the centerline of East Julian Street by approximately 165 feet, and the eastern building façade would be setback from the centerline of the nearest through lane of southbound Highway 101 by approximately 455 feet. At these distances and assuming direct line-of-sight in the upper floors, residential facades would be exposed to future exterior noise levels up to 76 dBA DNL.

Residencias Arianna

The building proposed for the Residencias Arianna project site would be a six-story building with residences located on each floor. The upper floors would be exposed to traffic noise from East Julian Street and Highway 101. The southern building façade would be setback from the centerline of East Julian Street by 420 feet or more, and the eastern façade on the easternmost portion of the building would be setback from the centerline of the nearest through lane of southbound Highway 101 by approximately 875 feet. At these distances, residential facades would be exposed to future exterior noise levels ranging from 65 to 72 dBA DNL.

Vila de Camila

The buildings proposed for the Vila de Camila project site are 10-story buildings with residences located on each floor. The upper floors would be exposed to traffic noise from East Julian Street and Highway 101. The southern building façade of the building nearest to East Julian Street would be setback from the centerline of East Julian Street by approximately 155 feet, and the eastern façades of each building would be setback from the centerline of the nearest through lane of southbound Highway 101 by approximately 570 to 585 feet. At these distances, residential façades would be exposed to future exterior noise levels ranging from 68 to 74 dBA DNL.

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

Conclusion

Assuming windows to be partially open for ventilation, future interior noise levels would be up to 61 dBA DNL at the residential interiors at the Casa Inclusiva development; up to 57 dBA DNL at the residential interiors at the Residencias Arianna development; and up to 59 dBA DNL at the residential interiors at the Vila de Camila development. To meet the interior noise requirements set forth by the City of San José of 45 dBA DNL, implementation of noise insulation features would be required.

Commercial Uses – All Three Sites

Ground-level commercial retail uses are proposed as part of each project site. From data collected at each of the long-term noise measurements and the conservative 1 dBA increase estimated under future project conditions, the future daytime hourly average noise level during operational hours at the ground-level commercial uses at each of the project sites would range from 53 to 70 dBA L_{eq}, with future day-night average noise levels up to 68 dBA DNL.

Standard construction materials for commercial uses would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so that windows may be kept closed at the occupant's discretion and would provide an additional 5 dBA reduction. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 50 dBA $L_{eq(1\text{-}hr)}$.

Noise Insulation Features to Reduce Future Interior Noise Levels

The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA DNL or less at residential interiors:

Condition of Approval

The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA DNL or less at residential interiors:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units at the three project sites, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- Preliminary calculations indicate that residential units at the proposed building at the Casa Inclusiva project site and the building at the Vila De Camila project site would require windows and doors with a minimum rating of 31 to 35 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- Preliminary calculations indicate that residential units located at the proposed building at the Residencias Arianna project site would require windows and doors with a minimum rating of 28 to 31 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

The implementation of these noise insulation features would reduce interior noise levels to 45 dBA DNL or less at residential uses.

In addition, the project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential units and to 50 dBA L_{eq}(1-hr) or lower within commercial interiors. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

Conclusion: The project would have a less than significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

N. POPULATION AND HOUSING

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.[51] The City of San José Housing Element and related land use policies were last updated in January 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 greenhouse gas (GHG) emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[52]

The Association of Bay Area Governments (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, the Metropolitan Transportation Commission (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).

General Plan

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

[51] California Department of Housing and Community Development. "Final Regional Housing Needs Allocation and Housing Elements" https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf
[52] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/

Envision San José 2040 Relevant Population and Housing Policies	
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings

Existing Setting

Based on information from the State Department of Finance, the City of San José's population was estimated to be 976,482 in January 2022 and had an estimated total of 344,112 housing units, with an average of 2.91 persons per household.[53] ABAG projects that the City's population will reach 1,377,145 with 448,310 households by 2040.[54]

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2, 3
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X		1, 2

[53] California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021.
[54] Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area 2040 Projections 2040, 2022.

Explanation

a) **Less Than Significant Impact**. The project proposes up to 913 residential units with total future population at the proposed project site estimated at 2,657 individuals (based on 2.91 persons per household). The development is proposed to accommodate the growing demand for housing within San José. The development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan.

The Vila de Camila and Casa Inclusiva projects, as well as the eastern portion of the Residencias Arianna project, are located within the Five Wounds Urban Village Plan. The Urban Village Plan establishes residential unit planned capacity for the overall Village, including an emphasis on providing affordable housing. Development of portions of land within the Five Wounds Urban Village is contingent on the future development of the Five Wounds Bay Area Rapid Transit (BART) station. Interim Land Use Policies 1 and 2 of the Five Wounds Urban Village Plan prohibits mixed-use and residential development, respectively, on properties designated Urban Village until the City Council allocates residential growth from Horizon II and the Valley Transportation Authority (VTA) secures a Full Funding Grant Agreement for the 28th Street BART station, with the exception of residential developments with a minimum density of 75 DU/AC. The proposed projects have a development density greater than 75 DU/AC (227 DU/AC for Vila de Camila, 87 DU/AC for Casa Inclusiva, and 158 DU/AC for Residencias Arianna). The base density and approximate population growth of up to 2,657 individuals would be consistent with the policies of the Five Wounds Urban Village Plan. As a result, the proposed project would be consistent with the policies of the Five Wounds Urban Village Plan since they would not induce substantial unplanned population growth. This represents a less than significant impact.

b) **Less Than Significant Impact**. The project consists of the development of residential uses on three infill sites. The Vila de Camila and Casa Inclusiva sites are both vacant, and development of these sites would not result in the displacement of existing housing units.

The Residencias Arianna site is currently developed with two apartment buildings and 40 total units (1298 Tripp Avenue and 380 North 26th Street) and two single-family residences (345 and 341 Wooster Avenue), which would all be demolished to make way for the proposed development of 235 multi-family residential units on the site. The existing residents on the 1298 Tripp Avenue site would be relocated to Casa Inclusiva at 1347 E. Julian Street. Relocation plans would be completed at the building permit stage and executed prior to permit issuance. The project, therefore, would not displace a substantial amount existing housing with proposed relocation..

Conclusion: The project would have a less than significant impact on population and housing.

O. PUBLIC SERVICES

Regulatory Framework

State

California Government Code Section 65996

California Government Code Section 65996 stipulates that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66475-66478

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

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities onsite. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

General Plan Policies

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

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular

Envision San José 2040 Relevant Public Service Policies	
	and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station #34, located about 0.35 miles northeast of the 347 East Julian Street site at 1634 Las Plumas Avenue.

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

Parks: The nearest park to the project site is Hacienda Park, located within walking distance less 200 feet northeast of the Vila de Camila site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Schools: Schools in the project area are located within San Jose Unified School District (SJUSD) and are presented below.

