FIRSTCARBONSOLUTIONS™

Oakmont of Evergreen Assisted Living Facility
Initial Study/Mitigated Negative Declaration
City of San José, Santa Clara County, California

Prepared for:

City of San José
Planning Division
200 E. Santa Clara St.
San José, CA 95113
408.535.3555

Contact: Justin Daniels, Senior Planner

Prepared by:

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Jason Brandman, Project Director
Andrew Hill, Project Manager

Date: December 12, 2016

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

LIST OF FIGURES

TECHNICAL APPENDIX

SECTION 1.0 PROJECT INFORMATION

1.1 PROJECT TITLE

Oakmont of Evergreen Assisted Living IS/MND

1.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

Justin Daniels, Senior Planner
Department of Planning, Building and Code Enforcement
City of San José
200 E. Santa Clara Street, San José, CA 95113
Tel. (408) 535-7800

1.3 PROJECT LOCATION

The proposed Project site is located at 3550 San Felipe Road in the Evergreen area of the City of San José, Santa Clara County, California (Figure 1). The Evergreen area is a residential district in the southeastern part of the City, with regional access via Highway 101 and Interstate 680. The 4.42-acre Project site consists of three parcels (Assessor's Parcel Numbers [APNs], 659-04-16, and 659-04-17) and is currently the site of the Smith House, a City of San José Landmark.

1.4 PROJECT APPLICANT'S NAME AND ADDRESS

Hannah Daugherty
Oakmont Senior Living
220 Concourse Boulevard
Santa Rosa, CA 95403

1.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation:	Neighborhood/Community Commercial
Zoning District:	Agriculture (A)

1.6 SURROUNDING LAND USES

North:	School	South:	Single-family home (SW)/Beauty parlor (SE)
East:	Single-family homes	West:	Commercial/residential uses

The area surrounding the Project site is predominantly residential, with single-family homes on small lots, several schools and some neighborhood-serving commercial and retail uses. The Project site is bounded by a Montessori school to the north, single-family homes to the east, a small commercial building to the southeast, and a single-family residential property with smaller commercial buildings to the southwest, as shown on Figure 1. The site is accessed via San Felipe Road at Yerba Buena Avenue. Across San Felipe Road approximately 180 feet to the west runs Thompson Creek, a natural channel creek lined with trees and vegetation.

The topography of the Project site is relatively flat, sloping downward to the northeast at a gradient of 1.5 percent. As shown on Figure 2, the central and western portions of the site contain many large, mature trees, including eucalyptus, California pepper, magnolia, plane, and live oaks likely planted in the 19th century. There are also the remnants of a citrus orchard in the southwestern portion of the site. The eastern portion of the site is an undeveloped open grass field and existing development is clustered around a circular driveway on the western portion of the property near San Felipe Road. Existing development includes several historic structures and two prefabricated dwellings not associated with the historic status of the property. The prefabricated residences are located to the north of the circular driveway.

The historic Smith House, a city landmark, is a rare example of a vernacular Gothic Revival style house originally constructed in 1874 (Figure 3). It is a one-and-a-half story house with a side-gabled main roof. A single-story wing projects from the rear of the building. The entire structure is clad in nine-inch California channel-rustic siding, and a porch runs along the north side and front of the house. Other historic outbuildings on the property include the remnants of a tank house, a storage shed, and an aviary. The tank house, which housed the original domestic water supply system, is currently in a state of considerable disrepair.

The Project site is surrounded on three sides by a chain link fence. The fence runs inside the property line along the eastern and southern perimeters of the site and outside the property line along the northern perimeter.

1.7 PROJECT DESCRIPTION

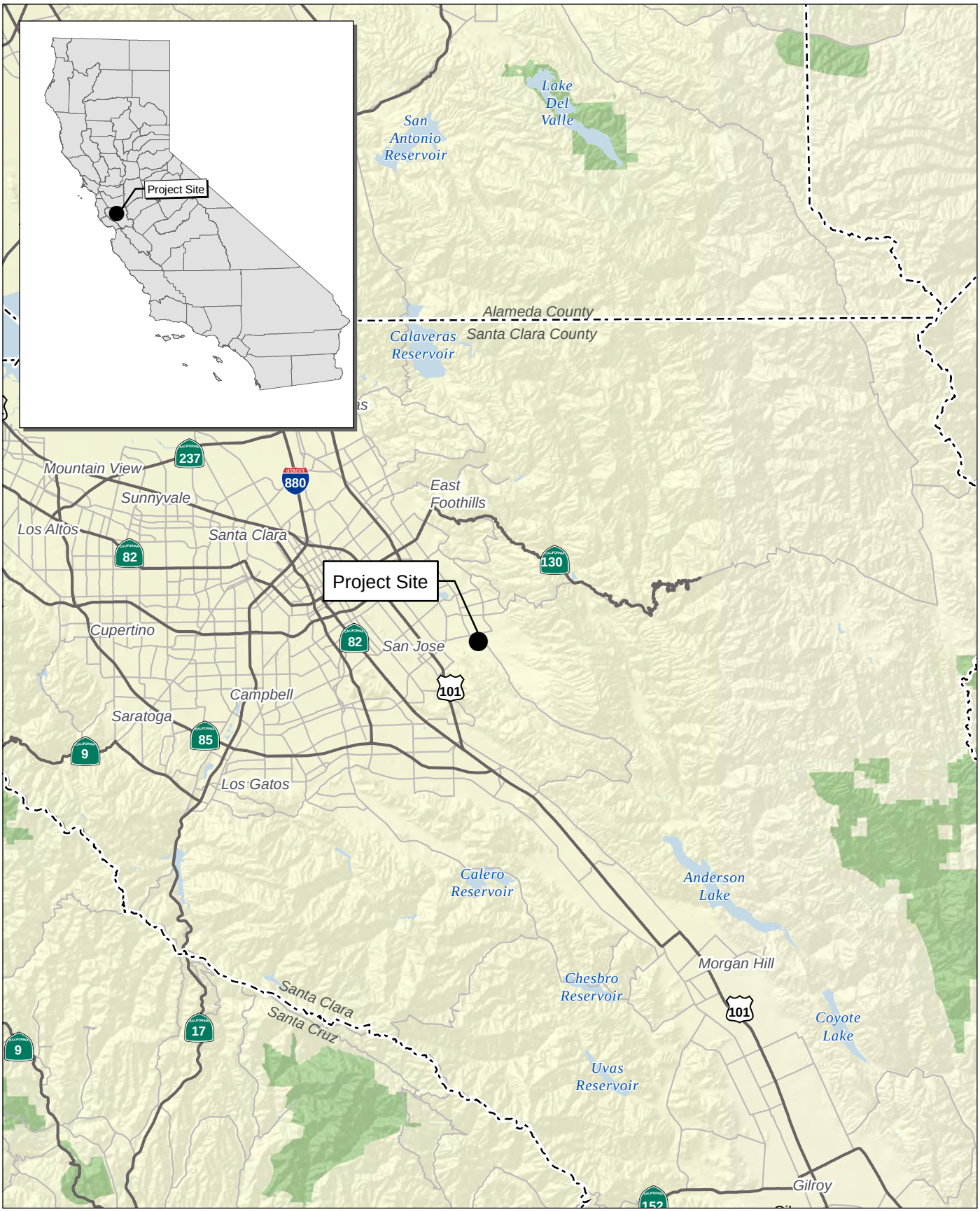
The proposed Project is a Conditional Use Permit for a 94-unit assisted living facility, licensed by the State of California Department of Social Services as a Residential Care Facility for the elderly. It would consist of a two-story building 32 feet in height at its highest point with 88,000 square feet of space for residential units, common areas, and on-site amenities. In total, there would be up to 109 beds in the facility, with up to 31 beds in an area designated for memory care to serve residents with Alzheimer's disease and dementia. Onsite amenities would include private and formal dining rooms, a café, entertainment and activity rooms, a beauty salon, a library, outside courtyard spaces, a fitness center, and a private theater. Figure 4a shows a rendering of the west and south elevations of the proposed structure, while Figure 4b shows the east and north elevations. To support the assisted living facility, the project also includes a Conforming Rezoning from the A Agricultural Zoning District and R-1-5 Zoning District to the CG Commercial General Zoning District.

A City Landmark, the Smith House, is located at the center of the project site. To accommodate the proposed assisted living facility, the Smith House is proposed to be relocated approximately 90 feet west of its present location. The project will preserve the entire structure of the Smith House and nearby landscape features that are tied to the building's history. The project includes a Historic Preservation Permit to allow the relocation of the Smith House.

Primary access to the site would be provided at an existing two-way point of ingress/egress on San Felipe Road at the signalized intersection with Yerba Buena Avenue, as shown on the proposed site plan (Figure 5). A secondary, two-way access drive would be provided near the southern site boundary, also connecting with San Felipe Road. Internal circulation would be provided via a

winding driveway extending from San Felipe Road at the western edge of the site to the parking area in the southeastern portion of the site. A total of 44 surface parking spaces for visitors would be provided along the driveway as shown on the site plan (Figure 5). Parking for employees and site vehicles would be provided in two covered garages located on the southern portion of the site, one with six spaces, and one with four spaces, as well as 18 outdoor surface parking spaces. Illumination would be provided by a series of 14-foot lighting standards installed along the edge of the driveway and in the parking area, as well as lighting mounted on the main building and the garages.

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Census 2000 Data, The CaSIL, FCS GIS 2016.

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Figure 1
Regional Location Map

THIS PAGE INTENTIONALLY LEFT BLANK

Source: ESRI Imagery, 2015

FIRSTCARBON SOLUTIONS™

400 200 0 400
Feet

Figure 2
Local Vicinity Map
Aerial Base

THIS PAGE INTENTIONALLY LEFT BLANK

Front elevation, viewed facing northeast.

Front and north side elevations, viewed facing east.

Source: Archives & Architecture 4/21/2016

FIRSTCARBON SOLUTIONS™

Figure 3
Smith House

THIS PAGE INTENTIONALLY LEFT BLANK

RENDERING - WEST ELEVATION

NOT TO SCALE

RENDERING - SOUTH ELEVATION

NOT TO SCALE

Source: Ali Iqbal, 2016

FIRSTCARBON SOLUTIONS™

Figure 4a
West and South Elevations of Proposed Structure

THIS PAGE INTENTIONALLY LEFT BLANK

RENDERING - NORTH ELEVATION

NOT TO SCALE

RENDERING - EAST ELEVATION

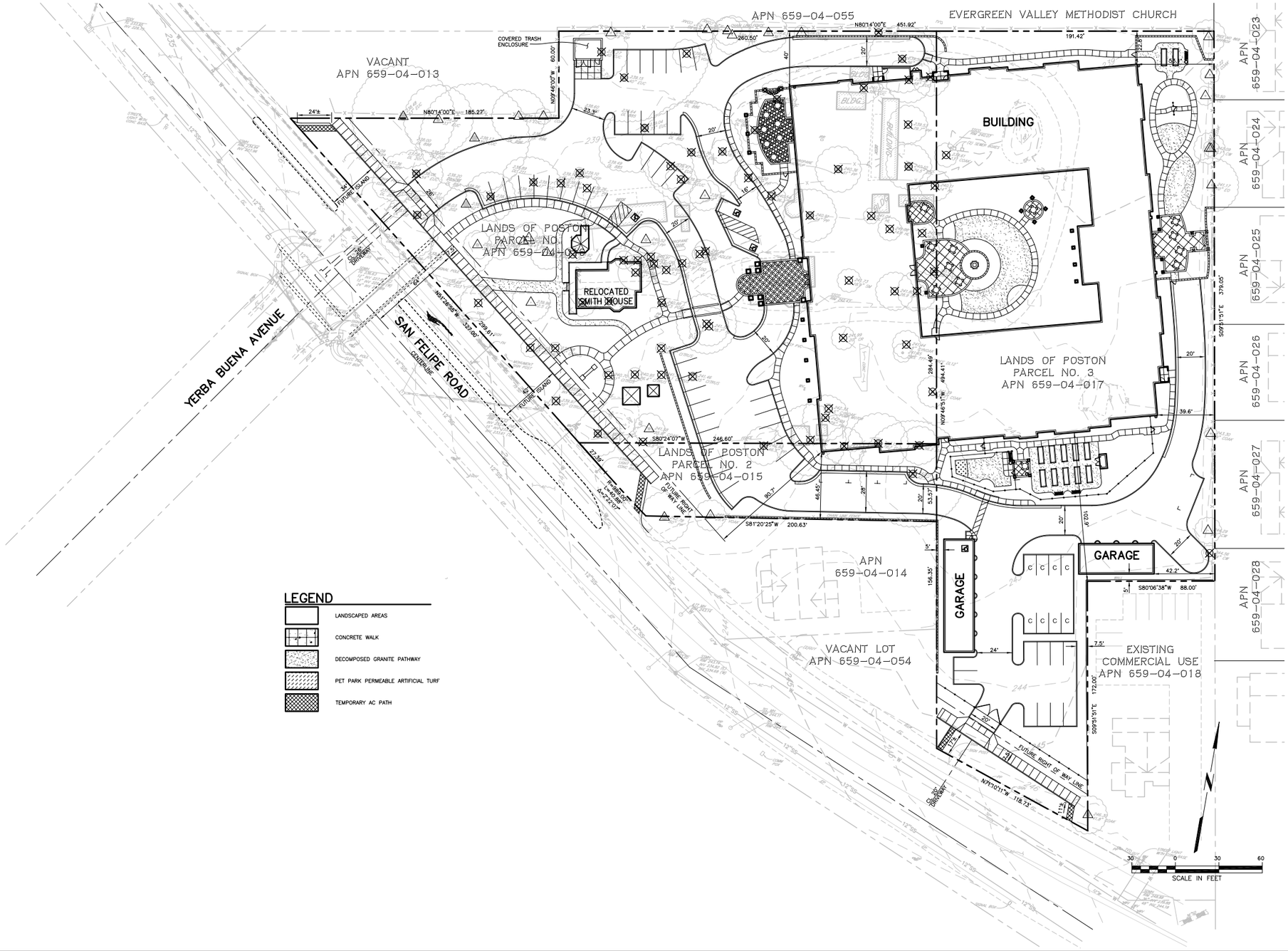
NOT TO SCALE

Source: Ali Iqbal, 2016

FIRSTCARBON SOLUTIONS™

Figure 4b
East and North Elevations of Proposed Structure

THIS PAGE INTENTIONALLY LEFT BLANK



Source: Brelje & Race, 2016

FIRSTCARBON SOLUTIONS™

Figure 5
Preliminary Site Plan

THIS PAGE INTENTIONALLY LEFT BLANK

The proposed Project would involve construction and operation of the facility. Details of each of these two phases are provided below.

Construction

As shown on the proposed site plan (Figure 5), the Smith House and associated historic structures would be relocated approximately 90 feet to the west of their current location on the Project site. The two existing prefabricated dwellings would be demolished and debris not recycled would be hauled off-site.

The site would be excavated to allow for construction of the foundations for the main building and garages and installation of utilities. Foundations would be slab-on-grade. Soil material generated on-site during grading and excavation would be used for fill and backfill of utility trenches, pavements and building slabs, and approximately 340 cubic yards of soil remaining would be hauled off-site. Construction work is anticipated to last 52 weeks and there would be up to 85 construction workers on-site at the peak of construction activities.

A connection from the existing 8-inch water main on San Felipe Road would be installed to provide water and fire utilities to the Project site. The connection would be installed under the new secondary access drive in the southeastern portion of the site with distribution through the site via 8-inch fire and 2-inch water pipes. New 6-inch sanitary sewer lines would be installed to connect the main building to the existing 12-inch main in the public right-of-way at San Felipe Road and Yerba Buena Avenue. Additionally, a drip irrigation and deep root watering system would be installed on-site for landscape maintenance. Storm drainage and electricity would be provided via connections to existing public service infrastructure.

Approximately 76 existing trees of ordinance-size (greater than 56 inches in trunk circumference) would be removed from the Project site, including eight native trees, 50 non-native trees and 18 eucalyptus trees (Figure 6). In compliance with City of San José standards and regulations, a total of 228 replacement trees would be planted, including 30 native trees, 126 non-native trees and 72 eucalyptus trees. Additional landscaping would include a variety of shrubs, grasses, and groundcovers. New perimeter fencing would be added around the Project site and the existing chain fences would be removed.

A 6-foot by 12-foot monument sign with a hanging plaque and wooden trellis mounted on a small brick wall would be installed to the southwest of the relocated Smith House along San Felipe Road.

The Project will be in compliance with California Building Standards Code (Title 24, California Code of Regulations) and will also adhere to Cal Green requirements for waste reduction features, water reduction features, and include some drought-tolerant plants.

Operation

During the operational phase of the Project, the progressive care needs of the residents would be addressed by providing high levels of assistance to help them continue to live in their individual units. At move-in, the majority of residents would be in their mid- to late eighties. Resident services would include housekeeping, in-room assistance, emergency response, recreational programming,

and health screenings. Residents would receive healthy meals in a dining room operated like a restaurant, with an on-site kitchen directed by a chef. Since few of the residents would drive, a small bus and town car with drivers would be provided to take residents shopping or to doctor's appointments or community activities.

