May 2024 | Initial Study / Mitigated Negative Declaration

SILVERADO MEMORY CARE COMMUNITY PROJECT

PLANNING FILE NUMBERS CP22-028 & ER22-267

City of San José

Prepared for:

City of San José
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PLACEWORKS

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: Silverado Memory Care Community Project

PROJECT FILE NUMBER: CP22-028 and ER22-267

PROJECT DESCRIPTION: Development of a new two-story building for a 24-hour memory care residential facility, which would consist of 70 units with 94 beds, a surface parking lot, and a community garden at the northeastern corner of Union Avenue and Cambrianna Drive. The proposed building would encompass approximately 48,051 square feet; with 25,145 square feet on the first floor and 22,906 square feet on the second floor. The proposed project would require the removal of 14 ordinance-sized trees and three non-ordinance-size trees on the project site and the addition of 115 trees around the perimeter of the project site and within or adjacent to the proposed two-story building. Vehicular access to the project site would be provided by one proposed driveway from Union Avenue to the west of the proposed project. Within the project site, vehicular circulation would be accommodated by a 26-feet-wide drive aisle adjacent to the west, north, and east sides of the proposed building, and would lead to the proposed surface parking.

PROJECT LOCATION: 1975 Cambrianna Drive, San José, CA 95124

ASSESSORS PARCEL NO.: 414-21-063

COUNCIL DISTRICT: 9

APPLICANT CONTACT INFORMATION: Douglas Pancake Architects (Attn: Supriya Rao); 19000 MacArthur Boulevard, Suite 500, San Jose, CA 92612; (949) 720-3850 ext. 303; supriyar@pancakearchitects.com

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 attached 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 generate exhaust emissions from off-road construction equipment that could adversely affect nearby receptors and present a significant impact on the surrounding human environment.

MM-AQ-1: Prior to the issuance of any tree removal, demolition or grading permits, the construction contractor(s) for the proposed project shall provide documentation to the City's satisfaction that all off-road equipment greater than 25 horsepower to be used during construction shall meet United States Environmental Protection Agency Tier 4 Final emission standards equipment, unless it can be demonstrated to the City that such equipment is not commercially available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 Interim equipment or Tier 3 equipment retrofitted with a California Air Resources Board's Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. Furthermore, all diesel generators, if used, shall be fitted with a Level 3 diesel particulate filter. The requirement to use Tier 4 Final equipment for all off-road construction equipment over 25 horsepower shall be identified in a Construction Management Plan and included in construction bids. mitigation measure.

D. BIOLOGICAL RESOURCES.

Impact-BIO-1: The project would interfere with the movement of nesting and migratory birds due to the number of trees on the parcel.

MM-BIO-1: If construction activities occur within the bird nesting season (generally defined as February 15 through September 15), a qualified biologist shall conduct a nesting bird survey within two weeks prior to the proposed start date to identify any active nests (including Cooper's hawk) within 500 feet of the project site. If an active nest is found, the nest shall be avoided, and a suitable buffer zone shall be delineated in the field such that no impacts shall occur until the chicks have fledged the nest as determined by a qualified biologist. Construction buffers shall be 300 feet for passerines and up to 500 feet for any raptor species; however, avoidance buffers may be reduced at the discretion of the biologist, depending on the location of the nest, the species' tolerance to human presence, and construction-related noises and vibrations.

MM-BIO-2: Prior to issuance of any tree removal, grading, or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

E. CULTURAL RESOURCES.

Impact CUL-1: The project would cause a substantial adverse change in the significance of an archaeological resource because the project site has a high potential/sensitivity for buried historic period archaeological resources, particularly in the east central portion of the project site.

MM CUL-1: Ground-Penetrating Radar Survey. Prior to construction of the proposed project, a Ground-Penetrating Radar (GPR) survey will be conducted in the area of the former house in the east-central portion of the project site to locate any associated historic period archaeological deposits or features that may be present. If any potential subsurface historic deposits or features are identified in the GPR survey, then a Secretary of Interior qualified Archaeologist should ground truth (or physically excavate) some or all of the feature to determine form, function, age, CRHR-eligibility, and the need for further treatment and/or additional project-specific recommendations, such as archaeological monitoring during construction.

MM CUL-2: Post-review Discoveries. If an archaeological deposit is encountered during project-related, ground disturbing activities, all work within 50 feet of the discovery shall be redirected until a Secretary of Interior-qualified Archaeologist inspects the material, assess its historical significance, and provides recommendations for the treatment of the discovery. For this project, potentially significant historic-era resources may include all by-products of human land use greater than 50 years of age, including subsurface deposits of domestic type material (e.g., glass, ceramic, metal, wood, faunal remains, brick, etc.), buried alignments of stone, brick, or foundation elements, infrastructure related to previous buildings, privies, water wells, and possible features associated with open workspaces or yard spaces (e.g., stone/brick foundations; chimney remains; ceramics; buttons; insignia; bullets; tools; and fragments of ceramics, glass, metal, wood, faunal, brick, concrete, coal, botanical remains, etc.). Potentially significant precontact period archaeological resources include midden soils, artifacts such as faunal bone, ground stone, fire-affected rock (FAR), baked clay, modified bone and/or shell, flake stone debitage, flake stone tools, etc., and features such as house floors, cooking pits, deliberately interred burials, pre-internment burn pits, cremations, etc.

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

Impact GHG-1: The proposed project does not incorporate an all-electric design for the proposed building and, therefore, could generate GHG emissions that may have a significant impact on the environment.

MM-GHG-1: Prior to the issuance of grading permits, site plans submitted to the City shall demonstrate that the proposed project is designed with an all-electric building.

Impact GHG-2: The proposed project does not meet the Tier 2 CALGreen standards for EV-capable spaces and EV-charging stations and, therefore could generate GHG emissions that may have a significant impact on the environment.

MM-GHG-2: Prior to the issuance of grading permits, site plans submitted to the City shall

comply with the California Green Building Standards Code (CALGreen) voluntary Tier 2 nonresidential provisions for electric vehicle (EV) charging stations.

Impact GHG-3: The proposed project's per employee daily VMT of 14.93 does not meet the City's VMT reduction target of 14.05 VMT and, therefore may generate GHG emissions that may have a significant impact on the environment.

MM-T-1 Based on the four strategy tiers included in the VMT Evaluation Tool, it is recommended that the project implement the following mitigation measure to reduce the significant VMT impact.

- Bike Access Improvements: The City will require the project to upgrade the existing Class II bike lanes along the project frontage to Class IV protected bike lanes. The San José VMT Evaluation Tool cannot calculate a reduction in VMT because the distance to the nearest bicycle facility would remain the same. However, improved bicycle facilities may encourage more future employees to ride their bicycles to work and reduce the VMT generated by the proposed development.
- Traffic Calming: City staff will identify appropriate traffic calming measures that may be implemented on surrounding streets and intersections.
- Commute Trip Reduction Marketing/Education: The project will be required to implement commute trip reduction marketing and education as part of a transportation demand management plan. With commute trip marketing/education, employees would be made aware of alternative transportation modes available to them and may be encouraged to utilize alternative transportation modes to get to work.

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact-HAZ-1: There is the potential that the shallow soil may contain residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If pesticides are present, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination and cause an impact on the environment.

MM-HAZ-1: Prior to the issuance of a site grading permit, the applicant will hire a qualified environmental professional to complete a Phase II shallow soil investigation to address the concerns associated with the sites former agricultural history as discussed in the Phase I Environmental Site Assessment completed by SCHUTZE & Associates dated May 25, 2021. The Phase II should include the collection of soil samples within the site boundaries of the proposed memory care facility to determine if pesticides and pesticide-based metals occur at concentrations above established construction worker safety and residential standard regulatory environmental screening levels. Results of the Phase II will be provided to the City of San Jose Planning, Building, and Code Enforcement Supervising Planner, and the Environmental Services Department Municipal Compliance Officer.

If the Phase II results indicate soil contamination above the applicable regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC) or Santa Clara County Department of Environment Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant and the plan

must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and site occupants. The RAP and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's 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-N-1: Construction noise levels would exceed the exterior threshold of 80 dBA Leq at the 7 Magic Flowers Montessori to the east of the site. With construction activities lasting over 12 months, 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 would occur.

MM-N-1: A construction noise logistics plan shall be prepared 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, to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques, including but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences or similar around ground-level construction sites adjacent to noise-sensitive receptors. A temporary, 8-foot-high noise barrier shall be constructed along the project site's eastern property lines to shield the adjacent 7 Magic Flowers Montessori. The noise barrier shall be solid over the face and at the base of the barrier to provide a 6 dBA noise reduction.
- Equip all internal combustion-engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology

exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent residences and other noise-sensitive land uses about 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) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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

Impact-T-1: The proposed project would generate 14.93 VMT per employee, which exceeds the 14.05 VMT per employee threshold by 6.3 percent, and the proposed project would have a potentially significant impact on the transportation system based on the City's VMT impact criteria.

MM-T-1: Based on the four strategy tiers in the VMT Evaluation Tool, it is recommended that the project implement the following mitigation measure to reduce the significant VMT impact.

- Bike Access Improvements: The City will require the project to upgrade the existing Class II bike lanes along the project frontage to Class IV protected bike lanes. The San José VMT Evaluation Tool cannot calculate a reduction in VMT because the distance to the nearest bicycle facility would remain the same. However, improved bicycle facilities might encourage more future employees to ride their bicycles to work and reduce the VMT generated by the proposed development.
- Traffic Calming: City staff will identify appropriate traffic-calming measures that could be implemented on surrounding streets and intersections.
- Commute Trip Reduction Marketing/Education: The project will be required to implement commute trip reduction marketing and education as part of a transportation demand management plan. With commute trip marketing/education, employees would be made aware of alternative transportation modes available to them and could be encouraged to utilize alternative transportation modes to get to work.
  The implementation of MM-T-1 would reduce the VMT generated by the project by encouraging use of alternative transportation for employees to commute to work. The implementation of the above mitigation measure would reduce the project VMT to 14.03 per employee, which is below the threshold of 14.05 per employee, reducing the project impact to less than significant.

R. TRIBAL CULTURAL RESOURCES

Impact-TCR-1: The project's APE overlaps or is near the management boundary of a potentially eligible cultural site, and though there are no known tribal resources at the project site, activities for the project include ground disturbance, where buried resources may be discovered.

MM-TCR-1: **A.** The project applicant shall retain a Native American monitor. The monitor shall be retained prior to the commencement of any ground-disturbing activity at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work), including but not limited to pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. The Native American Monitor shall be a Native American representative from a California Native American tribe who is registered with the Native American Heritage Commission (NAHC) for the City of San José, and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The project applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The project applicant shall hold at least one preconstruction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the mitigation measures and compliance obligations as well as places of significance on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

E. The monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities; the type of construction activities performed; locations of ground-disturbing activities; soil types; cultural-related materials; and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources (TCR), including but not limited to Native American cultural and historical artifacts, remains, places of significance, etc. as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant upon written request.

F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are

complete; or (2) written notice by the Tribe to the project applicant that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

MM-TCR-2: **A.** Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a tribal monitor and/or tribal archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.

B. The Tribe shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code Section 5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Public Resources Code Section 5097.98 (a), d)(1) and (2)).

D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health and Safety Code Section 7050.5(c); 14 Cal. Code Regs. Section 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on-site and in any other area where the presence of human remains and/or grave goods are suspected to be present shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. Section 15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. Section 15064.5(f)).

F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.

G. Any historic or archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

MM-TCR-3: **A.** The Most Likely Descendant (MLD) shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed.

E. In the event preservation in place is not possible despite good faith efforts by the City, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the City and shall be protected in perpetuity.

F. Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items shall be retained and shall be reburied within six months of recovery.

G. The Tribe shall work closely with the project's qualified archaeologist (see MM CUL-1 and MM-CUL-2) to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be

prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery and data-recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

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

Before 5:00 p.m. on **Wednesday, June 12, 2024** 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

5/14/24
Date

Deputy

Charlotte Yuen
Environmental Project Manager

Circulation period: May 22, 2024 to June 12, 2024

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APPENDICES

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Abbreviations and Acronyms

AAQS	ambient air quality standards
AASHTO	American Association of State Highway Transportation Officials
AB	Assembly Bill
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BMP	best management practices
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CH_4	methane
CMP	congestion management program
CNEL	community noise equivalent level
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
dB	decibel
dBA	A-weighted decibel
DNL	day-night noise level
EIR	environmental impact report
EOP	emergency operations plan
EV	electric vehicle
FHSZ	Fire Hazard Severity Zone
FTA	Federal Transit Administration
GHG	greenhouse gases
GHGRS	Greenhouse Gas Reduction Strategy
GMP	groundwater management plan
HRA	health risk assessment
HVAC	heating, ventilating, and air conditioning system
ITE	Institute of Transportation Engineers
LEED	Leadership in Energy and Environmental Design
Leq	equivalent continuous noise level

Abbreviations and Acronyms

LRA	local responsibility area
MBTA	Migratory Bird Treaty Act
MER	maximally exposed receptor
mgd	million gallons per day
MND	mitigated negative declaration
MTC	Metropolitan Transportation Commission
ND	negative declaration
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O_3	ozone
PBCE	Planning, Building and Code Enforcement (San José)
PM	particulate matter
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
ROG	reactive organic gases
RPS	renewable portfolio standard
RTP/SCS	Regional Transportation Plan / Sustainable Community Strategy
RWF	San José/Santa Clara Regional Wastewater Facility
SB	Senate Bill
SCVHP	Santa Clara Valley Habitat Plan
SFBAAB	San Francisco Bay Area Air Basin
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Corporation
SO_2	sulfur dioxide
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminants
VMT	vehicle miles traveled
VTA	Santa Clara Valley Transportation Authority

Abbreviations and Acronyms

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1. Introduction

1.1 OVERVIEW

Silverado Senior Living LLC (project applicant) is seeking approval from the City of San José (City) for implementation of the Silverado Memory Care Community that includes the development of a new two-story, 24-hour memory care residential facility, with a community garden and surface parking lot (proposed project) on a 1.77-acre site in San José, California.

In compliance with the California Environmental Quality Act (CEQA), the city of San José, as lead agency, is preparing the environmental documentation for the proposed project to determine if approval of the requested discretionary actions and subsequent development would have a significant impact on the environment. As defined by Section 15063 of the CEQA Guidelines, an initial study is prepared primarily to provide the lead agency with information to use as the basis for determining whether an environmental impact report, negative declaration (ND), or mitigated negative declaration (MND) would provide the necessary environmental documentation and clearance for the proposed project. This initial study has been prepared to support the adoption of an MND.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The environmental compliance process is governed by the CEQA and the CEQA Guidelines (Public Resources Code [PRC], section 21000 et seq.; California Code of Regulations [CCR], Title 14, sections 15000 et seq.). CEQA was enacted in 1970 by the California Legislature to disclose to decision-makers and the public the significant environmental effects of projects and to identify ways to avoid or reduce the environmental effects through feasible alternatives or mitigation measures. Compliance with CEQA applies to California government agencies at all levels: local, regional, and state agencies, boards, commissions, and special districts (such as school districts and water districts). The City of San José is the lead agency for the Proposed Project and is therefore required to conduct an environmental review to analyze the potential environmental effects associated with the proposed project.

PRC section 21080(a) states that analysis of a project's environmental impact is required for any "discretionary projects proposed to be carried out or approved by public agencies…." In this case, the City has determined that an Initial Study is required to determine whether there is substantial evidence that construction and operation of the Proposed Project would result in environmental impacts.

A "project" means the whole of an action that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code sections 65100 to 65700.

- An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

- An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (14 CCR section 15378[a])

The proposed discretionary actions by the project applicant constitute a "project" because the activity would result in a direct physical change in the environment and would be undertaken by a public agency. All "projects" in the State of California are required to undergo an environmental review to determine the environmental impacts associated with implementation of the project.

1.3 INITIAL STUDY

The purpose of the Initial Study is to 1) provide the lead agency with information to use as the basis for deciding the proper type of CEQA document to prepare; 2) enable the lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration; 3) assist in the preparation of an EIR, if one is required; 4) facilitate environmental assessment early in the design of a project; 5) provide documentation of the factual basis for the findings in an MND or ND; 6) eliminate unnecessary EIRs; and 7) determine if a project is covered under a previously prepared EIR. When an Initial Study identifies the potential for immitigable significant environmental impacts, the lead agency must prepare an EIR (14 CCR section 15064); however, if all impacts are found to be less than significant or can be mitigated to less than significant, the lead agency can prepare an ND, or MND that incorporates mitigation measures into the project (14 CCR section 15070).

1.4 MITIGATED NEGATIVE DECLARATION

The MND includes information necessary for agencies to meet statutory responsibilities related to the proposed project. State and local agencies will use the MND when considering any permit or other approvals necessary to implement the project. A list of the environmental topics that have been identified for study in the MND is provided in the Initial Study Checklist (Chapter 3).

One of the primary objectives of CEQA is to enhance public participation in the planning process; public involvement is an essential feature of CEQA. Community members are encouraged to participate in the environmental review process, request to be notified, monitor newspapers for formal announcements, and submit substantive comments at every possible opportunity afforded by the City. The environmental review process provides several opportunities for the public to participate through public notice and public review of CEQA documents and at public meetings.

1.5 IMPACT TERMINOLOGY

The following terminology is used to describe the level of significance of impacts.

- A finding of **no impact** is appropriate if the analysis concludes that the project would not affect the particular topic area in any way.
- An impact is considered **less than significant** if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered **less than significant with mitigation incorporated** if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments or other enforceable mitigation measures.
    - **Mitigation Measures**. If, after incorporation and implementation of federal, state, and local regulations, there are still significant environmental impacts, then feasible and project-specific mitigation measures are required to reduce impacts to less than significant levels. Mitigation measures must further reduce significant environmental impacts above and beyond compliance with federal, state, and local laws and regulations. Mitigation under CEQA Guidelines section 15370 includes:
        - Avoiding the impact altogether by not taking a certain action or parts of an action.
        - Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
        - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
        - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
        - Compensating for the impact by replacing or providing substitute resources or environments.
- An impact is considered **potentially significant** if the analysis concludes that it could have a substantial adverse effect on the environment. If any impact is identified as potentially significant, an EIR is required.

1.6 PROJECT LOCATION

The project site is at 1975 Cambrianna Drive (Assessor's Parcel Number [APN] 414-21-062), at the intersection of Cambrianna Drive and Union Avenue in the City of San José, Santa Clara County, California (project site) (see Figure 1, *Regional Location*). The project site is currently undeveloped and is bounded by Cambrianna Drive to the south, Union Avenue to west, and Byron Way to the north. The city of San José is surrounded by the unincorporated Santa Clara County to the east and south, city of Santa Clara to the west, and city of Milpitas to the north (see Figure 2, *Local Vicinity*, and Figure 3, *Aerial View of Project Site & Sensitive Receptors*).

1.7 ENVIRONMENTAL SETTING

1.7.1 Existing Land Use and Zoning

The 1.77-acre project site is currently vacant and undeveloped. The project site is zoned Single-Family Residential (Up to Eight Dwelling Units per Acre) (R-1-8) and has a General Plan land use designation of Public/Quasi-Public (PQP) (see Figure 4a, *General Plan Land Uses*, and Figure 4b, *Zoning Designations*).

1.7.2 Surrounding Land Uses and Zoning

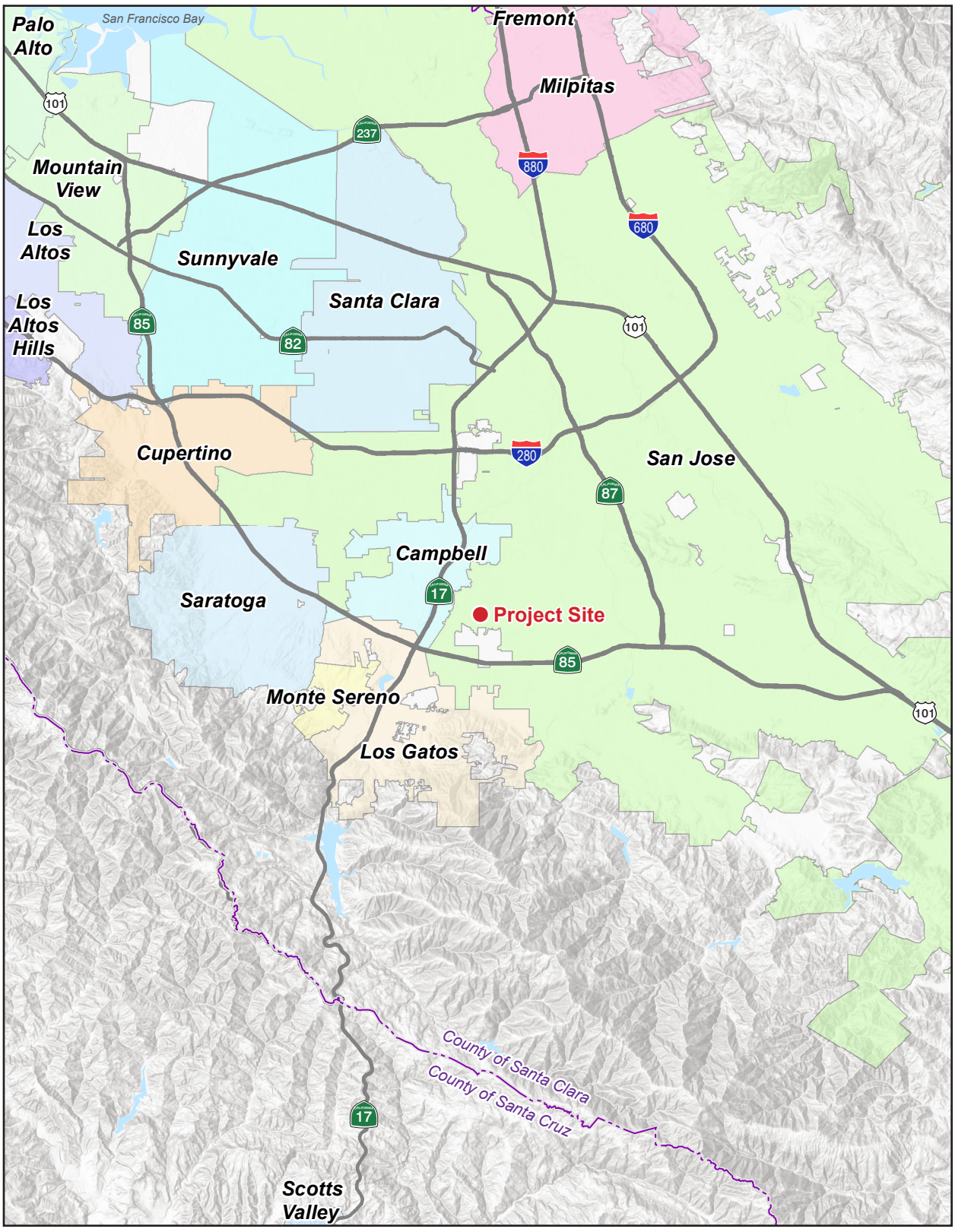
The project site is surrounded by residential properties to the north and south that are also zoned R-1-8; the 7 Magic Flowers Bilingual Montessori Preschool to the east and Campbell Union High School to the west are zoned Planned Development (R-1-8 Low to Medium Density Residential Based District)(R-1-8(PD))(see Figure 4a and Figure 4b).

1.7.3 Local and Regional Access

Regional access to the project site is provided by State Route 17 (SR-17) and SR-85, approximately 1 mile west and 0.95 mile north of the project site, respectively. Union Avenue, Cambrianna Drive, and Byron Way provide direct vehicular and pedestrian access to the project site from the west, south, and north. One on-street primary bicycle facility is located on Union Avenue directly west of the project site (San José 2023).

The Santa Clara Valley Transportation Authority (VTA) provides access to the project site via the Green and Blue lines that connect San José in the south with Santa Clara in the north. The Winchester Green Line Station is approximately 1.3 miles northwest and the Branham Blue Line Station is approximately 3.8 miles east of the project site (VTA 2023). Local bus service is provided along Union Avenue (VTA line 61) and Camden Avenue (VTA line 37). The nearest bus stop is at the intersection of Union Avenue and Cambrianna Drive, on the southwestern corner of the project site. Also, Express Bus services, which provide direct commute-hour service to major employment centers, and Frequent Bus services, which provide local service every 12 to 15 minutes on weekdays and 15 to 30 minutes on weekends, are within 0.5 mile of the project site (VTA 2023).

Figure 1 - Regional Location



Note: Unincorporated county areas are shown in white.

Source: Generated using ArcMap 2023.