Schools in Project Area		
Elementary	**Middle**	**High**
Empire Gardens Elementary 1060 E. Empire Street San José, CA 95112	Muwekma Ohlone Middle School 850 N. 2nd Street San José, CA 95112	San José High School 275 N. 24th Street San José, CA 95116

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of multi-family units and new commercial uses, prior to issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Libraries: The San José Public Library System consists of one main library and 24 branch libraries. The nearest branch to the project site are the East San Jose Carnegie Branch Library, about 0.5 miles south of the Residencias Arianna site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2, 3
b) Police protection?			X		1, 2, 3
c) Schools?			X		1, 2, 3
d) Parks?			X		1, 2, 3
e) Other public facilities?			X		1, 2, 3

Explanation

a) **Less Than Significant Impact**. The project proposes to intensify the use of the sites and generate additional occupants in the area. This would result in an incremental increase in the demand for fire protection services. The project sites, however, are currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project is not anticipated to preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current Building and Fire codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed project would not significantly impact fire protection services or require the construction of new or remodeled facilities.

b) **Less Than Significant Impact**. The project would intensify the use of the sites and generate additional occupants in the area. This would result in an incremental increase in the demand for police protection services. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project is not anticipated to preclude the SJPD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed 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.

c) **Less Than Significant Impact**. The proposed development would generate additional new students. The project would be subject to school impact fee to accommodate the incremental demand on school services, including the state-mandated school district impact fee, to compensate for any impacts to school services. School impact fees for SJUSD are posted as $3.48 per square foot of residential development, and $0.56 per square foot. of commercial development.

d) **Less Than Significant Impact**. The proposed development would generate some additional park users. While future residents of the site may utilize nearby parks, they are unlikely to place a major physical burden on these facilities. The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

e) **Less Than Significant Impact.** The proposed development could have an incremental increase in the demand for other public services, including library services. However, the General Plan FEIR concluded that development allowed under the General Plan would be adequately served by existing and planned library facilities. This represents a less than significant impact.

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Regulatory Framework

State

Assembly Bill 1359 – Quimby Act

The Quimby Act, which is within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or impose fees for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map, if specified requirements are met. On September 28th, 2013 Governor Brown signed the AB 1359, the purpose of which was to amend the existing Quimby Act to authorize local governments to spend Quimby Act funds beyond parks that serve the development from where the funds were sourced. To reallocate the funds in this manner, AB 1359 requires the legislative body to hold a public hearing before using fees as prescribed in the bill.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

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

Activate SJ Strategic Plan

The Activate SJ Strategic Plan was developed by the City of San José as an update to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The Activate SJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

The City of San José owns and maintains approximately 3,617 acres of parkland, including neighborhood parks, community parks, and regional parks, for a total of 210 public parks. The City has 47 community centers and over 62 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest park to the project site is Hacienda Park, located within walking distance less 200 feet northeast of the Vila de Camila site. In addition, the future Five Wounds Trail is anticipated to be located along the western boundary of the Vila de Camila project site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
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?			X		1, 2, 3
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?			X		1, 2, 3

Explanation

a), b) **Less Than Significant Impact**. The project proposes up to 913 residential units with total future population at the proposed project site estimated at 2,657 individuals (based on 2.91 persons per household). This would incrementally increase the demands on nearby recreational facilities. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks (see *O. Public*

Services). The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities.

Conclusion: The project would have a less than significant impact on recreational facilities.

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (August 30, 2023). This study is contained in Appendix H. The transportation analysis was conducted to determine the potential transportation impacts related of the project based on the standards and methodologies set forth by the City of San José and included an evaluation of vehicle miles traveled (VMT) and a local transportation analysis (LTA).

Regulatory Framework

State

Regional Transportation Plan

The 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 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 the replacement of automobile delay—described solely by level of service or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Projects located within 0.50 mile of transit are generally be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[55] According to the policy, an employment facility (e.g., office, R & D) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

[55] The new policy took effect on March 29, 2018.

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

General Plan Policies

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

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand. • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. • Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

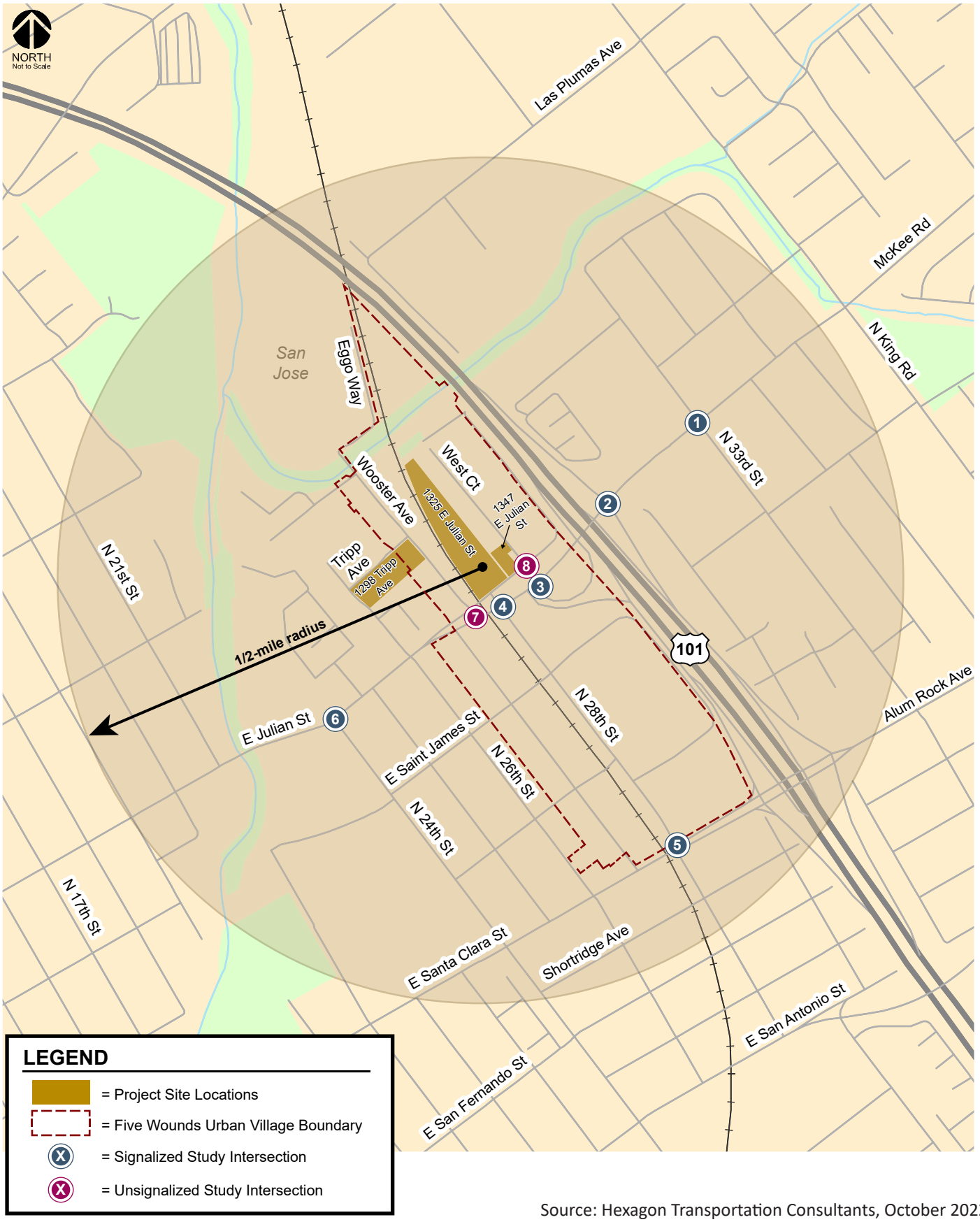
Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-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.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

Existing Roadway Network

Regional access to the project sites is provided via US 101. Local access to the project sites is provided via Julian Street, the E. Julian Street frontage road, McKee Road, Santa Clara Street, 24th Street, 26th Street, 28th Street, 33rd Street, Wooster Avenue, and Tripp Avenue. These facilities are shown in Figure 33 and are described below.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the development sites is provided via the Julian Street/McKee Road interchange.