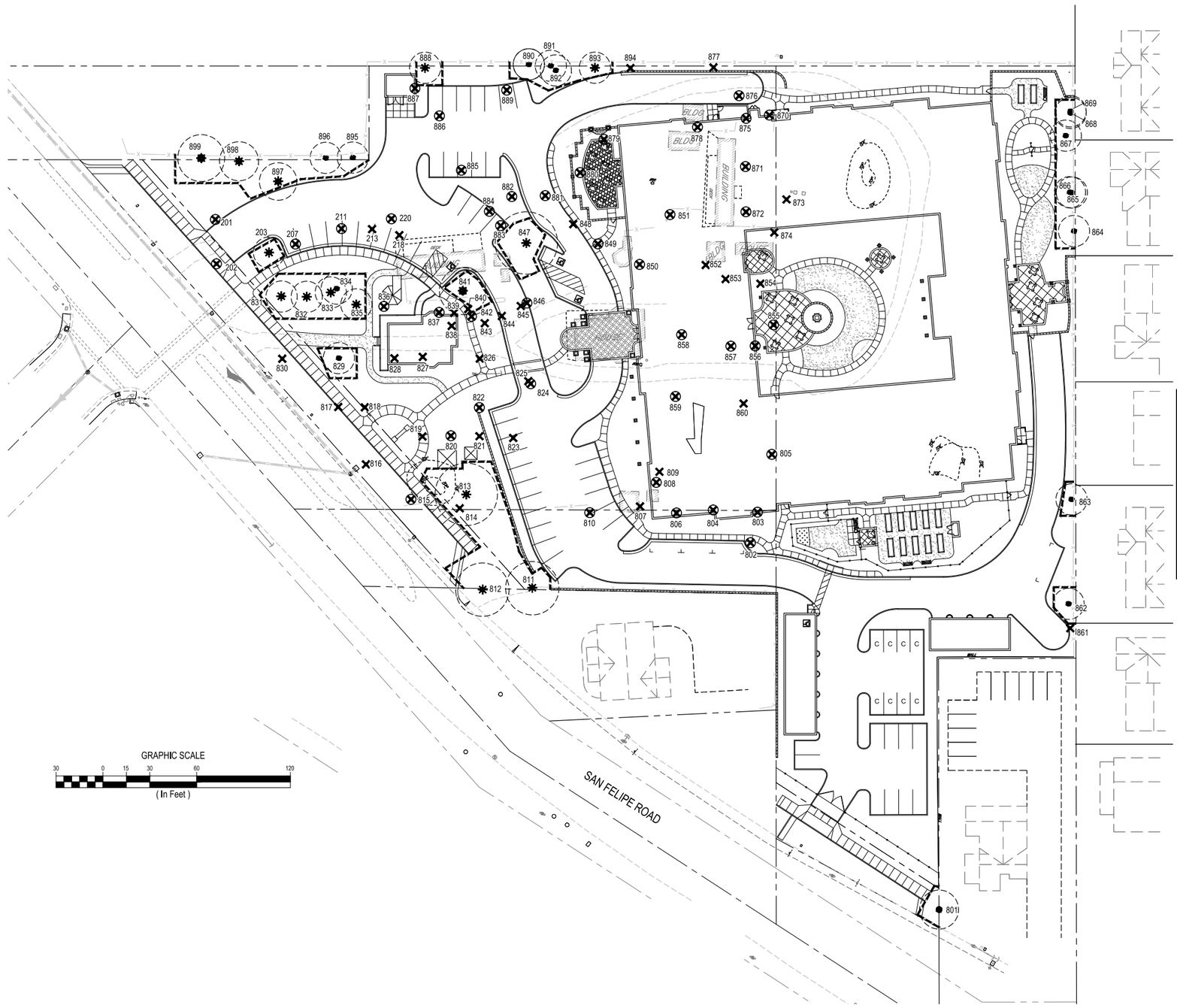
Facility staff would provide housekeeping services, residential and groundskeeping maintenance, and 24-hour on-site management. The facility would operate with three shifts: a morning shift starting at 6 a.m., an afternoon shift starting at 2 p.m., and an evening shift starting at 10 p.m. It is anticipated that 16 employees would work on-site during the morning and afternoon shifts, and that four employees would work on-site during the evening shift. The project site is located in the Evergreen area of San José. Development in Evergreen is guided by the Evergreen East Hills Development Policy (EEHDP), which is intended to promote the long-term vitality of the area by linking together limited development with supporting transportation infrastructure improvements.

1.8 PROJECT-RELATED APPROVALS AND PERMITS

- Rezoning from Agriculture (A) to Commercial General (CG)—City Council Approval
- Conditional Use Permit for residential care facility in CG zone—Planning Commission
- Grading Permit
- Tree Removal Permits
- Stormwater Pollution Prevention Plan (SWPPP)
- Historic Preservation Permit
- Encroachment Permit

1.9 HABITAT PLAN DESIGNATION

Land Cover Designation:	Urban-Suburban
Development Zone:	Urban Development, one or more structures per 2.5 acres
Fee Zone:	Fee Zone B (Agricultural and Valley Floor Land) and Urban Areas
Owl Conservation Zone:	Potential Burrowing Owl Nesting/ Overwintering Habitat Depending on-site Specific Conditions-low potential



TREE PROTECTION LEGEND

DESCRIPTION	SYMBOL
NON-ORDINANCE TREE TO BE REMOVED	✕#
ORDINANCE TREE TO BE REMOVED	⊗#
NON-ORDINANCE TREE TO REMAIN/PROTECT	#
ORDINANCE TREE TO REMAIN/PROTECT	#
TREE PROTECTION FENCING (SEE DETAIL, NEXT SHEET)	- - - - - - - -

EXISTING TREE SUMMARY

TOTAL TREES TO REMAIN	31
TOTAL TREES TO BE RELOCATED	0
TOTAL TREES TO BE REMOVED/MITIGATED	+76
TOTAL EXISTING TREES ON SITE	107

TREE MITIGATION SUMMARY TABLE

	QUANTITY	SIZE
TOTAL TREES REQUIRED TO MEET MITIGATATION REQUIREMENTS	19 OR 10	15 GALLON 24" BOX
	+209	24" BOX
	=219 24" BOX TREES	
TOTAL PROPOSED TREES (NOT INCLUDING STREET TREES)	143 TREES SEE LANDSCAPE PLAN	

ON-SITE TREE MITIGATION TABLE PER CSJ POLICY

	DBH	QTY	TREE #	REPLACEMENT RATIO-SIZE	QUANTITY REQUIRED
TOTAL NUMBER OF NATIVE TREES TO BE REMOVED	< 12"	1	809	1:1 - 15 GALLON	1
	12"-17.8"	3	854, 873, 894	3:1 - 24" BOX	9
	17.8"+	4	805, 855, 856, 889	5:1 - 24" BOX	20
TOTAL NUMBER OF NON-NATIVE TREES TO BE REMOVED	< 12"	18	SEE PLAN	1:1 - 15 GALLON	18
	12"-17.8"	10	SEE PLAN	2:1 - 24" BOX	20
	17.8"+	22	SEE PLAN	4:1 - 24" BOX	88
TOTAL NUMBER OF EUCALYPTUS TREES TO BE REMOVED	< 12"	0	SEE PLAN	1:1 - 15 GALLON	0
	12"-17.8"	0	SEE PLAN	2:1 - 24" BOX	0
	17.8"+	18	SEE PLAN	4:1 - 24" BOX	72

IF QUANTITY OF PROPOSED TREES ARE NOT EQUAL TO OR GREATER THAN REQUIRED TREES, THE PROJECT IS SUBJECT TO MITIGATION FEES PER CITY OF SAN JOSE POLICY.

ORDINANCE TREE HAS A DIAMETER BREAST HEIGHT (DBH) OF 17.8 INCHES (56" CIRCUMFERENCE) OR GREATER. BREAST HEIGHT IS 2' ABOVE GRADE ON THE UPHILL SIDE OF TREE.

SEE ARBORIST REPORT PREPARED BY HMH FOR ADDITIONAL INFORMATION.

- THE SIZE OF A 15-GALLON REPLACEMENT TREE CAN BE INCREASED TO 24-INCH BOX AND COUNT AS TWO REPLACEMENT TREES.
- 24" BOX OR LARGER TREES ARE PLANNED FOR THIS PROJECT

Source: HMH, 2016

FIRSTCARBON SOLUTIONS™

Figure 6
Tree Removal, Mitigation and Protection Plan

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 2.0 ENVIRONMENTAL DETERMINATION

2.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

2.2 ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation (completed by the Lead Agency):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revision in the project could have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and/or 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Title Agency

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 3.0 EVALUATION OF ENVIRONMENTAL IMPACTS

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

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant Project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as "Standard Permit Conditions."

3.1 AESTHETICS

Aesthetics Environmental Checklist

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

Setting

Scenic resources in San José include views of the Santa Clara Valley floor and the hills and mountains which frame it, views of the baylands, and views of the urban skyline. To protect these views, the City has established a network of scenic corridors and gateways and put policies in place to ensure they remain attractive and inviting.[1] Located in the southeastern part of San José, along San Felipe Road south of Aborn Road, the proposed Project site is not visible from any established

[1] City of San José, Envision San José 2040, Chapter 4—Quality of Life, page 25.

scenic corridors or gateways. Further, there are no officially designated State Scenic Highways in the City of San José.[2]

The Project site is relatively flat, with perimeter fencing on three sides, and there are mature trees clustered in its northern and central portions. As such, the site does not offer broad views of the surrounding area. Typical views from the site include view of the neighboring structures, including single-family homes, a beauty parlor, a school, and trees. Views of the site from off-site locations are generally obscured by trees and perimeter fencing. Existing sources of light and glare in the vicinity include streetlights and lighting from single-family homes, schools and suburban commercial uses.

Impacts Evaluation

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

Less than significant impact. As described above, there are no established scenic corridors or gateways in the vicinity of the Project site and the site itself does not offer broad views of the surrounding area, given its flat topography and intervening trees and fencing. The proposed building would be two stories tall and 32 feet at its highest point, which is lower than many of the mature trees in the area. The proposed site plan envisions the preservation of 31 existing trees on-site as well as the planting of 228 replacement trees, which would screen views of the facility. As such, the Project would not result in adverse effects on scenic vistas and impacts would be less than significant.

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

No impact. There are no designated State scenic highways in the San José and the closest eligible segment, Junipero Serra Freeway west from Santana Row, is more than 10 miles to the west of the Project site. Additionally, there are no locally established scenic resources in the vicinity of the Project site. Therefore, the Project would have no impact with respect to scenic resources within a State Scenic Highway.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than significant impact. The Evergreen area is a suburban neighborhood, characterized primarily by single-family homes, wide streets, and mature trees along the banks of Thompson Creek. The Project would involve redevelopment of a previously developed site with a two-story residential building for senior citizens and the preservation and rehabilitation of historic structures on-site. The proposed facility, perimeter fencing, and monument sign would be subject to Urban Design Review by the City to ensure compatibility with the surrounding neighborhood, and the proposed site plan envisions the preservation of 31 existing trees on-site, the planting of 228 additional trees, and the addition of significant landscaping. As such, the Project would not degrade the visual character of the site and its surroundings. Impacts would be less than significant.

[2] "Officially designated scenic highways," accessed on August 5, 2016, http://www.dot.ca.gov/hq/LandArch/16 livability/scenic_highways/index.htm

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

Less than significant impact. The Project site is located in the highly urbanized context of San José and the wider Bay Area, where existing development contributes a substantial amount of light that affects nighttime views. Existing sources of lighting in the immediate vicinity of the Project include streetlighting and neighboring homes and businesses. The Project would introduce new sources of light, including a series of 14-foot lighting standards installed along the edge of the driveway and in the parking area, as well as lighting mounted on the main building and the garages. The Project would be required to comply with City of San José regulations and guidelines, including the provisions of San José Municipal Code Section 20.90.160 regarding lighting in or adjacent to residential districts. Additionally, the preservation of 31 existing trees on-site and the planting of 228 replacement trees would help minimize light spill from the site at night or glare from windows or cars during the day. As such, associated impacts would be less than significant.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

Agricultural and Forestry Resources Environmental Checklist

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

Setting

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established by the State Legislature in 1982 to assess the location, quality, and quantity of agricultural lands and conversion of these lands over time. The FMMP has established five farmland categories:

- Prime Farmland (F) is farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land must have been used for irrigated agricultural production at some time during the last four years before the mapping date and have the ability to store moisture in soil well.

- Farmland of Statewide Importance (S) is similar to Prime Farmland but contains greater slopes and a lesser ability to store soil moisture.

- Unique Farmland (U) is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climate zones in California. This land must still have been cropped some time during four years prior to the mapping date.

- Farmland of Local Importance (L) is important to the local agricultural economy as determined by each county's board of supervisors and local advisory committee.

- Grazing Land (G) is land on which the existing vegetation is suited to the grazing livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.

The FMMP classifies the Project site and its surroundings as urban and built-up land and there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the area. The Project site is currently zoned Agriculture, in recognition of its historic use as an orchard and vineyard; however, the site has not been in active agricultural use since before 1973.

The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners, offering tax incentives in exchange for an agreement that the land will remain agricultural or related open space use only for a period of 10 years. There are currently no properties under Williamson Act contract within the City of San José.

CEQA requires the evaluation of forest and timber resources where those resources are present; however, the Project site is located in a residential area of San José and there is no forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g) on the site or in its vicinity.

Impacts Evaluation

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

Less than significant impact. As described above, the Project site and its surroundings is classified as urban and built-up land and there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the area. Additionally, there are currently no properties under Williamson Act contract within the City of San José. As such, the Project would have no impact with respect to conversion of Farmland or conflicts with Williamson Act contracts.

The site is currently zoned Agriculture, in recognition of its historic use as an orchard and vineyard; however, the site has not been in active agricultural use since before 1973. No other properties in the vicinity of the Project site are zoned Agriculture. The existing use of the site is residential, with two occupied prefabricated homes on-site. The Project would involve a rezoning of the site to CG, Commercial General, a zoning district in which hospitals/in-patient facilities and residential care facilities are allowed with a Conditional Use Permit. The zoning change would require approval of the City Council, and the Conditional Use Permit would require approval of the Planning Commission. As such, with approval of the Project, including the proposed rezoning and the Conditional Use Permit, the Project would not conflict with zoning for agricultural use and impacts would be less than significant.

c.–d. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Would the project result in a loss of forest land or conversion of forest land to non-forest use?

No impact. CEQA requires the evaluation of forest and timber resources where those resources are present; however, the Project site is located in a residential area of San José and there is no forest or timberland in the vicinity. There would be no associated impact.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No impact. As described above, there is no Farmland or forest land in the vicinity of the Project site, which is located in a suburban residential neighborhood in the City of San José. The Project would therefore not induce the conversion of Farmland to non-agricultural uses or the conversion of forest land to non-forest use. There would be no associated impacts.

3.3 AIR QUALITY

Air Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	

Setting

The Air Quality analysis was prepared by FCS Air Quality Senior Scientist, Phil Ault.

Local Climate

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The Project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Regional and Local Criteria Pollutants

The Project site is located in the City of San José in Santa Clara County, which is part of the San Francisco Bay Area Basin (Air Basin). Ambient air quality standards are set by the State and by the

federal government to protect the health of sensitive individuals (California Air Resources Board 2015). If a pollutant is over the standard in an air basin, the air basin is designated as non-attainment for that pollutant. The area is designated as non-attainment for state standards for 1 hour and 8-hour ozone, 24-hour and annual respirable particulate matter (PM_{10}), and annual fine particulate matter ($PM_{2.5}$). The area is also designated non-attainment for federal standards for 8 hour ozone and 24-hour $PM_{2.5}$. The regional air quality regulatory agency is the Bay Area Air Quality Management District (BAAQMD).

Select pollutants are discussed below.

- Ozone is a gas that is formed when reactive organic gases (ROG) and nitrogen oxides (NO_x)—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Heath effects can include the following: irritated respiratory system, reduced lung function, change breathing patterns, reduced breathing capacity, inflamed and damaged cells that line the lungs, increased susceptibility of lungs to infection, aggravation of asthma, aggravation of other chronic lung diseases, permanent lung damage, some immunological changes, increased mortality risk, and vegetation and property damage.

- Nitrogen dioxide is a gas that is in the category of NO_x. Health effects from nitrogen dioxide can include the following: potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups, risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes, contribution to atmospheric discoloration, increased visits to hospital for respiratory illnesses.

- Carbon monoxide (CO) is a colorless, odorless gas produced by the incomplete combustion of fuels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are the primary source of CO in the Bay Area, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO depends on exposure: slight headaches, nausea, aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease, decreased exercise tolerance in persons with peripheral vascular disease and lung disease, impairment of central nervous system functions, possible increased risk to fetuses, and death.

Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Toxic air contaminants (TACs) are a diverse group of air pollutants that can affect human health but that have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a TAC that is emitted from construction equipment and diesel fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation; coughs; headaches; light-headedness; and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$) consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of particulate matter, like pollen and windstorms, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours/days) can include the following: irrigation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, onset of asthma attacks and acute bronchitis; and heart attacks and arrhythmias that can affect those suffering from heart disease. Health effects from long-term exposure can include the following: reduced lung function, chronic bronchitis, changes in lung morphology, or death.

Sensitive Receptors

A sensitive receptor is defined as the following (from BAAQMD 2010): "Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas."

Two scenarios have the potential for exposing sensitive receptors to TACs. The first is when a project includes a new or modified source of TACs and would be located near an existing or proposed sensitive receptor. The second scenario involves a residential or other sensitive receptor development locating near an existing or planned source of TACs. Because the Project would house sensitive receptors, the Project itself is a sensitive receptor. However, the California Supreme Court in *California Building Industry Association (CBIA) v. Bay Area Air Quality Management District* concluded that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. Therefore, impacts from existing sources of TAC emissions on proposed sensitive receptors associated with a project are not subject to CEQA. Therefore, pursuant to the California Supreme Court ruling and current BAAQMD guidance, this analysis does not evaluate the impacts of the existing environmental on the proposed residents.

However, because the Project would generate short-term and temporary construction-related emissions, it is possible that the Project could expose nearby receptors to pollutant concentrations. The closest sensitive receptors include the Evergreen Kindercare located approximately 1,300 feet north of the Project site, the Evergreen Elementary School located approximately 1,500 feet southwest of the Project site, and residences located north, east, south, and west of the Project site. Based on the Project land use (assisted living), it is not anticipated that long-term operational activities would generate substantial TAC emissions.

Applicable Plans, Policies and Regulations

Federal, State, and Regional

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin, within which the proposed Project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Federal Clean Air Act and its subsequent amendments (CAA). The California Air Resources Board (ARB) is the state agency that regulates mobile sources throughout the State and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with, or more stringent than, federal and state air quality laws and regulations. The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (CAP). This CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by state law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality, as listed below.