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Figure 2 - Local Vicinity

Project Boundary

Note: Unincorporated county areas are shown in white.

Source: Generated using ArcMap 2023.

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Figure 3 - Aerial View of Project Site & Sensitive Receptors

Project Boundary

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Scale (Feet)

Source: Nearmap 2023.

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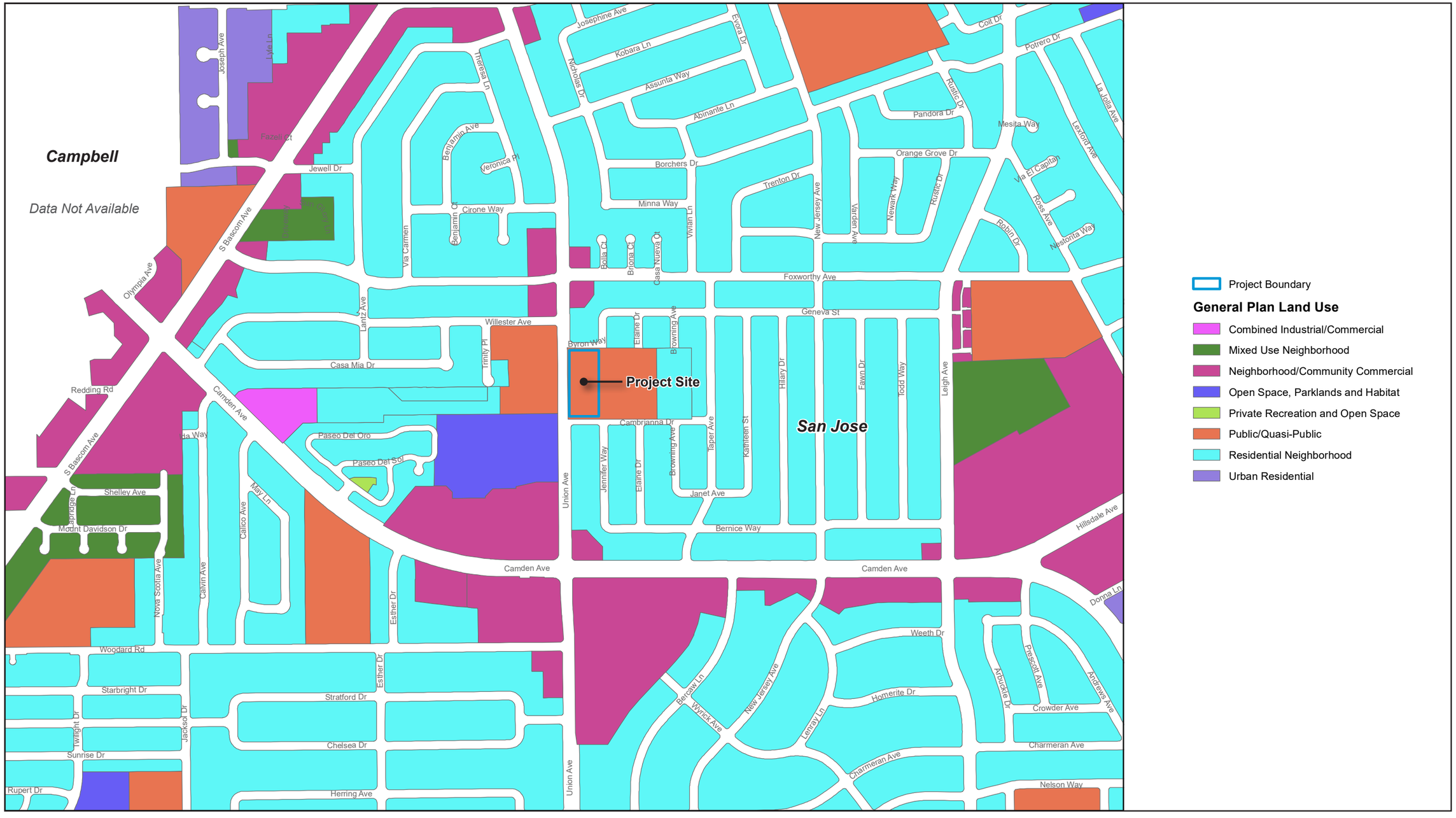
Figure 4a - General Plan Land Uses



Source: Generated using ArcMap 2023; City of San Jose 2023.

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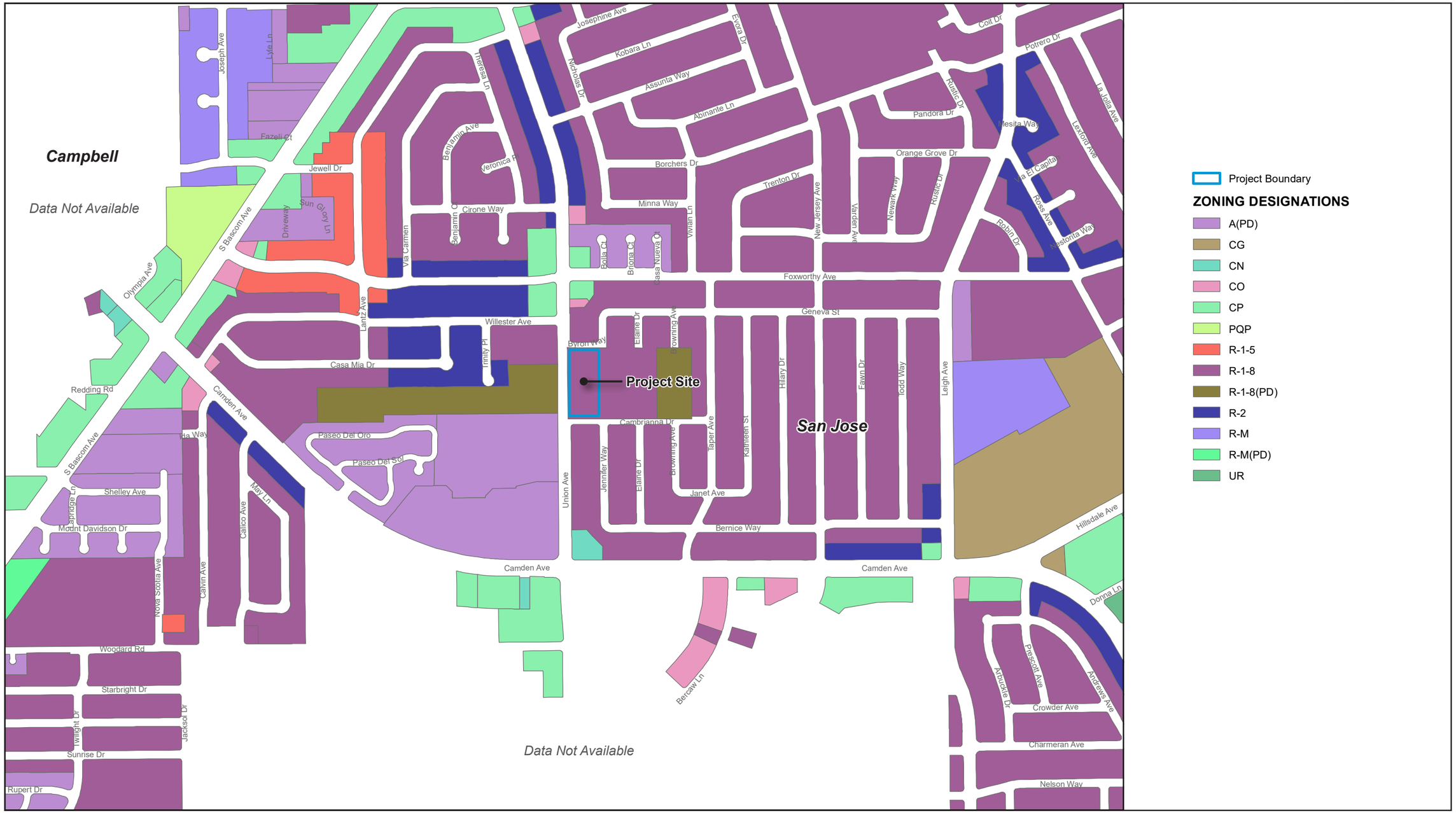
Figure 4b - Zoning Designations



Source: Generated using ArcMap 2023; City of San Jose 2023.

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1.8 PROJECT DESCRIPTION

The proposed project would include the development of a new two-story building for a 24-hour memory care residential facility, which would include 70 units with 94 beds, with a surface parking lot and a community garden at the northeastern corner of Union Avenue and Cambrianna Drive (see Figure 5a, *Proposed Site Plan* and Figure 5b, *Proposed Building Floorplans*). The proposed building would encompass approximately 48,051 square feet, with 25,145 square feet on the first floor and 22,906 square feet on the second floor.

1.8.1 Proposed Zoning Change

As part of the proposed project, the zoning designation of the project site would change from Single-Family Residential (R-1-8) to Public/Quasi-Public (PQP).

1.8.2 Residential Development

The proposed project would develop 36 rooms on the first floor with 46 beds, a lobby, administration offices, dining areas, a kitchen, employee lounge, wellness and activities rooms, public restrooms, and service rooms (electrical and IT). The second floor would include 34 rooms with 48 beds, wellness and activity rooms, a beauty salon, dining areas, a living room, a laundry room, outdoor roof decks, and service rooms (for storage, electrical, and IT) (see Table 1, *Project Summary: Memory Care Dwelling Units*, and Table 2, *Common Areas and Amenities*). The proposed two-story building would also include two stairways on the northern and southern ends of the building, and elevators near the center of the building (see Figure 6, *Proposed Building Elevations*). The rooms would range in size from 309 square feet to 429 square feet and would include one or two beds, closet space, and a private bathroom.

Table 1 Project Summary: Memory Care Dwelling Units

Proposed Uses	Units	Beds	Square Feet
First Floor			
Memory Care – 1 bed	26	26	8,074
Memory Care – 2 bed	10	20	4,012
Total	**36**	**46**	**12,086**
Second Floor			
Memory Care – 1 bed	20	20	6,220
Memory Care – 2 bed	14	28	5,648
Total	**34**	**48**	**11,868**

Table 2 Common Areas and Amenities

Proposed Uses	Units/Quantity	Square Feet
First Floor		
Administration	11	2,620
Amenities	4	2,688
Circulation	7	5,324
Kitchen	1	1,262
Lobby	1	270
Public Restrooms	3	236
Service	6	559
Total	**33**	**12,959**
Second Floor		
Administration	2	480
Amenities	7	3,879
Circulation	6	5,163
Lobby	3	1,424
Service	8	1,114
Total	**26**	**12,060**

1.8.3 Outdoor Amenities

1.8.3.1 COMMUNITY AND MEMORY CARE GARDENS

The proposed project would include a 6,008-square-foot community garden at the southeastern corner of the project site that would include grass areas and walkways and would be open for public use.

The proposed project would also include two secure memory care gardens—in the interior courtyard of the proposed building and along the eastern edge of the proposed building. Additionally, two outdoor dining areas would be directly west of the community garden.

1.8.3.2 LANDSCAPING

The proposed project would require the removal of 14 ordinance-sized trees and 3 non-ordinance-size trees on the project site and the addition of 115 trees around the perimeter of the project site and within or adjacent to the proposed two-story building (see Figure 7, *Tree Removal Plan*, and Figures 8a to 8c, *Conceptual Landscape Plan*).

1.8.4 Circulation and Parking

1.8.4.1 VEHICULAR ACCESS

Vehicular access to the project site would be provided by one proposed driveway from Union Avenue to the west of the proposed project. Within the project site, vehicular circulation would be accommodated by a drive

aisle adjacent to the west, north, and east sides of the proposed building that would lead to the proposed surface parking.

The drive aisle would be no less than 26 feet wide to accommodate fire apparatus access to the project site. The fire apparatus access road would be a minimum of 20 feet wide, with an inside turning radius of 30 feet and an outside turning radius of 50 feet at the eastern portion of the project site.

Additionally, the drive aisle would accommodate waste collection hauling trucks entering and exiting the site to collect solid waste from the covered trash enclosure on the eastern portion of the project site, north of the community garden.

1.8.4.2 PROJECT PARKING

The proposed project would include a surface parking lot along the west, north, and east sides of the building. As shown in Table 3, *Proposed Parking*, the parking lot would include 52 parking spaces, including 47 standard parking spaces, 2 electric vehicle (EV) parking spaces, and 3 Americans with Disabilities Act (ADA) accessible parking spaces (including one van accessible parking space).

Table 3 Proposed Parking

Parking Stall	Size	Quantity
Standard	8'-6" x 17'	47
Electric Vehicle	9' x 18'	2
ADA Accessible	9' x 18'	3[1]
	Total	**52[2]**

[1] Includes one van accessible parking space with an 8' x 18' access aisle.
[2] Includes a 20 percent reduction (within 2,000 feet of a bus stop).

1.8.4.3 PEDESTRIAN ACCESS

Pedestrian access to the project site would be provided via the existing public sidewalks and pedestrian facilities along Union Avenue and Cambrianna Drive. Pedestrian paths on-site would connect to the sidewalk on the western and southern side of the project site, including a walking path within the proposed community garden. The proposed project would also include two new curb ramps at the corners of Union Avenue and Cambrianna Drive and Union Avenue and Byron Way.

The proposed project would include a Class IV, separated bikeway that would be six feet wide and would travel south-north along Union Avenue with two new bike ramps at the corners of Union Avenue and Cambrianna Drive and Union Avenue and Byron Way. The proposed project would also include two bike racks on the east and west side of the proposed building that would hold five bicycles each.

1.8.5 Architectural Design

The proposed building would use a variety of colors and materials, including white- and tan-painted stucco and cliff-stone veneer on the exterior walls. Additionally, the proposed building would include vinyl windows and Capistrano-style roof tiles. The proposed building height would be a maximum of 27 feet.

The proposed roof decks on the second floor would include six-foot-high safety glass and metal posts painted to match the building, and any balconies on the second floor would include wood railings.

1.8.6 Lighting and Monument Sign

The proposed project would include 14 freestanding pool lights mounted at 20 feet above the finished ground along the perimeter of the proposed building and within the surface parking lot. The proposed project would also include a monument sign on the western side of the project site at the entrance of the parking lot.

Figure 5a - Proposed Site Plan

Building Footprint: 25,145 sq ft

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Scale (Feet)

Source: Douglas Pancake Architects 2023.

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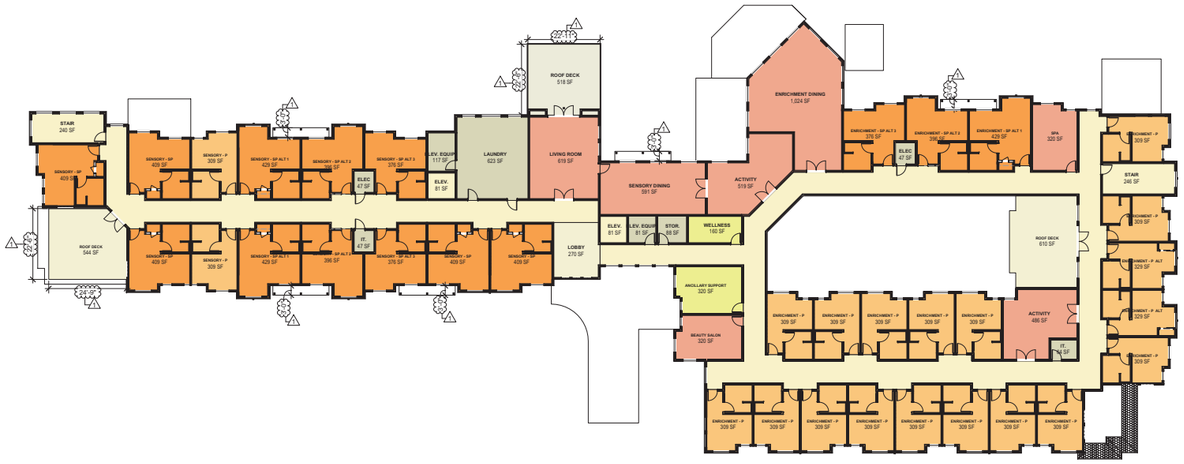
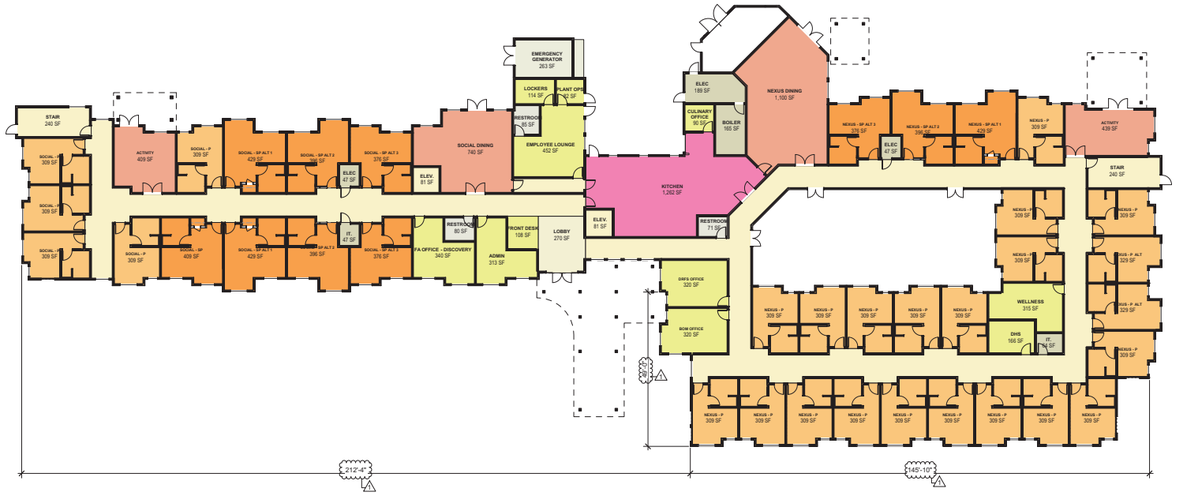
Figure 5b - Proposed Building Floorplans



2 CONCEPTUAL SECOND FLOOR



1 CONCEPTUAL FIRST FLOOR

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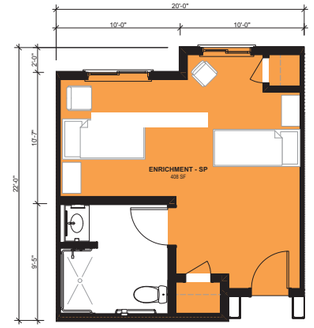
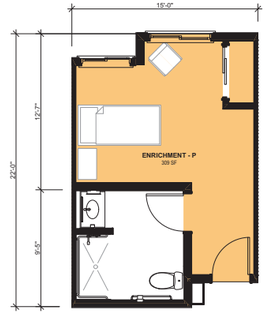
Scale (Feet)



TWO BED FLOOR PLAN



ONE BED FLOOR PLAN

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Source: Douglas Pancake Architects 2023.

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Figure 6 - Proposed Building Elevations

Source: Douglas Pancake Architects 2023.

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Figure 7 - Tree Removal Plan

TREE REPLACEMENT CALCULATION

TYPE	QUANTITY REMOVED	REPLACE-MENT RATIO	TREES REQUIRED	TREES PROVIDED	TREE SIZE CONVERSION
NATIVE - 38" OR MORE CIRCUMFERENCE	5	5:1	(25) 15-GALLON	(13) 24" BOX	(13) 24" BOX = (26) 15-GAL PROVIDED
NON-NATIVE - 38" OR MORE CIRCUMFERENCE	9	4:1	(36) 15-GALLON	(18) 24" BOX	(18) 24" BOX = (36) 15-GAL PROVIDED
NON-NATIVE - LESS THAN 19" CIRCUMFERENCE	3	1:1	(3) 15-GALLON	(2) 24" BOX	(2) 24" BOX = (4) 15-GAL PROVIDED
TOTAL	17		(64) 15-GALLON	(33) 24" BOX	(33) 24" BOX = (66) 15-GAL PROVIDED
(116) TOTAL TREES PROVIDED ON SITE - (33) 24" BOX TREES APPLIED TOWARD TREE REPLACEMENT REQUIREMENT.					

TREE LEGEND

TREE #	TREE SPECIES	TRUNK DIAMETER	TRUNK CIRCUMFERENCE	TREE HEALTH (1 TO 6)	REMOVE
1	ZELKOVA SERRATA	16"	50"	4	NO
2	ZELKOVA SERRATA	16"	50"	3	YES
3	ZELKOVA SERRATA	16"	50"	3	YES
4	ZELKOVA SERRATA	16"	50"	3	YES
5	ZELKOVA SERRATA	16"	50"	4	YES
6	ZELKOVA SERRATA	16"	50"	4	YES
7	ZELKOVA SERRATA	16"	50"	4	YES
8	ZELKOVA SERRATA	16"	50"	4	YES
9	ZELKOVA SERRATA	16"	50"	4	YES
10	ZELKOVA SERRATA	16"	50"	4	YES
11	QUERCUS AGRIFOLIA	20"	63"	4	YES

TREE LEGEND

TREE #	TREE SPECIES	TRUNK DIAMETER	TRUNK CIRCUMFERENCE	TREE HEALTH (1 TO 6)	REMOVE
12	QUERCUS AGRIFOLIA	16"	50"	4	YES
13	QUERCUS AGRIFOLIA	16"	50"	3	YES
14	QUERCUS AGRIFOLIA	24"	76"	5	YES
15	QUERCUS AGRIFOLIA	6"	19"	3	NO
16	QUERCUS AGRIFOLIA	20"	63"	4	NO
17	QUERCUS AGRIFOLIA	24"	76"	5	YES
18	BETULA PENDULA	3"	10"	3	YES
19	BETULA PENDULA	3"	10"	2	YES
20	BETULA PENDULA	3"	10"	2	YES
21	BETULA PENDULA	3"	10"	2	NO
22	PLATANUS RACEMOSA	20"	63	5	NO

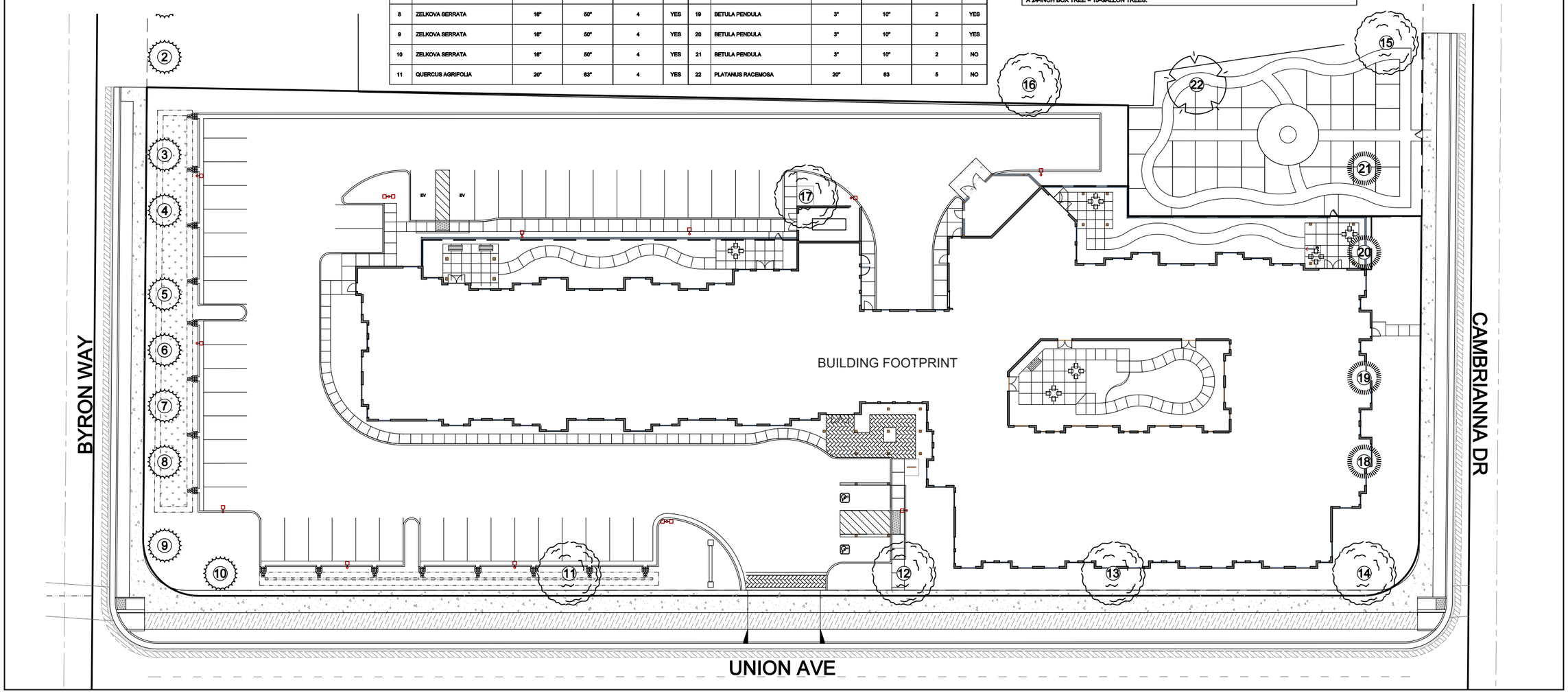
TREE REPLACEMENT RATIOS

CIRCUMFERENCE OF TREE TO BE REMOVED	TYPE OF TREE TO BE REMOVED			MINIMUM SIZE OF EACH REPLACEMENT TREE
	NATIVE	NON-NATIVE	ORCHARD	
38 INCHES OR MORE	5:1	4:1	3:1	15-GALLON
19 UP TO 38 INCHES	3:1	2:1	NONE	15-GALLON
LESS THAN 19 INCHES	1:1	1:1	NONE	15-GALLON

X:X = TREE REPLACEMENT TO TREE LOSS RATIO

NOTE: TREES GREATER THAN OR EQUAL TO 38-INCH CIRCUMFERENCE 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 TREE = 15-GALLON TREES.