Source: Hexagon Transportation Consultants, October 2022

Site Location and Study Intersections

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
33

Julian Street is an east-west Local Connector Street that extends from US 101 westward through Downtown San Jose. Julian Street is two lanes west of N. 24th Street and four lanes between N. 24th Street and US 101. East of US 101, Julian Street becomes McKee Road. Julian Street has sidewalks on both sides of the street but has no bicycle facilities. Julian Street has a posted speed limit of 35 mph where it is four lanes and 25 mph where it is two lanes. The E. Julian Street frontage road, which provides access to and from the project sites, has sidewalks along the north side of the street only.

McKee Road is an east-west City Connector Street that extends eastward from US 101 to Alum Rock Avenue in the East Foothills of San Jose. McKee Road consists of four travel lanes with two lanes in each direction of travel between US 101 and King Road. East of King Road, McKee Road widens to six lanes and has striped bike lanes. McKee Road has a posted speed limit of 35 mph and has sidewalks on both sides of the street.

Santa Clara Street is a four-lane east-west Grand Boulevard that extends from US 101 westward through Downtown San Jose. West of Montgomery/Autumn Street, Santa Clara Street becomes The Alameda and extends into the City of Santa Clara. East of US 101, Santa Clara Street becomes Alum Rock Avenue. Santa Clara Street has sidewalks on both sides of the street but has no bicycle facilities. Santa Clara Street has a posted speed limit of 25 mph.

24th Street is a two-lane north-south local street with a posted speed limit of 25 mph. It extends from E. Julian Street southward to William Street, where it becomes McLaughlin Avenue. McLaughlin Avenue is a four-lane north-south City Connector Street (south of I-280) that provides partial access to I-280 and terminates just south of Yerba Buena Road. In the study area, 24th Street has sidewalks on both sides of the street and is a designated bike route (has sharrows). 24th Street provides access to the project sites via its intersection with E. Julian Street.

26th Street is a two-lane undivided local street that runs north to south between San Antonio Street and Tripp Avenue. 26th Street has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. 26th Street has sidewalks on both sides of the street but has no bicycle facilities. N. 26th Street provides direct access to the Tripp Avenue project site.

28th Street is a two-lane undivided local street that runs north to south between San Antonio Street and Tripp Avenue. 26th Street has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. 26th Street has sidewalks on both sides of the street but has no bicycle facilities. N. 26th Street provides direct access to the Tripp Avenue project site.

33rd Street is a north-south two-lane local street extending from Melody Lane to the north to San Antonio Street to the south. 33rd Street has a posted speed limit of 25 mph and curb parking is allowed on one side of the street. 33rd Street has sidewalks on both sides of the street and has sharrows. N. 33rd Street provides access to the project sites via McKee Road/E. Julian Street.

Wooster Avenue is a two-lane undivided local street that runs north to south between E. Julian Street and Silver Creek. Wooster Avenue has a posted speed limit of 25 mph and curb parking is allowed on both sides of the street. Wooster Avenue has no sidewalks on the east side of the street between E. Julian Street and Tripp Avenue and no bicycle facilities along its entirety. Wooster Avenue provides access to the project sites via Tripp Avenue and the E. Julian Street frontage road.

Tripp Avenue is a two-lane undivided local street that runs east to west between Wooster Avenue and N. 26th Street. Tripp Avenue has a speed limit of 25 mph and curb parking is allowed on both sides of

the street. Tripp Avenue has sidewalks on both sides of the street but has no bicycle facilities. It provides direct access to the Tripp Avenue project site.

Existing Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities. Pedestrian facilities in the project area consist of sidewalks along the streets and crosswalks with pedestrian signal heads at intersections. The existing network of sidewalks and crosswalks provides adequate connectivity for pedestrians between the project sites and other surrounding land uses and transit stops. Sidewalks are found along all the roadways in the study area, although Wooster Avenue has no sidewalk on the east side of the street between E. Julian Street and Tripp Avenue. Also, the E. Julian Street frontage road has no sidewalk along the south side of the street. Crosswalks with pedestrian signal heads and push buttons are located at all the signalized intersections in the study area. Curb ramps with truncated domes are also provided at all the signalized intersections near the site, as well as some unsignalized intersections. Truncated domes are the standard ADA design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street.

Bicycle Facilities. In the project area, Class II striped bike lanes are present on 21st Street north of Julian Street and south of Santa Clara Street, San Antonio Street east of 28th Street, McKee Road east of King Road, and King Road south of McKee Road. 24th Street, 33rd Street, and San Antonio Street west of 28th Street are all designated bike routes and contain sharrows. Appendix H, Figure 7, shows the existing bicycle facilities in the vicinity of the proposed project.

Public Transit Services. Existing bus service in the project vicinity is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served by frequent bus routes 22, 23, 64A, 64B, and Rapid 522. Bus routes 64A and 64B stop within walking distance of the project sites on E. Julian Street (see Appendix H, Figure 8). The two existing bus stops within walking distance of the project site include benches but no shelters.

Local Route 22 provides service between the Palo Alto Transit Center and the Eastridge Transit Center. Route 22 operates along Santa Clara Street in the project study area, with 15-minute headways during the weekday peak commute hours. Bus stops are located on Santa Clara Street at 26th Street, 27th Street, and 28th Street. Local Route 23 provides service between De Anza College and the Alum Rock Transit Center. Route 23 operates along Santa Clara Street in the project study area, with 15-minute headways during the weekday peak commute hours. Bus stops are located on Santa Clara Street at 26th Street, 27th Street, and 28th Street. Local Route 64A provides service between the Ohlone-Chynoweth LRT Station and the McKee Road/White Road intersection. Route 64A operates along Julian Street/McKee Road in the project study area, with 30-minute headways during the weekday commute hours. Bus stops are located within walking distance (less than ¼-mile) of the project sites at the Julian Street/26th Street intersection. Local Route 64B provides service between the Almaden Expressway/Camden Avenue intersection and the McKee Road/White Road intersection. Route 64B operates along Julian Street/McKee Road in the project study area, with 30-minute headways during the weekday commute hours. Bus stops are located within walking distance (less than ¼-mile) of the project sites at the Julian Street/26th Street intersection. Rapid Route 522 provides Bus Rapid Transit (BRT) service between the Palo Alto Transit Center and the Eastridge Transit Center. East of US 101, Route 522 runs within the median transit lanes along Alum Rock Avenue, with 15-minute headways during the weekday peak commute hours. The closest bus stops are located at the 24th Street/Santa Clara Street intersection, approximately ½-mile from the project sites.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17.	TRANSPORTATION. Would the project:					
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 15
b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 15
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2, 15
d)	Result in inadequate emergency access?			X		1, 2, 15

Explanation

a) **Less Than Significant Impact**. The results of the transportation study related to transit, bicycle, and pedestrian facilities are summarized below.