- **Policy MS-10.1:** Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
- **Policy MS-11.1:** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
- **Policy MS-13.1:** Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
- **Policy MS-13.3:** Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations. In addition, goals and policies throughout the Envision 2040 General Plan encourage a reduction in vehicle miles traveled through land

use, pedestrian, bicycle, and access to transit improvements, parking strategies that reduce automobile travel through parking supply and pricing management.

Environmental Evaluation

This analysis follows the Bay Area Air Quality Management District (BAAQMD) recommendations for preparing an air quality and greenhouse gas analysis under CEQA tiered from the City's General Plan 2040 Update and the San José Greenhouse Gas Reduction Strategy for greenhouse gas emission reductions. The air quality analysis, including model output, is provided in Appendix A.

Project-Level Significance Thresholds

The BAAQMD publishes CEQA Air Quality Guidelines to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality. On June 2, 2010, BAAQMD adopted its 2010 CEQA Air Quality Guidelines (2010 Air Quality Guidelines) with associated 2010 Thresholds of Significance (2010 Thresholds). The 2010 Air Quality Guidelines were updated with minor edits in May 2011; however, for the purposes of clarity, the updated 2011 Air Quality Guidelines are referred to in this document by the 2010 adoption date (2010 Air Quality Guidelines). The 2010 Thresholds included new thresholds of significance for construction emissions, cumulative TAC impacts, fine particulate matter concentration increases, and greenhouse gas emissions.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD failed to comply with CEQA when it adopted the 2010 Thresholds. The Court did not determine whether the 2010 Thresholds were valid on the merits, but found that the adoption of the 2010 Thresholds was a project under CEQA. The Court issued a writ of mandate ordering the BAAQMD to set aside the 2010 Thresholds and cease dissemination of them until they had complied with CEQA. Therefore, the BAAQMD cannot legally recommend the 2010 Thresholds.

The BAAQMD appealed the Alameda County Superior Court's decision and the case went to the Court of Appeal, First Appellate District. The Court of Appeals reversed the trial court's decision. However, the Court of Appeal's decision does not provide the means by which the BAAQMD may ultimately reinstate the 2010 Thresholds. The Court of Appeal's decision was subsequently appealed to the California Supreme Court, which granted limited review, and the matter is currently pending there. Therefore, the BAAQMD still cannot legally recommend the 2010 Air Quality Thresholds.

After the Alameda County Superior Court's decision, the BAAQMD stopped recommending that the 2010 Thresholds be used as a generally applicable measure of a project's significant air quality impacts. The BAAQMD released a new version of its Air Quality Guidelines in May 2012, removing the 2010 Thresholds. The BAAQMD, however, provided a recommendation that lead agencies determine appropriate air quality thresholds of significance based on substantial evidence in the record.

Currently, common and accepted practice in the Bay Area is to continue to use the 2010 Thresholds in light of the substantial evidence supporting those thresholds. Therefore, the City of San José, the Lead Agency, has determined that the 2010 Air Quality Guidelines and 2010 Thresholds are appropriate for the analysis of this Project.

Where available, the significance criteria established by the BAAQMD may be relied upon to make the following determinations.

Impacts Evaluation

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

Less than significant impact.

Clean Air Plan Consistency
The BAAQMD's Bay Area 2010 Clean Air Plan (2010 Clean Air Plan) is the regional air quality plan (AQP) for the Air Basin. The 2010 Clean Air Plan accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled provided by the Metropolitan Transportation Commission, and it identifies strategies to bring regional emissions into compliance with federal and state air quality standards. The BAAQMD's Guidance provides two criteria for determining if a plan-level project is consistent with the current AQP control measures. However, the BAAQMD does not provide a threshold of significance for project-level consistency analysis. Therefore, the following criteria will be used for determining a project's consistency with the AQP:

- Criterion 1: Does the project support the primary goals of the AQP?
- Criterion 2: Does the project include applicable control measures from the AQP?
- Criterion 3: Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1: Support Primary Goals of AQP
The primary goals of the 2010 Clean Plan, the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce greenhouse gas emissions and protect the climate.

As further discussed in impact discussions b), c), d), and e), the Project would not create a localized violation of state or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people after incorporation of Standard Permit Conditions. Specifically, implementation of Standard Permit Conditions will reduce the Project's potential to generate a significant localized dust impact during Project construction to less than significant. Therefore, the Project is consistent with Criterion 1 with incorporation of Standard Permit Condition listed below.

Criterion 2: Applicable Control Measures of AQP
The 2010 Clean Air Plan contains 55 control measures aimed at reducing air pollution in the Bay Area. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2010 Clean Air Plan contains a number of new control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources (Bay Area Air Quality Management District 2010).

None of the 18 stationary source control measures are applicable to the Project. In addition, none of the 10 mobile source measures or six land use and local impact measures apply to the Project. Of the transportation control measures, TCM D (Support Focused Growth) measures D-2 and D-3 apply to the Project. The Project will be developed in an existing urban area with easy access to transit stops and would connect to adjacent land uses.

Relative to the Energy and Climate measures contained in the 2010 Clean Air Plan, the Project would be consistent with all applicable measures:

- **Energy Efficiency.** The Project Applicant would be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24. Specifically, the Project must implement the requirements of the most recent Building Energy Efficiency Standards, which is the current version of Title 24. The 2013 Building Efficiency Standards were adopted, in part, to meet an Executive order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards.

- **Renewable Energy.** Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City. PG&E facilities include nuclear, natural gas, and hydroelectric facilities. PG&E's 2012 power mix consisted of nuclear generation (21.0 percent), large hydroelectric facilities (11.0 percent) and renewable resources (19.0 percent), such as wind, geothermal, biomass and small hydro. The remaining portion came from natural gas (27.0 percent), and unspecified sources (21.0 percent).

- **Urban Heat Island Mitigation and Shade Tree Planting.** The Project would implement landscaping, including trees on-site.

In summary, the Project would meet all of the applicable Land Use Measures and Energy and Climate Measures contained in the 2010 Clean Air Plan. The Project would be consistent with Criterion 2.

Criterion 3: Hinder or Disrupt AQP Control Measures

The Project will not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. Indeed, as shown above, the Project incorporates several AQP control measures as Project design features. The Project would be consistent with Criterion 3.

Summary

The Project would be consistent with all three criteria and would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan.

b. Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than significant impact. This impact relates to localized criteria pollutant impacts. Potential localized impacts would consist of exceedances of state or federal standards for $PM_{2.5}$, PM_{10} or carbon monoxide (CO). Particulate matter emissions (both PM_{10} and $PM_{2.5}$) are of concern during

Project construction because of the potential to emit fugitive dust during earth-disturbing activities. CO emissions are of concern during Project operation because operational CO hotspots are related to increases in on-road vehicle congestion. Regional construction and operational impacts are not addressed in this section but are addressed in Impact 3.3c).

Short-Term Construction Impacts

Construction Fugitive Dust

Emissions from construction activities are generally short-term in duration, but may still cause adverse air quality impacts. The Project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. These construction emissions include dust (PM_{10} and $PM_{2.5}$). Construction activities would also temporarily create emissions of equipment exhaust and other air contaminants.

BAAQMD does not recommend a numerical threshold for fugitive dust particulate matter emissions. Instead, BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by BAAQMD are implemented for a project, then fugitive dust emissions during construction are not considered significant.

Standard Permit Conditions

The Project will implement the Basic Construction Mitigation Measures recommended by BAAQMD for all projects regardless of significance as a condition of project approval. With implementation of these conditions, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant.

> ***Standard Permit Conditions:*** All plans for demolition, grading, and building permits, as well as all construction contracts shall include the following Basic Construction Mitigation Measures recommended by BAAQMD. These measures shall be implemented during all demolition, grading, and construction activities to reduce construction-related particulate emissions.
>
> - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> - All vehicle speeds on unpaved roads shall be limited to 15 mph.
> - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
> - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Long-Term Operational Impacts
Carbon Monoxide Hot Spot Analysis
Localized high levels of CO (CO hotspot) are associated with traffic congestion and idling or slow-moving vehicles. The BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The Project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or

- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or

- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The Project is within the jurisdiction of the Santa Clara Valley Transportation Authority (VTA). As indicated in Section 16, Transportation/Traffic, the Project is found to be consistent with the VTA Congestion Management Program, thereby satisfying the first screening criteria. The traffic operations analysis indicated that the Project would add approximately 250 daily trips. The intersection of San Felipe Avenue and Yerba Buena currently has 2,305 vehicles during the AM peak hour and 2,227 vehicles during the PM peak hour. It is anticipated that vehicle volumes (including additional traffic generated by the Project) at nearby intersections would be less than the BAAQMD's second and third screening criteria. Furthermore, the adjacent roadways are not located in an area where vertical and/or horizontal mixing, or the free movement of the air mass, is substantially limited by physical barriers such as bridge overpasses or urban or natural canyon walls. Therefore, the Project would not result in any impact related to these criteria and would result in a less than significant impact for CO hotspots.

c. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?

Less than significant impact. Non-attainment pollutants of concern include ozone, PM_{10} and $PM_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified thresholds of significance, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The analysis considers construction and operation period impacts separately, as described below.

Short-Term Construction-Related Impacts

Criteria Air Pollutants and Precursors

A preliminary screening method is provided in BAAQMD's 2010 Guidelines for construction-related impacts associated with criteria air pollutants and precursors. The preliminary screening is used to indicate whether a project's construction-related air pollutants or precursors could potentially exceed BAAQMD's thresholds of significance. The construction of the Project would result in a less than significant impact to air quality if the following screening criteria are met:

1. The project is below the applicable screening level size (Table 1).

2. All construction period Standard Project Conditions would be included in the project design and implemented during construction.

3. Construction-related activities would not include any of the following:
   a) Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing;
   b) Simultaneous occurrence of more than two construction phases;
   c) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site), (not applicable to high density infill development);
   d) Extensive site preparation (i.e., greater than default assumptions used by the California Emissions Estimator Model (CalEEMod) for grading, cut/fill, or earth movement); or
   e) Extensive material transport (e.g., greater than 10,000 cy of soil import/export) requiring a considerable amount of haul truck activity.

Table 1: Construction Criteria Air Pollutants and Precursors Screening Level Sizes

Land Use Type	Construction-Related Screening Size	Project Size	Project Percent of Screening Size
Congregate Care Facility	240 du	94 du	39.16%

Note:
du = dwelling units
Source of BAAQMD's Screening Threshold: Bay Area Air Quality Management District 2011.
Assisted Living Facility defined as Congregate Care Facility—Land Use Type by: Bay Area Air Quality Management District 2011.

As shown in Table 1, the Project does not exceed the screening size for construction-related criteria air pollutants and precursors. The demolition of the two existing pre-fabricated buildings would be in

conformance with the BAAQMD District Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing. Additionally, the Project would not exceed the 10,000-cubic-yard (cy) screening threshold for soil import or export during construction. Therefore, the Project would not trigger the need for additional analysis to determine the Project's potential significance and would have a less than significant impact for construction-related criteria pollutants and precursors.

Long-Term Construction-Related Impacts

Generally, long-term operational emissions could result from Project-related traffic and through the routine use of maintenance equipment. BAAQMD's 2010 Guidelines provide guidance and screening criteria for determining if a project could potentially result in significant air quality impacts. As shown in Table 2, the Project would not result in operational-related air pollutants or precursors that would exceed BAAQMD's thresholds of significance. The operational criteria pollutant screening size for a congregate care facility is 657 dwelling units. The Project is well below BAAQMD's screening threshold, indicating that ongoing Project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operation impacts associated with criteria pollutant emissions would be less than significant.

Table 2: Criteria Air Pollutants and Precursors Screening Level Sizes

Land Use Type	Operational Criteria Pollutant Screening Size	Project Size	Project Percent of Screening Size
Congregate Care Facility	657 du	94 du	14.3%

Notes:
du = dwelling units
Source of Screening Threshold: Bay Area Air Quality Management District 2011.

d. Would the Project expose sensitive receptors to substantial pollutant concentrations?

Project Analysis

Less than significant impact with mitigation incorporated. This impact addresses whether the Project would expose sensitive receptors to asbestos, construction-generated fugitive dust (PM_{10} and $PM_{2.5}$), construction-generated diesel particulate matter (DPM), operational-related TACs, or operational CO hotspots.

BAAQMD considers a sensitive receptor to be any facility or land use that includes members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. If a project is likely to be a place where people live, play, or convalesce, it should be considered a receptor. It should also be considered a receptor if sensitive individuals are likely to spend a significant amount of time there. Examples of receptors include residences, schools and school yards, parks and play grounds, daycare centers, nursing homes, and medical facilities. As an assisted living facility, the Project itself is a sensitive receptor. The closest sensitive receptors include a church located north of the Project site, a preschool located southwest of the Project site, and residences located north, east, south, and west of the Project site.

Air quality problems arise when sources of air pollutants and sensitive receptors are located near one another. Pursuant to the California Supreme Court ruling (*CBIA v. BAAQMD*), localized impacts to sensitive receptors should be evaluated in CEQA for the following situation:

- A (new) source of air pollutants is located close to existing sensitive receptors.

To address this type of impact, the quantitative thresholds provided in the 2011 BAAQMD Guidelines have been utilized for this assessment, based on substantial evidence regarding the scientific validity of the thresholds. The health risk significance thresholds adopted for this assessment are provided in Table 3 for an individual, project-level, TAC emission source impact within a 1,000-foot radius of the Project.

Table 3: BAAQMD Health Risk Significance Thresholds

Metric	Individual Source Impact
Cancer Risk	10 in one million (sources within a 1,000-foot zone of influence)
Non-Cancer Hazard Index	1.0 (sources within a 1,000-foot zone of influence)

Note:
$\mu g/m^3$ = microgram per cubic meter
Source: BAAQMD 2011. CEQA Air Quality Guidelines. Website: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx?la=en.

The following analysis evaluates whether the Project would result in construction or operational impacts to sensitive receptors.

Short-Term Construction Impacts

Asbestos

Structures to be demolished sometimes contain asbestos-containing materials (ACM). Demolition of existing buildings and structures would be subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). BAAQMD Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition or renovation of structure and the associated disturbance of ACM generated or handled during these activities. The rule addresses the national emissions standards for asbestos along with some additional requirements. The rule requires the Lead Agency and its contractors to notify BAAQMD of any regulated renovation or demolition activity. This notification includes a description of structures and methods utilized to determine whether asbestos-containing materials are potentially present. All ACM found on-site must be removed prior to demolition or renovation activity in accordance with BAAQMD Regulation 11, Rule 2, including specific requirements for surveying, notification, removal, and disposal of asbestos-containing materials. Therefore, projects that comply with BAAQMD Regulation 11, Rule 2 would ensure that ACM would be removed and disposed of appropriately and safely. By complying with BAAQMD Regulation 11, Rule 2, thereby minimizing the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality.

The Department of Conservation, Division of Mines and Geology (DMG) published a guide for generally identifying areas that are likely to contain naturally occurring asbestos (NOA). The associated DMG map indicates that there are locations within Santa Clara County that are likely to contain NOA; however, none of these sites are located in the Project vicinity.

Fugitive Dust

Fugitive dust emissions from grading, trenching, or land clearing activities can create nuisances and localized health impacts. As addressed in Impact 3.3b), the Project would not exceed the threshold of significance for PM_{10} and $PM_{2.5}$ because the appropriate dust control measures would be implemented during Project construction through inclusion of Standard Permit Condition AIR-1, as recommended by BAAQMD.

Diesel Particulate Matter

As discussed in the BAAQMD's Air Quality Guidelines, construction activity using diesel-powered equipment emits diesel particulate matter (DPM), a known carcinogen. A 10-year research program (Air Resources Board (ARB), 1998) demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. The State of California Office of Environmental Health Hazard Assessment (OEHHA) and ARB develop recommended methods for conducting health risk assessments. The most recent OEHHA risk assessment guidelines were published in February of 2015. These guidelines incorporate substantial changes designed to provide for enhanced protection of children, as required by State law, compared to previous published risk assessment guidelines. ARB has provided additional guidance on implementing OEHHA's recommended methods. This HRA used the recent 2015 OEHHA risk assessment guidelines and ARB guidance. While the OEHHA guidelines use substantially more conservative assumptions than the current BAAQMD guidelines, BAAQMD has not formally adopted recommended procedures for applying the newest OEHHA guidelines. The BAAQMD has developed a set of guidelines[3] for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of young children to exposures to TACs. These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors.

Heavy diesel equipment usage would occur during construction of the Project, which would occur over a one year period; therefore, a construction health risk assessment was prepared. The construction health risk assessment is included in Appendix A of this IS/MND.

The estimated health and hazard impacts at the maximum impacted sensitive receptor from the Project's construction emissions are provided in Table 4. The maximum impacted sensitive receptor (MIR) is located at an existing residence located immediately adjacent to the east of the Project site just west of Foxboro Place. As noted in Table 4, prior to the application of mitigation to reduce the impact, the Project's construction DPM emissions would exceed the BAAQMD's cancer risk significance thresholds at the maximum impacted sensitive receptor and thus would result in a potentially significant impact to nearby sensitive receptors.

[3] BAAQMD 2016. Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en.

Table 4: Estimated Health Risks and Hazards: Project Construction—Without Mitigation

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index(2)
Risks and Hazards at the Maximum Impacted Sensitive Receptor (MIR):(1)	101	0.18
BAAQMD Significance Threshold	10	1
Exceeds Individual Source Threshold?	Yes	No

Notes:
(1) Maximum impacted sensitive receptor is a residence located immediately adjacent to the east of the Project just west of Foxboro Place.
(2) Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL for DPM of 5 $\mu g/m^3$.
Source: Oakmont of Evergreen Assisted Living Construction Health Risk Assessment prepared by Urban Crossroads (See Appendix A)

Table 5 summarizes the Project's DPM construction impacts after the application of the standard conditions of approval and the use of Tier 4 off-road construction equipment as required under Mitigation Measure AIR-1 (below). As noted in Table 5, the Project's construction emissions would not exceed the BAAQMD's significance threshold at the MIR after application of mitigation and would therefore represent a less than significant impact on a project level.