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Source: Savage Land Design 2023.

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Figure 8a - Conceptual Landscape Plan

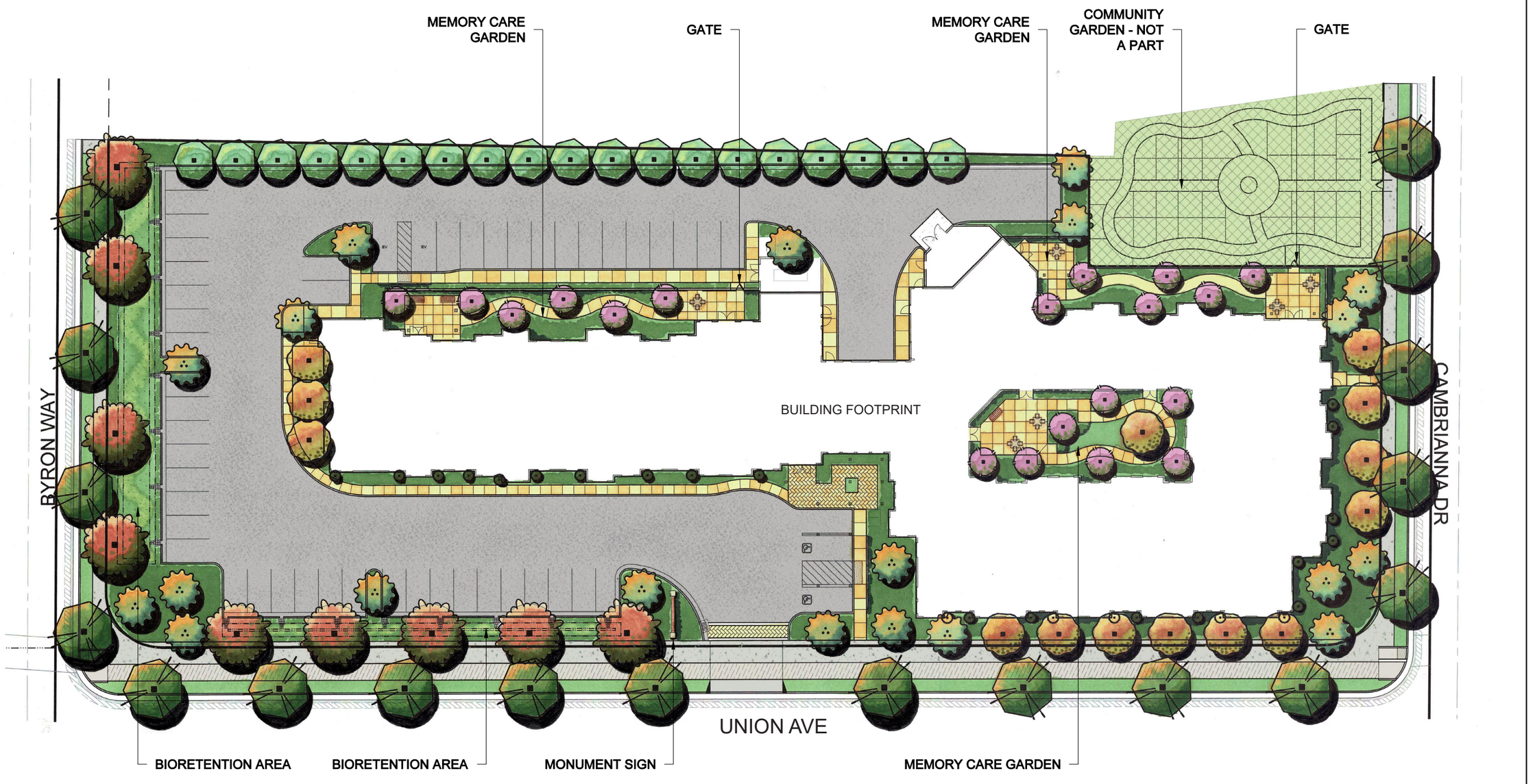

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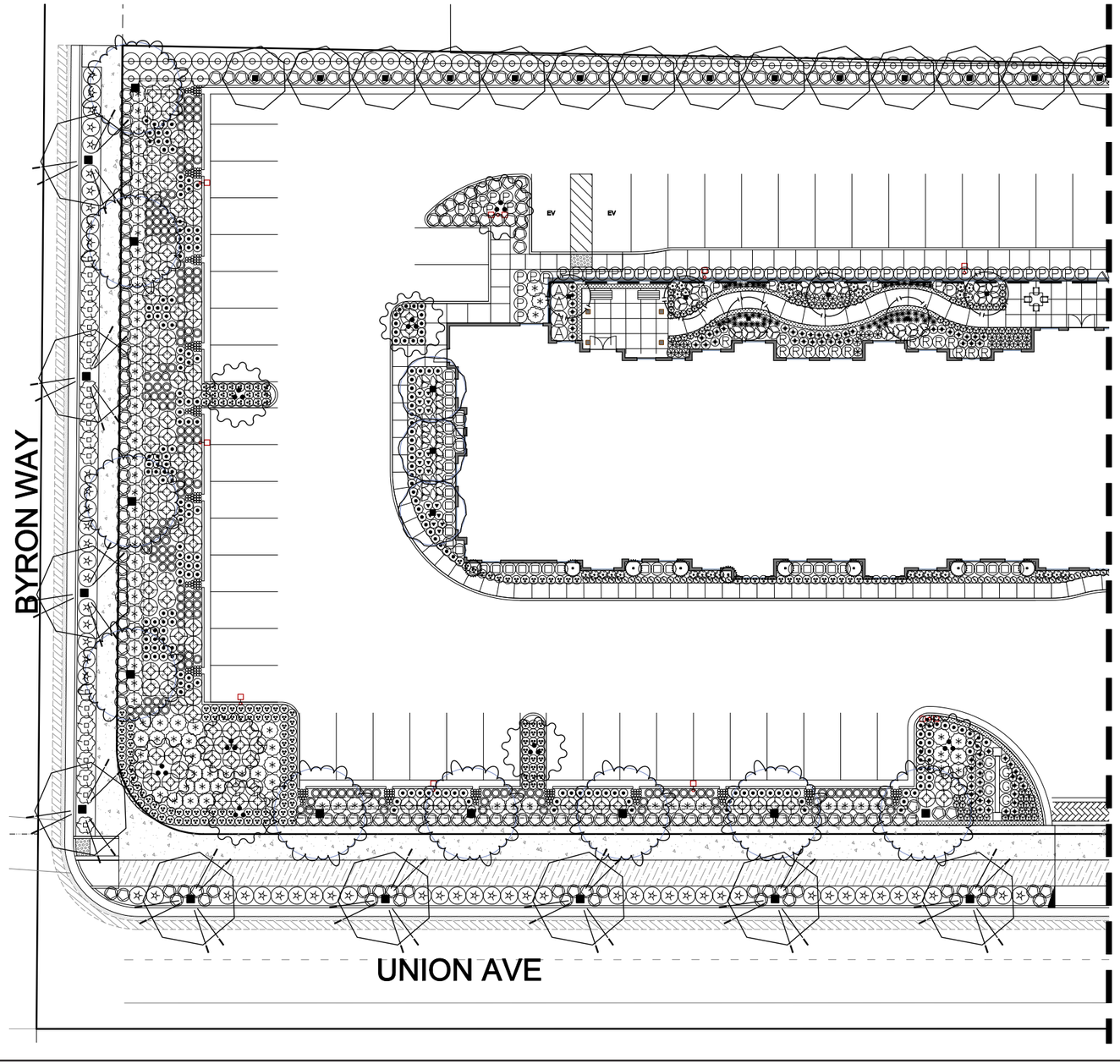
Figure 8b - Conceptual Landscape Plan



PLANTING LEGEND

SYMBOL	DESCRIPTION		SIZE/SPACING	QTY.	WUCOLS	MATURE SIZE (HXW)	TIME TO MATURITY	HYDROZN.
SHRUBS								
	SCAEVOLA AEMULA 'WHIRLWIND WHITE'	WHIRLWIND WHITE FAN FLOWER	1 GAL @ 18" O.C.	92	M	6-12" X 18-24"	1-3 YRS	C
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL @ 2' O.C.	218	L	1-2' X 1-2'	1-3 YRS	B
	CAREX TUMULICOLA	SLENDER SEDGE	1 GAL @ 2' O.C.	170	L	1-2' X 2-3'	1-3 YRS	A / B
	BULBINE FRUTESCENS 'HALLMARK'	ORANGE STALKED BULBINE	1 GAL @ 2' O.C.	222	L	1-2' X 3-4'	1-3 YRS	A / C
	RHAPHIOLEPIS UMBELLATA 'MINOR'	DWARF YEDDO HAWTHORN	5 GAL @ 3' O.C.	80	L	4-6' X 2-4'	1-3 YRS	A / C
	NANDINA DOMESTICA 'FIREPOWER'	FIREPOWER HEAVENLY BAMBOO	5 GAL @ 3' O.C.	21	L	2-3' X 2-3'	2-4 YRS	A
	MYOPORUM PARVIFOLIUM	CREEPING MYOPORUM	1 GAL @ 3' O.C.	288	L	6-12" X 6-15'	2-4 YRS	A / C
	PHORMIUM TENAX 'YELLOW WAVE'	YELLOW WAVE NEW ZEALAND FLAX	5 GAL @ 3' O.C.	31	L	3-4' X 3-4'	2-4 YRS	C
	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL @ 4' O.C.	111	L	2-3' X 3-4'	2-4 YRS	B / C
	PHORMIUM TENAX 'PINK STRIPE'	PINK STRIPE NEW ZEALAND FLAX	5 GAL @ 4' O.C.	30	L	4-6' X 4-5'	2-4 YRS	C
	CISTUS SALVIIFOLIUS	SAGELEAF ROCKROSE	1 GAL @ 4' O.C.	107	L	1-2' X 6-8'	1-3 YRS	C
	SALVIA CLEVELANDII	CLEVELAND SAGE	1 GAL @ 4' O.C.	125	L	3-5' X 3-5'	1-3 YRS	B
	HETEROMELES ARBUTIFOLIA	TOYON	5 GAL @ 4' O.C.	108	L	6-8' X 4-5'	3-5 YRS	A
	LANTANA CAMARA 'TRAILING YELLOW'	TRAILING YELLOW LANTANA	1 GAL @ 5' O.C.	34	L	2-3' X 5-8'	1-3 YRS	B / C
	DIANELLA REVOLUTA 'LIL REV'	LIL REV FLAX LILY	1 GAL @ 18" O.C.	57	M	18-24" X 18-24"	2-4 YRS	C
	CUPHEA HYSSOPIFOLIA	MEXICAN HEATHER	1 GAL @ 18" O.C.	217	M	2' X 2'	1-3 YRS	C
	IMPATIENS WALLERIANA	BUZZY LIZZY	1 GAL @ 2' O.C.	28	M	1-2' X 1-2'	1-3 YRS	C
	LIRIOPE 'GIGANTEA'	GIANT LILY TURF	1 GAL @ 2' O.C.	19	M	2-3' X 2-3'	1-3 YRS	C
	HEMEROCALLIS FULVA	ORANGE DAYLILY	1 GAL @ 2' O.C.	171	M	2-3' X 2-3'	1-3 YRS	C
	CLIVIA MINIATA 'YELLOW'	YELLOW NATAL LILY	1 GAL @ 2' O.C.	15	M	1-2' X 2-3'	1-3 YRS	C
	AGAPANTHUS AFRICANUS	AFRICAN LILY	1 GAL @ 2' O.C.	78	M	2-3' X 3-4'	1-3' YRS	C
	GUARA LINDHEIMERI 'SISKIYOU PINK'	SISKIYOU PINK GAURA	1 GAL @ 2' O.C.	72	M	2-4' X 2-3'	1-3 YRS	C
	RUELLIA BRITTONIANA 'KATIE'	BLUE DWARF RUELLIA	1 GAL @ 2' O.C.	64	M	2-3' X 1-2'	1-3 YRS	C
K	ABELIA X GRANDIFLORA 'KALEIDOSCOPE'	GLOSSY ABELIA 'KALEIDOSCOPE'	5 GAL @ 3' O.C.	20	M	2-3' X 3-4'	3-6 YRS	C
G	ROSA 'FLOWER CARPET CORAL'	CORAL GROUNDCOVER ROSE	1 GAL @ 3' O.C.	6	M	2-3' X 3-4'	1-3 YRS	C
P	PENNISETUM 'FAIRY TAILS'	EVERGREEN FOUNTAIN GRASS	1 GAL @ 3' O.C.	91	M	3-5' X 2-3'	1-3 YRS	C
R	ROSA (CINCO DE MAYO)	SHRUB ROSE (CINCO DE MAYO)	5 GAL @ 3' O.C.	53	M	3-5' X 3-5'	2-4 YRS	C
A	ABELIA X GRANDIFLORA	GLOSSY ABELIA	5 GAL @ 4' O.C.	41	M	3-5' X 3-5'	3-6 YRS	C
	AZALEA INDICA 'ALASKA'	ALASKA AZALEA	5 GAL @ 4' O.C.	8	M	3-5' X 4-6'	2-4 YRS	C
	LANTANA MONTEVIDENSIS	PURPLE TRAILING LANTANA	5 GAL @ 4' O.C.	114	L	1-2' X 3-5'	3-6 YRS	A
TREES								
	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	24" BOX	25	L	70' X 10-20'	20-30 YRS	D
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	24" BOX	19	M	30-50' X 10-30'	10-15 YRS	E
	MAGNOLIA GRANDIFLORA 'ST. MARY'	ST. MARY MAGNOLIA	24" BOX	15	M	25' X 15-20'	10-15 YRS	E
	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	19	L	10-20' X 10-20'	5-10 YRS	D
	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEETGUM	24" BOX	9	M	60-80' X 40-60'	30-40 YRS	E
A	LAGERSTROEMIA X 'NATCHEZ'	NATCHEZ CRAPE MYRTLE	24" BOX	20	M	20-25' X 15-25'	10-15 YRS	E
	ZELKOVA SERRATA 'VILLAGE GREEN'	VILLAGE GREEN ZELKOVA	24" BOX	12	M	50-60' X 45-50'	10-15 YRS	E
GROUNDCOVER								
	ANNUAL COLOR		4" POTS @ 12" O.C.	671 SF	M			C
	MARATHON IIe	SOD		342 SF	H			F

NOTES:

INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN PLANTINGS.

DESIGNATE 700 CUBIC FEET OF NON-COMPACTED SOIL FOR SMALL TREES, 1400 CUBIC FEET OF NON-COMPACTED SOIL FOR MEDIUM TREES, AND 2100 CUBIC FEET OF NON-COMPACTED SOIL FOR LARGE TREES TO ALLOW TREES TO REACH THEIR MATURITY.

0 30
Scale (Feet)

Source: Savage Land Design 2023.

1. Introduction

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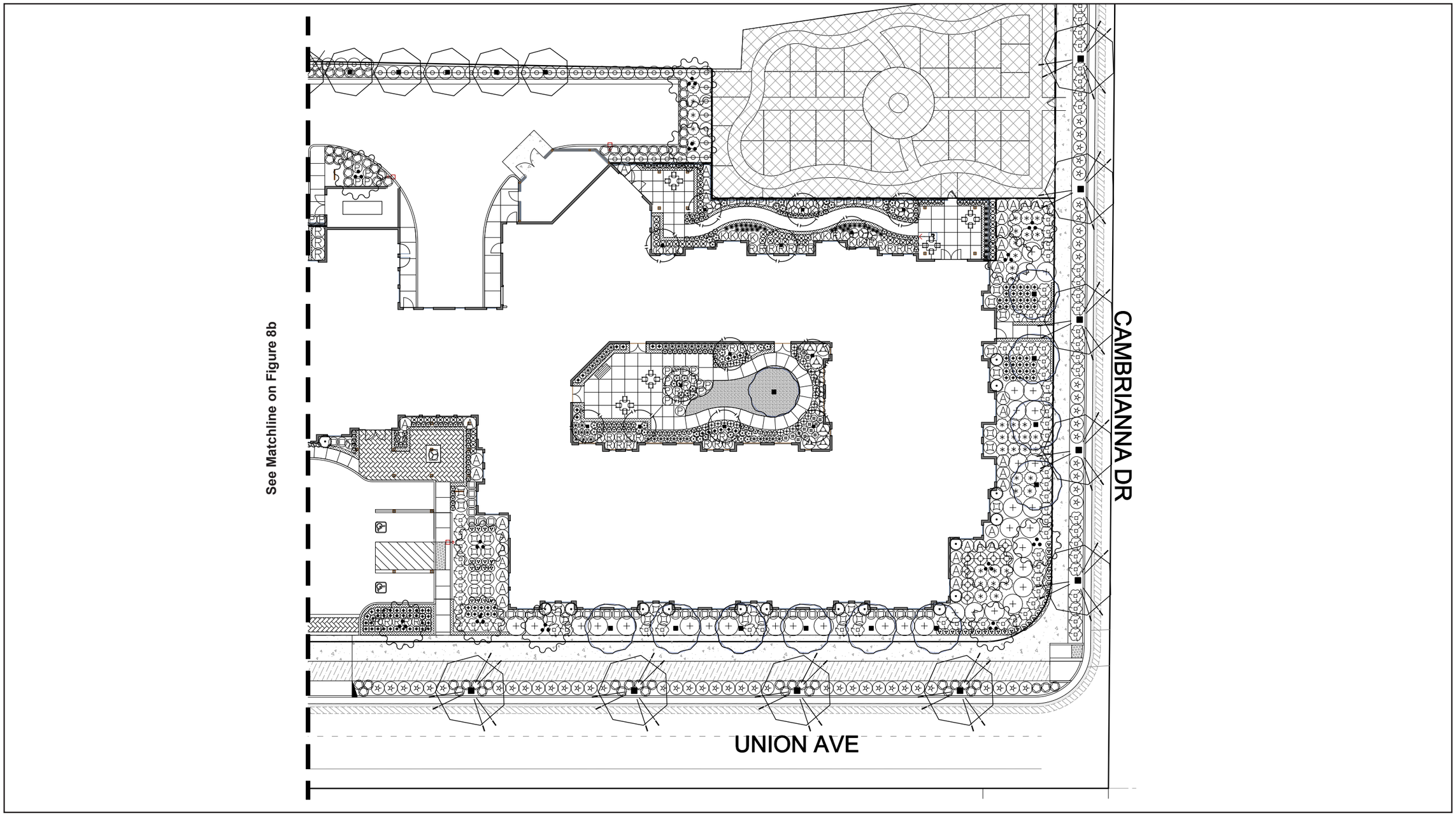
Figure 8c - Conceptual Landscape Plan



Source: Savage Land Design 2023.

1. Introduction

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1.8.7 Infrastructure Plan

Existing sewer, storm drains, and water lines would connect to the existing infrastructures along Union Avenue and Cambrianna Drive. All infrastructure improvements would comply with City building code requirements.

1.8.7.1 POTABLE WATER

The San José Water Company provides water to the project site. The existing water system consists of a water line along the south, west, and north of the project that currently provides the domestic water and fire water connections to the project site. The proposed project would include a domestic water line that would connect to the existing water line on Cambrianna Drive near the southern corner of the project site and the existing water line on Union Avenue near the northwestern corner of the project site. Additionally, proposed irrigation lines would connect to both water lines on Cambrianna Drive and Union Avenue, and the one proposed fire water line would connect to the existing water line on Union Avenue. The proposed project would install one new fire hydrant on the west side of the project site near the entrance of the parking lot.

1.8.7.2 SEWER

The existing sewer system consists of a 6-inch sanitary sewer line along Cambrianna Drive and Union Avenue. The proposed project would provide sewer connection to the existing 6-inch line west of the project site along Union Avenue.

1.8.7.3 STORMWATER

Existing storm drains that serve the project site are along Union Avenue, Cambrianna Drive, and Byron Way. These storm drains convey street drainage flows as well as runoff from the project site and the surrounding properties. The stormwater is collected via surface gutters and directed to the 36-inch storm drain line west of the project site along Union Avenue.

The proposed project would construct a new storm drain system on the project site that would collect, treat, and convey stormwater to the existing storm drain system on Union Avenue to the west of the project site. The on-site stormwater system would collect all runoff from the project site and convey it to the existing underground storm drain system.

1.8.7.4 DRY UTILITIES

Pacific Gas and Electric Company (PG&E) provides electricity and gas to the project site. The proposed project would include a new emergency electric generator on the east side of the project site, at the back of the proposed building.

1.8.7.5 SOLID WASTE

Solid waste would be collected from the new trash enclosure at the back of the proposed building. As described above, the proposed drive aisle would accommodate trucks entering and exiting the site to collect solid waste.

1.8.8 Project Construction

Project construction would occur over approximately 15 months, beginning in July 2024 and ending in October 2025. Construction would include the following activities: grading and excavation, trenching for site utilities and irrigation, building construction, architectural coatings, driveway and walkway construction, and landscaping improvements. No pile driving, rock blasting, or crushing would occur during the construction phase. Typical equipment to be used during construction of the project would include a backhoe, a crane, aerial lifts, a generator, a diesel pump, dumpers, rollers, and a paver.

During construction, vehicles, equipment, and materials would be staged and stored on the project site when practical. No long-term staging of equipment would occur around the perimeter of the site. No construction staging would occur in the public right-of-way. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. A combination of on- and off-site parking facilities for construction workers would be identified during construction.

1.8.9 Project Approvals

Implementation of the proposed project would require the following discretionary and ministerial project approvals from the City of San José:

1.8.9.1 DISCRETIONARY APPROVALS REQUESTED

- **Conforming Rezoning.** To change the current zoning designation of Single-Family Residential (R-1-8) to Public/Quasi-Public (PQP).

2. Environmental Evaluation

2.1 PROJECT INFORMATION

1. **Project Title:** Silverado Memory Care Community Project

2. **Lead Agency**:
   City of San José
   200 East Santa Clara Street, 3rd Floor
   San José, CA 95113

3. **Contact Person and Phone Number:**
   Charlotte Yuen, Planner II
   408-535-5658

4. **Project Location:** 1975 Cambrianna Drive, San José, CA 95124

5. **Project Sponsor's Name and Address:**
   Loren Shook
   Silverado Senior Living
   6400 Oak Canyon, Suite 200
   Irvine, CA 92618

6. **General Plan Designation:** Public/Quasi Public (PQP)

7. **Zoning:** Single-Family Residential (Up to Eight Dwelling Units per Acre) (R-1-8)

8. **Description of Project:** The proposed project would include the development of a new two-story building for a 24-hour memory care residential facility, which would include 70 units with 94 beds, with a surface parking lot and a 6,008-square-foot community garden at the northeastern corner of Union Avenue and Cambrianna Drive.

9. **Surrounding Land Uses and Setting:** The project site is surrounded by residential properties to the north and south that are also zoned R-1-8; the 7 Magic Flowers Bilingual Montessori Preschool to the east and Campbell Union High School to the west are zoned Planned Development (R-1-8 Low to Medium Density Residential Based District)(R-1-8(PD)).

10. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

2. Environmental Evaluation

> Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.94 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

The city of San José invited California Native American tribes that are traditionally and culturally affiliated with the project area to consult on the proposed project via email. Four tribes were contacted consistent with Assembly Bill (AB) 52. The four tribes contacted were Tamien Nation, Ohlone Costanoan Esselen Nation, Ohlone Indian Tribe, and Muwekma Ohlone Tribe. The letters were sent on November 14, 2023. Tamien Nation and Kanyon Konsulting representing the Ohlone Costanoan Esselen Nation responded to the letter and requested that an Archaeological Report be completed for this project. In addition, Kanyon Konsulting noted that the project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site. Kanyon Konsulting voiced interest in consulting and voicing their concerns. They recommended that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities to help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed in Chapter 3, *Environmental Analysis*. Sources used for analysis of environmental effects are cited in Chapter 4, *References*.

Aesthetics	Agriculture / Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology/Soils	Greenhouse Gas Emissions	Hazards and 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

2.3 EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) **Earlier Analyses Used.** Identify and state where they are available for review.

2. Environmental Evaluation

b) I**mpacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than significance.

3. Environmental Analysis

This section provides checklists for environmental impacts, an evaluation of the impact questions in the checklists, and mitigation measures to reduce impacts if necessary.

3.1 AESTHETICS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized 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	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape feature (e.g., a mountain range, lake, or coastline) or of a significant historic or architectural feature (e.g., views of a historic structure). The Santa Cruz Mountains are visible throughout the city. However, the proposed building would be two stories, with a maximum building height of 27 feet above grade at the top of the second floor and would be consistent with the existing neighborhood. The proposed project is on a vacant, flat lot surrounded by urban and residential development in the City of San José. Thus, the project would not substantially obstruct views of the Santa Cruz Mountains from the project vicinity, which are already limited due to the site topography and surrounding urban development. Therefore, the proposed project would have a less-than-significant impact on scenic vistas.

3. Environmental Analysis

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

No Impact. The nearest State-designated Scenic Highway to the project site is SR-9 (post mile 7.5 to 10.8), approximately 2.7 miles southwest of the project site. SR-17 (post mile 0 to 7.1) and SR-28 (post mile L5.4 to T7.2) are eligible approximately 1.6 miles southwest and 3.6 miles north of the project site, respectively (Caltrans 2023). Due to the flat topography and urban surroundings, the project site is not visible from these highways. Therefore, the project would not substantially degrade scenic resources within a state scenic highway. No impact would occur.

c) In nonurbanized 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?

Less Than Significant Impact. The project site is in an urbanized area that is zoned Single-Family residential (San José 2023d), and the General Plan Land Use designation for this site is already Public/Quasi Public (San José 2023a). The proposed project would include changing the zoning of the project site to Public/Quasi Public. The project site is in a developed area and primarily surrounded by residential and institutional developments. The proposed project would have a maximum building height of 27 feet, and would be similar in height to residential properties that surround the project site. The proposed project would also incorporate landscape and lighting guidelines that would support the aesthetics of the development. The project site is vacant and disturbed; the proposed project would allow for a well-designed and aesthetically pleasing residential two-story building and landscaped areas that would activate the project site and complement the surrounding uses. Further, the proposed project would be consistent with relevant goals and policies in the Community Design section of the Quality of Life chapter of the City's General Plan:

- **CD-1.-1.** Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

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

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

- **CD-4.1.** 1 Maintain and update design guidelines adopted by the City and abide by them in the development of projects.

- **CD-8.** 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 expected for new development, however specific height limitations for buildings and structures in San José are not identified in the Envision General Plan.

Implementation of the proposed project would result in a two-story residential building that would integrate with the surrounding community and would not change the scenic quality of the currently urbanized area. Therefore, impacts to visual character or quality would be less than significant.

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

Less Than Significant Impact. Nighttime illumination and glare impacts are the effects of a development's exterior lighting on adjoining uses and areas. Light reflecting off passing cars and large expanses of glazing (i.e., glass windows) or other reflective surfaces can generate glare. Excessive light and/or glare can impair vision, cause annoyance, affect sleep patterns, and generate safety hazards for drivers. Sources of light and glare are abundant in the urban environment of the immediate project area and include streetlights, parking lot lighting, security lights, vehicular headlights, and reflective building surfaces and windows. The proposed project would incrementally increase light and glare in the area due to windows and similarly reflective surfaces in the new single-family homes. The proposed project would include 14 freestanding pool lights mounted at 20 feet above the finished ground along the perimeter of the proposed building and in the surface parking lot. The proposed project would include lighting typical of residential development, such as outdoor lighting, security lighting, and landscape and accent lighting. All outdoor lighting would comply with City of San José lighting requirements, like City Council Policy Number 4-3, and General Plan lighting policies that require energy-efficient outdoor lighting that is fully shielded and aimed downward (San José 2023a). The design and construction of the proposed project would follow these policies and would be subject to the City's design review process. Therefore, light and glare impacts would be less than significant.

3. Environmental Analysis

3.2 AGRICULTURE AND FORESTRY RESOURCES

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE 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 Dept. 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
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				X
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

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?

No Impact. The proposed project is in the southwest area of San José with a land use designation of Public/Quasi-Public (San José 2023a). According to the California Department of Conservation, most of the city, including the project site, is mapped as Urban and Built-Up Land in the California Important Farmland Finder (CDOC 2022). The closest agricultural land is 1.5 miles southwest at Yuki Farms in Los Gatos. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to nonagricultural use, and no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently zoned as Single Family Residential with a proposed zone change to Public/Quasi Public (San José 2023d). The project is on Urban and Built-Up Land and not zoned for agricultural use (CDOC 2022). Williamson Act contracts restrict the use of privately owned land to agriculture and compatible open space uses under contract with local governments; in exchange, the land is taxed based on actual use rather than potential market value. There is no Williamson Act contract in effect on the project site. Therefore, no impact would occur.

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))?

No Impact. As described above, the project site is currently zoned for residential with a proposed change of zoning to public/quasi-public. The proposed project is an urbanized portion of the city and does not contain any forest lands or timberland near the project site. Therefore, project development would not conflict with existing zoning for forest land, timberland, or timberland production, and no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Construction of the proposed project would not result in the loss or conversion of forest land. No vegetation on-site is cultivated for forest resources, and the project site is not within any U.S. Department of Agriculture forest land (USDA 2023). No forest land would be affected by the proposed project; therefore, no impact would occur.

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?

No Impact. No Farmland or forest land is on or near the project site. The proposed project is located within Urban and Built-Up Land, and the closest farmland is approximately 1.5 miles away in neighboring Los Gatos (CDOC 2022). Thus, the proposed project would not result in the conversion of farmland to a nonagricultural use or conversion of forest land to nonforest use. Therefore, no impacts would occur.

3.3 AIR QUALITY

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. 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	
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	
c)	Expose sensitive receptors to substantial pollutant concentrations?		X		
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

The analysis in this section is based in part on the following studies, which are in Appendix A and Appendix B of this Initial Study.

- *Air Quality and Greenhouse Gas Emissions Data*, PlaceWorks, October 2023
- *Health Risk Assessment,* PlaceWorks, September 2023

Existing Conditions

The project site is currently undeveloped, with no existing structures and informal paths that nearby residents use. Thus, the project site does not generate any criteria air pollutants from transportation sources, energy (natural gas and purchased electricity), and area sources such as architectural coatings.

Criteria Air Pollutants

The Air Quality section addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthy pollutant concentrations. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling can be found in Appendix A. A construction health risk assessment (HRA) was prepared for the proposed project and is in Appendix B of this Initial Study.

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). Areas are classified under the federal and California Clean Air Acts as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The San Francisco Bay Area Air Basin (SFBAAB), which is managed by the Bay Area Air Quality Management District (BAAQMD or Air District), is designated nonattainment for

O_3 and $PM_{2.5}$ under the California and National AAQS, and nonattainment for PM_{10} under the California AAQS.

Furthermore, BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including reactive organic gases (ROG), NOx, PM_{10}, and $PM_{2.5}$. Development projects below the regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard, contribute substantially to an existing or projected air quality violation, or substantially contribute to health impacts.

Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate the release of toxic air contaminants (TAC). The California Health and Safety Code defines a TAC as "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health" A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 US Code Section 7412[b]) is a TAC. Under State law, the California Environmental Protection Agency, acting through the California Air Resources Board, is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health. 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?

Less Than Significant Impact. BAAQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SFBAAB to achieve National and California AAQS. In April 2017 BAAQMD adopted its 2017 Clean Air Plan, which is a regional and multiagency effort to reduce air pollution in the SFBAAB. Regional growth projections are used by BAAQMD to forecast future emission levels in the SFBAAB. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG), and transportation projections are provided by the Metropolitan Transportation Commission (MTC), partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect regional growth projections.

The proposed project would develop a new memory care residential facility (48,051 square feet) and provide 94 beds in 70 units. Since the proposed facility would have fewer than 500 units, it is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional vehicle miles traveled (VMT) and warrant intergovernmental review by ABAG and MTC.

Furthermore, the net increase in regional emissions generated by the proposed project would be less than the BAAQMD's emissions thresholds (see criterion (b), below). The BAAQMD emissions thresholds were established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, it would not be considered by the BAAQMD

to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan, and impacts would be less than significant.

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

Less Than Significant Impact.

Regional Short-Term Construction Impacts

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM_{10} and $PM_{2.5}$) from demolition and soil-disturbing activities, such as grading and excavation. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. Construction activities associated with the project would result in emissions of ROG, NO_X, CO, PM_{10}, and $PM_{2.5}$.

Construction Fugitive Dust

Ground-disturbing activities during construction would generate fugitive dust (PM_{10} and $PM_{2.5}$). The amount of dust generated during construction would be highly variable and dependent on the amount of material disturbed, type of material, moisture content, and meteorological conditions. If uncontrolled, PM_{10} and $PM_{2.5}$ levels downwind of actively disturbed areas could possibly exceed State standards. For the proposed project to have a less than significant impact related to fugitive dust emissions, BAAQMD recommends the implementation of dust control best management practices (BMP). BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's BMPs. Accordingly, the City has Standard Permit Conditions that apply to all projects and include dust control BMPs, so this impact would be less than significant. The City's dust control Standard Permit Conditions shall be implemented during all phases of construction to control dust and exhaust at the project site.

Standard Permit Conditions

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph.
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.

- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

Construction Exhaust Emissions

A quantified analysis of the proposed project's construction emissions was conducted using the California Emissions Estimator Model (CalEEMod)(version 2022.1) based on information provided by the project applicant and default equipment mix for each construction activity. The approximately 15-month construction period is assumed to begin in July 2024 and end in October 2025.

Potential construction-related air quality impacts are determined by comparing the average daily criteria air pollutants emissions generated by the proposed project-related construction activities to the BAAQMD significance thresholds in Table 4, *Construction-Related Criteria Air Pollutant Emissions Estimates*. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days. As shown in Table 4, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily thresholds, and impacts from project-related construction activities to the regional air quality would be less than significant.

3. Environmental Analysis

Table 4 Construction-Related Criteria Air Pollutant Emissions Estimates

Year	Criteria Air Pollutants (tons/year)[1]					
	ROG	NOX	Fugitive PM10[2]	Exhaust PM10	Fugitive PM2.5[2]	Exhaust PM2.5[2]
2024	<1	1	<1	<1	<1	<1
2025	<1	1	<1	<1	<1	<1
Total	**1**	**2**	**<1**	**<1**	**<1**	**<1**
	Criteria Air Pollutants (average lbs./day)[a]					
Average Daily Emissions[3]	4	10	1	<1	<1	<1
BAAQMD Average Daily Threshold	54	54	BMPs	82	BMPs	54
Exceeds Average Daily Threshold	No	No	N/A	No	N/A	No

Source: California Emissions Estimator Model (CalEEMod), v. 2022.1.
Notes: Emissions may not total to 100 percent due to rounding. BMP = Best Management Practices; N/A = not applicable
1 Construction phasing and equipment mix are based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.
2 Includes implementation of BMPs for fugitive dust control required by BAAQMD, including watering disturbed areas a minimum of two times per day and reducing speed limit to 25 miles per hour on unpaved surfaces.
3 Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be about 330 days.

Operational Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use (natural gas), and mobile sources (i.e., on-road vehicles). The primary source of long-term criteria air pollutant emissions generated by the project would be emissions produced from project-generated vehicle trips. The proposed project would generate 222 daily vehicle trips. Table 5, *Operational Criteria Air Pollutant Emissions Estimates*, identifies the net increase in criteria air pollutant emissions associated with the proposed project compared to the baseline operation.

Table 5 Operational Criteria Air Pollutant Emissions Estimates

Category	Criteria Air Pollutants (average lbs./day)[1]			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Existing Buildout 2024 Projected Emissions				
Area	4	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile	4	3	11	3
Total	**8**	**4**	**11**	**3**
Proposed Land Use 2024 Emissions				
Area	6	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile	8	6	20	5
Total	**15**	**8**	**20**	**6**
Project Emissions				
Area	1	<1	<1	<1
Energy	<1	<1	<1	<1
On-Road Mobile	<1	<1	1	<1
Total	**2**	**<1**	**1**	**<1**
BAAQMD Average Daily Project-Level Threshold	**54**	**54**	**82**	**54**
Exceeds BAAQMD Threshold?	No	No	No	No
	Criteria Air Pollutants (tons/year)			
	ROG	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Annual Project Emissions	<1	<1	<1	<1
BAAQMD Annual Project-Level Threshold	**10**	**10**	**15**	**10**
Exceeds BAAQMD Threshold?	No	No	No	No

Source: California Emissions Estimator Model (CalEEMod), Version 2022.1.
Notes: Emissions may not total to 100 percent due to rounding.
[1] Average daily emissions are based on the annual operational emissions divided by 365 days.

As shown in Table 5, the net increase in operational emissions generated by the project would not exceed the BAAQMD daily or annual thresholds. Therefore, the proposed project would not cumulatively contribute to the nonattainment designations of the SFBAAB and impacts from project-related operation activities to the regional air quality would be less than significant.

Summary

As described, the proposed project would not have a significant short-term construction impact or a significant long-term operational phase impact. Additionally, implementation of the City's Standard Permit Conditions listed above would ensure that required fugitive dust control measures are implemented to control project-related fugitive dust generated during construction activities and would minimize construction exhaust and

ROG emissions. Therefore, the project's contribution to cumulative air quality impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact With Mitigation Incorporated.

Construction Off-Site Community Risk and Hazards

The proposed project would elevate concentrations of TACs and $PM_{2.5}$ in the vicinity of sensitive land uses during construction activities. The nearest receptors to the project site include employees at Campbell Union High School District office, approximately 80 feet west of the project site; employees and students at the ATLC preschool adjacent to the east of the project site; employees and students at the San José Recreation Preschool at Camden and Camden Community Center, approximately 85 feet southwest of the project site; and residents at single-family residential neighborhoods approximately 50 feet north and south of the project site. Thus, multiple nearby receptors are adjacent or in close proximity to the project site and could be potentially impacted by the proposed construction activities. Consequently, a site-specific construction HRA for TACs and $PM_{2.5}$ was prepared (see Appendix B of this Initial Study).

A quantified analysis of the project's construction emissions was conducted using CalEEMod (v. 2022.1). Construction emissions were based on 330 working days of the approximately 1.25-year construction duration. The United States Environmental Protection Agency's (EPA) AERMOD (version 11.2.0) dispersion modeling program was used to estimate excess lifetime cancer risk, chronic hazard index for noncarcinogenic risk, and the $PM_{2.5}$ maximum annual concentrations at the maximally exposed receptor (MER) of each receptor type. The results of the analysis are shown in Table 6, *Unmitigated Construction Risk Summary*.

Table 6 Unmitigated Construction Risk Summary

Receptor	Cancer Risk (per million)	Chronic Hazards	PM2.5 (µg/m³)
MER – Resident	30.11	0.02	0.14
MER – Worker	0.89	0.02	0.16
MER – Student	11.11	0.04	0.26
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	Yes	No	No

Source: AERMOD v. 11.2.0.
Notes: µg/m³ = microgram per cubic meter
Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.

Cancer risk for the residential MER from project-related construction emissions was calculated to be 30.11 in one million and 11.11 in one million for the student MER, both of which would exceed the 10 in one million significance threshold. Cancer risk for the worker MER was calculated to be 0.89 in one million, which is below BAAQMD's 10 in one million significance threshold. In accordance with the latest 2015 California Office of Environmental Health Hazard Assessment guidance, the calculated total cancer risk conservatively assumes

that the residential MER consists of a pregnant woman in the third trimester that gives birth during the duration of construction; therefore, all calculated residential risk values were multiplied by a factor of 10. In addition, it was conservatively assumed that the residents and students were outdoors eight hours a day exposed to all of the daily construction emissions.

For noncarcinogenic effects, the chronic hazard index identified for each toxicological endpoint equaled less than one for each identified receptor. Therefore, chronic noncarcinogenic hazards would be within acceptable limits. For the maximum annual $PM_{2.5}$ concentration, all MER locations were calculated to be below the BAAQMD significance threshold of 0.3 micrograms per cubic meter.

Because cancer risk for the residential and student MERs would exceed the BAAQMD significance threshold during project construction, Mitigation Measure AQ-1 is included to ensure that off-road equipment with more than 25 horsepower that is used during project construction meets Tier 4 Final emissions standards. Mitigated results for the Residential MER are in Table 7, *Mitigated Construction Risk Summary*.

Table 7 Mitigated Construction Risk Summary

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)
MER – Resident	5.41	0.03	<0.01
MER – Worker	0.16	0.03	<0.01
MER – Student	1.94	0.05	<0.01
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**No**	**No**	**No**

Source: Lakes AERMOD View, 11.2.0 (2022).
Notes: $\mu g/m^3$ = microgram per cubic meter
Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.

As illustrated in Table 7, MM AQ-1 would reduce the proposed project's localized construction emissions and the subsequent exposure of nearby receptors. The results indicate that, with mitigation, cancer risk would be less than the BAAQMD's significance thresholds at all analyzed receptors. Therefore, the proposed project would not expose nearby receptors to substantial concentrations of air pollutant emissions during construction, and this impact would be less than significant with mitigation.

Operation Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not included as part of the proposed facility. The proposed project would not include stationary sources that emit TACs and would not generate a significant amount of heavy-duty truck trips (a source of diesel particulate matter). Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during operation, and impacts would be less than significant.

3. Environmental Analysis

Carbon Monoxide Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm. The proposed project would not conflict with the VTA's Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with MTC's/ABAG's Plan Bay Area 2050. An overarching goal of the regional Plan Bay Area 2050 is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger VMT and associated GHG emissions reductions. The proposed project is an office development that is proximate to existing employment centers, roadways, transit, and bicycle and pedestrian routes, and for these reasons would be consistent with the overall goals of the Plan Bay Area 2050.

Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection to more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—to generate a significant CO impact. Implementation of the proposed project is anticipated to increase from existing conditions, but the proposed project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (BAAQMD 2023). Project implementation would generate 15 AM (morning) peak hour trips and 21 PM (evening) peak hour trips. As a result, the project would not have the potential to substantially increase CO hotspots at intersections in the project vicinity, and impacts would be less than significant.

With implementation of Mitigation Measure AQ-1, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction. This impact would be less than significant with mitigation incorporated.

Impact AQ-1: The proposed project would generate exhaust emissions from off-road construction equipment that could adversely affect nearby receptors and present a significant impact on the surrounding human environment.

MM-AQ-1: Prior to the issuance of any tree removal, demolition or grading permits, the construction contractor(s) for the proposed project shall provide documentation to the City's satisfaction that all off-road equipment greater than 25 horsepower to be used during construction shall meet United States Environmental Protection Agency Tier 4 Final emission standards equipment, unless it can be demonstrated to the City that such equipment is not commercially available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 Interim equipment or Tier 3 equipment retrofitted with a California Air Resources Board's Level 3 Verified Diesel

> Emissions Control Strategy (VDECS) shall be used. Furthermore, all diesel generators, if used, shall be fitted with a Level 3 diesel particulate filter. The requirement to use Tier 4 Final equipment for all off-road construction equipment over 25 horsepower shall be identified in a Construction Management Plan and included in construction bids.

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

Less Than Significant Impact. Construction and operation of the memory care facility would not generate odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The proposed project uses are not associated with foul odors that constitute a public nuisance.

Odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that

> . . . no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public; or which causes, or has a natural tendency to cause, injury or damage to business or property.

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, odors would typically be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern.

In summary, because construction-related odor emissions would be temporary and intermittent, development of the memory care facility would not be considered a type of use that would generate odors that would affect a substantial number of people and the proposed project is required to comply with BAAQMD Regulation 7, odor-related impacts to off-site land uses would be less than significant.

3.4 BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
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 Wildlife or U.S. Fish and Wildlife Service?				X
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
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		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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	

The analysis in this section is based in part on the following study, which is in Appendix C of this Initial Study.

- *Tree Inventory Report*, Arbor Science, LLC, February 23, 2023.

Would the project:

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

No Impact. Special-status species include those listed as endangered or threatened under the federal Endangered Species Act or California Endangered Species Act, species otherwise given certain designations by the California Department of Fish and Wildlife, and plant species listed as rare by the California Native Plant Society. The project site is currently vacant, fenced off with no public access, and does not contain any natural habitat that could contain any sensitive species or other sensitive natural community. There are currently 27 trees on the project site, and 12 mature trees are planned to be removed as a result of the proposed project.

However, these trees are unlikely to support candidate, sensitive, or special-status species (see also Section 3.4(d) regarding migratory species). Considering the prior development and adjacent properties, the surrounding urbanized context, and current project site conditions, the project site does not have the capacity to support any candidate, sensitive, or special-status species. Therefore, no impacts related to special-status species would occur.

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 Wildlife or U.S. Fish and Wildlife Service?

No Impact. The project site is undeveloped land in an urbanized area; it is not in or near a riparian corridor, nor does it contain any other sensitive natural communities identified in local, regional, state, or federal plans, policies, or regulations (USFWS 2023). Therefore, no impacts to riparian habitat or other sensitive natural communities would occur.

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?

No Impact. The project site is undeveloped land in an urbanized area and is not in or near protected wetlands (USFWS 2023). Therefore, no impact would occur.

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?

Less Than Significant Impact With Mitigation Incorporated. The project site does not contain any aquatic habitat that would support migratory fish, and the urbanized surroundings do not contain an important wildlife corridor. However, the mature trees on and adjacent to the project site, including in the surrounding area, provide foraging and breeding opportunities for migratory birds.

The project site is currently an undeveloped parcel in a highly urbanized area. However, there are currently 27 trees on the project site, and 12 mature trees would be removed as part of the proposed project. These trees could provide habitat for nesting birds, which are protected by the Migratory Bird Treaty Act (MBTA). The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests (16 US Code Sections 703–712). The MBTA prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities except under a valid permit or as permitted in the implementing regulations.

Impact-BIO-1: The project would interfere with the movement of nesting and migratory birds due to the number of trees on the parcel.

Compliance with the existing California Department of Fish and Wildlife regulations and implementation of Mitigation Measure BIO-1 and BIO-2 would ensure that impacts to nesting and migratory birds are less than significant.

MM-BIO-1: If construction activities occur within the bird nesting season (generally defined as February 15 through September 15), a qualified biologist shall conduct a nesting bird survey within two weeks prior to the proposed start date to identify any active nests (including Cooper's hawk) within 500 feet of the project site. If an active nest is found, the nest shall be avoided, and a suitable buffer zone shall be delineated in the field such that no impacts shall occur until the chicks have fledged the nest as determined by a qualified biologist. Construction buffers shall be 300 feet for passerines and up to 500 feet for any raptor species; however, avoidance buffers may be reduced at the discretion of the biologist, depending on the location of the nest, the species' tolerance to human presence, and construction-related noises and vibrations.

MM-BIO-2: Prior to issuance of any tree removal, grading, or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

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

Less Than Significant Impact. The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the city, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees. The proposed project would require the removal of 14 mature ordinance-sized trees and three non-ordinance-size trees from the project site. The landscape plans show that the project would add 115 total trees to the project site (see Figure 7). The planted trees would consist of Italian cypress *(Cupressus sempervirens),* Brisbane box (*Lophostemon confertus*), St. Mary magnolia (*Magnolia Grandiflora* 'St. Mary'), western redbud (*Cercis occidentalis*), American sweetgum (*Liquidambar styraciflua*), Natchez crape myrtle (*Lagerstroemia x* 'Natchez'), and Village Green zelkova (*Zelkova serrata* 'Village Green').

Standard Permit Conditions

The proposed project would adhere to all applicable local policies protecting biological resources. A tree removal permit would be obtained from the City, and the removal of trees would conform to the General Plan Policies MS-21.4, MS-21.5, and MS-21.6 and the City of San José Tree Removal Control. The removed trees would be replaced according to tree replacement ratios required by the City, as shown in Table 8, *Tree Replacement Ratios*.