Transit Facilities, Bicycle, and Pedestrian

Transit Services. The project site is served by VTA. Existing bus routes serving the project area include VTA bus route 22, 23, 64A, and 64B, as well as Rapid 552. Of these, VTA bus routes 64A and 64B most directly serve the project site, with existing bus stops located within walking distance on E. Julian Street. It is estimated that the increased transit demand generated by the proposed project could be accommodated by the current available ridership capacities of the transit services in the study area.

Bicycle Facilities. The project sites are located in an area where existing bicycle facilities are limited. The only bicycle facilities within a quarter of a mile of the project sites are designated bike routes with shared lane markings on 24th Street and 33rd Street, as well as striped bike lanes on 21st Street, north of E. Julian Street.

The proposed project sites are within the Five Wounds Urban Village. The Five Wounds Creek Trail is a paved north-south multi-use pedestrian and bicycle trail that is anticipated to be constructed in this area in the future. Local access to the trail would be provided via an entrance near the intersection of N. 28th Street and E. Julian Street. The trail and access points are not included in the proposed project.

Pedestrian Facilities. The project sites are located in an area with a complete network of sidewalks and crosswalks, aside from the east portion of Wooster Avenue between E. Julian Street and Tripp Avenue and the west portion of N. 28th Street between E. Julian Street and E. Santa Clara Street. All signalized intersections within the study area have crosswalks with pedestrian signal heads and curb ramps. The existing pedestrian facilities provide adequate connectivity between the project sites and nearby bus stops and other points of interest. The project includes the replacement of existing sidewalks at all three project sites (consisting of a

total of 162 feet of 15-foot-wide replacement sidewalks for the Vila de Camila and the Casa Inclusiva sites and a total of 138 feet of 10-foot-wide replacement sidewalks for the Residencias Arianna site) to further improve pedestrian connectivity and safety.

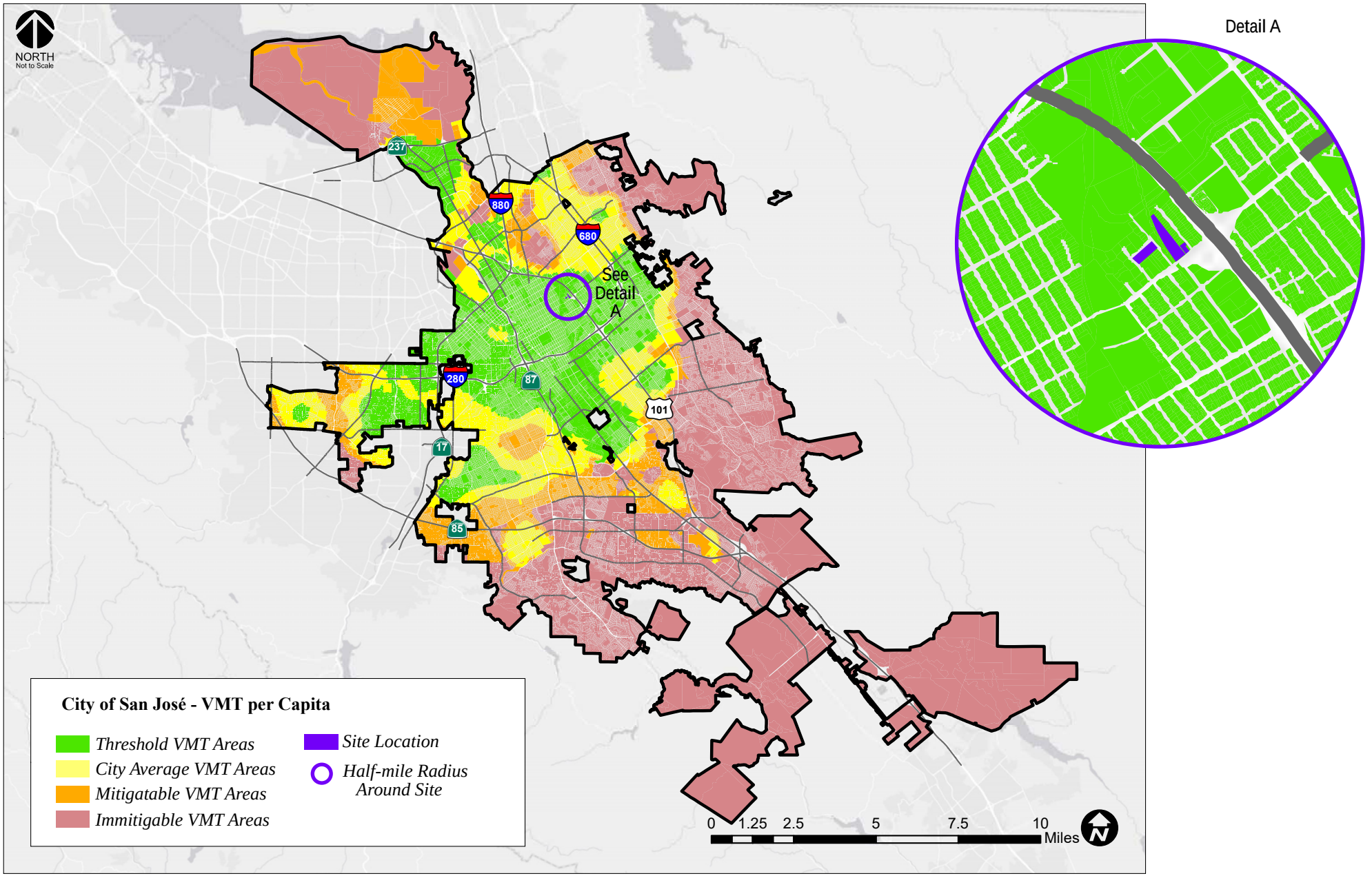
In conclusion, based on the discussion above the project would not conflict with any program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project site is located within one mile of 7 schools. Safe pedestrian access to all 7 schools is provided via a continuous network of sidewalks in the study area. Crosswalks with pedestrian signal heads are provided at all the signalized intersections, and some signalized and unsignalized intersections near the schools have high visibility crosswalks. Curb ramps are provided at all intersections along the routes between the project site and the schools, though not all meet current ADA design standards.

b) **Less Than Significant Impact**. As described above, City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT. The project would be consistent with CEQA Guidelines Section 15064.3 (b), which calls for evaluation of a project's transportation impacts based on VMT, since this was the metric used for the transportation analysis.