Table 5: Estimated Health Risks and Hazards: Project Construction—With Mitigation

Source	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index(2)
Risks and Hazards at the Maximum Impacted Sensitive Receptor (MIR):(1)	8.7	0.02
BAAQMD Significance Threshold	10	1
Exceeds Individual Source Threshold?	No	No

Notes:
(1) Maximum impacted sensitive receptor is a residence located immediately adjacent to the east of the Project just west of Foxboro Place.
(2) Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL for DPM of 5 $\mu g/m^3$.
Source: Oakmont of Evergreen Assisted Living Construction Health Risk Assessment prepared by Urban Crossroads (See Appendix A)

Mitigation Measure

MM AIR-1 The developer shall ensure all offroad construction equipment in excess of 50 horsepower used on-site by the developer or contractors is equipped with engines meeting the EPA Tier IV offroad engine emission standards. The project applicant shall submit to the Department of Planning, Building, and Code Enforcement a construction operations plan that includes specifications of the equipment to be used during construction.

The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in

these mitigation measures. The plan shall be submitted for review and approval prior to issuance of a grading, demolition, and/or building permits.

The construction contractor shall maintain a log of equipment use at the construction site with make, model, serial number, and certification level of each piece of construction equipment that will be available for review by City staff.

Long-Term Operational Impacts

Operational Toxic Air Contaminants Exposure
The Project is not a land use known to generate TACs in substantial quantities; therefore, risks to adjacent receptors from operation of the Project would be less than significant. The Project would result in the construction of a sensitive receptor land use. The *CBIA v. BAAQMD* Supreme Court opinion discussed above invalidated requirements to assess the impact of existing emission sources on new sensitive receptors for CEQA purposes. However, the exposure of future project residents to existing air pollutants has been evaluated to determine compliance with General Plan Policy MS-11.1. The results of this evaluation are discussed below under Planning Considerations.

Operational CO Hotspot
As addressed in Impact 3.3b), the Project would not create a CO hotspot and would result in a less than significant impact to air quality for local CO emissions.

e. Create objectionable odors affecting a substantial number of people?

Less than significant impact. The BAAQMD does not have a recommended odor threshold for construction activities, but does recommend screening criteria based on distance between types of sources known to generate odor and the receptor. For projects within the screening distances, the BAAQMD uses the following threshold for Project operations:

> An odor source with five (5) or more confirmed complaints per year averaged over three years is considered to have a significant impact on receptors within the screening distance shown in the Bay Area Air Quality Management District's guidance, Table 3-3.

Two circumstances have the potential to cause odor impacts:

1) A source of odors is proposed to be located near existing or planned sensitive receptors, or
2) A sensitive receptor land use is proposed near an existing or planned source of odor.

Generally, land uses associated with the generation of odors include wastewater treatment facilities, waste disposal facilities, and agricultural operations. The Project does not contain land uses typically associated with emitting objectionable odors. During operation of the proposed Project, odors would primarily consist of vehicles traveling to the assisted living community and additionally from the use of equipment during landscaping and facility maintenance. Diesel exhaust and volatile organic compounds would be emitted during Project construction, which are objectionable to some; however, emissions would disperse rapidly from the Project site, and thus, should not reach an objectionable

level at the nearest sensitive receptor. Therefore, impacts associated with the creation of objectionable odors would be less than significant.

3.4 BIOLOGICAL RESOURCES

Biological Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐	
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 US Fish and Wildlife Service?	☐	☐	☐	☒	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☒	☐	

A Biological Resources Analysis was prepared by FCS Biologist, Brian Mayerle, and is provided in Appendix B-1.

Setting

This section evaluates potential effects on biological resources that may result from Project implementation. Descriptions and analysis in this section are based results of the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDB) and the United States Fish and Wildlife Service (USFWS) database searches (as cited in Appendix A), and the Biological Resources Assessment (BRA) that was completed for the proposed Project on July 8,2016.

Impacts Evaluation

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

Less than significant impact with mitigation incorporated. Special-status plant and wildlife species typically occur in undeveloped areas. Although less likely, it is also possible for them to occur within developed areas. The Project site, in part, has characteristics of land that has been developed or disturbed, including buildings, disturbed soils and the presence invasive and non-native plant species on-site. The Project site is also surrounded by residential developments and light commercial use. The site is located within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) area in Santa Clara County, California and covers 18 special status plants and wildlife species.

The BRA for the Project site was completed on July 8, 2016 by FCS biologist Ashley Laor, in which existing biological conditions were documented and an analysis of the habitat's potential to sustain special status species was conducted. No special status plant species are expected to occur on-site. The vegetation on-site consists of non-native landscaped areas to the west, and undeveloped non-native grasses and weeds in the western portion with clustered mature native and non-native trees.

Based upon the types of habitat that each special-status wildlife species occupies, and on observations made during the July 8 2016 site survey, each wildlife species was evaluated for its potential to occur within the Project site. It is not likely that special status species would use or inhabit the site because of the absence of suitable habitat requirements. However, if special-status species were found on-site, impacts would be potentially significant.

Of the SCVHP covered species and special status species potentially found in the area, one species, the western burrowing owl, was found to have very marginal habitat potential on-site. The eastern portion of the site is an undeveloped open grass field and provides marginal burrowing owl nesting and foraging habitat.

The Project Biologist determined that a portion of the site has potential value as habitat for the western burrowing owl. Therefore, protocols outlined in the SCVHCP for burrowing owls will apply, which will require a pre-construction survey in accordance with the SCVHCP (Conditions 15-18). Mitigation Measure-BIO 1 will reduce any impacts to sensitive species to less than significant.

Standard Conditions
Condition 15 Western Burrowing Owl (SCVHCP)

- Prior to any ground disturbance related to covered activities, a pre-construction survey conducted by a qualified biologist shall be implemented in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the Project site, particularly in areas within 250 feet of construction activity. To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of three hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed).

  All owls found will be counted and their location will be mapped. Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the Project proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the Project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction.

- Breeding Season—If evidence of western burrowing owls is found during the breeding season (February 1–August 31), the Project proponent will avoid all nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or. Avoidance will include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if:
  - the nest is not disturbed, and
  - The Project proponent develops an avoidance, minimization, and monitoring plan that will be reviewed by the Implementing Entity and the Wildlife Agencies prior to Project construction based on the following criteria.
    - The Implementing Entity and the Wildlife Agencies approves of the avoidance and minimization plan provided by the Project applicant.
    - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
    - The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities
    - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer.

Construction cannot resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the Project site.

- If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The biologist will excavate the burrow to prevent reoccupation after receiving approval from the Wildlife Agencies.

- Non-Breeding Season—During the non-breeding season (September 1–January 31), the Project proponent will establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites.
  - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
  - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities. ν If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer.
  - If the owls are gone for at least one week, the Project proponent may request approval from the Implementing Entity that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

- Construction Monitoring—Based on the avoidance, minimization, and monitoring plan developed (as required in the above section), during construction, the non-disturbance buffer zones will be established and maintained if applicable. A qualified biologist will monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.
- If necessary, passive or active relocation of burrowing owls shall to be implemented by a qualified biologist outside of the breeding season, in accordance with procedures set by SCVHCP and in coordination with the CDFW.

Condition 17 Tri-colored Blackbird.

- During the project planning phase, a qualified biologist will survey and map potential species nesting habitat. Potential nesting habitat identified by these or any other surveys, will be mapped and direct impacts to potential nesting habitat avoided and other impacts minimized. Avoidance measures include relocating impacts away from the potential nesting habitat. If a project is unable to avoid impacts on species nest colonies by locating construction and staging activities at

least 250 feet from the outer edge of all hydric vegetation associated with the colony, preconstruction surveys will be required. Preconstruction surveys will conclude no more than two calendar days prior to construction. Covered activities must avoid species nesting colonies (currently occupied or occupied within the past 5 years) and associated habitat with a 25-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. Required buffers may be adjusted on a case-by-case basis as evaluated by the Implementing Entity in coordination with the Wildlife Agencies. A construction monitor will be present during breeding season construction when an active colony is present.

b. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

No impact. The Project site contains developed areas mainly in the western portion, with undeveloped non-native grass field to the eastern border of the site and mature native and nonnative trees in the center and western portion of the site. No sensitive biological communities or riparian habitat are present on-site, and no impacts will occur.

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

No impact. There are no wetlands or aquatic features present on-site; therefore, no impacts will occur.

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

Less than significant impact with mitigation incorporated. Suitable habitat for raptors and other birds protected by the Migratory Bird Treaty Act (MBTA) occurs within and adjacent to the Project areas. Most native, breeding birds are protected under Section 3503 of the Fish and Game Code (FGC), and raptors specifically are protected under Section 3503.5 of the FGC. Additionally, both Section 3513 of the FGC and the federal MBTA prohibit the killing, possession, or trading of migratory birds. Section 3800 of the FGC prohibits the taking of nongame birds and state Fully Protected species.

Most raptors nest in mature, large coniferous or deciduous trees and use twigs and branches as nesting material. Smaller raptors may nest in cavities in anthropogenic structures and trees. The nesting period for raptors generally occurs between February 1 and August 31.

Potential impacts could occur to resident and migratory species during Project construction, which would render the Project temporarily unsuitable for birds because of the noise, vibrations, and increased activity levels associated with various construction activities. These activities could potentially subject birds to risk of death or injury, and they are likely to avoid using the area until

such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual birds by displacing them into adjacent territories belonging to other individuals.

Construction activities that occur during the nesting season (generally February 1 to August 31) would disturb nesting sites for birds protected by the MBTA and FGC. No action is necessary if no active nests are found or if construction occurs during the non-breeding season (generally September 1 through January 31.

During the July 8, 2016 survey, an adult Great Horned Owl (*Bubo virginianus*) and three fledglings were found on-site roosting in a mature eucalyptus tree located in the western portion of the site.

Implementation of Mitigation Measure BIO-1 would reduce impacts to raptors and other nesting birds.

MM BIO-1 Nesting Birds and Raptors

To prevent impacts to MBTA-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to construct the proposed Project.

- If any tree removal is necessary, then it should occur outside the nesting season between September 1 and January 31. During the early part of the breeding season (February 1 to May 31), pre-construction surveys shall be performed no more than 14 days prior to the start of ground disturbance, construction, or tree removal. During the latter part of the breeding season (June 1 to August 31), pre-construction surveys shall be conducted no more than 30 days prior to the start of ground disturbance, construction or tree removal. All large trees within 250 feet of the limits of grading shall be inspected as construction occurs on the project site.
- If an active nest is located during pre-construction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the agencies deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and a 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.
- A qualified biologist will delineate the buffer using Environmentally Sensitive Area fencing, pin flags, and or yellow caution tape. The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently.
- A report summarizing results of the pre-construction survey and subsequent efforts to protect migratory birds (if found to be present) shall be submitted to the Supervising Planner of the City of San José Planning Department's Environmental Review Division prior to the issuance of tree removal, demolition, or grading permits.

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

Less than significant impact. Development of the proposed Project would result in the loss of 76 trees on the site, 8 of which are considered protected under the City's Tree Ordinance.[4]

Consistent with the City of San José General Plan Final EIR, trees removed as a result of the Project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

An Arborist's report was prepared by HMH Arborists to document the trees found on the site and determine whether any meet the minimum standards for protection under the City's Tree Protection Ordinance. (The Arborist's Report is provided in Appendix B-2.) In accordance with City policy, the 68 non-native ordinance-sized trees (greater than 56 inches in trunk circumference) on-site will be replaced at a 4:1 ratio with a minimum 24-inch box, and the remaining non-native non-ordinance sized trees will be replaced at a 2:1 or 1:1 ratio, depending on their size. A total amount of 198 non-native trees will be planted. The 8 native trees will be replaced at a 3:1 or 1:1 ratio, depending on their size. A total of 30 native trees are proposed to be planted. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. Table 6 below shows tree replacement ratios required by the City. Trees on-site will be replaced at these ratios or the applicant will pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site.

Table 6: 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	
56 inches or more	5:1	4:1	3:1	24-inch box
38–56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gal. container

Notes:
x:x = tree replacement to tree loss ratio
Trees greater than or equal to 56-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

Compliance with local laws, policies or guidelines, as proposed by the Project, will reduce impacts to the urban forest to a less than significant level.

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 is located within the SCVCHP. The project will have to comply with the HCP, mainly through the payment fees for land cover and nitrogen deposition. As

[4] The City of San José defines a protected tree as any tree that measures 56 inches or greater in circumference at 24 inches above the ground surface.

such, the HCP requires project sites located in an area determined by a Biologist to be suitable habitat for burrowing owls be surveyed for the presence of burrowing owl. As outlined in Impact (a) mitigation is required to reduce impacts to this species to less than significant levels. Furthermore, the western portion of the project site along San Felipe Road is mapped as potential habitat for the Tri-colored Blackbird, so the project will have to comply with Condition 17 of the SCVHCP. As such, impacts relating to the provisions of an adopted Habitat Conservation Plan would be less than significant with mitigation incorporated.

3.5 CULTURAL RESOURCES

Cultural Resources Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15063.5?	☐	☒	☐	☐	
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15063.5?	☐	☒	☐	☐	
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☒	☐	☐	
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	

Setting

The Cultural Resources analysis was prepared by FCS Archaeologist, Dana DePietro, PhD.

This section describes the existing cultural resources setting and potential effects from Project implementation on the Project site and its surrounding area. Descriptions and analysis in this section are based on information provided by the California Native American Heritage Commission (NAHC), Northwest Information Center (NWIC), National Register of Historic Places (NR), California Register of Historical Resources (CR), California Historical Landmarks list, California Points of Historical Interest (CPHI) list, California State Historic Resources Inventory, the University of California Museum of Paleontology (UCMP) Paleontological Database, a historical assessment of the landmark Smith House conducted by Archives and Architecture LLC, and a pedestrian survey of the site conducted by FirstCarbon Solutions (FCS). The record search results, NAHC correspondence, historic and paleontological reports and pedestrian survey photographs are provided in Appendix C.

Northwest Information Center

To determine the presence or absence of cultural and historical resources within the proposed Project area and a 0.5-mile radius, staff at the NWIC in Rohnert Park conducted a records search for the Project area on July 25, 2016. The current inventories of the (NR), the CR, the California Historical Landmarks list (CHL), the CPHI list, and the California State Historic Resources Inventory (HRI) for Santa Clara County were reviewed to determine the existence of previously documented local historical resources.

Results from the NWIC indicate that two resources (P-43-000199 and P-43-000200) are on file within a 0.5-mile radius of the Project area. Both resources are prehistoric flake scatters consisting of 1-2 flakes, and lie outside the proposed Project area. In addition, 28 area-specific survey reports (S-848, 4426, 4576, 5194, 5260, 5291, 5842, 7483, 7939, 9482, 9583, 10541, 11682, 13200, 15228, 15950,16260, 16394, 17852, 18217, 20395, 26045, 32596, 33600, 34214, 39101, 46056, 46375) are on file with the NWIC for the 0.5-mile search radius. While none of these surveys addressed the Project area directly, adjacent parcels to the north, east, south, and west have been extensively surveyed for cultural resources.

One known historic resource, the Smith House, lies within the Project area. The Smith House was first identified as a historic resource in 1961 by the County of Santa Clara Planning Department as a part of the *Preliminary Inventory of Historical Landmarks in Santa Clara County*. It was listed as number 85 of 123 properties included in this preliminary step towards creating the County's Heritage Resources Inventory, and is noted as the home of an Evergreen pioneer family that had lived on the site since 1868. The property was annexed into the City of San José on July 27, 1981, and was designated a City Landmark by the San José City Council on May 20, 1986 (Historic Landmark L86-31/Resolution #59146). A historic assessment of the Smith House including a historical background, technical description of the house and site, a review of the historical significance of the property, and discussion of potential impacts of the current Project proposed by Oakmont Senior Living was conducted by Archives and Architecture, LLC in April of 2016. The following assessment of the property is taken from that report.

> An on-site review of the property found the house to be intact, although related ancillary buildings are in a state of deterioration. The setting continues to present aspects of the historic landscape, although the plants are individually near the end of their life expectancy. The house and site retain sufficient integrity to maintain the authenticity of its physical identity evidenced by characteristics that existed during the Smith House's period of significance.

Confidential NWIC records search results and the full historic assessment of the Smith House may be found in Appendix C1 and C2.

Native American Heritage Commission

On July 20, 2016, FCS sent a request to the NAHC to review its sacred lands file search and to provide a list of Native American Representatives who may be interested in providing additional information on potential Tribal Cultural Resources (TCRs) within the Project area. On August 1, 2016, a response was received from the NAHC indicating that no sacred sites were listed as present in the Project area. The letter included a list of eleven Native American representatives. Letters

including a map and Project details were sent to all 11 representatives on August 9, 2016. As of this date, no responses have been received. Correspondence with the NAHC and an example letter sent to the 11 Native American representatives may be found in Appendix C3.

Pedestrian Cultural Resources Survey

FCS Senior Archaeologist Dana DePietro, PhD surveyed the Project area for cultural resources on August 10, 2016. The Project area consists of two contiguous land parcels (APN# 659-04-016,-017) that form a rough triangle bounded by San Felipe Road to the southwest, Silverland Drive to the north, and residential properties lining Foxboro Place to the east. The property consists of open fields containing a modern church complex built in 1987 and the historic Smith House. All open sections of the Project area were surveyed using 15-meter east-west transects to insure complete coverage. The majority of the Project area was covered with woodchip ground cover and underbrush that limited surface visibility to approximately 20 percent. Extensive rodent tunneling revealed subsurface soils at fairly regular intervals across the site however. Visible soils were uniformly medium brown-grey in color, silty, friable, and interspersed with small rough schist and serpentine stones (5 to 7 centimeters).