Table 8 Tree Replacement Ratios

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

* x:x = tree replacement to tree loss ratio
** A 24-inch box replacement tree = two 15-gallon replacement trees
Notes:
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.
Single-family and two-dwelling properties may replace trees at a ratio of 1:1.

- 17 trees onsite would be removed. 5 trees would be replaced at a 5:1 ratio, 9 trees would be replaced at a 4:1 ratio, and 3 trees would be replaced at a 1:1 ratio. The total number and size of replacement trees required to be planted on-site is 33 24" Box Trees (equivalent to 66 15 gallon trees).

- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures 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.

Therefore, with implementation of the above standard permit conditions, the proposed project would conform to the City's tree preservation ordinance, and impacts would be less than significant.

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

Less Than Significant Impact. The project site falls within the Santa Clara Valley Habitat Plan (SCVHP) (CDFW 2023). Therefore, 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 shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit.[1] The project site is not in a survey area for special-statues species and is designated urban-suburban land (SCVHA 2012). The proposed project falls under a covered activity within the SCVHP. The project would implement the following Standard Permit Condition in accordance with the SCVHP.

[1] The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

3. Environmental Analysis

Standard Permit Condition

The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall 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 all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Therefore, with implementation of the identified standard permit condition above, the project would not conflict with the provisions of the SCVHP, and impacts would be less than significant.

3.5 CULTURAL RESOURCES

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

The analysis in this section is based in part on the following study, which is in Appendix D of this Initial Study.

- *Cultural Resources Study for the Proposed Silverado Memory Care Community Project*, Evans & De Shazo, March 14, 2024

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered "historically significant" if it meets one of the following criteria:

i. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

ii. Is associated with the lives of persons important in our past;

iii. Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;

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

The project site is currently a vacant, undeveloped lot and does not contain any buildings, structure or objects that could qualify as a historical resource under CEQA. The property is not listed in the San José Historic Resources Inventory, California Register of Historical Resources, or the National Register of Historic Places, and no previous cultural resources have been identified. Therefore, there would be no impacts to historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant Impact with Mitigation Incorporated. A Cultural Resources Study was prepared to identify listed or eligible cultural resources or unique archaeological resources in the project site that may be impacted by the proposed project (see Appendix D). The methods used to complete the cultural resources report included a Northwest Information Center (NWIC) / California Historical Resources Information Systems (CHRIS) records search; a Native American Sacred Lands inventory; a buried archaeological site sensitivity desktop analysis; and a reconnaissance survey. The NWIC record search found that the project site had not been previously surveyed for cultural resources prior to this study and there are no previously recorded cultural resources within the project site. No cultural resources were identified during the reconnaissance survey of the project site; however, the buried archaeological site sensitivity desktop analysis found that the project site has a high potential/sensitivity for buried historic period archaeological resources, particularly in the east central portion of the project site, where a house was located by 1897. The house was part of a larger farm that contained additional buildings (likely barns) adjacent and east of the project site (where the school buildings are currently located) and a large orchard. The buildings and orchard were present until ca. 1960 when the property was redeveloped with a school. Due to the high potential for there to be buried historic-period archaeological resources within the project site that could be impacted by development of the proposed project.

Thus, Mitigation Measures CUL-1 and CUL-2 would be incorporated to ensure the identification of buried archaeological resources that may be present and the appropriate treatment of unanticipated archaeological resources that may be encountered during project-related ground-disturbing activities. Additionally, the proposed project would be required to comply with the City's Standard Permit Conditions for subsurface resources.

Standard Permit Condition

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 must be stopped, and the Director of [PBCE] or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials. Therefore, with the implementation of MM-CUL-1 and MM-CUL-2, and with the inclusion of the City's standard permit condition above, impacts to cultural resources would be less than significant.

Impact-CUL-1: The project would cause a substantial adverse change in the significance of an archaeological resource because the project site has a high potential/sensitivity for buried historic period archaeological resources, particularly in the east central portion of the project site.

MM-CUL-1: **Ground-Penetrating Radar Survey.** Prior to construction of the proposed project, a Ground-Penetrating Radar (GPR) survey will be conducted in the area of the former house in the east-central portion of the project site to locate any associated historic period archaeological deposits or features that may be present. If any potential subsurface historic deposits or features are identified in the GPR survey, then a Secretary of Interior qualified Archaeologist should ground truth (or physically excavate) some or all of the feature to determine form, function, age, CRHR-eligibility, and the need for further treatment and/or additional project-specific recommendations, such as archaeological monitoring during construction.

MM-CUL-2: **Post-review Discoveries.** If an archaeological deposit is encountered during project-related, ground disturbing activities, all work within 50 feet of the discovery shall be redirected until a Secretary of Interior-qualified Archaeologist inspects the material, assess its historical significance, and provides recommendations for the treatment of the discovery. For this project, potentially significant historic-era resources may include all by-products of human land use greater than 50 years of age, including subsurface deposits of domestic type material (e.g., glass, ceramic, metal, wood, faunal remains, brick, etc.), buried alignments of stone, brick, or foundation elements, infrastructure related to previous buildings, privies, water wells, and possible features associated with open workspaces or yard spaces (e.g., stone/brick foundations; chimney remains; ceramics; buttons; insignia; bullets; tools; and fragments of ceramics, glass, metal, wood, faunal, brick, concrete, coal, botanical remains, etc.). Potentially significant precontact period archaeological resources include midden soils, artifacts such as faunal bone, ground stone, fire-affected rock (FAR), baked clay, modified bone and/or shell, flake stone debitage, flake stone tools, etc., and features such as house floors, cooking pits, deliberately interred burials, pre-internment burn pits, cremations, etc.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact. There are no known human remains or cemeteries on the project site or adjoining properties. However, in the unlikely event that human remains are discovered during ground-disturbing activities, California Health and Safety Code Section 7050.5 requires that disturbance of the site be halted. The proposed project would be required to comply with the City's standard permit condition for the discovery of human remains.

Standard Permit Condition

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 [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:

i. 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.

ii. The MLD identified fails to make a recommendation; or

iii. 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.

Compliance with existing laws and implementation of the above standard permit condition regarding the discovery of human remains would reduce potential impacts to human remains to a less-than-significant level.

3.6 ENERGY

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. 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	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

The analysis in this section is based in part on the following study, which is in Appendix A of this Initial Study.

- *Air Quality and Greenhouse Gas Emissions Data*, PlaceWorks, October 2023.

Existing Conditions

The project site is currently undeveloped with no existing structures and provides informal paths that nearby residents use. Thus, the project site does not generate any electricity or natural gas demand.

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?

Less Than Significant Impact.

Short-Term Construction

Electrical Energy

The proposed project would not require electricity to power most construction equipment, and electricity use would vary during different phases of construction. The majority of construction equipment would be gas or diesel powered, and electricity would not be used to power most of the construction equipment. Later construction phases could result in the use of electricity-powered equipment for interior construction and architectural coatings. It is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws) and lighting, which would result in minimal electricity usage during construction activities. Electrical energy would be available for use during construction from existing connections, precluding the use of less-efficient generators. Therefore, project-related construction activities would not result in wasteful or unnecessary electricity demands, and impacts would be less than significant, and no further analysis is required.

Natural Gas Energy

It is not anticipated that construction equipment used for the proposed project would be powered by natural gas, and no natural gas demand is anticipated during construction. Therefore, impacts would be less than significant with respect to natural gas usage, and no further analysis is required.

Transportation Energy

Transportation energy use during construction of the proposed project would come from delivery vehicles, haul trucks, and construction employee vehicles. In addition, transportation energy demand would come from use of off-road construction equipment. It is anticipated that the majority of off-road construction equipment, such as equipment used during demolition and grading, would be gas or diesel powered. Table 9, *Construction-Related Fuel Usage*, shows the transportation energy that would be consumed during project construction.

Table 9 Construction-Related Fuel Usage

	Gas		Diesel		Electricity	
Project Component	VMT	Gallons	VMT	Gallons	VMT	kWh
Construction Worker Commute	181,347	6,479	376	10	10,737	4,010
Construction Vendor Trips	933	194	11,649	1,682	0	0
Construction Truck Haul Trips	1	0	4,477	762	0	0
Construction Off-Road Equipment	N/A	136	N/A	18,126	N/A	0
Total	**182,280**	**6,809**	**16,502**	**20,579**	**10,737**	**4,010**

Source: CalEEMod ver. 2022.1; EMFAC2021 ver. 1.0.2; OFFROAD2021 ver. 1.0.5.
Notes: VMT=vehicle miles traveled; kWh=kilowatt-hour

The use of energy resources by vehicles and equipment would fluctuate according to the phase of construction and would be temporary. In addition, all construction equipment would cease operating upon completion of proposed project construction. Thus, impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Furthermore, it is anticipated that the construction equipment would be well maintained and meet the appropriate tier ratings per State and federal emissions standards so that adequate energy efficiency is achieved. Moreover, to limit wasteful and unnecessary energy consumption, construction contractors are anticipated to minimize nonessential idling of construction equipment during construction, in accordance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Construction trips would also not result in unnecessary use of energy since the project site is centrally located in the city and served by regional freeway systems (i.e., SR-85 and SR-17) that provide the most direct routes from various areas of the region. Thus, transportation energy use during construction of the proposed project would not be considered inefficient, wasteful, or unnecessary. Therefore, impacts would be less than significant.

Long-Term Operation

Operation of the proposed project would generate new demand for electricity and natural gas on the project site. During operation of the proposed project, energy is used for heating, cooling, and ventilation of buildings;

water heating; equipment; appliances; indoor, outdoor, perimeter, and parking lot lighting; and security systems. Appendix A contains the operational emissions modeling for the proposed project, which includes the estimated unmitigated energy consumption from the memory care facility. Electrical service to the facility would be provided by San José Clean Energy (SJCE) through connections to existing off-site electrical lines, as needed. The proposed project would construct approximately 48,051 square feet of building area. As shown in Table 10, *Project Annual Operation-Related Fuel Usage*, the electricity demand from the memory care facility would total 261,998 kilowatt-hours per year. In addition, under an unmitigated scenario, the natural gas demand by the memory care facility building would total 616,285 kilo-British thermal units per year. Though the proposed project would generate energy demand at the site, it would comply with the Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen). These features would comply with the goals outlined in Appendix F of the CEQA Guidelines because the proposed project would promote the use of renewable energy and decrease reliance on fossil fuels to meet the electricity demands of the facility. Because the proposed project would comply with these regulations and would provide features to decrease energy use by the facility, it would not result in wasteful, inefficient, or unnecessary electricity or natural gas demands. Therefore, operation of the proposed project would result in a less than significant impact related to energy consumption.

Operation of the proposed project would result in the consumption of transportation energy during operation from the use of motor vehicles. The efficiency of the motor vehicles in use (average miles per gallon) is unknown and highly variable. Thus, estimates of transportation energy use are based on the overall VMT and related transportation energy use. The proposed project-related VMT would primarily come from employees and visitors. Based on the numbers shown in Table 10, the VMT generated by the proposed project is estimated to be 534,421 miles per year. The development associated with the proposed project would include electric vehicle–capable infrastructure and would be solar ready, which would promote less reliance on fossil fuels. The proposed project would also expand the existing sidewalk, develop a bicycle lane, and install bike parking on-site. These features would contribute to minimizing transportation-related fuel usage and VMT. Thus, it is expected that operation-related fuel usage associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than similar development projects. Therefore, this impact would be less than significant with respect to operation-related fuel usage.

Table 10 Project Annual Operation-Related Fuel Usage

	Gasoline		Diesel		CNG		Electricity	
	Annual VMT	Annual Gallons	Annual VMT	Annual Gallons	Annual VMT	Annual Gallons	Annual VMT	Annual kWh
Year 2025								
Project Mobile Activity	479,126	18,487	17,669	1,743	295	46	37,331	13,824

Source: EMFAC2021 v. 1.0.2.
Note: Annual VMT for existing conditions and project operations are based on information in Appendix A, *Air Quality and Greenhouse Gas Modeling*.

3. Environmental Analysis

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

Less Than Significant Impact. The state's electricity grid is transitioning to renewable energy under California's Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state's renewable portfolios standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill (SB) 350 (de Leon) was signed into law September 2015 and established tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

On September 10, 2018, Governor Brown signed SB 100, which supersedes the SB 350 requirements. Under SB 100, the RPS for publicly owned facilities and retail sellers consisted of 44 percent renewable energy by 2024, 50 percent by 2026, 52 percent by 2027, and 60 percent by 2030. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. SB 1020 adds interim targets to the SB 100 framework to require renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all retail electricity sales by 2040. Under SB 100 and SB 1020 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS requirements do not directly apply to individual development projects, but to utilities and energy providers such as SJCE, whose compliance with RPS requirements contributes to the State objective of transitioning to renewable energy. The memory care facility land uses accommodated by the proposed project would comply with the current and future iterations of the Building Energy Efficiency Standards and CALGreen. The proposed project would enroll in SJCE's GreenSource Program, and would be required to comply with the City's Standard Permit Conditions.

Standard Permit Condition

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) GreenSource program (approx. 95 percent renewable energy) 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.

Also, the new buildings would not exceed the Building Energy Efficiency Standards and CALGreen standards. The proposed project would not conflict with state or local plans for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

3.7 GEOLOGY AND SOILS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. 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	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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	
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	
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
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

The analysis in this section is based in part on the following studies, which are in Appendix E and Appendix F, respectively, of this Initial Study.

- *Geotechnical Investigation Residential Developmen*t, Geo-Logic Associates, November 11, 2021
- *Phase I Environmental Site Assessment*, Schultze & Associates Inc., May 25, 2021

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.

Less Than Significant Impact. The project site is not in an established Alquist-Priolo Earthquake Fault Zone for fault rupture hazard (CDOC 2023). The nearest fault to the project site is the San Andreas Fault approximately 9 miles west and the Evergreen Fault approximately 9.8 miles northeast. Also, Quaternary faults are approximately 0.6 miles southwest of the project site. No active faults with the potential for surface fault rupture are known to pass directly beneath the site. To avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. The following standard permit condition shall be implemented to ensure the proposed development is designed to address seismic hazards. 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. Therefore, with implementation of the standard permit condition, impacts related to fault rupture would be less than significant.

ii) Strong seismic ground shaking?

Less Than Significant Impact. As discussed previously, the project site it not in an Alquist-Priolo Earthquake Fault Zone. However, as with all parts of the Bay Area, movement associated with active faults could cause strong ground shaking at the project site. According to the California Earthquake Authority, scientists predict that within a 30-year period (beginning in 2014), there is a 76 percent chance that the San Francisco region specifically will experience one or more magnitude 7.0 or greater earthquake. There is also a 98 percent chance of one or more magnitude 6.0 or greater quake in the San Francisco area during that same timeframe (CEA 2023). The degree of ground shaking and earthquake-induced damage is dependent on multiple factors, such as distances to causative faults, earthquake magnitudes, and expected ground accelerations. The proposed project would be required to comply with California Building Codes (CBC), which would ensure that the proposed project's buildings would be designed to withstand ground shaking. The proposed project would be required to comply with the seismic design parameters of the CBC, which regulates all building and construction projects in the city and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, evacuation, foundations, retaining walls, and site demolition. The CBC would ensure that buildings on-site could withstand ground shaking. Therefore, a less-than-significant impact related to ground shaking would occur.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. According to the United States Geological Survey, liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. Liquefaction beneath buildings and other structures can cause major damage during earthquakes.

The project site is not in a California Geologic Survey Earthquake Zone of Required Investigation for liquefaction or in a Santa Clara County liquefaction hazard zone. Additionally, the project site is in a low liquefaction susceptibility zone (USGS 2023). The proposed project would be required to comply with the design parameters of the CBC to limit the potential for liquefaction. Therefore, the impact would be considered less than significant.

iv) Landslides?

Less Than Significant Impact. A landslide is a type of erosion in which masses of earth and rock move downslope as a single unit. Susceptibility of slopes to landslides and other forms of slope failure depend on several factors, which are usually present in combination and include steep slopes, condition of rock and soil materials, the presence of water, formational contacts, geologic shear zones, and seismic activity.

The project site is not in an area with the potential for earthquake-induced landslides (CDOC 2023). Thus, the potential for earthquake-induced landslides at the site is considered low, and the impact would be considered less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Erosion is a normal and inevitable geologic process whereby earthen materials are loosened, worn away, decomposed, or dissolved and moved from one place to another. Precipitation, running water, waves, and wind are all agents of erosion. Ordinarily, erosion proceeds imperceptibly, but when the natural equilibrium of the environment is changed, the rate of erosion can be greatly accelerated. This can create aesthetic as well as engineering problems on undeveloped sites. Accelerated erosion in an urban area can cause damage by undermining structures; blocking storm drains; and depositing silt, sand, or mud in roads and tunnels. Eroded materials can eventually be deposited in local waters, where the carried silt remains suspended in the water for some time, constituting a pollutant and altering the normal balance of plant and animal life.

Construction

Project-related construction activities would expose soil through excavation, grading, and trenching, and thus could cause erosion during heavy winds or storms. Construction projects of one acre or more (such as the project site) are regulated under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board. Project applicants obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) estimating sediment risk from construction activities to receiving waters, and specifying best management practices that would be incorporated into the construction plan to minimize stormwater pollution. Categories of BMPs used in SWPPPs are described in Table 11, *Construction Best Management Practices*. Construction of the proposed project would be subject to the Statewide General Construction Permit and implementation of BMPs specified in the SWPPP.

3. Environmental Analysis

Table 11 Construction Best Management Practices

Category	Purpose	Examples
Erosion Controls and Wind Erosion Controls	Cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind.	Mulch, geotextiles, mats, hydroseeding, earth dikes, swales.
Sediment Controls	Filter out soil particles that have been detached and transported in water.	Barriers such as straw bales, sandbags, fiber rolls, and gravel bag berms; desilting basin; cleaning measures such as street sweeping.
Tracking Controls	Minimize the tracking of soil off-site by vehicles.	Stabilized construction roadways and construction entrances/exits; entrance/outlet tire wash.
Non-stormwater Management Controls	Prohibit discharge of materials other than stormwater, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment. Conduct various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-stormwater discharges and contamination of any such discharges.	BMPs specifying methods for: Paving and grinding operations; cleaning, fueling, and maintenance of vehicles and equipment; concrete curing; concrete finishing.
Waste Management and Controls (i.e., good housekeeping practices)	Management of materials and wastes to avoid contamination of stormwater.	Spill prevention and control, stockpile management, and management of solid wastes and hazardous wastes.

Source: CASQA 2012.

Additionally, the City requires all phases of development projects to comply with all applicable City regulatory programs pertaining to construction related erosion, including the City's Standard Permit Conditions, below.

Standard Permit Conditions

- 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.

- 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.

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

Construction activities would not generate substantial erosion. With these BMPs and implementation of the standard permit conditions, construction-phase soil erosion impacts would be less than significant.

Operation

The proposed project includes a two-story residential building with a surface parking lot, green spaces, and paved surfaces (such as drive aisles, driveways, and pedestrian paths). With the development of the proposed project, the project site would not contain exposed or bare soil that would have the potential for erosion. With the incorporation of stormwater infrastructure on-site and pervious landscaping, operation of the proposed project would not have a potential for soil erosion. Therefore, potential impacts related to potential for soil erosion would be less than significant.

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?

Less Than Significant Impact. As described previously, the project site is flat, and does not contain and is not adjacent to any slope or hillside area. The proposed project would not create slope. Thus, on- or off-site landslides would not occur. Hazards arising from liquefaction and landslides would be less than significant, as discussed in Sections a(iii) and a(iv).

- **Lateral Spreading.** Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. However, as described previously, the project site is not in a liquefaction zone. Therefore, the proposed project would not expose people or residences to adverse effects associated with lateral spreading. Impacts would be less than significant.

- **Subsidence.** The major cause of ground subsidence is withdrawal of groundwater. The project site is not over a groundwater basin. Therefore, project implementation would not pose substantial hazards to people or structures due to ground subsidence, and impacts would be less than significant.

- **Collapsible Soils.** Collapsible soils are typically geologically young, unconsolidated sediments of low density that may compress under the weight of structures. Since the project site is not over a groundwater basin, the risk of soil expansion and collapse is considered low. Therefore, impacts would be less than significant.

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?

Less Than Significant Impact. Expansive soils possess clay particles that react to moisture changes by shrinking when dry or swelling when wet. These soils have the potential to crack building foundations and, in some cases, structurally distress the buildings themselves. Minor to severe damage to overlying structures is possible.

According to the Preliminary Geotechnical Investigation (see Appendix E), the project site has brown, clayey sand with gravel that does not have a high expansion potential. Thus, the risk of soil expansion and collapse is low, and the proposed project would not create substantial direct or indirect risks to life or property. Additionally, the project would 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 would be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the proposed project would be designed and constructed to minimize hazards due to expansive soils, and the soil conditions on-site would not be exacerbated by the project such that it would impact (or worsen) on- or off-site conditions. Therefore, impacts would be less than significant.

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?

No Impact. A project would cause a significant impact if adequate wastewater disposal were not available. The proposed project does not propose the use of septic tanks or alternative wastewater disposal systems. The project site is in a residential area and would connect to existing sewer lines. Therefore, no impacts would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. A paleontological resource is a natural resource characterized as faunal or floral fossilized remains but may also include specimens of nonfossil material dating to any period preceding human occupation. A significant impact would occur if ground-disturbing activities (e.g., grading, excavation) associated with project construction would disturb, damage, or destroy previously unknown buried paleontological features and deposits that could be considered significant resources.

Construction activities would require surficial grading and minimal excavation over the project site. In the unlikely event that paleontological resources are discovered during excavation or grading, potential impacts would be reduced through compliance with regulatory requirements in California Public Resources Code Section 21083.2 and the City's General Plan Environmental Leadership chapter. Additionally, the following City's standard permit condition for paleontological resources would be applied to the proposed project to reduce and avoid impacts to unidentified resources.

> If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of [PBCE] or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials

> so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

Through compliance with regulatory requirements and implementation of the above standard permit condition, the potential for disturbing a known or unknown paleontological or geological resource as a result of the proposed development would be less than significant.

3.8 GREENHOUSE GAS EMISSIONS

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. 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		
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

The analysis in this section is based in part on the following study, which is in Appendix A of this Initial Study.

- *Air Quality and Greenhouse Gas Emissions Data*, PlaceWorks, October 2023.

Existing Conditions

The existing project site is undeveloped with no structures or active uses. As such, there are no current GHG emissions from transportation sources, energy (natural gas and purchased energy), water use and wastewater generation, waste generation, refrigeration, area sources, or off-road equipment (e.g., landscape equipment, construction activities).

Climate Change Background

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG emissions is fossil fuel use. The Intergovernmental Panel on Climate Change has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG that contribute to global warming to a lesser extent are nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[2]

Information on manufacture of cement, steel, and other "life cycle" emissions that would occur as a result of the project are not applicable and are not included in the analysis. Black carbon emissions are not included in the GHG analysis because the California Air Resources Board (CARB) does not include this short-lived climate pollutant in the state's Assembly Bill (AB) 32 inventory but treats it separately. A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A to this Initial Study.

[2] Water vapor (H_2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, and it is part of the feedback loop rather than a primary cause of change.

City of San José Building Reach Code

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

Private Sector Green Building Policy (Council Policy 6-32)

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), GreenPoint, or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32, "Private Sector Green Building Policy," was adopted in October 2008, established baseline green building standards for private-sector new construction, and provided 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 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 12, *Private Sector Green Building Policy for Applicable Projects*.

Table 12 Private Sector Green Building Policy for Applicable Projects

Applicable Project	Effective as of January 1, 2009
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: San José 2008.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact With Mitigation Incorporated. A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this section measures the project's contribution to the cumulative environmental impact associated with GHG emissions. For projects where there is no applicable GHG reduction plan, cumulative GHG emissions impacts are based on the state's GHG reduction goals for development projects identified by BAAQMD and adopted in the April 2022 *Justification*

3. Environmental Analysis

Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans (Justification Report).

Development of the proposed project would contribute to climate change through direct and indirect emissions of GHG from the construction activities needed to implement the project, which would generate a short-term increase in GHG emissions, as well as a long-term increase in GHG emissions from on-road mobile sources, energy use, area sources, water use/wastewater generation, and solid waste disposal. As identified in the GHG Justification Report, short-term construction activities are one-time emissions that would not substantially contribute to GHG emissions impacts. Though it does not have an adopted significance threshold for construction emissions, BAAQMD recommends that construction GHG emissions be quantified and disclosed. Table 13, *Construction GHG Emissions*, provides the construction-related GHG emissions associated with implementation of the proposed project.