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San Jose VMT Evaluation Tool. The VMT Evaluation Tool estimates a project's VMT and compares it to the appropriate thresholds of significance based on the project location (i.e., assessor's parcel number) and type of development.

Figure 34 shows the current VMT levels estimated by the City for residents based on the locations of residences. Developments in the green-colored areas are estimated to have VMT levels that are below the thresholds of significance, while the yellow-colored areas are estimated to have VMT levels at the City average. The orange- and pink-colored areas are estimated to have VMT levels that are above the thresholds of significance. Projects located in areas where the existing VMT is above the established threshold are referred to as being in "high-VMT areas". Projects in high-VMT areas are required to include a set of VMT reduction strategies that would reduce the project VMT to the extent possible.

As shown in Figure 34, the project is located in an area that is below the thresholds of significance for VMT. As a result, a detailed VMT analysis is not required for the proposed project. As a result, the proposed project would have a less than significant impact with respect to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).



Source: Hexagon Transportation Consultants, October 2022

VMT Heat Map

Julian & Tripp Combined Mixed-Use Development
Initial Study

Figure
34

c) **Less Than Significant Impact**. The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Per Appendix H, the site plans prepared for each of the three proposed developments were evaluated to determine the adequacy of the driveways serving each site with regard to traffic volume, geometric design, sight distance, and operations (queuing and delay). As stated in Appendix H, the site plans for each of the three developments show adequate site access and on-site circulation. Appendix H also recommended that the three proposed developments establish no parking zones (at least 15 feet of red curb) immediately adjacent to the project driveway to ensure adequate site distance. During the development review process, vehicle circulation on the project site is reviewed by City staff to assure that the project complies with the City's regulations and policies. The proposed project would have a less than significant impact with respect to substantially increasing hazards due to a geometric design feature or incompatible uses.

d) **Less Than Significant Impact**. The City of San José Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings and requires a minimum of 13.5 feet of vertical clearance to enter a parking structure. The City of San José Fire Department would confirm conformance with emergency vehicle access requirements as part of site plan review and may condition each development accordingly. The project would not impact existing emergency access to surrounding developments. Therefore, the proposed project would have a less than significant impact with respect to providing inadequate emergency vehicle access.

Non-CEQA Effects

Senate Bill 743, the revised 2019 CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to these requirements, the vehicle miles traveled (VMT) metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only.

Trip Generation

Trips generated by any new development are typically estimated based on counts of existing developments of the same land use type. A compilation of typical trip generation rates can be found in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Project trip generation was estimated by applying to the sizes and uses of the three proposed developments the appropriate trip generation rates obtained from the ITE *Trip Generation Manual*, 11th Edition (2021).

Residencias Arianna

After applying the ITE trip rates to the Residencias Arianna mixed-use project and applying the appropriate trip reductions, the project would generate 582 new daily vehicle trips, with 63 new trips occurring during the AM peak hour and 52 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual*, the project would produce 17

new inbound and 46 new outbound trips during the AM peak hour, and 27 new inbound and 25 new outbound trips during the PM peak hour (see Table 42).

Table 42
Project Trip Generation Estimates – Residencias Arianna

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Pk-Hr Rate	In	Out	Total	Pk-Hr Rate	In	Out	Total
Proposed Uses											
Affordable Housing [1]	235 DU	4.81	1,130	0.50	34	84	118	0.46	64	44	108
Residential & Retail Internal Capture [3]			*(7)*		*0*	*0*	*0*		*0*	*0*	*0*
Location-Based Vehicle Mode Share (13%) [4]			*(146)*		*(4)*	*(11)*	*(15)*		*(8)*	*(6)*	*(14)*
Project-Specific Trip Reduction (11.6%) [5]			*(112)*		*(4)*	*(8)*	*(12)*		*(7)*	*(4)*	*(11)*
Net Residential Trips			**865**		**26**	**65**	**91**		**49**	**33**	**82**
Retail [2]	821 SF	54.45	45	2.36	1	1	2	6.59	3	2	5
Residential & Retail Internal Capture (15%) [3]			*(7)*		*0*	*0*	*0*		*(1)*	*0*	*(1)*
Location-Based Vehicle Mode Share (13%) [4]			*(5)*		*0*	*0*	*0*		*0*	*0*	*0*
Retail Pass-By External Trip Reduction [6]			*(6)*		*0*	*0*	*0*		*(1)*	*(1)*	*(2)*
Net Retail Trips			**27**		**1**	**1**	**2**		**1**	**1**	**2**
Existing Uses (to be removed)											
Apartments [7]			(310)		(10)	(20)	(30)		(23)	(9)	(32)
Total Net Project Trips			**582**		**17**	**46**	**63**		**27**	**25**	**52**

Notes:
[1] Trip generation for the residential component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Affordable Housing (Land Use 223) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit (DU).
[2] Trip generation for the retail component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Strip Retail Plaza <40 ksf (Land Use 822) located in a General Urban/Suburban setting. Rates are expressed in trips per 1,000 square feet (SF).
[3] A 15% residential/retail internal mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA TIA Guidelines. The 15% reduction was first applied to the smaller generator (retail). The same number of trips were subtracted from the larger generator (residential) to account for both trip ends.
[4] A 13% reduction was applied to the residential and retail components of the project based on the location-based vehicle mode share percentage outputs (Table 6 of the TA Handbook) produced from the San Jose Travel Demand Model for the place type: Urban Low Transit.
[5] A 11.5% trip reduction was applied to the project based on the City's VMT Evaluation Tool. This trip reduction reflects the affordable housing project and the increase in residential density on the site. It is assumed that every percent reduction in VMT per capita is equivalent to one percent reduction in peak-hour vehicle trips.
[6] The PM peak hour pass-by trip reduction percentage (34% for Shopping Center) was based on the ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction. The daily pass-by trip reduction (17%) was calculated based on the average of the AM and PM pass-by reduction percentages.
[7] Existing AM and PM peak hour trip generation based on counts conducted on May 10, 2022. Existing daily trips were estimated.

Casa Inclusiva

After applying the ITE trip rates to the proposed Casa Inclusiva mixed-use project and applying the appropriate trip reductions, the project would generate 233 new daily vehicle trips, with 22 new trips

occurring during the AM peak hour and 23 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual*, the project would produce 8 new inbound and 14 new outbound trips during the AM peak hour, and 13 new inbound and 10 new outbound trips during the PM peak hour (see Table 43).