Particular attention was paid to the southwest boundary of the Project area that runs parallel to Thompson Creek. Raw materials commonly used in the manufacture of tools such as obsidian and Franciscan chert, were not observed. Soils in the Project area appear to have been tilled at different points in time, but otherwise appear largely undisturbed with the exception of the church complex and Smith House. The historic Smith House was found to be present at the site and in good overall condition. Two modern temporary trailer structures were also observed lying immediately to the north and northeast of the Smith House. No historic or prehistoric cultural resources, with the exception of the previously recorded Smith House, were observed during the course of the survey. Survey photographs may be found in Appendix C4.

University of California Museum of Paleontology Paleontological Records Search

On August 10, 2016, consulting paleontologist Kenneth Finger, PhD, performed a records search on the UCMP database for the Oakmont of Evergreen Assisted Living Project. The Project lies within the geologic map of Dibblee and Minch (2005), which indicates that approximately 75 percent of the search area consists of Quaternary alluvium. The search area also includes some outcrops of Cretaceous Panoche conglomerate in the northeast, while the southwest has more extensive deposits of the Plio-Pleistocene Santa Clara Formation partially overlying the Jurassic-Cretaceous Knoxville Formation (JKk), which in turn partially overlies Jurassic serpentinite. Serpentinite is a nonfossiliferous metamorphic rock, while all of the other units are sedimentary with paleontological potential.

The UCMP database lists for Santa Clara County 16 vertebrate localities (13 in the Santa Clara Formation, 2 in the Panoche Formation, and 1 in the Knoxville Formation), but none of the localities are within the search area. The nearest to it are V99597 and V99893, approximately 11 miles to the northwest. In 2005, the Columbian mammoth (referred to as “Lupe”) was recovered in 2005 from V99597, which is located on the flood channel of the Guadalupe River. A copy of Dr. Finger’s report may be found in Appendix C5.

Impacts Evaluation

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

Less than significant impact with mitigation incorporated. San José Historic Landmark L86-31, the Smith House, is located within the Project area and was the subject of a historic assessment conducted by Archives and Architecture, LLC in April of 2016. The assessment included a historical background, technical description of the house and site, a review of the historical significance of the property, and discussion of potential impacts of the current Project proposed by Oakmont Senior Living. The following Project impact evaluation is taken from that report:

> The present proposal (Site Plan "F" by Landesign Group (dated December 2015) shows the house being relocated forward/directly west, along the existing driveway, from its original location. It is shown continuing to face San Felipe Road and maintaining its east-west alignment. The project proposes to preserve the entire structure (historic front and rear wings), and the project provides a spacious immediate setting for the house, somewhat separated from the asphalt paving in other parts of the site. The project is proposed to preserve nearby landscape features, spatial relationships, trees, and other vegetation, which are tied to the building's history. Proposed is the preservation and/or appropriate partial reconstruction of the aviary, tank house and related pump structure. The design of the assisted living facility takes cues from the historic building, and is compatible in scale and materials of the detailing.
>
> With an understanding that final planning approval for the development will be based on future review of the specific design, use, and physical treatments of the historic buildings, structures, and landscaping during the relocation and rehabilitation project under a Historic Preservation Permit, the currently proposed project can be considered to meet the Secretary of the Interior's Standards for Rehabilitation with regard specifically to the relocation and placement of the house, its outbuildings, and the design of the surrounding landscaping, as well as with regard to the compatibility of the size, massing, form, and location of the proposed two-story new building complex at the rear of the property.
>
> The possibility exists, however, that relocation of the Smith House could impair the structural integrity of the building and/or damage or destroy character-defining features of the building. This accordingly would be a significant impact. In accordance with Secretary of the Interior's Standards for Rehabilitation, implementation of MM Cul-1-2 will mitigate this phase of the design process to a "less than significant level" impact as defined by CEQA.

Impact CUL-1: Relocation of the Smith House could impair the structural integrity of the building and/or damage or destroy character-defining features of the building. (Significant Impact)

MM CUL 1-1: A historic preservation architect and a structural engineer shall undertake an existing conditions study of the Smith House prior to relocation. The purpose of the studies shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and must be protected and preserved, and recommendations for preservation. A report of the findings shall be reviewed and approved by the Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division and the City's Historic Preservation Officer prior to issuance of any grading or building permits for the relocated Smith House.

MM CUL 1-2: After submittal of the baseline report existing conditions study (pursuant to MM CUL 1-1) but prior to issuance of any grading or building permits for the relocated Smith House, a structural engineer shall prepare a detailed shoring/relocation plan that includes measures to protect the structural integrity of the building during the move. This plan shall include detailed calculations to justify the proposed sizes of shoring beams and columns as well as the phasing of the relocation process. The structural engineer will submit the report to the Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division and the City's Historic Preservation Officer for review and approval prior to the approval of any grading or building permits for the relocated Smith House.

MM CUL 1-3: To protect the historic resource church building during its both relocations, the project sponsor shall engage a building mover who has experience moving similar historic structures. The name and qualifications of the mover shall be provided to the Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division, the City's Historic Preservation Officer, and the Chief Building Official for approval prior to issuance of the permits for each phase of relocation of the building.

MM CUL 1-4: During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation of the Smith House, only authorized persons shall have access to the building until such time as rehabilitation of the structure is complete. Protective fencing and other methods shall be used to protect the building from further damage and deterioration during this process. If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment shall be made of the severity of such damage and repairs undertaken if necessary. This assessment shall be provided immediately within five business days after discovery of the damage to the Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division. Construction materials shall be stored a minimum of 100 feet away from the Smith House.

By meeting the Standards through the implementation of Mitigation Measure CUL 1-2, this phase of design can be considered to be mitigated to a "less than significant level" impact as defined by CEQA, and the project therefore would not have a significant effect on the environment.

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

Less than significant with mitigation incorporated. No known prehistoric archaeological resources exist within the Project area or any of the previously surveyed parcels immediately adjacent to the Project area. Two prehistoric resources (P-43-000199 and P-43-000200) have been recorded within the 0.5-mile NWIC search radius, however both are poorly documented, consist of one to two stone flakes each and lie over 2000 feet from the Project area. No TCRs were identified as part of the NAHC Sacred Lands File search or through subsequent outreach to Native American representatives. A thorough pedestrian survey of the site conducted by FCS on August 10, 2016 also failed to identify additional archaeological resources or raw materials traditionally utilized in the production of those resources.

The Project area is therefore considered to have moderate to low sensitivity for undiscovered archaeological resources, and no archaeological resources are expected to be encountered during construction activities associated with the proposed Project. However, it is always possible that subsurface excavation activities may encounter previously undiscovered archaeological resources. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Accordingly, this is a potentially significant impact. Implementation of Standard Permit Conditions ER-10.1 through ER-10.3 would ensure that this potential impact is reduced to a less-than-significant level.

No human remains or cemeteries are known to exist within or near the Project area. However, there is always the possibility that subsurface construction activities associated with the proposed Project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. Implementation of Standard Permit Conditions ER-10.2 1 through ER-10.3 would reduce this potential impact to a less-than-significant level.

> ***Standard Permit Conditions:*** Consistent with *Envision San José 2040 General Plan* policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the Project to reduce or avoid impacts to subsurface cultural resources.
>
> - In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations 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 during monitoring would be submitted to the Supervising Planner of Planning, Building and Code Enforcement's Environmental Review Division.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Supervising Planner of Planning, Building and Code Enforcement's Environmental Review Division and the Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Impact CUL-2: Considering that the Project is located very close to Thompson Creek and significant paleontological resources have been recovered from other floodplain deposits in the San José area, Dr. Finger's report concluded that the Quaternary alluvium that will be impacted by this Project should be considered highly sensitive with a low-to-moderate potential for paleontological resources. Construction activities may, therefore, result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the Project could result in a significant impact to paleontological resources, if encountered. Paleontological resources may include but are not limited to fossils from mammoths, saber-toothed cats, rodents, reptiles, and birds. Accordingly, implementation of Mitigation Measure CUL-1 and Standard Permit Condition ER-10.3 will be required to reduce potential impacts to paleontological resources that may be discovered during Project construction to a less-than-significant level.

MM CUL-2: A professional paleontologist should perform a weekly inspection of the site during the phase of excavations. Prior to any earth-disturbing activities, the construction crew should be made aware that such fossils may be very fragile and it is therefore vital to their preservation that they do not attempt to move them out of the way; instead, all construction activity should be diverted away from the discovery until a professional paleontologist evaluates it and applies any necessary procedures to avoid irreparable damage (i.e., shattering) upon removal. All recovered specimens are to be deposited in an appropriate repository, such as the UCMP.

[For sites with moderate to high sensitivity for paleontological materials within area of construction disturbance.]

The Project site development has a low potential to impact undiscovered paleontological resources, based on the age and type of surface soils. It is possible, however, that deeper soils may contain older

Pleistocene sediments, which have a higher sensitivity for paleontological materials. Activities that involve substantial excavation (construction of below-ground parking garage) would have a higher potential for encountering paleontological deposits. Construction activities may, therefore, result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the Project could result in a significant impact to paleontological resources, if encountered.

Standard Permit Conditions: Pursuant to General Plan policy ER-10.3, the following standard permit conditions will be implemented by the Project to reduce and avoid impacts to as yet unidentified paleontological resources:

- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include 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 proponent will be responsible for implementing the recommendations of the paleontological monitor.

3.6 GEOLOGY AND SOILS

Geology and Soils Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described 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.)	☐	☐	☒	☐	
2. Strong seismic ground shaking?	☐	☐	☒	☐	
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	
4. Landslides?	☐	☐	☒	☐	
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	

Setting

The Project site is located within a seismically active region that contains active earthquake faults, including the San Andreas, Hayward, and Calaveras Faults. The site is not located within an Alquist-Priolo Fault-Rupture Hazard Zone established by the State geologist. The closest active fault to the site is Silver Creek Fault, located 0.93 mile away. The site is not located in a State of California Seismic Hazard Zones for liquefaction identified on the Envision San José 2040 General Plan Geologic and Seismic Hazards Map.

A site-specific soils study (Appendix D) was completed for the Project by Ninyo & Moore. Subsurface evaluations concluded that the site is underlain by alluvium consisting of stiff to hard clay and medium to very dense clayey sand and gravel.[5] These soils have a low expansive characteristic. Given the relatively flat topography of the site and the underlying soil types, lateral spreading and ground subsidence are not design considerations for the Project. Groundwater was not encountered during subsurface exploration. Regional records indicate that historic groundwater high level in the area is at 20 feet.

Impacts Evaluation

a., c. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides? Would the Project be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

[5] Ninyo & Moore, "Geotechnical Evaluation Oakmont of Evergreen," pages 6—7.

Surface Fault Rupture

Less than significant impact. As described above, the site is not located within an Alquist-Priolo Fault-Rupture Hazard Zone established by the State geologist. As such, the Project would not expose substantial numbers of people or structures to significant risk of loss, injury, or death due to rupture of a known fault. Impacts would be less than significant.

Seismic Shaking

Less than significant impact. As described above, a geotechnical evaluation (see Appendix D) of the Project site concluded that based on historic activity, the potential for future strong ground motion at the site is considered significant. Accordingly, recommendations to address seismic shaking were developed on the basis of a Maximum Considered Earthquake Geometric Mean peak ground acceleration of 0.56g, consistent with the American Society of Civil Engineers (ASCE) protocols. These recommendations include spread footings with a slab-on-grade floor and rigid/flexible pavements. In addition to implementation of the recommendations of the geotechnical evaluation, the Project would also adhere to the Standard Permit Condition described below, to ensure that the potential for seismic shaking is minimized to the maximum practicable extent.

> ***Standard Permit Condition:*** To avoid or minimize potential damage from seismic shaking, the Project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved of by the City of San José's City Geologist prior to issuance of any grading permits or Public Works Clearance. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The Project shall be designed to withstand soil hazards identified on the site and the Project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

Compliance with the provisions of the California Building Code and local regulations as well as implementation of applicable standard permit conditions would ensure that associated impacts would be less than significant.

Liquefaction and Lateral Spreading

Less than significant impact. As described above, the Project site is not located within a liquefaction hazard zone as mapped by the State geologist (CDMG 2001) or by the County geologist (SCC 2012).[6] During the subsurface exploration of the Project site, medium dense sand was encountered in borings near historic high groundwater levels that could be susceptible to liquefaction; however subsequent testing indicated that this sand-layer would liquefy 20 to 23 feet

[6] Ninyo & Moore "Geotechnical Evaluation Oakmont of Evergreen" pp. 7–8.

below the existing ground surface. Given the depth of the liquefiable layer, it was concluded that the potential for liquefaction-induced reduction is not enough to be a design consideration. Further, construction of the Project would be done in compliance with standards established in the California Building Code and the Municipal Code, thereby further reducing the risks associated with liquefaction. Therefore, overall, impacts would be less than significant.

Landslides (Seismic and Static)

Less than significant impact. As described above, the site is in a relatively flat area of San José with little potential for landslides. Further, the Project site is not located within a landslide hazard zones as mapped by the State geologist (CDMG 2001)[7] or the County geologist (SCC 2012). Therefore, impacts due to landslides would be less than significant.

Soil Stability

Less than significant impact. The Project would result in a potentially significant adverse impacts if it allowed development on a geologic unit or on soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. As described above, site topography is relatively flat and the area is at low risk of liquefaction. Additionally, a site-specific soils study completed for the Project concluded that lateral spreading and ground subsidence are not design considerations for the Project. Therefore, the Project would not be located on unstable soils and impacts would be less than significant.

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

Less than significant impact. Erosion usually occurs when bare soils are exposed to water or wind. In San José, erosion occurs primarily from the concentration of water generated on hillsides where erosion potential is high to very high. Erosion can also occur in stream and creek beds and banks during high flow periods. Most of the erosion potential or loss of top soil would occur during the grading portion of the Project. Grading and ground disturbance increases the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patters. To minimize erosion hazards, the Project would comply with the following Standard Permit Condition:

> ***Standard Permit Conditions:*** The Applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer Prior to issuance of a grading permit. The SWPPP must include standard grading and best management practices to prevent substantial erosion and siltation during development of the site. These measures are generally covered by measures included to protect air quality and water quality. They include, but are not limited to:

[7] Ninyo & Moore, "Geotechnical Evaluation Oakmont of Evergreen," p. 9.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or covered.
- All haul truck transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out into adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry poser sweeping is prohibited.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

The Project, with the implementation of standard engineering practices as outlined above, would not result in significant soil impacts.

d. Would the Project located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Less than significant impact. As described above, a site-specific soils study completed for the Project concluded that the soils underlying the site have a low expansive characteristic. Compliance with the provisions of the California Building Code, the requirements of the Municipal Code and the recommendations of the soils report would ensure that impacts related to expansive soils would be less than significant.

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

No impact. The Project does not propose the use or installation of septic tanks on-site. The proposed main building would connect to the City's sewage collection system and would be required to comply with all City building and construction regulations. Therefore, no impacts related to the use of septic tanks or alternative wastewater disposal systems would occur on-site.

3.7 GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,2

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2

Setting

The Air Quality analysis was prepared by FCS Senior Scientist, George Lu.

Applicable Plans, Policies and Regulations
Agencies at the international, national, state, and local levels are considering strategies to control emissions of GHG that contribute to global warming.

California Assembly Bill 32
With the passage of AB 32 (Global Warming Solutions Act of 2006), the State of California made a commitment to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, which represents about a 30 percent decrease over current levels. ARB's Discrete Early Actions include maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, including new technologies and new policy and implementation mechanisms, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly owned utilities). In December 2008, the ARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals.

In addition to AB 32, Executive Order S-3-05 (EO S-3-05) established a reduction target of 80 percent below 1990 levels by 2050.

California Senate Bill 375
Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring ARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[8] The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.

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

2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the RTP.

3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.

4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the MTC is partnering with the Association of Bay Area Governments (ABG), the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.[9] The SCS is referred to as *Plan Bay Area*.

MTC and ABAG adopted Plan Bay Area in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions.

2010 Bay Area Clean Air Plan

The Bay Area 2010 CAP addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[10] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

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

[9] ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." Accessed June 4, 2013, Website: http://onebayarea.org/about/faq.html%23.UQceKR2_DAk.

[10] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

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

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the Envision San José 2040 General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and the recent standards for "qualified plans" as set forth by BAAQMD.

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

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Impacts Evaluation

a.–b. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant impact. GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. GHG emissions are inherently a cumulative impact, as no single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire State of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Pursuant to the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council December 2015 in conjunction with the certification of a Supplemental EIR for the Envision San Jose 2040 General Plan. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan Supplemental EIR. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether Project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with the City of San José GHG Reduction Strategy and statewide efforts to curb GHG emissions. Projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

The City provides a checklist in order to determine Project conformance with the Greenhouse Gas Reduction Strategy. The checklist is divided into three different sections: "Mandatory Criteria," "Mandatory Criteria Applicable to Specific Project Types," and "Additional Actions to Reduce Greenhouse Gas Emissions," gives a general explanation for each criterion. Additionally, projects that are consistent with the City's General Plan are also considered consistent with the Greenhouse Gas Reduction Strategy. The Project meets the checklist criteria as shown in Table 7 and therefore is in conformance with the City of San José Greenhouse Gas Reduction Strategy.

Table 7: Conformance with Greenhouse Gas Reduction Strategy

Criteria	Explanation
Mandatory Criteria	
1. Consistent with Land Use/Transportation Diagram	**Compliant.** The Project is consistent with the general intended land use and related General Plan Policies. The Project site is designated Neighborhood/Community Commercial under the General Plan.
2. Implementation of Green Building Measures	**Compliant.** The Project will incorporate Green Building Measures outlined in the General Plan, including site design, architectural design, and construction techniques.
3. Pedestrian/Bicycle Site Design Measures	**Compliant.** The Project will be consistent with the applicable zoning ordinance and various Reduction Strategy policies that address pedestrian, bicycle, and neighborhood connectivity. The Project would develop pedestrian access both on and off-site. Additionally, there is one bikeway along San Felipe Road that provides access to the Project site, but does not run through the Project site.
Mandatory Criteria Applicable to Specific Project Types	
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use.	**Not applicable.** The Project does not involve demolition of a historic structure.