Table 13 Construction GHG Emissions

Construction Year	$MTCO_2e$
2024	146
2025	238

Source: CalEEMod v. 2022.1.
Notes: $MTCO_2e$ = metric ton of carbon dioxide equivalent

Additionally, the standard permit conditions state that 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) GreenSource program (approx. 60 percent renewable energy) or TotalGreen program (approx. 100 percent renewable energy) 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.

For operational phase impacts, the Justification Report identified that projects that implement the BMPs in Table 14, *Consistency Analysis with BAAQMD's GHG Best Management Practices*, would contribute their fair share of what will be required to achieve the state's long-term climate goals. The proposed project is consistent with the land uses covered in the Justification Report; therefore, if the project implements the BMPs in Table 14, GHG emissions impacts would be considered less than significant. The proposed project is consistent with BAAQMD's GHG BMPs except that it would not implement an all-electric building design or meet the Tier 2 CALGreen standards for EV charging spaces; therefore, impacts to the environment would be potentially significant.

Table 14 Consistency Analysis with BAAQMD's GHG Best Management Practices

Sector	Consistency Analysis
Buildings	
a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).	**Not Consistent.** Chapter 17.845 of the City's Municipal Code requires all new buildings, with the exception of hospitals and facilities with a distributed energy resource, to be constructed as all-electric buildings with no natural gas appliances or plumbing. Because the proposed project could include rooftop solar, which is a distributed energy resource, the proposed project could be exempt from this all-electric code. As a result, the proposed project has the potential to conflict with this BMP, and Mitigation Measure GHG-1 would be required to ensure the proposed project is constructed as an all-electric building. Incorporation of Mitigation Measure GHG-1 would ensure project consistency with this BMP.
b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.	**Consistent.** The proposed buildings would be built to comply with the most current CALGreen requirements and building efficiency standards to reduce unnecessary energy consumption.
Transportation	
a. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.	**Not Consistent.** As of the January 2023 Errata Version, Sections A4.106.8.2.1 and A5.106.5.3.2 of CALGreen provide Residential and Nonresidential Tier 2 standards for EV-capable spaces and EV-charging spaces. The proposed project would not explicitly meet either the Residential or Nonresidential Tier 2 EV charging standards for the proposed parking spaces. Therefore, Mitigation Measure GHG-2 would be required to ensure the proposed project meets the applicable Tier 2 CALGreen EV charging standards. Incorporation of Mitigation Measure GHG-2 would ensure project consistency with this BMP.
b. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA.	**Not Consistent.** As discussed in Section 3.17, Transportation, the proposed project's per employee daily VMT of 14.93 would exceed the locally adopted VMT reduction target of 14.05 VMT. As described in Section 3.17, the proposed applicant would be required to implement Mitigation Measure T-1 to reduce per employee VMT generated by the proposed project. Incorporation of Mitigation Measure T-1 would ensure project consistency with this BMP.

Source: BAAQMD 2022.

Impact GHG-1: The proposed project does not incorporate an all-electric design for the proposed building and, therefore, could generate GHG emissions that may have a significant impact on the environment.

MM-GHG-1: Prior to the issuance of grading permits, site plans submitted to the City shall demonstrate that the proposed project is designed with an all-electric building.

Impact GHG-2: The proposed project does not meet the Tier 2 CALGreen standards for EV-capable spaces and EV-charging stations and, therefore could generate GHG emissions that may have a significant impact on the environment.

MM-GHG-2: Prior to the issuance of grading permits, site plans submitted to the City shall comply with the California Green Building Standards Code (CALGreen) voluntary Tier 2 nonresidential provisions for electric vehicle (EV) charging stations.

Impact GHG-3: The proposed project's per employee daily VMT of 14.93 does not meet the City's VMT reduction target of 14.05 VMT and, therefore may generate GHG emissions that may have a significant impact on the environment.

MM-T-1: Based on the four strategy tiers included in the VMT Evaluation Tool, it is recommended that the project implement the following mitigation measure to reduce the significant VMT impact.

- Bike Access Improvements: The City will require the project to upgrade the existing Class II bike lanes along the project frontage to Class IV protected bike lanes. The San José VMT Evaluation Tool cannot calculate a reduction in VMT because the distance to the nearest bicycle facility would remain the same. However, improved bicycle facilities may encourage more future employees to ride their bicycles to work and reduce the VMT generated by the proposed development.
- Traffic Calming: City staff will identify appropriate traffic calming measures that may be implemented on surrounding streets and intersections.
- Commute Trip Reduction Marketing/Education: The project will be required to implement commute trip reduction marketing and education as part of a transportation demand management plan. With commute trip marketing/education, employees would be made aware of alternative transportation modes available to them and may be encouraged to utilize alternative transportation modes to get to work.

With implementation of and Mitigation Measures GHG-1, GHG-2, and T-1, the proposed project would support the state's long-term GHG emission reduction targets and carbon neutrality goals by being designed all-electric, providing the EV-capable spaces and EV charging stations consistent with Tier 2 CALGreen standards, and reducing employee-generated VMT by improving active transportation and traffic calming measures. Therefore, the proposed project would implement the BMPs identified in the Justification Report. Impacts would be less than significant with mitigation incorporated.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact With Mitigation Incorporated. Applicable plans adopted for the purpose of reducing GHG emissions include the CARB Scoping Plan, Plan Bay Area 2050, and the City's Greenhouse Gas Reduction Strategy (GHGRS). A consistency analysis with these plans is presented below.

CARB's Scoping Plan

CARB's latest Climate Change Scoping Plan (2022) outlines the State's strategies to reduce GHG emissions in accordance with the targets established under AB 32, SB 32, and AB 1279. The Scoping Plan is applicable to State agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool used to develop performance- and efficiency-based CEQA criteria and GHG reduction targets for climate action planning.

Statewide strategies to reduce GHG emissions in the 2022 Climate Change Scoping Plan include implementing SB 100, which expands the RPS to 60 percent by 2030; expanding the low-carbon fuel standards to 18 percent by 2030; implementing the mobile source strategy to deploy zero-emission buses and trucks; implementing the Sustainable Freight Action Plan; implementing the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons to 40 percent below 2013 levels by 2030 and black carbon emissions to 50 percent below 2013 levels by 2030; continuing to implement SB 375; creating a post-2020 Cap-and-Trade Program; and developing an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Statewide strategies to reduce GHG emissions include the low carbon fuel standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the CAFE standards, and other early action measures as necessary to ensure the State is on target to achieve the GHG emissions reduction goals of AB 32, SB 32, and AB 1279. In addition, new developments are required to comply with the most current Building Energy Efficiency Standards and CALGreen. The proposed project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32, SB 32, and AB 1279 were adopted. Therefore, this impact would be less than significant.

Plan Bay Area

Plan Bay Area 2050, the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) that identifies the sustainable vision for the Bay Area. To achieve MTC's/ABAG's sustainable vision for the Bay Area, the land use concept plan for the region concentrates the majority of new population and employment growth in priority development areas, which are transit-oriented, infill development opportunity areas in existing communities. An overarching goal of the regional plan is to concentrate development in areas with existing services and infrastructure rather than to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated GHG emissions reductions. Accordingly, the proposed project is an infill development project that would result in an increase in land use intensity in a portion of the city that has access to existing infrastructure and services, including transit service (see Section 3.17, *Transportation*). Therefore, the proposed project would not conflict with the land use concept plan for the city identified in Plan Bay Area 2050, and the impact would be less than significant.

GHGRS Consistency

The City of San José GHGRS was adopted in August 2020. The GHGRS includes GHG reduction measures applicable to all development projects in San José that are subject to CEQA environmental review. These GHG reduction measures aim to improve energy efficiency and conservation; increase the amount of renewable

energy produced in the city; reduce water-related GHG emissions; decrease the amount of waste sent to landfills; reduce vehicle trips; and promote bicycling, walking, and public transit. Compliance with the GHGRS is determined using the Development Compliance Checklist provided as part of the GHGRS. For nonresidential projects, the applicable parts of the Development Compliance Checklist include Table A, General Plan Consistency, and Table B, 2030 Greenhouse Gas Reduction Strategy Compliance. Table B contains two parts—Part 1 applies to residential projects only, and Part 2 applies to all residential and nonresidential projects. The GHGRS Project Compliance Checklist is included in Appendix A and shows the proposed project's consistency with the measures in Table A of the GHGRS and Part 2 of Table B of the GHGRS.

The following analysis demonstrates the proposed project would be consistent with the City's seven GHGRS strategies in the GHGRS Checklist.

GHGRS No. 1: The City will implement the SJCE program to provide residents and businesses access to cleaner energy at competitive rates.

The proposed project would automatically enroll in an electricity service with SJCE, which would reduce project operational GHG emissions by utilizing renewable electricity. As a result, the proposed project would be consistent with GHGRS No. 1.

GHGRS No. 2: The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.

The proposed project would be consistent with the City's reach code ordinance because the proposed buildings would be LEED certified and include solar readiness and EV readiness. The proposed project would also be designed to be all-electric, consistent with Mitigation Measure GHG-1, prohibiting the future use of natural gas. As a result, the proposed project would be consistent with GHGRS No. 2.

GHGRS No. 3: The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.

The proposed project would not include rooftop solar panels; however, it would be developed in compliance with 2022 CBC standards, including structural features for nonresidential buildings to accommodate future rooftop solar. As a result, the proposed project would be consistent with GHGRS No. 3.

GHGRS No. 4: The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.

This strategy is not applicable to the proposed project because it would not retrofit an existing building.

GHGRS No. 5: As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.

The proposed project would be consistent with this strategy because it would include a dedicated space for waste receptacles on-site for organic waste collection and disposal. As a result, the proposed project would be consistent with GHGRS No. 5.

GHGRS No. 6: The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.

The proposed project would include convenient bicycle parking that would help encourage employee biking and reduce VMT. Nonetheless, the proposed project would need to implement transportation demand measures to ensure consistency with GHGRS No. 6. As a result, the proposed project would be required to implement Mitigation Measure T-1 to ensure consistency with GHGRS No. 6.

GHGRS No. 7: The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water efficient technology and systems.

The proposed project would be consistent with this strategy because it would include bioretention areas that would reduce peak stormwater flows and retain water on-site. Thus, the proposed project would help conserve water on-site and improve groundwater recharge and also reduce water demand for landscaping. As a result, the proposed project would be consistent with GHGRS No. 7.

Summary

As presented above, the proposed project is consistent with the applicable mandatory measures of the City of San José GHGRS. As such, the proposed project would be considered consistent with the GHG reduction targets codified by SB 32 and the general measures in CARB's 2022 Scoping Plan. Considering this information, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of GHGs with mitigation.

Impact GHG-4. The proposed project's daily VMT of 14.93 per employee does not meet the City's VMT reduction target of 14.05 VMT and, therefore would be inconsistent with the City's GHGRS No. 6.

MM-T-1: Based on the four strategy tiers included in the VMT Evaluation Tool, it is recommended that the project implement the following mitigation measure to reduce the significant VMT impact.

- Bike Access Improvements: The city will require the project to upgrade the existing Class II bike lanes along the project frontage to Class IV protected bike lanes. The San José

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VMT Evaluation Tool cannot calculate a reduction in VMT because the distance to the nearest bicycle facility would remain the same. However, improved bicycle facilities may encourage more future employees to ride their bicycles to work and reduce the VMT generated by the proposed development.

- Traffic Calming: City staff will identify appropriate traffic calming measures that may be implemented on surrounding streets and intersections.
- Commute Trip Reduction Marketing/Education: The project will be required to implement commute trip reduction marketing and education as part of a transportation demand management plan. With commute trip marketing/education, employees would be made aware of alternative transportation modes available to them and may be encouraged to utilize alternative transportation modes to get to work.

With implementation of Mitigation Measure T-1, the proposed project would implement a transportation demand measure program to reduce project-generation VMT. Therefore, the proposed project would be consistent with GHGRS No. 6 with implementation of Mitigation Measure T-1, and this impact would be less than significant.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. 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	
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		
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	
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
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
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

The analysis in this section is based in part on the following studies, which are in Appendix E and Appendix F, respectively.

- *Geotechnical Investigation Residential Development*, Geo-Logic Associates, November 11, 2021
- *Phase I Environmental Site Assessment*, Schultze & Associates Inc., May 25, 2021

Would the project:

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

Less Than Significant Impact. A significant impact would occur if the proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction of the project would use limited amounts of hazardous materials, including vehicle fuels, grease, oils, transmission fluids, and coatings such as paint. Construction activities would be required to

comply with federal, state, and local regulations for the handling, use, transport, and disposal of hazardous materials. Agencies that provide oversight of hazardous materials include the US Environmental Protection Agency, Santa Clara County Department of Environmental Health, California Division of Occupational Safety and Health, US Occupational Safety and Health Administration, and US Department of Transportation.

Operation of the project would involve the use and storage of common hazardous substances typical of those used in residential homes, such as lubricants, paints, solvents, cleaning supplies, pesticides, landscaping supplies, vehicle fuels, oils, and transmission fluids. Quantities of these materials would be minimal and similar to other surrounding residences near the project site. With compliance to applicable standards and regulations and adherence to manufacturers' instructions for the transport, use, or disposal of hazardous materials, the proposed project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

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?

Less Than Significant Impact With Mitigation Incorporated. A significant impact would occur if the proposed project created a significant hazard to the public or environment due to a reasonably foreseeable release of hazardous materials. Since the project site is devoid of structures, no asbestos or lead-based paint is present on-site. However, due to the project site's agricultural history, there is the potential that the shallow soil may contain residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If pesticides are present, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination and cause an impact on the environment. Compliance with Mitigation Measure HAZ-1 would ensure that impacts due to potential pesticide exposure are less than significant.

Construction activities would involve the use of hazardous materials, which may include fuels, lubricants, coatings, and grease for the operation and maintenance of construction equipment. These hazardous materials would be used in accordance with regulatory standards and manufacturers' specifications. They would be used in small quantities and stored consistent with handling instructions so that they do not pose significant safety hazards. Further, construction activities would be temporary. The operation of the proposed project would include the use of small amounts of hazardous materials that are typical of residential developments, such as cleaning materials, paints, oils, fuels, pesticides, and fertilizers. These materials would be stored on-site in small quantities for cleaning and maintaining the facility. The use, storage, transport, and disposal of these potentially hazardous materials would comply with existing federal, state, and local regulations.

In the event of a reasonably foreseeable upset and accident regarding the release of hazardous materials, procedures and policies would be followed to remove the materials in a safe and timely manner. The proposed project would comply with regulations set forth by the 2017 Santa Clara County Local Hazards Mitigation Plan for the City of San José, which helps identify, analyze, and mitigate potential hazardous events in San José. The plan includes resources and information to assist city residents, public- and private-sector organizations, and others interested in participating in planning for hazards, and provides a list of mitigation activities that may assist the city in reducing risk and preventing loss from future hazard events (Santa Clara 2017). In addition,

the State of California Office of Emergency Services provides a Hazardous Material Incident Contingency Plan, which outlines the procedures and responsibilities of agencies and private organizations concerning hazardous materials emergencies (Cal OES 1991). Implementation of the project would follow the appropriate procedures, policies, and mitigation measures. Therefore, the potential for hazardous materials impacts through reasonably foreseeable upset and accident conditions to occur during construction or operation of the proposed project would be less than significant with the implementation of MM-HAZ-1.

Impact-HAZ-1: There is the potential that the shallow soil may contain residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. If pesticides are present, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination and cause an impact on the environment

MM-HAZ-1: Prior to the issuance of a site grading permit, the applicant will hire a qualified environmental professional to complete a Phase II shallow soil investigation to address the concerns associated with the sites former agricultural history as discussed in the Phase I Environmental Site Assessment completed by SCHUTZE & Associates dated May 25, 2021. The Phase II should include the collection of soil samples within the site boundaries of the proposed memory care facility to determine if pesticides and pesticide-based metals occur at concentrations above established construction worker safety and residential standard regulatory environmental screening levels. Results of the Phase II will be provided to the City of San Jose Planning, Building, and Code Enforcement Supervising Planner, and the Environmental Services Department Municipal Compliance Officer.

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

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

Less Than Significant Impact. The nearest school, 7 Magic Flowers Bilingual Montessori Preschool, is directly east of the project site at 1975 C Cambrianna Drive. Construction of the proposed project would include hazardous materials, vehicle fuels, grease, oils, transmission fluids, and coatings that are typical of

residential construction projects. During construction, the proposed project would comply with the standard permit conditions to reduce fugitive dust emissions (refer to Section 4.3, *Air Quality*).

The operation of the proposed project would require limited hazardous materials that are typical of residential uses, such as small amounts of typical cleaning supplies and solvents for housekeeping. As discussed above, hazardous materials at the project site during construction and operation would be required to comply with federal, state, and local health codes and regulations. The proposed project would not create a significant hazard through hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, impacts would be less than significant.

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?

Less Than Significant Impact. Based on a review of the EnviroStor database by Schultze & Associates, the project site is not listed, and there is one site listed within 0.5 mile. Swiss Cleaners. 0.5 mile southeast, at 14540 Camden Avenue, was using tetrachloroethene (PCE) from 1966 to 2009. PCE was initially detected at 19,800 ppm in 2009 in soil under the concrete slab where the former PCE dry cleaning machine had been, but groundwater has not been impacted. Due to its distance from the project site and down-gradient location, it is unlikely that this facility has impacted the project site.

Based on a review of GeoTracker by Schultze & Associates, the project site is not listed, and one site is listed within 0.5 miles. Arco and Thrifty are 350 feet north and have listings in GeoTracker as two LUST cleanup sites. These cases were closed in 2000 for Thrifty and 2014 for Arco. Based on distance, regional groundwater flow direction, and case closure status, there is a low potential that the project site has been impacted by this facility.

Based on a review of CalEPA by Schultze & Associates, the project site is not listed, and there are three sites listen within 0.5 miles. Campbell Union High School District at 3235 Union Avenue, directly to the west of the project site, used and stored hazardous materials at the site. No violations were found. Verizon Wireless Camden Union at 3151 Union Avenue, directly northwest of the project site, used and stored hazardous materials at the site. No violations were found. Lastly, Tesoro, 350 feet north at 3010 Union Avenue, used and stored hazardous materials at the site. Seven violations were noted, and five have since been returned to compliance. This facility is listed at Arco/Thrifty in the GeoTracker database.

Since the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, it would not create a significant hazard to the public or the environment. Therefore, impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or 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?

No Impact. The project site is not within an airport land use plan or within two miles of a public use airport. The nearest public use airport is San José Mineta International Airport, 6.9 miles north of the project site. Therefore, the project would not result in a safety hazard or excessive noise for people residing in the project area, and no impact would occur.

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

Less Than Significant Impact. The project site is currently undeveloped, so the proposed project would add residents to the area that would be included in the emergency response plan and emergency evacuation plan. The City of San José Emergency Operations Plan (EOP) identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners (San José 2019). Construction and operation of the proposed project would follow the appropriate local procedures and policies, as stated in the City's EOP and other applicable federal and State regulations regarding emergency response. Thus, the proposed project would not interfere with any adopted emergency response or evacuation plan. Therefore, impacts would be less than significant.

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

Less Than Significant Impact. A significant impact would occur if the proposed project exposed people and structures to high risk of wildfire. The project site is not in a Very High Fire Hazard Severity Zone for wildland fires designated by the California Department of Forestry and Fire Protection. The proposed project would be adequately served by the San José Fire Department and would comply with regulations to minimize wildland fire risk during construction and operation. Therefore, impacts would be less than significant. Wildfire impacts are discussed further in Section 3.20, *Wildfire*.

3.10 HYDROLOGY AND WATER QUALITY

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. 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	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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 a substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
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	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. A significant impact would occur if the proposed project discharges water that does not meet the quality standards of agencies that regulate surface water quality and water discharge into storm drainage systems or does not comply with all applicable regulations as governed by the San Francisco Bay Regional Water Quality Control Board. During construction of the proposed project, there is a potential for short-term construction-related stormwater pollution. Pollutants would be associated with handling, storage, and disposal of construction material; maintenance and operation of construction equipment; and erosion from earth-moving activities. The proposed project would require a NPDES Construction General Permit and develop and implement a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP would identify BMPs during construction that would minimize soil erosion and sedimentation and control pollutants in stormwater runoff.

Additionally, the City of San Jose operates under the Municipal Regional Stormwater NPDES Permit (MRP), issued by the Regional Water Quality Board. Effective July 1. 2023, requirements for stormwater permitting under the MRP 3.0 Provision C.3, addresses the thresholds required for development and redevelopment projects to both treat and prevent increases in runoff from development projects. Provision C.3 requires regulated projects to incorporate post-construction stormwater management measures, including site design measures, source control measures, and stormwater treatment measures to reduce stormwater pollution after construction of the project. These requirements are in addition to standard stormwater-related best management practices required during construction, such as sedimentation and erosion control measures. Impervious surface threshold for most projects are 5,000 square feet and apply to regulated projects which emphasize use of Low Impact Development Measures. Projects that create or replace 5,000 square feet or more of impervious surface are now deemed as regulated. Because the project site development is now within the new threshold for square footage, the project would require implementation of Low Impact Development measures, in order for the project to be deemed as regulated under the MRP 3.0 Provision C.3, Regulated Projects.

Lastly, the City's Standard Permit Conditions to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including:

Standard Permit Conditions

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

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

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

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

v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

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

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

viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

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

Compliance with regulatory requirements would ensure that the construction of the proposed project would not result in substantial erosion or violate water quality standards.

The project site is currently an undeveloped lot, so impermeable surfaces on-site would likely decrease. The proposed project includes a bioretention area along the perimeter of the project site that provides 76,253 square feet of drainage areas to collect surface water and the access would be directed into storm drains.

The proposed project would be required to comply with all local and regional regulations, including the City's grading ordinance to ensure that the site is graded to drain properly and does not impact adjacent properties or create erosion problems. To ensure that grading operations do not impact the local creeks and storm drainage systems during the wet months, any grading between October 1 and April 30 requires an approved erosion control plan. Conformance would be ensured during the building plan review and approval process. Therefore, with implementation of the standard permit conditions, impacts related to water quality standards or waste discharge requirements would be less than significant.

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

Less Than Significant Impact. A project would normally have a significant impact on groundwater level if it would change potable water levels sufficiently to: (a) reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, summer/winter peaking, or emergencies and drought; (b) reduce yields of adjacent wells or well fields (public or private); (c) adversely change the rate or direction of flow of groundwater; or (d) result in demonstrable and sustained reduction in groundwater recharge capacity.

San José Water Company provides potable water to the project site; however, Valley Water manages groundwater resources in Santa Clara County. The project site is within the Santa Clara Plain groundwater basin and would be required to follow the groundwater management plan set for the Santa Clara and Llagas Subbasins. The project site is not on or adjacent to one of Valley Water's 18 major groundwater recharge systems (SCVWD 2023), and it would not have wells that would affect groundwater. Therefore, the proposed project would not substantially interfere with groundwater recharge, and impacts would be less than significant.

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 a substantial erosion or siltation on- or off-site?

Less Than Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would result in a permanent, adverse change to the movement of surface water that is sufficient to substantially change the current or direction of water flow and would result in substantial erosion or siltation.

The proposed project would be required to prepare and implement a SWPPP, which would include BMPs to reduce erosion and siltation. Construction of the proposed project would be subject to the Statewide

General Construction Permit and implementation of BMPs specified in the SWPPP. Compliance with City regulations, NPDES permit, and implementation of the SWPPP would ensure that the construction of the proposed project would not result in adverse water quality impacts while the existing drainage pattern of the site is being altered. Thus, the proposed project would not result in substantial erosion and siltation on- or off-site. Therefore, impacts would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would result in a permanent, adverse change to the movement of surface water that would substantially increase the rate or amount of surface runoff and cause flooding on- or off-site.

The proposed project would increase the impervious surface area on-site, which would result in an increase in stormwater runoff from the site. Because the project would increase impervious surfaces on-site due to new buildings, implementation of the proposed project would alter the drainage pattern of the project site or project area. However, the project would not alter the course of any waterway because there are no streams, rivers, or other surface water bodies on the project site. During construction, the proposed project would be required to comply with the NPDES Construction General Permit and prepare and implement a SWPPP. Under the SWPPP, the proposed project would implement BMPs that would control surface runoff. During operation, stormwater or runoff irrigation waters would be directed into on-site drainage and conveyed into a series of catch basins and into storm drains.

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?

Less Than Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would increase runoff to exceed the capacity of stormwater drainage systems.