Table 43
Project Trip Generation Estimates – Casa Inclusiva

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Pk-Hr Rate	In	Out	Total	Pk-Hr Rate	In	Out	Total
Proposed Uses											
Affordable Housing [1]	45 DU	4.81	216	0.50	7	16	23	0.46	12	9	21
Residential & Retail Internal Capture [3]			*(20)*		*0*	*(1)*	*(1)*		*(1)*	*(1)*	*(2)*
Location-Based Vehicle Mode Share (13%) [4]			*(26)*		*(1)*	*(1)*	*(3)*		*(1)*	*(1)*	*(2)*
Project-Specific Trip Reduction (11%) [5]			*(19)*		*(1)*	*(1)*	*(2)*		*(1)*	*(1)*	*(2)*
Net Residential Trips			**151**		**5**	**12**	**17**		**9**	**6**	**15**
Retail [2]	2,454 SF	54.5	134	2.36	4	2	6	6.59	8	8	16
Residential & Retail Internal Capture (15%) [3]			*(20)*		*(1)*	*0*	*(1)*		*(1)*	*(1)*	*(2)*
Location-Based Vehicle Mode Share (13%) [4]			*(15)*		*0*	*0*	*0*		*(1)*	*(1)*	*(2)*
Retail Pass-By External Trip Reduction [6]			*(17)*		*0*	*0*	*0*		*(2)*	*(2)*	*(4)*
Net Retail Trips			**82**		**3**	**2**	**5**		**4**	**4**	**8**
Total Net Project Trips			**233**		**8**	**14**	**22**		**13**	**10**	**23**

Notes:
[1] Trip generation for the residential component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Affordable Housing (Land Use 223) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit (DU).
[2] Trip generation for the retail component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Strip Retail Plaza <40 ksf (Land Use 822) located in a General Urban/Suburban setting. Rates are expressed in trips per 1,000 square feet (SF).
[3] A 15% residential/retail internal mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA TIA Guidelines. The 15% reduction was first applied to the smaller generator (retail). The same number of trips were subtracted from the larger generator (residential) to account for both trip ends.
[4] A 13% reduction was applied to the residential and retail components of the project based on the location-based vehicle mode share percentage outputs (Table 6 of the TA Handbook) produced from the San Jose Travel Demand Model for the place type: Urban Low Transit.
[5] A 11% trip reduction was applied to the project based on the City's VMT Evaluation Tool. This trip reduction reflects the affordable housing project and the increase in residential density on the site. It is assumed that every percent reduction in VMT per capita is equivalent to one percent reduction in peak-hour vehicle trips.
[6] The PM peak hour pass-by trip reduction percentage (34% for Shopping Center) was based on the ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction. The daily pass-by trip reduction (17%) was calculated based on the average of the AM and PM pass-by reduction percentages.

Vila de Camila

After applying the appropriate ITE trip rates and applicable trip adjustments and reductions described above, the proposed Vila de Camila residential mixed-use development is estimated to generate 2,620 new daily vehicle trips, with 190 new trips (69 inbound and 121 outbound) occurring during the AM

peak hour and 184 new trips (113 inbound and 71 outbound) occurring during the PM peak hour (see Table 44).

Table 44
Project Trip Generation Estimates – Vila de Camila

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Pk-Hr Rate	In	Out	Total	Pk-Hr Rate	In	Out	Total
Proposed Uses											
Multifamily Housing (Mid-Rise) [1]	506 DU	4.75	2,404	0.32	58	104	162	0.29	96	51	147
Affordable Housing [1]	127 DU	4.81	611	0.50	19	45	64	0.46	34	24	58
Residential & Retail Internal Capture [3]			*(93)*		*(2)*	*(2)*	*(4)*		*(6)*	*(6)*	*(12)*
Location-Based Vehicle Mode Share (13%) [4]			*(380)*		*(10)*	*(19)*	*(29)*		*(16)*	*(9)*	*(25)*
Project-Specific Trip Reduction (12%) [5]			*(305)*		*(8)*	*(15)*	*(23)*		*(13)*	*(7)*	*(20)*
Net Residential Trips			**2,237**		**57**	**113**	**170**		**95**	**53**	**148**
Retail [2]	11,437 SF	54.45	623	2.36	16	11	27	6.59	38	37	75
Residential & Retail Internal Capture (15%) [3]			*(93)*		*(2)*	*(2)*	*(4)*		*(6)*	*(6)*	*(12)*
Location-Based Vehicle Mode Share (13%) [4]			*(69)*		*(2)*	*(1)*	*(3)*		*(4)*	*(4)*	*(8)*
Retail Pass-By External Trip Reduction [6]			*(78)*		*0*	*0*	*0*		*(10)*	*(9)*	*(19)*
Net Retail Trips			**369**		**12**	**7**	**19**		**18**	**18**	**36**
Total Net Project Trips			**2,620**		**69**	**121**	**190**		**113**	**71**	**184**

Notes:
[1] Trip generation for the residential component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Multifamily Housing Mid-Rise Close to Rail Transit (Land Use 221) Affordable Housing (Land Use 223) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit (DU).
[2] Trip generation for the retail component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Strip Retail Plaza <40 ksf (Land Use 822) located in a General Urban/Suburban setting. Rates are expressed in trips per 1,000 square feet (SF).
[3] A 15% residential/retail internal mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA TIA Guidelines. The 15% reduction was first applied to the smaller generator (retail). The same number of trips were subtracted from the larger generator (residential) to account for both trip ends.
[4] A 13% reduction was applied to the residential and retail components of the project based on the location-based vehicle mode share percentage outputs (Table 6 of the TA Handbook) produced from the San Jose Travel Demand Model for the place type: Urban Low Transit.
[5] A 12% trip reduction was applied to the project based on the City's VMT Evaluation Tool. This trip reduction reflects the affordable housing project and the increase in residential density on the site. It is assumed that every percent reduction in VMT per capita is equivalent to one percent reduction in peak-hour vehicle trips.
[6] The PM peak hour pass-by trip reduction percentage (34% for Shopping Center) was based on the ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction. The daily pass-by trip reduction (17%) was calculated based on the average of the AM and PM pass-by reduction percentages.

Intersection LOS Evaluation

An intersection LOS analysis was performed for the following six intersections:

1. North 33rd Street & McKee Road
2. US 101 Northbound (NB) Ramps & McKee Road

3. US 101 Southbound (SB) Ramps & East Julian Street
4. North 28th Street & East Julian Street
5. North 28th Street & East Julian Street
6. North 24th Street & East Julian Street

Existing AM and PM peak hour traffic volumes for the signalized study intersections were obtained from 2014, 2015, 2018 and 2019 counts, as shown in Table 45, below. The historical count data were provided by the City of San José. Although new 2022 traffic counts were collected at all the study intersections as part of the LOS Analysis, the current traffic volumes in the study area have not yet returned to pre-pandemic levels. As a result the new counts were not used for the signalized intersections, and the historical data was used instead to provide a conservative analysis.

The City of San José has defined significant intersection impacts as follows. The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to rule #2 above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

The results of the analysis show that all but one of the signalized study intersections are currently operating at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic and would continue to do so under background and background plus project, and cumulative conditions (see Table 45). The proposed project would not result in significant adverse impacts at nearby signalized intersections.