Table 7 (cont.): Conformance with Greenhouse Gas Reduction Strategy

Criteria	Explanation
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries.	**Not applicable.** The Project is a 94-unit assisted living facility and is not an energy-intensive industry.
6. Preparation and implementation of a Transportation Demand Management (TDM) Program at large employers.	**Not applicable.** The Project will employ approximately 20 employees and is not considered a large employer.
Additional Actions to Reduce Greenhouse Gas Emissions	
7. Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas.	**Not proposed.** This is not a proposed Project feature.
8. Use of recycled water wherever feasible and cost-effective.	**Not proposed.** This is not a proposed Project feature.
9. Install and maintain trails adjacent to designated trail locations.	**Not applicable.** There are no trails that provide access to the Project site and none are proposed.
10. Promote car share programs to minimize need for parking spaces.	**Not proposed.** No spaces are currently proposed to be reserved for a car share program.
11. Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements.	**Compliant.** A parking lot would be developed in order to satisfy parking needs for residents, guests, and employees that would not excessively exceed parking requirements.
12. Limit parking above code requirements.	**Compliant.** The Project meets Code Requirements and does not exceed requirements in the Municipal Code.
13. Consider opportunities for reducing parking spaces.	**Not applicable.** The Project requires parking spaces for residents and employees. The Project meets Code Requirements and does not exceed requirements in the Municipal Code.
Source of criteria: City of San José 2011 Source of explanation: FirstCarbon Solutions	

Pursuant to the 2010 BAAQMD Air Quality Guidelines, projects that are in compliance with a qualified greenhouse gas reduction strategy are considered less than significant. The San José Greenhouse Gas Reduction Strategy was prepared in conformance with CEQA Guidelines Section 15183.5 and is considered a Qualified Reduction Strategy. Therefore, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and would not conflict with any applicable plan, policy, or regulation of an agency,

adopted for the purpose of reducing the emissions of greenhouse gases. The impact would be less than significant.

3.8 HAZARDS AND HAZARDOUS MATERIALS

Hazards and Hazardous Materials Environmental Checklist

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐	

Setting

FCS conducted the Phase 1 ESA for the Oakmont Evergreen Project, dated October 9, 2015 for the proposed project, included as a separate appendix of this IS/MND.

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are commonly found in products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products or spaces (electronics, newspapers, buildings, etc.) Each year, Californians generate 2 million tons of hazardous waste. The most commonly used hazardous materials in San José are petroleum, natural gas, propane, solvents (Volatile Organic Compounds), agricultural chemicals, asbestos, lead-based paint, toxic gas facilities, household hazardous materials, universal wastes, and medical wastes. The site reconnaissance reported that there were no underground storage tanks, leaking underground storage tanks, equipment containing PCBs, or hazards associated with dry cleaners or landfills. If an accidental release occurs, the San José Fire Department Hazardous Incident Team (HIT) responds to the calls and is assisted by the San José Public Works department.

The State of California uses databases such as GeoTracker and EnviroStor as part of "the Cortese List" to map the location of hazardous waste sites including sites that have been remediated, sites currently undergoing remediation, and sites that require cleanup. The site was not located on any list under the "Cortese List" search. There are two hazardous waste sites within a 0.5-mile radius of the Project site: the San Felipe Plaza Cleanup Program Site (0.36 mile), and the Evergreen Elementary School DTSC Cleanup Site (0.27 mile). There are other sites within the radius that have previously been hazardous waste sites or cleanup sites but have since been closed and are no longer active. There are multiple Leaking Underground Storage Tank (LUST) sites located along Aborn Road to the north, but have all been deemed closed. Other waste sites in the area are regular Cleanup Program sites and have also been closed.

State and federal agencies administer laws, regulations and requirements that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. These agencies include the United States Environmental Protection Agency (EPA), the U.S. Department of Transportation (DOT), the Occupational Safety and Health Administration (OSHA), the California EPA, and the California Department of Toxic Substances Control. The City has also adopted an Emergency Operations Plan (EOP) based on guidelines from the Federal Emergency Management Agency (FEMA) and the State Office of Emergency Services (OES).

The City of San José has two airports: the Norman Y. Mineta San José International Airport and Reid-Hillview Airport. The Project site is not within the vicinity of either airport. San José International Airport is located 8 miles from the Project site and the Reid-Hillview Airport is located 2 miles from the Project site. Both airports have adopted an Airport Comprehensive Land Use Plans (CLUPs) that specify the area of influence for each airport. The Project site is not located within either Airport's area of influence, although it is approximately 0.5 mile from the intersection of San Felipe Road and Aborn Road at the southern edge of the Reid-Hillview Airport Influence Zone.[11]

The site is not located in a High or Very High fire risk area as delineated by California Department of Forestry and Fire Protection (CalFire).

Impacts Evaluation

a.–b. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact with mitigation incorporated. The Phase 1 ESA found empty 55-gallon drums and two possible buried drums within a shed with hazardous materials sign. However, no leaking or staining was observed and was concluded that the area did not represent a concern to the Project. Removal of the drums would be removed and disposed of in accordance with appropriate regulations. The on-site structure was constructed before the use of asbestos- and or lead-containing materials became regulated, so it is possible that these materials could be released during demolition. Mitigation Measure HAZ-1 would reduce the associated impacts to a less than significant level.

MM HAZ-1: Prior to issuance of demolition permits, the project applicant shall retain a r hazardous materials contractor to inspect the property for the presence of asbestos-containing materials and lead-based paint. If these materials are determined to be present, they shall be removed and disposed of by a registered asbestos abatement contractor in accordance with applicable federal, state, and local regulations. If these materials are determined not to be present, no further action is necessary. The applicant shall submit documentation verifying that each property has been inspected as part of the demolition permit application.

A septic tank was also found during the site reconnaissance. Existence of the septic tank should be noted during construction activities to prevent accidental hazardous waste spill.

Less than significant impact with mitigation incorporated. The historical agricultural use at the property and immediately surrounding areas was found to be at least 32 years ago (1948–1980). On-site soils could be contaminated with residual agricultural pesticides and/or pesticide-based metals (arsenic and lead) in soils. Mitigation Measure HAZ-2 would reduce the associated impacts to a less than significant level.

[11] City of San José, "San José 2040 General Plan: Airport Influence Area Diagram," Chapter 6, page 59.

MM HAZ-2: Prior to issuance of a grading permit, the project applicant shall perform a series of soil samplings to test for the presence of organochlorine pesticides (OCPs) using EPA test Method 8081A and pesticide-based metals (arsenic and lead) concentrations as required by the Environmental Services Department. If the analytical results show pesticide or metals concentration above regulatory environmental screening levels, then the regulatory oversight must be obtained from the Santa Clara County Department of Environmental Health under the County's voluntary cleanup program. The contamination must be mitigated with a no further action letter, or equivalent, from the County.

Small quantities of other potentially hazardous substances such as gasoline, diesel fuel, lubricants for machines, and other-petroleum-based products would be used on-site, and once operational, limited quantities of hazardous materials such as solvents, fertilizers, pesticides, and other materials used for regular maintenance of buildings and landscaping. However, quantities of these materials would not be significant enough to pose a substantial risk to the public, and compliance with existing regulations and standard procedures, including Department of Transportation provisions regulating the transport of hazardous materials, would minimize risks to the maximum extent practicable. Therefore, impacts would be less than significant.

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

Less than significant impact. There is a Montessori school on the adjacent property to the north of the site. As described above, limited quantities of hazardous substances would be used during both construction and operation of the Project; however, quantities of these materials would not be significant enough to pose a substantial risk to the adjacent school. Additionally, compliance with existing regulations and standard operating procedures would reduce associated risks to the maximum extent practicable. Therefore, impacts would be less than significant.

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

No Impact. As described above, the Project would not be located on a hazardous materials site identified in the EnviroStor or GeoTracker databases. Therefore, no impact would result.

e.–f. 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 for people residing or working in the Project area? For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

Less than significant impact. As described above, the Project site is not located in an airport influence zone as delineated on the Envision San José 2040 General Plan Airport Influence Area Diagram, although it is approximately 0.5 mile from the intersection of San Felipe Road and Aborn

Road at the southern edge of the Reid-Hillview Airport Influence Zone. However, applicable air traffic and safety regulations would ensure that impacts would be less than significant.

g.–h. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less than significant impact. The Project would involve redevelopment of a previously developed site in an established residential neighborhood. Emergency vehicle access would be provided in compliance with City standards and the facility would be constructed in compliance with the provisions of the Municipal Code, including regulations in the fire code. Therefore, the Project would not conflict with the City's adopted EOP. Additionally, as described above, the site is not located in a High or Very High fire risk area as delineated by CalFire. Overall, impacts would be less than significant.

3.9 HYDROLOGY AND WATER QUALITY

Hydrology and Water Quality Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	
f. Otherwise substantially degrade water quality?	☐	☐	☒	☐	
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐	
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	

Setting

The Project site is located in a developed residential neighborhood, served by the City's storm drain system and there is a municipal storm drain line located San Felipe Road, adjacent to the western edge of the site. The Project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

Water Quality—Construction Period

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized. The Project would disturb over one acre of land and would therefore be required to comply with the Construction General Permit. Prior to the commencement of construction or demolition, a Notice of Intent (NOI) would be filed with the SWRCB and development, implementation and maintenance of a Storm

Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities would be required.

Water Quality—Post-Construction

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José.

The MRP (NPDES Permit No. CAS612008) mandates that the co-permittees, including the City of San José, use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

The MRP requires regulated projects to include measures to control hydromodification impacts where the Project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-Project runoff does not exceed calculated pre-Project rates and durations. The Project site is located in an area subject to the hydromodification controls, and would create greater than one acre of impervious surface area, therefore a hydromodification management plan would be required.

Impacts Evaluation

a., f. Would the Project violate any water quality standards or waste discharge requirements? Would the Project otherwise substantial degrade water quality?

Less than significant impact.

Construction-Related Water Quality Impacts

Construction of the proposed Project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the Project would disturb more than one acre of soil and, therefore, compliance with the NPDES General Permit for Construction Activities is required.

All development projects in San José shall comply with the City's Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. The City of San

José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction.

> ***Standard Permit Conditions*:** Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discard of stormwater pollutants.
> - Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
> - Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
> - All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
> - Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
> - All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
> - All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
> - Vegetation in disturbed areas shall be replanted as quickly as possible.
> - All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
> - The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
> - A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
> - The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
> - When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

The Project, with the implementation of the above standard permit conditions, would not result in significant construction-related water quality impacts.

Post-Construction Water Quality Impacts

Under existing conditions, the Project site is approximately 10 percent pervious.. Upon completion of the Project, the site would be 65 percent impervious with roughly 121,632 square feet of the site impervious surfaces, which includes roof areas, parking sidewalks, and street. The remaining 73,442 square feet would remain pervious paving and landscaping areas. This specific development would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. In order to meet these requirements, the Project proposes to utilize stormwater treatment measures such as bioretention basins and treatment planters to treat runoff from the roofs and impervious areas. Stormwater runoff from these areas will drain into the treatment area prior to entering the storm drainage system. The proposed treatment facility will be numerically sized and will have sufficient capacity to treat the roof runoff entering the storm drainage system consistent with the NPDES requirements.

The City of San José General Plan Final EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development will have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed Project will have a less than significant water quality impact.

b. Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge?

Less than significant impact. As described below in section 3.17 Utilities and Service Systems, while groundwater drawn from the San Clara Valley sub-basin in supplements supply in the northern part of Santa Clara County, the Evergreen service are does not rely on groundwater supply. Additionally, the proposed landscaping plan includes a large area on the western portion of the site would remain pervious and landscaped gardens would be constructed adjacent to the main building, thereby allowing for groundwater recharge throughout the site. As such, the Project would not substantially deplete groundwater supply or interfere with groundwater recharge and impacts would be less than significant.

c. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?

Less than significant impact. There is no watercourse on the Project site. Although, stormwater flow patterns could be temporarily altered during grading and construction, compliance with NPDES permit conditions and the applicable provisions of the Municipal Code related to erosion control would ensure that impacts are reduced to the maximum practicable extent. Therefore, impacts would be less than significant.

d. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

Less than significant impact. The topography of the site is relatively flat and there is no watercourse on the property. The Project would provide connections to the City's storm sewer system and as described below in section 3.17 Utilities and Service Systems, would be required to implement stormwater treatment measures in compliance with Provision C.3 of the Municipal Regional Stormwater Permit (MRP) adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB), thereby reducing the volume and flow rate of stormwater from the site to the storm sewer system to the maximum practicable extent. Although, stormwater flow patterns could be temporarily altered during grading and construction, compliance with NPDES permit conditions and the applicable provisions of the Municipal Code related to stormwater treatment and control would ensure that impacts are reduced to a less than significant level. Overall, impacts with respect to substantial increase in the rate or amount of surface run off causing flooding would be less than significant.

e. Would the Project create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than significant impact. Redevelopment of the site would result in the creation of net new impervious surface in the form of driveways and rooftops; however, compliance with existing regulations including NPDES permit conditions, Provision C.3 of the MRP, and the provisions of the Municipal Code would reduce impacts to the maximum practicable extent and impacts would be less than significant.

g.–i. Would the Project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Would the Project place within a 100-year flood hazard area structures which will impede or redirect flood flows? Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less than significant impact. The Project site is not located in a FEMA designated Special Flood Hazard Area subject to inundation in the event of a 100 year flood. The Project site is not located within a dam hazard inundation area as shown on Figure 3.7-5 Damn Failure Inundation Areas of the Envision San José 2040 General Plan EIR. Therefore, impacts would be less than significant.

j. Would the Project expose the Project to inundation by seiche, tsunami, or mudflow?

No impact. Given the location of the Project site in relatively flat terrain and over 15 miles from San Francisco Bay, the risk of exposure to mudslides and tsunami is very low. Additionally, the nearest closed body of water to the Project site is Cunningham Lake, located approximately 2 miles from the site, and the risk of exposure to seiche is also very low. Therefore, overall, impacts would be less than significant.

3.10 LAND USE

Land Use Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	☐	☐	☐	☒	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	

Setting

The City's General Plan establishes a framework for the future of land use development and conservation, designating areas of the City for different uses. The Zoning Code establishes development standards for each land use, including regulations regarding building heights, lot coverage and front, side and rear setbacks. The City's Municipal Code also includes provisions for the removal of trees and the protection of trees during construction activities; stormwater pollution prevention; and erosion control.

The General Plan land use designation applicable to the Project site is Neighborhood/Community Commercial, which allows for a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas. General office uses, hospitals and private community gathering facilities are also allowed in this designation. Adjacent properties to the north and south share this designation, while properties immediately to the east and properties across San Felipe Road to the west are designated Residential Neighborhood, which typifies established residential areas of the City. The site is currently zoned (A) Agriculture in recognition of its historic use as an orchard and vineyard; however, the site has not been in agricultural use since before 1973 and is currently in residential use. Additionally, the site is currently fenced on three sides and access through the site to other properties in the neighborhood is not available.

The site is located within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) area in Santa Clara County, California and covers 18 special status plants and wildlife species. Of the SCVHP covered species and results of the Special status species potentially found in the area one species the

western burrowing owl has very marginal habitat potential on-site. The eastern portion of the site is an undeveloped open grass field and provides marginal burrowing owl nesting and foraging habitat. The site is also located within the designated western burrowing owl conservation zones outlined in the SCVHCP and will require a pre-construction survey in accordance with the SCVHCP (Condition 15-18).

Impacts Evaluation

a. Would the Project physically divide an established community?

No impact. The proposed Project would involve construction and operation of a residential facility for seniors on a previously developed property in an established residential neighborhood. No public access through the site is currently available, and implementation of the Project would not eliminate access, reduce connectivity or otherwise physically divide an existing community. As such, no impact would result.

b. Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. A significant impact would occur if the Project would conflict with the City's General Plan or Municipal Code, including the Zoning Ordinance, or tree removal controls. As stated above, the General Plan designation applicable to the Project site is Neighborhood/Community Commercial, which supports a broad range of commercial activity such as neighborhood serving retail and services. Hospitals, including convalescent hospitals and inpatient and residential care facilities, are also allowed in this designation. The proposed use of the Project meets the definition of a convalescent hospital in accordance with Section 20.200.250 of the City of San José Municipal Code in that is it an establishment where inpatient nursing care or other medical care is provided for a minimum of forty hours per week.

As described above, the site is currently zoned (A) Agriculture in recognition of its historic use as an orchard and vineyard; however, it has not been in active agricultural use since before 1973. The existing use of the site is residential, with two occupied prefabricated homes on-site. The Project would involve a rezoning of the site to Commercial General, which would achieve greater consistency with the General Plan's Neighborhood/Community Commercial designation of the Project site. The zoning change would require approval of the City Council, and the Conditional Use Permit would require approval of the Planning Commission. These approvals will serve to reconcile any inconsistencies between the existing zoning designation and the proposed Project, which is considered a self-mitigating aspect of the Project. As such, with approval of the Project, including the proposed rezoning and the Conditional Use Permit, the Project would not conflict with the Zoning Code.

Approximately 76 existing trees would be removed from the Project site, including eight native trees, 50 non-native trees and 18 eucalyptus trees. In compliance with City of San José standards and regulations, a total of 228 replacement trees would be planted, including 30 native trees, 126 non-native trees and 72 eucalyptus trees. Approximately 31 trees would remain on-site and would be

protected pursuant to the provisions of the Municipal Code during construction of the Project. In compliance with Municipal Code Title 17.04.340, a grading permit would be obtained prior to commencement of on-site grading and excavation and in compliance with Title 20.100.480, a stormwater pollution prevention plan would be produced. The Project would also be subject to review by the City's Design Review Committee. Therefore, overall, the Project would not conflict with applicable plans and regulations and associated impacts would be less than significant.

c. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

Less than significant impact.
As described above, the site is located within the SCVHCP area and in designated western burrowing owl conservation zones identified in the SCVHCP. However, with implementation of Mitigation Measure BIO 1, described above, impacts to sensitive species would be reduced to a less than significant level. As such, conflicts with the SCVHCP would be less than significant.