During construction, the proposed project would be required to comply with the NPDES Construction General Permit and prepare and implement a SWPPP. Under the SWPPP, the proposed project would implement BMPs that would control surface runoff. This would ensure that the proposed project does not contribute excess runoff into the stormwater drainage system serving the project site. During operation, stormwater or runoff irrigation water would be directed into on-site drainage and conveyed to a series of catch basins and drainage pipes.

Additionally, 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.

The proposed project would not result in a significant increase in site runoff nor change the local drainage patterns to exceed the capacity of stormwater drainage systems serving the project site. Nor would it add substantial sources of polluted runoff. Therefore, impacts would be less than significant.

iv) Impede or redirect flood flows?

Less Than Significant Impact. According to the Federal Emergency Management Agency (FEMA) Map, the project site is in Flood Zone D, which is an area with possible but undetermined flood hazards, and no flood hazard analysis has been conducted. Implementation of the proposed project would introduce pervious landscaping on-site and would include a storm drain system to collect, treat, and convey stormwater into the existing storm drain system in the area. Any off-site surface flows that enter the site would enter the proposed storm drain system or sheet flow to existing cross-gutters, consistent with existing flow patterns. Therefore, the project would not result in impeding or redirecting flood flows, and impacts would be less than significant.

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

Less Than Significant Impact. The project site is not within a tsunami or seiche inundation zone, and is designated as Flood Zone D.

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. The project site is within the James J. Lenihan Dam/Lexington Reservoir Flood Inundation Zone. Dam inundation zones are based on the highly unlikely scenario of a catastrophic dam failure occurring in a very short period. Dam failure could result in the release of water held behind the dams and result in flooding in parts of the city, including the project site. A major seismic event, if sufficiently intense, would be the most likely cause of dam failure. The James J. Lenihan Dam is owned and operated by Valley Water and is located on Los Gato Creek, approximately 6 miles south of the project site.

The probability of dam failure is extremely low, and there is no historical record of dam failure in Santa Clara County or San José. Dams in California are continually monitored by various governmental agencies, including the California Division of Safety of Dams (DSOD), which conducts inspections twice a year and reviews all aspects of dam safety. Valley Water also maintains Emergency Action Plans with procedures for damage assessment and emergency warnings. Additionally, the City and Santa Clara County address the possibility of dam failure in the local hazard mitigation plan, which also provides emergency response actions (Santa Clara 2023). Therefore, there is not a substantial risk of flooding at the project site. Therefore, the project would not risk release of pollutants due to project inundation, and impacts would be less than significant.

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

Less Than Significant Impact. Valley Water prepared a groundwater management plan (GMP) for the Santa Clara Plain and Llagas subbasins in 2016. This plan provides the framework to gauge and measure performance including objectives, strategies, programs, and activities (SCVWD 2023).

The project site is not within or near a Vally Water groundwater recharge facility (SCVWD 2023). Implementation of the proposed project would not interfere with any actions by Valley Water in the GMP or conflict with implementation of the GMP. Additionally, the proposed project would comply with all existing local, regional, and state regulations and would not obstruct implementation of a water quality control plan. Therefore, impacts would be less than significant.

3.11 LAND USE AND PLANNING

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
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	

Would the project:

a) Physically divide an established community?

No Impact. A significant impact would occur if the project would create a physical barrier in an established community, such as the construction of a new freeway or railroad or major street closures that could limit access across the neighborhood. The proposed project includes the development of a memory care community facility in an urban area zoned for residential use. The construction and operation of the proposed project would occur within the boundaries of the project site, an undeveloped lot. Therefore, the proposed project would not physically divide an established community, and no impacts would occur.

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?

Less Than Significant Impact. A significant impact could occur if the project is inconsistent with the City's General Plan, zoning, or other plans that apply to the project site and were adopted for the purposes of avoiding or mitigating environmental effects. Part of the proposed project includes changing the zoning code for the project site from Single-Family Residential (R-1) to match the General Plan Land Use designation of Public/Quasi Public (PQP).

Zoning Designation

The current zoning designation of Single-Family Residential allows for a single-family dwelling, accessory dwelling unit, and residential care or service facility for six or fewer people. The project site is in Zoning District R-1-8 that has a minimum lot area of 5,445 square feet, minimum setbacks of 20 feet in the front and back, and a maximum height of 35 feet or 2.5 stories.

The proposed project includes changing the zoning code to Public/Quasi Public, which conditionally allows residential care facilities for seven or more people. PQP has a minimum lot area of 6,000 square feet, minimum setback on all sides of 10 feet or less in an approved development permit, and a maximum height of 65 feet.

General Plan Land Use Designation

Additionally, the proposed project would be consistent with the City's General Plan, and would be required to comply with the following policies set by Community Design (CD), Land Use (LU), and Measurable Environmental Sustainability (MS) elements:

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

- **Policy CD-4.3.** Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.

- **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). 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-1.6.** With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.

- **Policy MS-1.1.** Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

For these reasons, the proposed project would not 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. Therefore, the impacts would be less than significant.

3.12 MINERAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
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

Would the project:

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

No Impact. The project site is located in the San José West Quadrangle, an area classified as mineral resource zone 3, which are areas that contain mineral deposits, but their significance cannot be evaluated from available data (CDOC 1987). The City of San José General Plan states that there are no mineral deposits in the project area that are of statewide significance (San José 2023a). Therefore, the proposed project would not result in loss of a known mineral resource, and no impact would occur.

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?

No Impact. As described above, the project site is not delineated as an important mineral resource recovery site in the San José General Plan and is not mentioned in any other land use plans. Therefore, no impact would occur.

3.13 NOISE

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. 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		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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

The analysis in this section is based in part on the following study, which is in Appendix G of this Initial Study:

- *Silverado Noise and Vibration Assessment*, Illingworth & Rodkin Inc., September 28, 2023

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal, state, and city governments have established criteria to protect public health and safety and to prevent the disruption of certain human activities, such as classroom instruction, communication, or sleep.

Applicable Standards

Federal Transit Administration

The Federal Transit Administration has identified construction noise thresholds in the *Transit Noise and Vibration Impact Assessment Manual,* which limits daytime construction noise to 80 dBA Leq at residential land uses, 85 dBA Leq at commercial uses, and 90 dBA Leq at industrial land uses (FTA 2018).

City of San José General Plan

The Environmental Leadership Chapter in the Envision San José 2040 general plan sets policies to minimize the impact of noise and vibration on people through noise reduction and suppression techniques, and through appropriate land use policies in San José. The following policies are applicable to the proposed project:

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:

- 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.

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport and the Downtown, as described below: For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

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

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable" or

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

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

EC-1.7. 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.

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

EC-2.3. Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

The San José Municipal Code sets the following standard for noise:

- **Section 20.30.700, 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 Table 15, *Noise Standards,* at any property line, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

Table 15 Noise Standards

	Maximum Noise Level in Decibels at Property Line
Any residential or nonresidential use	55

Source: Appendix G.

Existing Noise Environment

The project site is at the corner of Cambrianna Drive and Union Avenue, adjacent to 7 Magic Flowers Bilingual Montessori Preschool and single-family residences to the north, east, and south. The noise environment in the vicinity of the project site results primarily from traffic along Union Avenue.

3. Environmental Analysis

A noise monitoring survey was conducted that included two long-term (LT-1, LT-2) and two short-term (ST-1, ST-2) noise measurements.

Long-term noise measurement site LT-1 was about 55 feet east of Union Avenue. Hourly average noise levels at LT-1 typically ranged from 63 to 70 dBA Leq during daytime hours (between 7:00 a.m. and 10:00 p.m.) and from 50 to 64 dBA Leq during nighttime hours (between 10:00 p.m. and 7:00 a.m.). The day-night average noise level measured on Wednesday, July 12, 2023, was 67 dBA DNL. The daily trends in noise levels at LT-1 are shown in Figures A1 through A3 in the appendix of the noise report (see Appendix G).

Long-term noise measurement site LT-2 was about 250 feet east of Union Avenue. Hourly average noise levels at LT-2 typically ranged from 49 to 61 dBA Leq during daytime hours (between 7:00 a.m. and 10:00 p.m.) and from 38 to 53 dBA Leq during nighttime hours (between 10:00 p.m. and 7:00 a.m.). The day-night average noise level measured on Wednesday, July 12, 2023, was 55 dBA DNL. The daily trends in noise levels at LT-2 are shown in Figures A4 through A6 in the appendix of the noise report.

Two short-term noise measurements (ST-1 and ST-2) were also part of the noise monitoring survey. Table 16, *Summary of Short-Term Noise Measurement Data (dBA)*, summarizes the noise levels recorded at each short-term measurement location.

Table 16 Summary of Short-Term Noise Measurement Data (dBA)

Noise Measurement Location (Date, Time)	L_{Max}	L(1)	L(10)	L(50)	L(90)	L_{eq}
ST-1: South of project site; north of 3312 Jennifer Way (7/11/2023, 10:50 to 11:00 a.m.)	69	64	52	47	44	52
ST-2: North of project site; near Union Avenue and Byron Way intersection (7/11/2023, 10:50 to 11:00 a.m.)	79	69	59	54	45	59

Source: Appendix G.

Sensitive Receptors

Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The nearest sensitive receptors to the project site are an adjacent school and residences to the north, south, and east.

Would the project:

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?

Less Than Significant Impact With Mitigation Incorporated. Following is a discussion of the project's temporary and operational noise impacts as a result of the project's construction and operational phases.

Construction

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment. On-site construction is anticipated to start July 2024 and be completed by October 2025. Policy EC-1.7 of the City's General Plan requires that all construction operations in the city use best available noise suppression devices and techniques, and the municipal code limits construction hours near residential uses to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday.

Construction phases would likely include site preparation, grading, trenching/foundation, building exterior and interior construction, and paving. During each phase of construction a different mix of equipment would be operating, and noise levels would vary between and within phases based on the amount of equipment in operation and the location of the equipment operating.

Noise impacts resulting from construction depend on 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 receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (i.e., early morning, evening, or nighttime hours) or in areas immediately adjoining noise-sensitive land uses, or when construction lasts for extended periods of time. During daytime hours, an exterior threshold of 80 dBA Leq shall be enforced at residential land uses, 85 dBA Leq at commercial land uses, and 90 dBA Leq industrial land uses. The project would implement the following standard permit conditions to reduce construction noise, consistent with General Plan policies.

Standard Permit Conditions

- **Construction-related Noise.** Noise minimization measures include, but are not limited to, the following:
    - Pile Driving is prohibited.
    - Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
    - Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
    - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
    - Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA Lmax at 50 feet from the equipment. Hourly average noise levels generated by construction are about 65 to 88 dBA Leq for residential memory care 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 results in lower construction noise levels at distant receptors. Noise levels at receptors in the vicinity of the project site are summarized in Table 17, *Calculated Construction Noise Levels at Nearby Receptors*.

Table 17 Calculated Construction Noise Levels at Nearby Receptors

	Hourly Average Construction Noise Levels, dBa L_{eq}				
At 50 feet	Campbell Union High School (R1) at 173 feet	North Receptors (R2) at 325 feet	7 Magic Flowers Montessori (R3) at 115 feet	Southeast Residences (R4) at 300 feet	South Residences (R5) at 240 feet
65 to 88	54 to 77	49 to 72	58 to 81	49 to 72	51 to 74

Source: Appendix G.

As shown in Table 17, construction noise levels would intermittently range from 49 to 81 dBA Leq at the nearest noise-sensitive receptors when activities are focused near the center of the project site. Construction noise levels would not exceed the 80 dBA Leq threshold at receptors to the west, north, and south of the site. However, construction noise levels would exceed the exterior threshold of 80 dBA Leq at the 7 Magic Flowers

Montessori to the east of the site. With construction activities lasting over 12 months, this would be considered a potentially significant impact. With implementation of General Plan Policy EC-1.7, zoning code requirements, and Mitigation Measure N-1, noise impacts would be reduced to less than significant.

Impact-N-1: Construction noise levels would exceed the exterior threshold of 80 dBA Leq at the 7 Magic Flowers Montessori to the east of the site. With construction activities lasting over 12 months, 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 would occur.

MM-N-1: A construction noise logistics plan shall be prepared 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, to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques, including but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences or similar around ground-level construction sites adjacent to noise-sensitive receptors. A temporary, 8-foot-high noise barrier shall be constructed along the project site's eastern property lines to shield the adjacent 7 Magic Flowers Montessori. The noise barrier shall be solid over the face and at the base of the barrier to provide a 6 dBA noise reduction.
- Equip all internal combustion-engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent residences and other noise-sensitive land uses about 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) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Operational Noise

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL at residences; or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater at residences. Existing ambient levels, based on the measurements made in the project vicinity, range from 55 to 67 dBA DNL. Therefore, a significant impact would occur if traffic or operational noise due to the proposed project would permanently increase ambient levels by 3 dBA DNL or more.

To determine noise level increases at existing residential land uses due to project-generated traffic, net project trip traffic volumes from the project traffic study were compared to the existing daily traffic conditions. The traffic study showed that the proposed development would generate an additional 217 daily trips compared to the existing conditions. Union Avenue carries an average of 17,450 daily trips, so the traffic noise increase would be less than 1 dBA DNL. Therefore, impacts would be less than significant.

The site plan indicates an emergency generator along the east side of the memory care building at the ground level. A typical emergency generator with a standard weather enclosure produces a maximum average noise level of 80 dBA at 7 meters (23 feet). At the nearest receptor (7 Magic Flowers Montessori), about 50 feet away, the emergency generator would produce a maximum average noise level of about 73 dBA Additional noise control measures need to be implemented based on the specifications of the emergency generator (type, size, schedule, enclosure) to satisfy the City's noise limit of 55 dBA at the property line of receiving uses. Therefore, it would not result in 55dBA DNL (which is measured over a 24-hour period) at the adjacent property.

The primary noise sources on the roof of the building would be the heating, ventilation, and air conditioning (HVAC) units, which cycle on and off based on the heating or cooling needs. To represent a credible worst-case scenario, up to eight clustered units were assumed to run continuously, producing hourly average noise levels of 75 dBA Leq at 3 feet. The nearby receptors would not have direct line-of-sight to the rooftop equipment since it would be shielded by the rooftop edge of the building. Worst-case noise levels are calculated

to be about 30 dB Leq or less assuming shielding from the rooftop edge and reduction in noise levels when propagating to the closest receiver about 75 feet away. The associated DNL from the HVAC equipment would be 36 dBA or less at the nearest receptor to the east (7 Magic Flowers Montessori). These levels would not exceed the municipal code noise limits of 55 dBA DBL, in compliance with Policy EC-1.3, nor measurably contribute to ambient DNL noise levels in the project vicinity. In compliance with the City's standard permit conditions, the project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. In compliance with the City's Standard Permit Condition, 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.

Standard Permit Condition

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

Thus, ambient noise levels due to the operation of the proposed project would not increase in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and impacts would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact.

Construction

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures. Construction activities would likely include grading, foundation work, paving, and new building framing and finishing. At the time of this study, impact or vibratory pile driving activities, which can cause excessive vibration, are not expected for the proposed project.

3. Environmental Analysis

Policy EC-2.3 of the San José General Plan states that 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 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. No known historic structures are located in the vicinity of the project site. The 0.2 in/sec PPV threshold shall be used to evaluate impacts due to construction vibration.

Table 18, *Project-Related Construction Vibration Levels*, summarizes the vibration levels at each of the surrounding buildings in the project vicinity. Project construction activities would potentially generate vibration levels up to 0.172 in/sec PPV at the buildings near the project site. The maximum vibration levels of 0.172 in/sec PPV or lower would not result in measurable damage. No cosmetic, minor, or major damage would be expected at the buildings immediately adjoining the project site.

Table 18 Project-Related Construction Vibration Levels

Equipment		PPV at 25 feet (in/sec)	Estimated Vibration Levels at Structures Surrounding the Project Site, in/sec PPV			
			Campbell Union High School (145 feet)	North Residences (55 feet)	7 Magic Flowers Montessori (30 feet)	South Residences (60 feet)
Clam shovel drop		0.202	0.029	0.085	0.165	0.077
Hyrdomill (slurry wall)	In soil	0.008	0.001	0.003	0.007	0.003
	In rock	0.017	0.002	0.007	0.014	0.006
Vibratory Roller		0.210	0.030	0.088	0.172	0.080
Hoe Ram		0.089	0.013	0.037	0.073	0.034
Large Bulldozer		0.089	0.013	0.037	0.073	0.034
Caisson Drilling		0.089	0.013	0.037	0.073	0.034
Loaded Trucks		0.076	0.011	0.032	0.062	0.029
Jackhammer		0.035	0.005	0.015	0.029	0.013
Small Bulldozer		0.003	<0.001	0.001	0.002	0.001

Source: FTA 2018; Appendix G.

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. In summary, the construction of the project would generate vibration levels of 0.172 in/sec PPV or less, which is below the City's threshold and would not result in any cosmetic, minor, or major damage to any surrounding buildings. Therefore, impacts would be less than significant.

Operational Vibration

The operation of the proposed project would not include any substantial long-term vibration sources. Thus, no significant vibration effects from operations sources would occur and this impact would be less than significant.

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?

Less Than Significant Impact. The Santa Clara County Airport Land Use Commission has jurisdiction over new land uses in the vicinity of airports and establishes 65 dBA CNEL as the maximum allowable noise level considered compatible with residential uses. CLUP Policy N-4 would prohibit residential or transient lodging within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL.

Future noise levels expected from aircraft are best represented by the 2037 CNEL Contours noise exposure map published as part of the Airport Master Plan. The project site lies outside the 2037 65 dBA CNEL and outside the 60 dBA CNEL noise contours (Appendix G). Noise levels resulting from aircraft would be less than 60 dBA CNEL at the project site and compatible with the proposed land use. The future interior noise for the proposed project would be compatible with aircraft noise. Therefore, impacts would be less than significant.

3.14 POPULATION AND HOUSING

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. 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	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

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)?

Less Than Significant Impact. The proposed project would construct a memory care community facility with 36 dwellings and a planned occupancy of 94 residents in the City of San José. The project site is currently undeveloped and zoned as Single Family Residential.

The General Plan EIR stated that population and households are projected to increase from 981,000 and 312,560 in 2010 to 1,380,900 and 437,230, respectively (San José 2011). Thus, the proposed project would not induce substantial unplanned population growth. Additionally, the residents of the proposed project would likely already be residents of San José. Therefore, a less than significant impact would occur.

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

No Impact. The project site is currently undeveloped. Therefore, development of the proposed project would not displace existing people or housing, and no replacement housing would be necessary. Therefore, no impact would occur.

3.15 PUBLIC SERVICES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. 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	
b) Police protection?			X	
c) Schools?				X
d) Parks?			X	
e) Other public facilities?			X	

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?

Less Than Significant Impact. Fire protection and emergency medical services in San José are provided by the San José Fire Department (SJFD). Services include fire suppression, emergency medical, rescue, fire prevention, and hazardous materials condition services. There are 34 fire stations in San José. The fire station closest to the project site is Station 9 at 3410 Ross Avenue, approximately 0.8 miles east (San José 2023c). Though this project would increase demand on SJFD in this area, the proposed project is in an urban residential area in SJFD's service area, and multiple fire stations are nearby. Additionally, the proposed project would be constructed in compliance with all building and fire codes. As discussed in Section 3.14, *Population and Housing*, the proposed project is consistent with the city's growth projections. Therefore, the proposed project would result in less than significant impacts related to fire protection services.

b) Police protection?

Less Than Significant Impact. The City of San José police protection services are provided by San José Police Department (SJPD). The police department is at 201 West Mission Street, approximately 5.8 miles to the northeast in downtown San José. Though the proposed project could result in greater demand on SJPD, it is in an urban residential area in SJPD's existing service area. As discussed above, the proposed project is

consistent with the city's growth projections, and most of the residents would likely be moving from other areas of San José. The proposed project would be constructed in accordance with building codes and City policies that protect the safety and well-being of the residents and neighbors. Therefore, the proposed project would result in less than significant impacts related to police services.

c) Schools?

No Impact. The proposed project would construct a memory care community with senior residents. School-aged children or families would not be residents of the proposed project. Therefore, there would be no impact on schools in the area.

d) Parks?

Less Than Significant Impact. There are 210 public parks and approximately 3,617 acres of recreation facilities in San José (San José 2022). Camden Park is the closest park to the project site, approximately 80 feet west. It is a 6.25-acre park owned by the City, with picnic areas, barbeques, basketball court, softball field, and a play structure that residents would have direct access to. Camden Park also features an approximately 60,000 square foot community center with Recreation Preschool, leisure, health and wellness classes, youth summer camps, swimming pool, computer lab, and a fitness room. The planned 94 residents of the proposed project would have a less than significant impact on these recreational facilities. The proposed project also includes a 6,000-square-foot garden for the residents. Therefore, the proposed project would not have an adverse impact on any parks or recreational facilities and would not require the need for new or expanded park facilities. Therefore, impacts would be less than significant.

e) Other public facilities?

Less Than Significant Impact. Other public facilities include public libraries. There are 25 libraries in the San José Public Library system (SJPL 2023). The closest is the Cambrian Branch Library at 1780 Hillsdale Avenue, approximately 0.85 miles east of the project site. The planned 94 residents of the proposed project would have a less than significant impact on these other public facilities.

3.16 RECREATION

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. RECREATION.				
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	
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	

Would the project:

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

Less Than Significant Impact. The City of San José operates approximately 3,617 acres of recreation facilities, including parks, community gardens, and open space lands. Additionally, the City provides 47 community facilities to serve indoor recreational needs (San José 2022).

The nearest public park to the project site is Camden Park, approximately 80 feet west of the project site. It is a 6.25-acre park owned by the City, with picnic areas, barbeques, basketball court, softball field, and a play structure that residents would have direct access to. Camden Park also features an approximately 60,000 square foot community center with Recreation Preschool, leisure, health and wellness classes, youth summer camps, swimming pool, computer lab, and a fitness room.

The proposed project would add 94 residents to the neighborhood as well as the employees in the memory care facility; however, the project would also include a 6,000-square-foot community garden area for public use, and additional outdoor spaces for private use. Therefore, the impacts to existing neighborhood and regional parks and other recreational facilities would be less than significant.

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?

Less Than Significant Impact. As discussed above, the proposed project includes the construction of a 6,000-square-foot garden within the project footprint. This would include a landscaped area with benches, tables, and chairs and is already included in the proposed project and landscape plan. Additionally, the city would be able to serve the proposed project through its existing park and recreation facilities. Therefore, the proposed project would not warrant the construction or expansion of recreational facilities beyond what is proposed on-site. Impacts would be less than significant.

3.17 TRANSPORTATION

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?		X		
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	
d) Result in inadequate emergency access?			X	

The analysis in this section is based in part on the following study, which is in Appendix H of this Initial Study.

- *Transportation Analysis*, Hexagon Transportation Consultants Inc., December 4, 2023

Existing Roadway Network

Regional access to the project site is provided via State Routes 17 and 85. These facilities are described below.

- **SR-17** is a six-lane freeway in the vicinity of the site. It extends south to Santa Cruz and north to I-280 in San José, where it transitions into I-880 to Oakland. Access to the site from SR-17 is provided via its interchange with San Tomas Expressway/Camden Avenue.

- **SR-85** is a six-lane freeway (two mixed-flow lanes and one high occupancy vehicle lane in each direction) in the vicinity of the site. It extends from its starting point at US-101 in South San José westward and northward to Mountain View, where it ends as it again merges with US-101. Access to the project site is provided via its interchanges with Union Avenue and Camden Avenue.

- Local access to the site is provided by Union Avenue and Camden Avenue. These roadways are described below.

- **Union Avenue** is a two- to four-lane north-south roadway that the General Plan designates a City Connector Street in the project vicinity and that runs along the project site's western boundary. It extends from Campbell Avenue in Campbell to Los Gatos, where it terminates at Blossom Hill Road. Along the project site frontage, Union Avenue consists of two travel lanes in each direction with a center two-way left-turn lane. Access to the project site would be provided via a driveway along Union Avenue.

- **Camden Avenue** is a four- to six-lane northwest-southeast roadway that the General Plan designates a Grand Boulevard in the project vicinity. It extends from Almaden Expressway in South San José northwest

to SR-17 in Campbell, where it transitions into San Tomas Expressway. Access to the project site from Camden Avenue is via Union Avenue.

- **Foxworthy Avenue** is a two- to four-lane east-west roadway that the General Plan designates a Local Connector Street in the vicinity of the project site. It extends from South Bascom Avenue eastward to Hillsdale Avenue, where it transitions into Pearl Avenue. Access to the project site from Foxworthy Avenue is provided via Union Avenue.