Table 45
Intersection Level of Service Summary

ID	Signalized Intersection	Peak Hour	Count Date	Existing		Background		Background Plus Project				Cumulative	
				Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C	Avg. Delay (sec)	LOS
1	N. 33rd St & McKee Rd	AM	1/11/2018	35.6	D	35.1	D	34.9	C	0.0	0.005	35.0	D
		PM	1/11/2018	27.3	C	26.5	C	26.3	C	-0.2	0.008	26.4	C
2		AM	10/9/2014	22.1	C	22.9	C	24.6	C	2.9	0.035	24.6	C

Table 45 Intersection Level of Service Summary													
ID	Signalized Intersection	Peak Hour	Count Date	Existing		Background		Background Plus Project				Cumulative	
				Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C	Avg. Delay (sec)	LOS
	US 101 NB Ramps & McKee Rd	PM	10/9/2014	26.9	C	26.8	C	27.9	C	2.1	0.034	28.0	C
3	US 101 SB Ramps & E Julian St	AM	9/20/2018	25.7	C	27.2	C	28.7	C	1.7	0.040	28.8	C
		PM	9/20/2018	29.6	C	31.4	C	33.1	C	2.4	0.016	33.3	C
4	N 28th St & E Julian St	AM	4/9/2015	26.5	C	26.5	C	30.5	C	5.7	0.089	37.0	D
		PM	4/9/2015	14.8	B	14.8	B	18.6	B	4.4	0.040	34.1	C
5	N 28th St & E Santa Clara St	AM	9/19/2019	21.1	C	21.1	C	21.2	C	0.3	0.009	18.6	B
		PM	9/19/2019	17.3	B	17.3	B	17.4	B	0.1	0.002	16.5	B
6	N 24th St & E Julian St	AM	5/9/2019	12.1	B	12.2	B	12.4	B	0.5	0.017	12.4	B
		PM	5/9/2019	11.3	B	11.5	B	12.0	B	0.7	0.019	12.0	B
Notes: **Bold** indicates a substandard level of service per City of San Jose Standards.													

Conclusion: The project would have a less than significant impact on transportation.

R. TRIBAL CULTURAL RESOURCES

Regulatory Framework

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires 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 when it is concluded that mutual agreement cannot be reached. Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources,[56] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

The Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

[56] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

General Plan

The Envision San José 2040 General Plan includes the following tribal cultural resource policies applicable to the Proposed Project:

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Environmental Setting

The information in this section is based in part on an Historical/Archaeological Literature Review and Assessment (Appendix D). This report included a records search of the CHRIS from the NWIC conducted for the project site and a 0.5 mile radius, a search of the NAHC Sacred Lands File, Native American group coordination, and a pedestrian survey of the project site for archaeological and built environment resources. The project site is located adjacent to industrial/commercial development, rural residential, and open space.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. TRIBAL CULTURAL RESOURCES. Would the project:					
a) 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, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X			1, 2

a) i, ii **Less Than Significant with Mitigation Incorporated**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

On March 16, 2022, CMAC sent a request to the NAHC to inquire about the potential existence of tribal cultural resources through a Sacred Lands File request (SLF) the project and research area. A list of appropriate Native American organizations and individuals to contact regarding this project was also requested. On April 13, 2022, CMAC received a response from the Native NAHC. The results were negative for tribal cultural resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

The City provided AB 52 notifications of the proposed project to Tamien Nation and the Indian Band of Costanoan Ohlone People on March 16, 2022. The City met with Chairwoman Geary of Tamien Nation on May 18, 2023 as part of a standing meeting and Chairwoman Geary confirmed the project area is highly sensitive for tribal cultural resources. She recommended

cultural sensitivity training would help reduce any potential impacts to unanticipated subsurface tribal cultural resources. In addition, Chairwoman Geary recommended presence of a tribal monitor during ground disturbing activities. No response for consultation has been received from Consultant and Tribal Monitor Sayers-Rood with the Indian Band of Costanoan Ohlone people till date.

The recommendations received from Chairwoman Geary are consistent with mitigation measures MM CR-1.1 through MM CR-1.4 above, and impacts to tribal cultural resources would be less than significant.

Conclusion: The project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

A water supply assessment (WSA) for the proposed project was prepared for the proposed project by San Jose Water (October 2022). A copy of this WSA is provided as Appendix I.

Regulatory Framework

State

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert from the landfill at least 50 percent of their solid waste generated beginning January 1, 2000.

Assembly Bill 341 (2011)

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

Assembly Bill 1826 (2014)

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

Senate Bill 1383 (2016)

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

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

In January 2023, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. 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 a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;

- Reduce wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Climate Smart San José

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 Jose goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Construction and Demolition Diversion Deposit Program

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

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

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).

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy

is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan Policies

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

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Existing Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: GreenTeam (Garbage and Recycling), and GreenWaste Recovery (Yard Trimmings)
- Natural Gas & Electricity: San Jose Clean Energy and PG&E

Existing Water Supply System

Water service to the project site is provided by San José Water Company (SJWC). A WSA was prepared for the proposed project by San Jose Water (October 2022) and is provided as Appendix I to this document. The WSA describes the relationship between existing and future water supplies and presents SJWC's ability to provide a diverse water supply to match build-out water demands under both normal and dry years.

Groundwater

SJWC draws water from the Santa Clara Valley Subbasin in the north part of Santa Clara County. The basin is 22 miles long and 15 miles wide with an operational storage capacity estimated to be 350,000 acre-feet. Groundwater is a substantial source of water for SJWC. In 2014, groundwater accounted for about 57 percent of SJW's total potable supply.

Surface Water

SJWC has "pre-1914 surface water rights" to raw water in Los Gatos Creek and local watersheds in the Santa Cruz Mountains. Prior to 1872, appropriative water rights could be acquired by simply taking and beneficially using water. In 1914, the Water Code was adopted, grandfathering in all existing water entitlements to license holders. SJWC filed for a license in 1947, and in 1976 was granted a license allowing it to draw 6,240 acre-feet per year (AFY) from Los Gatos Creek. SJWC has since upgraded the collection and treatment system that draws water from this watershed, which has increased the capacity of this entitlement to approximately 11,200 AFY for an average rain year.

Recycled Water

South Bay Water Recycling (SBWR) has been serving Silicon Valley communities since 1993. In 1997, SJWC entered into a Wholesaler-Retailer Agreement with the City of San José to provide recycled water to SJWC's existing and new customers near SBWR recycling water distribution facilities. In accordance with the terms of this agreement, SJWC allowed SBWR to construct recycled water pipelines in its service area; SJWC would only own the recycled water meters while SBWR would own, operate, and maintain the recycled water distribution system. In 2010, the Wholesaler-Retailer Agreement was amended to allow SJWC to construct recycled water infrastructure that would be owned, operated, and maintained by SJWC. In 2012, the agreement was again amended to allow SJWC to construct additional recycled water infrastructure.

Wastewater/Sanitary Sewer System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant; and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary sewer lines in the project area are owned and maintained by the City of San José. Wastewater generated on the Vila de Camila and Casa Inclusiva project sites would be discharged to the existing 15-inch vitrified clay pipe (VCP) sanitary sewer line located in East Julian Street, while wastewater generated at the Residencias Arianna site would be discharged to the existing 8-inch vitrified clay pipe (VCP) sanitary sewer line located in Tripp Avenue.