3.11 MINERAL RESOURCES

Mineral Resources Environmental Checklist

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

Setting

The Project site is located in a highly urbanized context within the City of San José. There are no active mineral recovery sites in the vicinity of the Project site. The nearest mineral recovery site in the area is the former Silver Creek Mine, now closed, located approximately 4 miles to the south. One area in San José is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance.[12] This is located in an area of Communications Hill in central San José, approximately 5 miles west of the Project site.

[12] City of San José Draft Program EIR

Impacts Evaluation

a.–b. Would the Project result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state or 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 located in a highly urbanized, previously developed context. There are no known mineral deposits and no active mineral extraction sites on the Project site or in the immediate vicinity. As such the Project would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site and there would be no associated impact.

3.12 NOISE

Noise Environmental Checklist

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
f. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	

Setting

The following noise analysis was prepared by FCS Senior Scientist, Phil Ault.

Characteristics of Noise

Noise is defined as unwanted sound, measured and expressed in decibels (dB). Most of the sounds that we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity. The standard unit of measurement of the loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dBA or less are only perceptible in laboratory environments. A change of 3 dBA is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans. It gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level (L_{dn}) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night.[13] In addition, the equivalent continuous sound level (L_{eq}) is the average sound energy of time-varying noise over a sample period and the L_{max} is the maximum instantaneous noise level occurring over a sample period.

Existing Noise Sources

The proposed Project site is located in a residential district in the southeastern part of the City, with regional access via Highway 101 and Interstate 680. Main sources of noise in the vicinity include San Felipe Road, a Montessori school to the north, homes to the east, a small commercial building to the southeast, and a single-family residence and smaller commercial buildings to the southwest.

[13] L_{dn} is the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 10 decibels to sound levels occurring in the night between 10:00 p.m. and 7:00 a.m. CNEL is the 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 decibels to sound levels occurring in the evening from 7:00 p.m. to 10:00 p.m. and after the addition of 10 decibels to sound levels occurring in the night between 10:00 p.m. and 7:00 a.m. Source: Harris, Cyril M. 1998. *Handbook of Acoustical Measurement and Noise Control.*

Existing noise levels on the Project site were documented through short-term ambient noise monitoring taken at two locations on the Project site in order to determine the existing ambient noise environment. Noise measurements were taken during the midday hours, which typically have the highest daytime noise levels in urban environments. Noise monitoring was performed using a Larson-Davis Model LxT2 Type 2 precision sound level meters programmed in "slow" mode to record noise levels in "A" weighted form. The sound level meter was calibrated using a Larson-Davis calibrator, Model CAL 150. The accuracy of the calibrator is maintained through a program established through the manufacturer and is traceable to the National Bureau of Standards. All noise level measurement equipment meets American National Standards Institute specifications for sound level meters (S1.4-1983 identified in Chapter 19.68.020.AA).

The ambient noise measurements were taken on Monday, July 11, 2016 between 2:00 p.m. and 3:00 p.m. by an FCS noise technician. The noise measurements taken on the project site were taken to document the daytime ambient noise environment and identify existing noise sources in the project vicinity. The ambient noise measurements captured the noise levels from both mobile and stationary noise sources. The noise technician identified that the dominant noise source in the project vicinity was traffic on the adjacent roadway. Therefore, traffic noise modeling was also undertaken, as described in the impact discussion below. The noise measurement data sheets are provided in Appendix E of this document. Short-term noise measurement ST#1 was taken at the Project's western property line north approximately 200 feet south of the Yerba Buena Avenue intersection; measurement ST#2 was taken at the Project site's most southern property line. The resulting daytime ambient noise levels were measured to range from 49.1 dBA at the north of the site, to 65.2 dBA L_{eq}, at the southern property line, with maximum levels ranging from 65.0 dBA to 84.5 dBA L_{max}. The noise technician identified that the primary noise source in the Project vicinity was traffic noise on San Felipe Avenue.

Regulatory Framework

The standards within the San José 2040 General Plan Noise Element determine the acceptable noise environment for each land use. For residential care land use development, noise levels up to 60 dBA L_{dn} are "Normally Acceptable." In areas with noise levels from 60 dBA to 75 dBA L_{dn}, construction of residential care land use development would require acoustic analysis to determine the insulation needed to maintain an indoor level of 45 dBA L_{dn}. A maximum exterior noise level of 75 dBA L_{dn} has been established as the maximum exterior noise level necessary to avoid significant adverse health effects. An interior noise level of 45 dBA L_{dn} has been established for all uses. The Noise Element recognizes that full attainment of noise standards may not be achievable in the environs of the San José International Airport, the Downtown Core Area and along major roadways.

The City considers significant noise impacts to occur if a project would cause the L_{dn} at noise sensitive receptors to increase by 5 dBA L_{dn} or more where the noise levels would remain "Normally Acceptable"; or cause the L_{dn} at noise sensitive receptors to increase by 3 dBA L_{dn} or more where noise levels would equal or exceed the "Normally Acceptable" level[14].

The City requires construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses, in accordance with the hours listed in the Municipal Code. The City considers significant construction noise impacts to

[14] "Envision 2040 General Plan" City of San José, accessed July 27, 2016, Chapter 3, Page 40.

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 must be implemented during construction to reduce noise impacts on neighboring residents and other uses.

Through the provisions of the Municipal Code, the City also requires new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a 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 vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

The following General Plan Policies apply to this 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:

Interior Noise Levels

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

Exterior Noise Levels

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

attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
- For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

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.

Impacts Evaluation

a. Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than significant impact. Noise levels in the vicinity of the Project site would be influenced by the ongoing operation of the proposed Project. Construction related noise is discussed below under 3.12 d).

Mobile-Source Noise Impacts

A significant impact would occur if the project would expose persons to noise levels in excess of the City's established land use compatibility standards. The City's land use compatibility standards for residential care land use development state that environments with noise levels up to 60 dBA L_{dn} are "Normally Acceptable." In areas with noise levels from 60 dBA to 75 dBA L_{dn}, construction of residential care land use development would require acoustic analysis to determine the insulation needed to maintain an indoor level of 45 dBA L_{dn}.

The existing ambient noise environment was documented through the short-term ambient noise measurement effort. Existing ambient noise conditions were then compared for compliance with the City's land use compatibility standards for new residential land use development. The primary noise source in the Project vicinity is traffic noise levels along San Felipe Road; therefore, traffic noise modeling was also performed, as described below. Measured average ambient noise levels at the Project site ranged from 49.1 dBA to 65.2 dBA L_{eq}, with maximum levels ranging from 65.0 dBA to 84.5 dBA L_{max}, as measured near the Project's western property edge along San Felipe Road. These noise measurements were taken during daytime peak noise hours and the 24-hour average noise level would be expected to be somewhat lower when average with the quieter nighttime noise levels. The noise monitor survey data sheets are provided in Appendix E. There are no major noise sources in the Project vicinity that would substantially affect the nighttime noise levels above those measured during the daytime peak noise hours. Therefore, the existing noise levels are expected to remain within the City's "conditionally acceptable" range of below 75 dBA L_{dn} for new residential care land use developments. Measures to reduce potential traffic noise impacts are discussed below.

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was also used to evaluate existing and future traffic noise conditions in the vicinity of the Project site. Traffic data used in the model was obtained from the traffic report for the Project prepared by Crane Transportation Group (Appendix F). The traffic noise modeling utilized the PM peak hour traffic volumes from the traffic study. These traffic volumes included traffic from schools and all other traffic generating land uses in the project vicinity. The resultant noise levels were weighed and summed over a 24-hour period in order to determine the L_{dn} values. The traffic noise modeling input and output files are included in Appendix E of this document. Table 8 shows a summary of the traffic noise levels for existing background traffic noise levels without and with the Project as measured at 50 feet from the centerline of the outermost travel lane.

Table 8: Traffic Noise Model Results Summary

Roadway Segment	Existing No Project ADT	Existing No Project (dBA) L_{dn}	Existing Plus Project ADT	Existing Plus Project (dBA) L_{dn}	Increase over Existing No Project (dBA)
San Felipe Road–n/o Yerba Buena Avenue	21,100	67.3	21,200	67.3	0.0
San Felipe Road–s/o Yerba Buena Avenue	18,800	66.8	18,800	66.8	0.0

Table 8 (cont.): Traffic Noise Model Results Summary

Roadway Segment	Existing No Project ADT	Existing No Project (dBA) L_{dn}	Existing Plus Project ADT	Existing Plus Project (dBA) L_{dn}	Increase over Existing No Project (dBA)
Yerba Buena Avenue–w/o San Felipe Avenue	4,800	59.0	4,800	59.0	0.0

Note:
ADT is calculated by the FHWA model based on PM peak hour traffic volumes from the traffic study prepared for the Project. FHWA model ADT assumptions are lower than ADT derived from the ITE methodology used in the traffic report; however, even if all 250 average daily trips forecast using ITE methodology traveled along any of the modeled roadway segments, they would still not result in even a 1 dBA increase in traffic noise levels that would exist without the Project.
L_{dn} (dBA) is stated as measured at 50 feet from the centerline of the outermost travel lane.
Source: FirstCarbon Solutions, 2016.

The modeling results show that traffic noise levels along the modeled roadway segment of San Felipe Road adjacent to the Project site, south of Yerba Buena Avenue, would range up to 66.8 dBA L_{dn} under existing plus Project traffic conditions as measured at 50 feet from the centerline of the outermost travel lane. The nearest façade of the proposed residential care facility would be located approximately 120 feet from the centerline of the outermost travel lane. At this distance, traffic noise levels along this roadway segment would attenuate by approximately -6.1 dBA to approximately 60.7 dBA L_{dn}. These traffic noise levels are in excess of the City's normally acceptable threshold of 60 dBA L_{dn} for new residential care land use development, but are within the ambient noise level range that is considered conditionally acceptable. For conditionally acceptable conditions, the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Based on the United States Environmental Protection Agency's Protective Noise Levels (EPA 550/9-79-100, November 1978), with a combination of walls, doors, and windows, standard construction for northern California residential buildings would provide approximately 25 dBA in exterior to interior noise reduction with windows closed and approximately 15 dBA with windows open. With windows open, interior living spaces for the proposed residential land uses would not meet the interior noise standard of 45 dBA L_{dn} (60.7 dBA–15 dBA = 45.7 dBA); although, with windows closed, the City's acceptable interior noise level standard of 45 dBA L_{dn} would be met (60.7 dBA–25 dBA = 35.7 dBA). However, all residential units of the proposed Project would include an alternative ventilation system, such as a mechanical ventilation system in compliance with the Uniform Building Code (UBC) requirements, to ensure that windows can remain closed for a prolonged period of time. This noise reduction feature would reduce on-site traffic noise impacts to meet the City's interior residential living space noise level standard of 45 dBA L_{dn} and would reduce on-site traffic noise levels to less than significant. Therefore, as the proposed Project would include such mechanical ventilation systems, traffic noise impacts would be reduced to less than significant and no mitigation would be required.

Stationary-Source Noise Impacts

New stationary noise sources associated with implementation of the Project would include new mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) systems. At the

time of preparation of this analysis, details of mechanical ventilation systems were not available; therefore, a reference noise level for typical HVAC systems was used. Noise levels from typical rooftop mechanical ventilation equipment are anticipated to range up to approximately 60 dBA L_{max} at a distance of 25 feet. Proposed HVAC systems could be located as close as 60 feet from the nearest off-site receptor (the closest residential land use south of the Project site). However, rooftop ventilation systems would not have a direct line of sight to off-site receptors due to set-backs from the edge of the roof and a low parapet wall, which would provide additional noise shielding. Therefore, noise generated by proposed mechanical ventilation systems would be expected to attenuate by approximately 13 dBA due to distance and shielding to less than 47 dBA L_{max} as measured at the nearest off-site sensitive receptor. When averaged over a 24-hour period, these noise levels would be well below the City's stationary noise source performance standard of 55 dBA L_{dn} as measured at the receiving property. In addition, these noise levels are also well below existing maximum recorded ambient noise level of 84.5 dBA L_{max}. Therefore, noise levels from new stationary noise sources would be considered a less than significant impact.

b. Would the Project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Less than significant impact. Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings.

Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. When assessing annoyance from groundborne vibration, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. To distinguish vibration levels from noise levels, the unit is written as "VdB."

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving and operating heavy earthmoving equipment. Construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). For purposes of this analysis, Project related impacts are expressed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 9, below.

Table 9: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	RMS Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—small	0.003	58
Jackhammer	0.035	79

Table 9 (cont.): Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	RMS Velocity in Decibels (VdB) at 25 Feet
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (Mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer—Large	0.089	87
Caisson drilling	0.089	87
Vibratory Roller (small)	0.101	88
Compactor	0.138	90
Clam shovel drop	0.202	94
Vibratory Roller (large)	0.210	94
Pile Driver (impact-typical)	0.644	104
Pile Driver (impact-upper range)	1.518	112
Source: Compilation of scientific and academic literature, generated by FTA and FHWA.		

Propagation of vibration through soil can be calculated using the following vibration reference equation:

PPV= PPV ref * (25/D)^n (in/sec)

Where:

PPV = reference measurement at 5 feet from vibration source
D = distance from equipment to property line
N = vibration attenuation rate through ground

According to Chapter 12 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual (2006), an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.

The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document (FTA 2006). The FTA guidelines include thresholds for construction vibration impacts for various structural categories as shown in Table 10.

Table 10: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced—Concrete, Steel or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Non Engineer Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90
Source: FTA, 2006.		

Of the variety of equipment used during construction, the large vibratory rollers that could be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this Project. Large vibratory rollers produce groundborne vibration levels ranging up to 0.210 inch per second (in/sec) peak particle velocity (PPV) at 25 feet from the operating equipment.

The City has established a vibration limit of 0.20 in/sec PPV to be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. In addition, the City has established a vibration threshold of 0.08 in/sec PPV for sensitive historic structures in order to minimize the potential for cosmetic damage to a building.

The nearest off-site receptor, the single-family residence south of the Project site, would be located approximately 25 feet from the construction footprint where heavy construction equipment would operate. At this distance, groundborne vibration levels could range up to 0.20 PPV from operation of a large vibratory roller. This could exceed the City's construction vibration threshold. However, implementation of Mitigation Measure NOI-1, the Standard Project Condition, would ensure potential short-term construction vibration levels would be reduced to a less than significant impact on sensitive receptors in the Project vicinity. All other surrounding buildings would be located over 30 feet from the construction footprint, except for the Smith House, discussed below, at which distance vibration levels from operation of heavy equipment would attenuate to below 0.2 PPV.

Impact NOI-1: Implementation of the project would also include relocation of the historic Smith House structure on the project site. This structure would be located approximately 30 feet from the construction footprint where heavy construction equipment would operate. At this distance, groundborne vibration levels could range up to 0.15 in/sec PPV from operation of a large vibratory roller. This could exceed the City's construction vibration threshold of 0.08 in/sec PPV for sensitive historic structures. Therefore, Mitigation Measure NOI-2—requiring that the operation of all heavy construction equipment that produces vibration levels greater than 0.08 in/sec PPV at a distance of 25 feet, shall be restricted from operating within 50 feet of the relocated

Smith House structure—is required. In addition, the Project shall conduct a pre-project crack survey of the relocated Smith House structure to document pre-construction conditions. Ground vibration levels outside this building shall be monitored during construction activities when heavy equipment operates within 50 feet of the building to confirm vibration levels are below the allowable level of 0.08 in/sec PPV. If vibration levels exceed the allowable level, a post-construction crack survey shall be completed and any cosmetic or structural damage resulting from the Project shall be repaired.

MM NOI-1 Consistent with General Plan Policy EC-2.3, the Project would implement the following standard measures to avoid construction vibration impacts to adjacent buildings:

- The Project shall conduct a pre-project crack survey of the existing residential building, located at 3600 San Felipe Road, immediately south of the site to document existing conditions. Ground vibration levels outside this building shall be monitored during construction activities when heavy equipment operates within 50 feet of the building to confirm vibration levels are below the allowable level of 0.20 in/sec PPV. If vibration levels exceed the allowable level, a post-construction crack survey shall be completed and any cosmetic damage resulting from the Project shall be repaired.

MM NOI-2: The Project shall conduct a pre-project crack survey of the relocated Smith House structure to document existing conditions. Ground vibration levels outside this building shall be monitored during construction activities when heavy equipment operates within 50 feet of the building to confirm vibration levels are below the allowable level of 0.08 in/sec PPV. If vibration levels exceed the allowable level, a post-construction crack survey shall be completed and any cosmetic and structural damage resulting from the Project shall be repaired.

Implementation of the above standard permit condition would ensure that construction activities associated with the Project would not damage nearby structures.

Operational Vibration Impacts

Upon completion of construction, the Project would not include any permanent sources of groundborne vibrations. As such, implementation of the Project would not expose persons within the Project vicinity to excessive groundborne vibration levels. Therefore, Project-related operational groundborne vibration impacts would be considered less than significant.

c. Would the Project result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Less than significant impact. The City considers significant noise impacts to occur if a Project would cause the L_{dn} at noise sensitive receptors to increase by 5 dBA L_{dn} or more where the noise

levels would remain "Normally Acceptable"; or cause the L_{dn} at noise sensitive receptors to increase by 3 dBA L_{dn} or more where noise levels would equal or exceed the "Normally Acceptable" level.

According to the traffic study prepared for the Project, the proposed 94-unit facility would be expected to generate about 250 daily two-way trips (125 inbound and 125 outbound) (see Appendix F), with 8 inbound and 5 outbound trips during the commute AM peak hour, and 9 inbound and 11 outbound trips during the commute PM peak hour. These trips would not result in a doubling of traffic volumes along any roadway segment in the Project vicinity. Thus, implementation of the Project is not expected to result in even a perceptible increase (defined to be a 3-dBA or greater increase) in traffic noise levels on any of the local roadways in the Project vicinity. This has been verified through the traffic noise modeling performed for the Project and summarized in Table 10 above. None of the modeled roadway segments would experience any measureable increase in traffic noise levels with implementation of the Project. Therefore, Project-related traffic noise impacts on off-site receptors would be less than significant.