- **Cambrianna *Drive*** is a two-lane east-west residential street in the vicinity of the project site. It extends from Union Avenue eastward to Taper Avenue. Street parking is permitted along both sides of Cambrianna Drive in the project vicinity. Access to the project site from Cambrianna Drive is provided via Union Avenue.

- **Bryon Way** is a two-lane east-west residential street in the vicinity of the project site. It extends from Union Avenue eastward to Jennifer Way. Street parking is permitted along both sides of Bryon Way. Access to the project site from Bryon Way is provided via Union Avenue.

Existing Pedestrian, Bicycle, and Transit Facilities

San José desires to provide a safe, efficient, fiscally, economically, and environmentally sensitive transportation system that balances the need of bicyclists, pedestrians, and public transit riders with those of automobiles and trucks. The existing bicycle, pedestrian, and transit facilities in the study area are described below.

Existing Pedestrian Facilities

Pedestrian generators in the project vicinity include commercial areas and bus stops along Union Avenue and Camden Avenue. Continuous sidewalks along Union Avenue and Camden Avenue are provided between the project site and nearby commercial areas and transit stops.

Pedestrian facilities in the study area consist of sidewalks along all the surrounding streets, including the project frontage along Union Avenue. Crosswalks and pedestrian signal heads are present on all legs at signalized intersections in the project vicinity. A mid-block crosswalk with a Rectangular Rapid-Flashing Beacon (RRFB) across Union Avenue is present near its intersection with Cambrianna Drive.

ADA-compliant curb ramps are located at all intersections within the project vicinity. Crosswalks are missing along Bryon Drive, Willester Avenue, and the shopping center entrance at their uncontrolled intersections with Union Avenue.

Existing Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site.

Class II Bikeway (Bike Lane). Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- Union Avenue, between Bascom Avenue and Los Gatos Almaden Road
- Leigh Avenue, between, Curtner Avenue and Blossom Hill Road
- Camden Avenue, between Hillsdale Avenue and Wyrick Avenue
- Foxworthy Avenue, between Bascom Avenue and Lantz Avenue

Class III Bikeway (Bike Route). Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the vicinity of the project site, the following roadway segment is designated a bike route.

- Foxworthy Avenue, between Lantz Avenue and Almaden Expressway

Existing Transit Service

Existing transit service to the study area is provided by the Santa Clara Valley Transportation Authority.

Bus Service

The project site is served directly by the following VTA bus routes.

- **Local Bus Route 37** provides service between West Valley College and the Capitol Light Rail Station via Camden Avenue, with 60-minute headways during commute hours. The nearest bus stop is on Camden Avenue at its intersection with Union Avenue.

- **Frequent Bus Route 61** provides service between Good Samaritan Hospital and Sierra Road/Piedmont Road via Union Avenue, with 40-minute headways during commute hours in the project vicinity and 20-minute headways north of Bascom Avenue/Union Avenue. The nearest bus stop is on the western project frontage on Union Avenue.

- **Express Bus Route 101** provides service between Camden Avenue/SR-85 and Palo Alto via Camden Avenue, with two scheduled trips in the northbound direction during the weekday AM commute period and two scheduled trips in the southbound direction during the weekday PM commute period. The nearest bus stop is on Camden Avenue at its intersection with Union Avenue.

VTA Light Rail Transit Service

The VTA Light Rail Transit (LRT) Service is a 42.2-mile light rail system that extends from south San José, through downtown, to the northern areas of San José and Santa Clara, Milpitas, Mountain View, and Sunnyvale.

LRT Green Line runs from the Winchester Transit Center in Campbell to Old Ironsides in Santa Clara and operates from 5:00 am to 1:00 am with 20-minute headways during the peak commute periods. The closest LRT station is about 1.6 mile from the project site along Winchester Boulevard, north of Camden Avenue.

Would the project:

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

Less Than Significant Impact. Projects must demonstrate consistency with Envision San José 2040 based on the project's density, design, and conformance to goals and policies. The project site is in an area designated Public/Quasi-Public, which is designated for public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. The proposed project would construct a memory care facility for residents that require part-time or full-time care on a lot that is currently underutilized. The project site is within walking distance of two planned urban villages (S. Bascom Avenue (south) and Camden Avenue/Hillsdale Avenue) and would support commercial uses in the urban villages and facilitate infill development by constructing on an underutilized lot.

Pedestrian access to the project site would be provided via the existing public sidewalks and pedestrian facilities along Union Avenue and Cambrianna Drive. Pedestrian paths on-site would connect to the sidewalk on the western and southern side of the project site, including a walking path in the proposed community garden. It would also include two new curb ramps at the corners of Union Avenue and Cambrianna Drive and Union Avenue and Byron Way. The proposed project would include a six-foot-wide, Class IV separated bikeway along Union Avenue for south-north travel and two new bike ramps at the corners of Union Avenue/Cambrianna Drive and Union Avenue/Byron Way. The proposed project would install two bike racks on the east and west sides of the proposed building that would hold five bicycles each, consistent with Policies TR-1.4, TR-2.8, CD-3.3, and LU-9.1.

The proposed project would be required to provide parking at a rate of one space per six beds and one space per four beds, thereafter, plus one space for each employee or staff member. Thus, the proposed project would be required to provide 65 parking spaces. However, the project site is a listed use in Section 20.90.220.G and is located within 2,000 feet for an existing bus stop with enough bicycle parking spots, thus the proposed project would be granted a 20 percent reduction in off-street parking spaces, requiring 52 parking spaces. The proposed project would provide 52 parking spaces, including 2 accessible parking spaces, meeting the City's requirements for the number of parking spaces, consistent with Policy TR-8.4. Therefore, the proposed project would be consistent with the City's General Plan, and impacts would be less than significant.

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

Less Than Significant Impact With Mitigation Incorporated. The City of San José defines vehicle miles traveled as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT is calculated using the Origin-Destination method, which measures the full distance of personal motorized vehicle trips with one end at the project. A project's VMT is compared to thresholds of significance based on the project location and type of development.

3. Environmental Analysis

VMT Evaluation Tool

To determine whether a project would result in CEQA transportation impacts related to VMT, the City developed the San José VMT Evaluation Tool to streamline the analysis for development projects. Based on the assessor's parcel number of a project, the VMT evaluation tool identifies the existing average VMT per capita and employee for the project area. Based on the project location, type of development, project description, and proposed trip reduction measures, the VMT evaluation tool calculates the project VMT.

Areas where the existing VMT is greater than the established threshold are referred to as "high-VMT areas." Projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the greatest extent possible. The VMT Evaluation tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the VMT Evaluation tool:

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

The proposed memory care facility would be most similar to office uses since the trip generation of both land uses are primarily associated with employees. The number and origination/destination of daily trips generated by both uses would be expected to be similar. Thus, the proposed 94-bed memory care facility was converted to an equivalent amount of office space based on daily trip estimates using trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* (11th ed.). Based on the ITE daily trip rate for an Assisted Living Facility (ITE Land Use Code 254), the proposed memory care facility is expected to generate 244 daily trips, equivalent to the trips estimated for 22,500 square feet of office space. Based on the 2023 San Jose guidelines, the project qualifies for a location-based adjustment. The location-based adjustment reflects the project's vehicle mode share based on the place type in which the project is located per the San Jose Travel Demand Model. After applying the ITE trip rates and appropriate trip reductions it is estimated that the project would generate 222 new daily vehicle trips.

VMT Analysis

The results of the analysis using the VMT Evaluation Tool indicate that the existing VMT for employment uses in the project vicinity is 14.95 per employee. The current citywide average VMT for employment uses is 16.53 per employee. Therefore, the existing VMT levels of employment uses in the project vicinity are currently less than the citywide average.

The City's Transportation Policy identifies an impact threshold of 15 percent below the citywide average per employee VMT of 16.53. Thus, the proposed project would result in a significant impact if it results in a project VMT of 14.05 VMT or more per employee.

The results of the VMT evaluation indicate that the proposed project would generate 14.93 VMT per employee, which exceeds the 14.05 VMT per employee threshold by 6.3 percent, and the proposed project would have a potentially significant impact on the transportation system based on the City's VMT impact criteria. Therefore, mitigation measures are required to reduce the VMT impact. According to the Transportation Analysis Handbook, projects in high-VMT areas—where the existing VMT is above the established threshold—are required to include a set of VMT reduction measures that would reduce the project VMT to the greatest extent possible, as described in Mitigation Measure T-1.

Impact-T-1: The proposed project would generate 14.93 VMT per employee, which exceeds the 14.05 VMT per employee threshold by 6.3 percent, and the proposed project would have a potentially significant impact on the transportation system based on the City's VMT impact criteria

MM-T-1: Based on the four strategy tiers in the VMT Evaluation Tool, it is recommended that the project implement the following practices to reduce the significant VMT impact.

- Bike Access Improvements: The City will require the project to upgrade the existing Class II bike lanes along the project frontage to Class IV protected bike lanes. The San José VMT Evaluation Tool cannot calculate a reduction in VMT because the distance to the nearest bicycle facility would remain the same. However, improved bicycle facilities might encourage more future employees to ride their bicycles to work and reduce the VMT generated by the proposed development.
- Traffic Calming: City staff will identify appropriate traffic-calming measures that could be implemented on surrounding streets and intersections.
- Commute Trip Reduction Marketing/Education: The project will be required to implement commute trip reduction marketing and education as part of a transportation demand management plan. With commute trip marketing/education, employees would be made aware of alternative transportation modes available to them and could be encouraged to utilize alternative transportation modes to get to work.

The implementation of MM-T-1 would reduce the VMT generated by the project by encouraging use of alternative transportation for employees to commute to work. The implementation of the above mitigation measure would reduce the project VMT to 14.03 per employee, which is below the threshold of 14.05 per employee, reducing the project impact to less than significant.

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

Less Than Significant Impact.

Construction

Typical activities related to the construction of any development could include lane narrowing and/or lane closures and sidewalk closures. In the event of any type of street closure, clear signage (e.g., closure and detour signs) must be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. The project would be required to submit a construction management plan for City approval that addresses schedule, closures/detours, staging, parking, and truck routes.

Operation

Vehicular access to the project site would be provided via a full access driveway along Union Avenue. According to the City of San José Department of Transportation Geometric Design Guidelines, the minimum width for a driveway for commercial developments is 26 feet. The proposed driveway measures 26 feet in width, meeting the City's requirement.

Sight Distance

Adequate sight distance would be required at the project driveway along Union Avenue. The project access point should be free and clear of any obstructions to provide adequate sight distance, ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on the street. Any landscaping and signage should be located in such a way to ensure an unobstructed view for drivers exiting the site.

Adequate sight distance (sight distance triangles) should be provided at the project driveway in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. Sight distance triangles should be measured approximately 10 feet back from the traveled way. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and gives drivers the ability to see when it's safe to exit a driveway and locate sufficient gaps in traffic. The minimum acceptable sight distance is often considered the AASHTO stopping sight distance. Sight distance requirements vary depending on the roadway speeds. Union Avenue has a posted speed limit of 35 mph. The AASHTO stopping sight distance is 305 feet (based on a design speed of 40 mph). Thus, a driver must be able to see 305 feet in both directions to locate a sufficient gap to turn out of the driveway.

In the project vicinity, street parking is prohibited along Union Avenue. The project site plan shows a monument sign and street trees along the project frontage near the driveway. The roadway would be separated from the project site by a pedestrian sidewalk and a separated bicycle lane. Street trees between the bicycle lane and the roadway should be planted and maintained so that they do not obstruct the vision of exiting drivers. The monument sign is shown to be located immediately adjacent to the sidewalk. A stop sign should be installed and stop bar should be striped so that exiting vehicles stop and look both ways to ensure no pedestrians or bicycles are approaching the driveway. The proposed driveway provides adequate sight distance in both directions. Therefore, impacts would be less than significant.

On-Site Circulation

On-site vehicular circulation was reviewed in accordance with the City of San José Zoning Code and generally accepted traffic engineering standards. The site plan shows 20- to 26-foot drive aisles throughout the project site. The drive aisles provide adequate width for vehicles to back out. The site plan shows a dead end at the east side of the project site with a turnaround area. The drive aisles provide adequate width for emergency vehicles and trash truck to access the rear side of the building if needed. Therefore, impacts would be less than significant.

d) Result in inadequate emergency access?

Less Than Significant Impact. Emergency vehicle access for the proposed project would be provided along Union Avenue. The drive aisles provide adequate with for emergency vehicles to access the rear side of the building if needed. As described in Section 1.8.4.1, *Vehicular Access*, the drive aisle would be no less than 26 feet wide to accommodate fire apparatus access to the project site. The fire apparatus access road would be a minimum of 20 feet wide, with an inside turning radius of 30 feet and an outside turning radius of 50 feet at the eastern portion of the project site.

It is anticipated that some future residents may utilize VTA Access Paratransit service. The service consists of sedans, minivans, or cutaway trucks that provide a shared ride that is complementary to fixed bus route services. A loading space/area near the front entrance would be beneficial for shuttle services to pick up and drop off residents. Thus, the proposed project would provide a loading space/area near the front entrance which would be beneficial for shuttle services to pick up and drop off residents. Therefore, impacts to emergency access would be less than significant.

3.18 TRIBAL CULTURAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
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			X	
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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

Would the project:

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

Less Than Significant Impact. The project site is currently an undeveloped property and is not located within a national or historic district. The California Register of Historical Resources and the National Register of Historic Places do not include the project site (NPS 2023). The project site does not meet any of the historic resource criteria and does not meet the definition of a historic resource pursuant to CEQA. Implementation of the project would not result in any substantial adverse change in a tribal cultural resource defined pursuant to PRC Section 5024.1 or PRC Section 5020.1(k). Therefore, impacts would be less than significant.

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.

Less Than Significant Impact With Mitigation Incorporated. AB 52 established a formal consultation process for California tribes during the CEQA process. It specifies that any project that may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to "begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project." Section 21074 of AB 52 also defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and that are either listed on, or eligible for, the California Register of Historical Resources or a local historic register, or the lead agency chooses to treat the resource as a significant resource.

On November 14, 2023, the City invited California Native American tribes that are traditionally and culturally affiliated with the project area to consult on the proposed project via email. Four tribes were contacted consistent with AB 52. The four tribes contacted were Tamien Nation, Ohlone Costanoan Esselen Nation, Ohlone Indian Tribe, and Muwekma Ohlone Tribe. Tamien Nation and Kanyon Konsulting representing the Ohlone Costanoan Esselen Nation responded to the letter and requested that an Archaeological Report be completed for this project. In addition, Kanyon Konsulting noted that the project's APE overlaps or is near the management boundary of a potentially eligible cultural site. Kanyon Konsulting voiced their interest in consulting and voicing their concerns. They recommended that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities to help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Therefore, although there are no known tribal resources at the project site, the proposed project includes ground disturbance, and buried resources could be discovered and impacted. With the inclusion of mitigation measures MM-TCR-1 through MM-TCR-3, impacts to tribal cultural resources would be mitigated to a less than significant impact with mitigation incorporated.

Impact-TCR-1: The project's APE overlaps or is near the management boundary of a potentially eligible cultural site, and though there are no known tribal resources at the project site, activities for the project include ground disturbance, where buried resources may be discovered.

MM-TCR-1: **A.** The project applicant shall retain a Native American monitor. The monitor shall be retained prior to the commencement of any ground-disturbing activity at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work), including but not limited to pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. The Native American Monitor shall be a Native American representative from a California Native American tribe who is registered with the Native American Heritage Commission

(NAHC) for the City of San José, and who is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The project applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The project applicant shall hold at least one preconstruction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the mitigation measures and compliance obligations as well as places of significance on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

E. The monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities; the type of construction activities performed; locations of ground-disturbing activities; soil types; cultural-related materials; and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered tribal cultural resources (TCR), including but not limited to Native American cultural and historical artifacts, remains, places of significance, etc. as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant upon written request.

F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

MM-TCR-2: **A.** Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a tribal monitor and/or tribal archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered

TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.

B. The Tribe shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code Section 5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Public Resources Code Section 5097.98 (a), d)(1) and (2))

D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health and Safety Code Section 7050.5(c); 14 Cal. Code Regs. Section 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on-site and in any other area where the presence of human remains and/or grave goods are suspected to be present shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. Section 15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. Section 15064.5(f))

F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.

G. Any historic or archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

MM-TCR-3: **A.** The Most Likely Descendant (MLD) shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed.

E. In the event preservation in place is not possible despite good faith efforts by the City, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the City and shall be protected in perpetuity.

F. Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items shall be retained and shall be reburied within six months of recovery.

G. The Tribe shall work closely with the project's qualified archaeologist (see MM-CUL-1 and MM-CUL-2) to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery and data-recovery-related forms of documentation shall be approved in advance by the

Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

3.19 UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, 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	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the waste water 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	
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	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Would the project:

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

Less Than Significant Impact. The proposed project would connect sewer, storm drains, and water lines to existing infrastructure along Cambrianna Drive that are utilized for the existing development adjacent to the project site.

Water Supply Facilities

San José Water Corporation (SJWC) would provide water to the project site. The service area of SJWC is 139 square miles, including most of San José. The project would connect to existing water lines at the intersection of Cambrianna Drive and Browning Avenue. The proposed building would consume approximately 5,770.3 gallons of water per week for landscape irrigation. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The project would comply with all applicable City Public Works requirements to ensure water mains would have the capacity for water and fire flows needed by the proposed project. For these reasons, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. The proposed project would result in a less than significant impact.

Sanitary Sewer/Wastewater Treatment

The proposed project is anticipated to produce 9,010 gallons of sewage per day. Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather, with the city allocated approximately 110 mgd of the existing capacity. The City of San José Stormwater Drainage Facilities generate approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands (RWF 2023). Thus, there are no capacity impacts to the facility and impacts would be less than significant.

Stormwater Drainage Facilities

The proposed project would include a storm drain system to collect, treat, and convey stormwater into the existing storm drain system and introduce pervious landscaping on the project site. The proposed project would use a bioretention area along the perimeter of the project site that meets the requirements specified in the Santa Clara Valley Urban Runoff Pollution Prevention C.3 Handbook and will be used as the main treatment system for stormwater. The proposed project has 61,689 square feet of impervious areas and 76,253 square feet of drainage areas with an additional 14,564 square feet of other pervious areas.

Stormwater from the site outfalls to the Guadalupe River approximately 2.8 miles east of the project site, where it travels downstream and eventually is discharged to the San Francisco Bay. The proposed project would result in a less than significant impact.

Electricity Facilities

San José Clean Energy would provide electricity to the project site. PG&E provides electricity infrastructure to the city. PG&E owns and maintains above- and below-ground networks of electric transmission and distribution facilities throughout the city that the proposed project can connect to. Connecting to the city's energy grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections, and utility plans would be subject to review by the City. The proposed project would result in a less than significant impact.

Natural Gas Facilities

PG&E provides natural gas infrastructure to the city. Additional trenching would be required to connect to the gas network. Development of the proposed project would comply with regulations and standards pertaining to natural gas and would connect to the existing natural gas infrastructure. The proposed project would result in a less than significant impact.

Telecommunication Facilities

Telephone, cable television, and high-speed internet would be available for the project site from the following providers: Xfinity, AT&T, T-Mobile, HughesNet, Starlink, Etheric, WilloWeb, EarthLink, Verizon, Rocky Ridge

Wireless, and Google Fiber. As such, the area is adequately served by telecommunications facilities. The proposed project would include on-site connections to off-site telecommunication services and facilities in the immediate area of the project site. Facilities and infrastructure for the various telecommunication providers are adequate to serve the needs of the proposed project. The proposed project would not result in or require the construction of new or expanded telecommunication facilities. The proposed project would result in a less-than-significant impact.

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

Less Than Significant Impact. A significant impact would occur if the proposed project would increase water consumption to such a degree that the capacity of facilities currently serving the project site would be exceeded. As described previously, the proposed project would be within a residentially zoned area and is consistent with all local and regional water management plans. Therefore, the proposed project would have a less than significant impact related to water supplies.

c) Result in a determination by the waste water 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?

Less Than Significant Impact. As described above, the proposed project is in a residential area with utility connections on the project site. The proposed project's wastewater would be serviced by the San José/Santa Clara RWF at 700 Los Esteros Road, approximately 11.7 miles north of the project site near the southeast point of the San Francisco Bay. The proposed project would generate wastewater that would be accommodated by existing capacity of the San José/Santa Clara RWF. Therefore, impacts related to wastewater treatment capacity would be less than significant.

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?

Less Than Significant Impact. A significant impact would occur if the proposed project's solid waste generation exceeded the capacity of permitted landfills or generated solid waste in excess of State or local standards. Commercial solid waste from the project site would be collected by the exclusive franchise hauler, Republic Services. The proposed project's solid waste would be well within the capacity of all of this infrastructure. Therefore, the project's generation of solid waste would not be in excess of State or local standards and would have a less-than-significant impact.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The proposed project would result in new development that would generate solid waste. San José's construction and demolition diversion deposit program—described in part 15 of Chapter 9.10, Solid Waste Management, of the San José Municipal Code require a minimum of 75 percent of nonhazardous construction waste and operational solid waste diverted. The proposed project would be

consistent with all State and local regulations, listed below, as ensured through the City's project permitting process.

State Regulatory Framework

Assembly Bill 939 (1989)

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert from the landfill at least 50 percent of solid waste generated beginning January 1, 2000.

Assembly Bill 341 (2011)

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)

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, the State of California adopted the most recent version of the California Green Building Standards Code ("CALGreen"), establishing mandatory green building standards for all new and qualifying 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 the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent

(see San José-specific CALGreen building code requirements in the local regulatory framework section below); and

- Providing readily accessible areas for recycling by occupants.

Local Regulatory Framework

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

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

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 qualify under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Therefore, the proposed project would comply with all solid waste statute and regulations, and impacts would be less than significant.

3.20 WILDFIRE

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. 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
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
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
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

Wildland fire protection in California is the responsibility of the local, state, or federal government. In state responsibility areas, the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The California Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services. CAL FIRE assigns areas to a Fire Hazard Severity Zone (FHSZ) based on factors that influence fire likelihood and behavior. FHSZs range from moderate to high to very high (CAL FIRE 2023).

Local responsibility areas (LRA) include incorporated cities, cultivated agricultural lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, county fire departments, or CAL FIRE under contract to local government. LRAs use the same Fire Hazard Severity Zone model for evaluating fire hazard in LRAs.

CEQA evaluates land located in or near state responsibility areas or lands classified as a very high FHSZ. The project site is not in or near a state responsibility area or on land classified as a very high FHSZ (CAL FIRE 2023, San José 2023c). Therefore, no impacts would occur.

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed project is not within or near state responsibility areas or lands classified as a very high FHSZ, so there would be no impact on an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The proposed project site is in an urbanized area and is generally flat. It is not within or near state responsibility areas or lands classified as a very high FHSZ, and project occupants would not be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire from exacerbated wildfire risks.

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?

No Impact. The proposed project is not in or near state responsibility areas or lands classified as a very high FHSZ, and fire risk would not be exacerbated that could result in temporary or ongoing impacts to the environment.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The proposed project is not in or near state responsibility areas or lands classified as a very high FHSZ, so people and structures would not be exposed to significant risks.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. 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		
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		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

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?

Less Than Significant Impact With Mitigation Incorporated. As discussed in this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified standard permit conditions and mitigation measures. As discussed in Section 3.4, *Biological Resources*, with implementation of the identified standard permit conditions and mitigation measures BIO-1 and BIO-2, the proposed project would not significantly impact sensitive habitats or species. As discussed in Section 3.5, *Cultural Resources*, with implementation of the identified standard permit conditions and mitigation measures CUL-1 and CUL-2, the proposed project would result in a less than significant impact on archaeological and historic resources.

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.)

Less Than Significant Impact With Mitigation Incorporated. As discussed previously in this Initial Study, the proposed project would have no impact, a less than significant impact, or a less than significant impact with mitigation measures to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural

resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. As discussed in Sections 3.3, *Air Quality*; 3.5, *Cultural Resources*; 3.6, *Energy*; 3.8, *Greenhouse Gas Emissions*; 3.9, Hazards and Hazardous Materials; 3.17, *Transportation*; and 3.18, *Tribal Cultural Resources*, the project would not result in significant impacts to those resources with the implementation of identified standard permit conditions and mitigation measures. For this reason, the project would not result in significant cumulative impacts to those resources. Therefore, all impacts are individually limited and would not result in any cumulatively significant impact.

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

Less Than Significant Impact With Mitigation Incorporated. As discussed in the previous analyses, the proposed project would not result in significant direct or indirect adverse impacts or result in substantial adverse effects on human beings. Impacts would be less than significant with the implementation of the proposed mitigation measures and standard permit conditions.

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4. References

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