Wastewater treatment service for the project area is provided by the City of San José through the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The RWF treats approximately 110 million gallons per day (mgd) of sewage during dry weather flow, and has a capacity of 167 mgd.[57] The City of San José generates approximately 69.8 mgd of dry weather average flow.[58] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

Existing Solid Waste Disposal System

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[59] In 2019, there were approximately 600,000 tons of material generated in San Jose that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage.

Existing Storm Drainage System

The project sites are served by an underground storm drainage line maintained by the City of San José. Runoff from the Vila de Camila and Casa Inclusiva project sites is directed to the existing storm inlets located along the southern edges of each site. Runoff from the Residencias Arianna project site is directed to an existing 12-inch reinforced concrete stormwater main located in North 26th Street.

Electricity and Natural Gas

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind,

[57] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed April 29, 2020. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[58] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[59] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the project would utilize SJCE.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[60]

Total energy usage in California was approximately 7,881 trillion Btu in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2, 3, 18
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2, 18
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
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?			X		1, 2, 3
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

[60] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the small scale of the project (913 residential units across three sites), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan (the project does not propose any changes to the land use designations on the site).

Water service to the site would be supplied by SJWC, a private entity that obtains water from a variety of groundwater and surface water sources. As described in Appendix I, SJWC has indicated that they will have ample water supply to serve the proposed project (see additional discussion under impact b), below).

The City of San José owns and maintains the sanitary sewer drain system in the project area. For the Vila de Camila and Casa Inclusiva developments, existing 15" and 12" sewer mains extend along East Julian Street, and an existing 30" sewer main extends along West Court, in the vicinity of the project sites. The Vila de Camila development include construction of a new 8" sanitary sewer lateral to connect to the existing 15" sewer main in East Julian Street. The Casa Inclusiva development would include construction of a new 6" sanitary sewer lateral to connect to the existing 15" sewer main in East Julian Street. For the Residencias Arianna development, existing 8" sewer mains extend along Tripp Avenue and Wooster Avenue, and an existing 6" sewer main extends along North 26th Street in the vicinity of the project. The Residencias Arianna development proposes to construct new 6" sanitary sewer laterals to connect to the existing sewer main in Tripp Avenue.

As described in *J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. While the project would result in an increase in the amount of impervious surfaces on the site; the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

As described in *F. Energy,* the project would have a less than significant impact related to natural gas and electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider for each of the three developments and no significant environmental effects are anticipated as a result of these infill projects.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b) **Less Than Significant Impact**. As described above, a WSA was prepared for the proposed project by San Jose Water (October 2022) and is provided as Appendix I to this document. SJWC performed a comprehensive water supply outlook for the proposed project, and determined that the total net potable water demand for the proposed project would be approximately 165 AFY. This represents a 0.14 percent increase in total system usage compared to SJWC's 2020 potable water production, and was found to be consistent with the forecasted 12.2 percent increase between 2020 and 2045 demand described in SJWC's Urban

Water Management Plan. The WSA determined that there would adequate water supply demands for SJWC's service area through at least 2045, and the proposed project would not have a substantial impact on overall system capacity. The WSA for the proposed project evaluated 2,850 sf of commercial development. However, the project as proposed now includes approximately 14,800 sf of commercial. SJWC has confirmed that this change in commercial square footage from 2,850 sf to 14,800 sf does not represent a material change to water demand and the conclusions of the previous WSA remain valid[61]. As a result, the proposed project would have a less than significant impact with respect to availability of water supplies during normal, dry, and multiple-dry years.

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Given the small scale of the proposed project, it is not expected to exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The project would not generate substantial solid waste that would adversely affect any landfills. The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The project does not propose changes to the land use designations on the site and was included in the growth evaluated in the General Plan EIR.

The increase in solid waste generation from development of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The Zero Waste Strategic Plan in combination with existing regulations and programs, would ensure that the project would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

e) **Less Than Significant Impact**. Final project design would be required to comply with all federal, State, and local statutes and regulations related to solid waste disposal.

Conclusion: The project would have a less than significant impact on utilities and service systems.

[61] Email communication between Tina Garg, Supervising Planner, City of San Jose and Jake Walsh, Assistant Chief Engineer, San Jose Water Company, May 1, 2023.

T. WILDFIRE

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan Policies

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

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Existing Setting

The project site, located in an urbanized part of the City, is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		1, 2, 3
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?			X		1, 2, 3, 16
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?			X		1, 2, 3, 16
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?			X		1, 2, 3, 16

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards*

and Hazardous Materials, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. MANDATORY FINDINGS OF SIGNIFICANCE.					
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?		X			1-18
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)?		X			1-18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			1-18

Explanation

a) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to 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, 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. Mitigation measures and standard permit conditions are identified for potential impacts of the project on sensitive air quality receptors (fugitive dust – see MM AQ-1; TACs – see MM AQ-2) special status species (nesting birds – see MM BIO-1) and potential disturbance to cultural resources (buried archaeological resources – see MMs CR-1 through CR-4) to reduce these effects to less than significant.

b) **Less Than Significant with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts. This analysis takes into account the proposed development at 1271 and 1279 East Julian Street, which consists of the demolition of two existing single-family residences, a lot merger, and construction a seven-story building featuring 140 apartment units. This project is located south of the Residencias Arianna project site and west of the Casa Inclusiva and Vila de Camila sites. No other development proposals are located within 1,000 feet of the proposed project. As discussed in *C. Air Quality* and *H. Greenhouse Gas Emissions*, the project would have a less than significant impact related to criteria air pollutants and GHG emissions. As discussed in *Section Q. Transportation*, the project would have a less than significant impact related to cumulative VMT. For these reasons, the project would have a less than significant cumulative impact on air quality overall. In addition, as discussed in *M. Noise & Vibration*, the project

would have a less than significant impact related to cumulative construction noise and cumulative traffic noise.

The project would result in potential impacts in the following areas: 1) impacts to air quality from fugitive dust emissions during construction and TAC emissions during construction, 2) impacts on biological resources during construction from disturbance to nesting birds, 3) potential impacts to buried archaeological resources during excavation, 4) noise impacts from construction activities and operation of mechanical equipment, 5) vibration impacts during construction, and 6) vibration impacts to nearby buildings during construction. These impacts would be minimized by implementation of identified mitigation measures and standard permit conditions in this Initial Study, and would not significantly contribute to cumulative impacts in these areas.

c) **Less Than Significant with Mitigation Incorporated**. 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 Standard Permit Conditions and City policies, as well as Mitigation Measures AQ-1, AQ-2, NSE-1, NSE-2, and NSE-3, would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures, standard permit conditions, Five Wounds Urban Village Plan Policies, and General Plan policies identified in this document.

Chapter 4. References

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9. Santa Clara Valley Habitat Plan
10. Santa Clara Valley Habitat Agency Geobrowser
11. Archaeological Review, 2022
12. Phase I Assessments
13. FEMA FIRM Maps
14. Noise & Vibration Assessment, 2023
15. Transportation Analysis, 2022
16. Cal Fire, Fire Hazard Severity Maps, 2022
17. Historic Resources Assessment, 2022
18. Water Supply Assessment, 2022

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