As shown in the impact discussion under section a), above, noise levels from the operation of proposed mechanical ventilation systems would not exceed 55 dBA L_{dn} as measured at the nearest off-site sensitive receptor. As such, stationary operational noise sources would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project; and would therefore result in a less than significant impact.

d. Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Less than significant impact. Noise levels in the Project area would be influenced by construction activities of the Project.

Short-Term Construction Impacts

Two types of short-term noise impacts could occur during the construction of the proposed Project, anticipated to be one year in duration. First, construction crew commutes and the transport of construction equipment and materials to the Project site would incrementally increase noise levels on access roads leading to the Project site. Although there would be a relatively high single event noise exposure potential causing intermittent noise nuisance, the effect on longer term (hourly or daily) ambient noise levels would be small. Therefore, short-term construction-related impacts associated with worker commute and equipment transport to the Project site would be less than significant.

The second type of short-term noise impact is related to noise generated during construction on the Project site. Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction related noise ranges to be categorized by work phase. Table 11 lists typical construction equipment noise levels, based on a distance of 50 feet between the equipment and a noise receptor. Because the noisiest construction equipment is earthmoving equipment, the site preparation phase is expected to be the loudest phase of construction. The site preparation construction phase is expected to require the use

of front-end loaders, compactors, hydraulic backhoes, and haul trucks. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three or four minutes at lower power settings. Impact equipment such as pile drivers is not expected to be used during construction of this Project.

Table 11: Typical Construction Equipment Maximum Noise Levels, L_{max}

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Pickup Truck	No	55
Pumps	No	77
Air Compressors	No	80
Backhoe	No	80
Front-End Loaders	No	80
Portable Generators	No	82
Dump Truck	No	84
Tractors	No	84
Auger Drill Rig	No	85
Concrete Mixer Truck	No	85
Cranes	No	85
Dozers	No	85
Excavators	No	85
Graders	No	85
Jackhammers	Yes	85
Man Lift	No	85
Paver	No	85
Pneumatic Tools	No	85
Rollers	No	85
Scrapers	No	85
Concrete/Industrial Saws	No	90
Impact Pile Driver	Yes	95
Vibratory Pile Driver	No	95

Source: FHWA, 2006. Highway Construction Noise Handbook, August.

The demolition phase is expected to use concrete saws, excavators, and rubber tired dozers. The site preparation and grading phase of the Project is expected to require the use of rubber tired dozers, tractors, front-end loaders, backhoes, excavators, and graders. The building construction phase is expected to require the use of cranes, forklifts, portable generators, tractors, front-end loaders,

backhoes, and welder torches. Assuming that each piece of construction equipment operates as an individual noise source at a reasonable distance from one another, the worst-case composite noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from the nearest operating equipment.

Construction operations within San José are required to use best available noise suppression devices and techniques and limit construction hours near residential uses to the hours of 7:00 a.m. to 7:00 p.m., in accordance with the Municipal Code, Monday through Friday, with no noise producing construction activities permitted on weekends. Therefore, by restricting construction activities to these stated time periods, as well as by implementing the best management noise reduction techniques and practices outlined in Standard Project Condition, would ensure potential short-term construction noise levels would be reduced to a less than significant impact on sensitive receptors in the Project vicinity.

> ***Standard Permit Condition:*** The City's Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. The following measures would be implemented as part of the Project noise logistics plan to reduce construction noise and vibration levels consistent with the City of San José policy:
>
> - Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
>
> - Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
>
> - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
>
> - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
>
> - Locate staging areas and construction material areas as far away as possible from adjacent land uses;
>
> - Prohibit all unnecessary idling of internal combustion engines;
>
> - If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
>
> - If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Notify all adjacent land uses of the construction schedule in writing.

- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control 'disturbance coordinator' and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.

- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

Implementation of these measures (which are required by city policy and would be conditions of Project approval) would avoid potentially significant construction-related noise and vibration impacts. Therefore the Project would have a less than significant construction noise impact.

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

No impact. The nearest airports to the Project site are the San José International Airport, located 8 miles to the northwest, and the Reid-Hillview Airport, located approximately 2 miles to the north. The Project site is located well beyond the 50 dBA CNEL noise contours of these airports. While aircraft noise is occasionally audible on the Project site from aircraft flyovers, aircraft noise associated with nearby airport activity would not expose people residing or working in the Project area to excessive noise levels. Therefore, impacts associated with public airport noise would be less than significant.

f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?

No Impact. The Project site does not lie within 2 miles of any private airstrip. While aircraft noise is occasionally audible on the Project site from aircraft flyovers, aircraft noise associated with nearby private airstrip activity would not expose people residing or working in the Project area to excessive noise levels. Therefore, no impacts associated with private airstrip noise would occur.

3.13 POPULATION AND HOUSING

Population and Housing Environmental Checklist

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

Setting

San José has experienced significant growth since 2000, adding an average of 12,795 residents per year over the last 15 years as Silicon Valley has emerged as a regional economic engine.[15] In 2015, the City had a population of approximately 1.05 million people, a total of approximately 330,000 housing units and an estimated 607,400 jobs. Over the next 25 years, San José envisions adding 400,000 new residents, 450,000 new housing units and 101,000 new jobs, focused primarily in key Growth Areas. The General Plan includes a range of policies designed to accommodate this future growth, including policies to promote compact growth, foster the development of urban villages, and ensure the provision of housing options that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs. The General Plan also seeks to create housing opportunities and accessible living environments that allow seniors to age in place, either in the same home, assisted living facilities, continuing care facilities, or other housing types within the same community. The City's Municipal Code also contains numerous provisions for affordable and inclusionary housing.

Impacts Evaluation

a. Would the Project induce substantial 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. At full occupancy, the Project would have approximately 109 residents who would largely be drawn from the San José region. As described above, the City is

[15] City of San José. Envision San José 2040 General Plan, Draft Program EIR. June 2011, page 762.

planning for considerable growth over the next 25 years, and as such, the population increase resulting from the Project would not constitute substantial unplanned growth. Impacts would be less than significant.

b., c. Would the Project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

Less than significant impact. There are currently two occupied prefabricated homes on the site, in addition to the historic Smith House. With construction and operation of the Project, the two prefabricated homes would be demolished and replaced with a 94-unit assisted living facility. The Smith House would be relocated on-site, approximately 90 feet to the west of its current location. While the current residents of the site would be required to relocate, it is anticipated that they would be able to find alternative housing within the local area. The City of San José plans to add 450,000 new housing units over the next 25 years and has policies and programs in place to ensure that housing is available to residents of all economic and demographic groups. Therefore, impacts related to the displacement of housing units and people would be less than significant.

3.14 PUBLIC SERVICES

Public Services Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:					
1. Fire Protection?	☐	☐	☒	☐	
2. Police Protection?	☐	☐	☒	☐	
3. Schools?	☐	☐	☐	☒	
4. Parks?	☐	☐	☒	☐	
5. Other Public Facilities?	☐	☐	☒	☐	

Setting

Fire protection services in San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents)

in the City. The SJFD senior command structure consists of a Fire Chief, an Assistant Fire Chief, three Deputy Chiefs, and three Deputy Directors. The SJFD itself consists of six Bureaus: Field Operations; Fire Prevention; Administrative Services; Support Services; Emergency Medical Services (EMS) & Training; and the Office of Emergency Services. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue (USAR) company, one hazardous incident team (HIT) company, and numerous specialty teams and vehicles.[16] There are currently 33 active fire stations in the City. Fire Station 31 is approximately 0.8 mile east of the Project site. The City has established a fire protection total response time goal of 8 minutes and a total travel time goal of 4 minutes for 80 percent of emergency incidents.[17]

Police protection services in San José are provided by the City of San José Police Department (SJPD). The SJPD is administered by a command staff including the Chief, Assistant Chief, and four Deputy Chiefs, presiding over an Operations Command divided into four Bureaus: Administration, Field Operations, Investigations, and Technical Services that consist of 11 divisions with over 67 specialized units and assignments. The SJPD employs over 1,300 sworn officers dispatching 116 Patrol Officers from police headquarters, located at 201 West Mission Street. The City has four patrol divisions, which consist of a total of 16 patrol districts. The patrol districts consist of 83 patrol beats, and the patrol beats consist of 357 patrol beat building blocks.[18] The SJPD has goal response times of 6 minutes for priority 1 calls (immediate potential for imminent danger to life or property) and 11 minutes for priority 2 calls (events that have occurred where no immediate danger is present).

The City of San José includes 22 public school districts that currently operate 222 public schools serving students in San José. The Evergreen School District serves the Project site. Within the Evergreen School District, there are 15 elementary schools and three middle schools.[19] The nearest school is Evergreen Elementary School, approximately 0.5 mile west of the Project site.

The City provides and maintains developed parkland and open space to serve its residents. The City's Departments of Parks, Recreations, and Neighborhood Services are responsible for the development, operation, and maintenance of all City park facilities. The City of San José owns 180 neighborhood-serving parks and nine regional parks and manages a total of 3,435 acres of regional and neighborhood/community serving parkland. Park facilities vary in size and amenities. The closest park to the Project site is the Silver Creek Linear Park located approximately 1.04 miles southwest. Under the Quimby Act, California cities and counties are authorized to pass ordinances requiring that developers set aside land, donate conservation easements or pay fees for park acquisition. The City of San José has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act. For planning purposes, the City has set a minimum overall citywide Quimby Act ratio of 3.5 acres of land per 1,000 people, with a minimum of 1.5 acres City-owned parkland and up to two acres of reactional school grounds.[20] The Almaden and Alviso planning areas are expected to have sufficient parkland to meet the established standard even with anticipated growth through 2035. In other Growth Areas, General Plan policies require large scale residential development to provide

[16] "Fire Department," City of San José, accessed August 10, 2016, http://www.sanjoseca.gov/index.aspx?NID=197.
[17] City of San José Envision 2040 General Plan, 37.
[18] "Police Department,: City of San José, accessed August 10, 2016, http://www.sjpd.org/.
[19] City of San José Draft Program EIR, page 595.
[20] Envision San José 2040 General Plan Draft EIR, 599.

park, trail and recreation amenities to ensure the increased demand for such facilities resulting from future development will be met and existing deficiencies would not be exacerbated.

Other public services within the City important to the quality of life of its residents include community centers, senior centers, and youth centers. The City currently has a total of 25 community centers, 12 senior centers, and 14 youth centers. The Evergreen Community Center is 1.2 miles southeast of the Project site, and would serve the residents of the nursing facility. There is also one main library and eighteen open branch libraries with an additional three branches undergoing expansion and a new branch library is also planned for the Evergreen area.[21] Currently, the closest library is the Village Square Branch Library approximately 0.7 mile west of the Project site. The City has a current policy of providing at least 0.59 square feet of library space per capita and currently provides 0.83 square feet per thousand residents, based on 2011 population, and a policy of 500 square feet of community facility space 1,000 residents and currently provides 601 square feet per thousand residents, based on 2011 population.

Impacts Evaluation

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 public services?

Fire Protection

Less than significant impact. The Project would involve the demolition of two existing homes on the site and construction of a new 94-unit assisted living facility. The new facility would be built to current code standards, including Fire Code, and would be equipped with sprinklers to minimize the potential for damage, injury, and death due to fire. While the new facility could potentially result in an increased number of calls for fire and emergency medical response, the Project would not require construction of new SJFD facilities or the expansion of existing facilities to accommodate new staff or equipment. As such, the impact would be less than significant.

Police Protection

Less than significant impact. The incremental increase in population attributable to the Project would not prevent the SJPD from meeting the goal response times of 6 minutes for priority 1 calls and 11 minutes for priority 2 calls. The small increase in population is consistent with the City's General Plan, which also accounts for an increase in police service calls[22]. While the new facility could potentially result in an increased number of calls for police services, the Project would not require the construction of new SJPD facilities or the expansion of existing facilities to accommodate new staff or equipment. Therefore, impacts to police protection would be less than significant.

Schools

No Impact. At move in, the majority of residents would be in their late 80s, and the Project would not have any school-aged residents. Notwithstanding, the Project will be required to pay applicable

[21] City of San José Draft Program EIR, page 603.
[22] City of San José Envision 2040 General Plan

school impact fees, which are required for all commercial development within the City. Therefore, the Project would have no impact on schools.

Parks

Less than significant impact. The Project would have approximately 109 residents at full occupancy, many of whom would be drawn from the San José area. As such, the Project would not result in a substantial population increase in the City and would not significantly affect the ratio of parkland per thousand residents. Therefore, impacts related to parkland from the Project would be less than significant.

Other Public Facilities

Less than significant impact. As described above, the City is currently exceeding the established standards for library and community facilities space. Future residents would be expected to come largely from the San José area, and the Project would not result in a substantial population increase in the City. In addition, the Project will provide a private library for use of the future residents. Therefore, the Project would not significantly and adversely affect the established library and community facilities space standards and impacts would be less than significant.

3.15 RECREATION

Recreation Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 will occur or be accelerated?	☐	☐	☒	☐	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	

Setting

The City provides and maintains developed parkland, open space and recreational facilities to serve its residents. The City's Departments of Parks, Recreations, and Neighborhood Services are responsible for the development, operation, and maintenance of all City recreational facilities. The City José provides a total of 3,435 acres of parkland, including 180 neighborhood-serving parks and nine regional parks, with amenities including benches, pathways, playgrounds, basketball and tennis

courts, public restrooms, and water fountains.[23] The closest parks to the Project site are the Silver Creek Linear Park, located approximately 1.04 miles southwest, and Fowler Creek Park, located approximately 1.18 miles to the west. The City also provides 25 community centers, 12 senior centers, and 14 youth centers that provide recreational amenities and activities for community members.[24] Evergreen Community Center, located 2.2 miles south of the Project site at 4860 San Felipe Road, offers a range of leisure classes in art, music, health and education for youths, adults, and seniors, including recreational and nutrition programs for active adults aged 50 and above.[25]

Impacts Evaluation

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 will occur or be accelerated?

Less than significant impact. As discussed in section 3.14 a), the City provides and maintains developed parkland and open space to serve its residents. The City's Departments of Parks, Recreations, and Neighborhood Services are responsible for the development, operation, and maintenance of all City park facilities. The City of San José manages a total of 3,435 acres of regional and neighborhood/community serving parkland. The Project will have its own set of amenities for the residents to use, including outdoor courtyard spaces, a fitness center, and library. With private amenities for the residents, the likelihood that the neighborhood or regional parks would exceed their capacity and create substantial physical deterioration would be nominal. As such, the Project would not result in a substantial increase in the use of existing neighborhood or regional parks, and impacts 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 described above, the City currently provides 601 square feet of community facilities space per thousand residents, based on 2011 population, which exceeds the established standard of 500 square feet per thousand residents. While the Project would have approximately 109 residents at full occupancy, many would be drawn from the San José area and the Project would not substantially increase the population of the City. In addition, the Project will provide private, on-site recreational amenities for future residents. Therefore, impacts associated with the need for newly constructed or expanded public community facilities would be less than significant.

[23] "Envision San José 2040 General Plan" City of San José, accessed July 25, 2016, page 598.
[24] "Envision San José 2040 General Plan" City of San José, accessed July 25, 2016, page 601.
[25] City of San José, "Facilities: Evergreen Community Center," August 8, 2016, accessed at https://www.sanjoseca.gov/Facilities/Facility/Details/298.

3.16 TRANSPORTATION

Transportation Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	
e. Result in inadequate emergency access?	☐	☐	☒	☐	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	

Setting

The General Plan lays out a set of balanced, long-range, multi-modal transportation goals and policies intended to provide for a safe, efficient transportation system that minimizes environmental, financial and neighborhood impacts. The roadway network is organized into street typologies based on functional classifications that prioritize different travel modes based on street context. Typologies

include freeway, expressway, residential street, local connector street, city connector street, main street and on-street primary bicycle. The project site is located in the Evergreen area of San José. Development in Evergreen is guided by the Evergreen East Hills Development Policy (EEHDP), which is intended to promote the long-term vitality of the area by linking together limited development with supporting transportation infrastructure improvements. In exchange for enabling development capacity in the area, the EEHDP provides a mechanism to require commensurate traffic impact fees in order to construct transportation system improvements. The EEHDP also provides a framework for review of traffic-related impacts (which is more stringent than the Citywide Transportation Impact Policy, Council Policy 5-3) and provides project level clearance for traffic impacts, traffic-related noise impacts, and air quality impacts associated with the development "pool" specified within the policy, including 500 residential units, 500,000 square feet of commercial retail space, and 75,000 square feet of office space.

The Santa Clara Valley Transportation Authority (VTA) serves as the Congestion Management Authority (CMA) for Santa Clara County, including San José, and implements a Congestion Management Program (CMP) for key roadway segments and intersections throughout the County.[26] CMP segments and intersections are located on major transportation routes, including freeways, county expressways, urban arterials, and rural highways. There are no CMP segments or intersections in the vicinity of the Project site.

The Project site is located at 3550 San Felipe Road in the Evergreen area of San José. The site has a single point of ingress/egress at the intersection of San Felipe Road at Yerba Buena Avenue. Regional access is via Highway 101, Interstate 680 and the Capitol Expressway, accessed via Aborn Road. VTA bus line 31 runs along San Felipe Road, stopping at the intersection of San Felipe and Fowler Road less than a quarter mile south of the site. There is a Class II bike lane on San Felipe Road, facilitating bicycle access to and from the site.[27]

There are several airports in the San José area, including Norman Y. Mineta San José International Airport (8 miles from the site), Reid-Hillview Airport (2 miles from the site), and Moffett Federal Airfield, a NASA owned and operated facility that presently has restricted aviation service (15.45 miles from the site). The Project site is not located within the established Airport Influence Zone of any of these airports, although it is approximately 0.5 miles from the intersection of San Felipe Road and Aborn Road at the southern edge of the Reid-Hillview Airport Influence Zone.[28]

Impacts Evaluation

a. Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

[26] Santa Clara Valley Transportation Authority, "Congestion Management Program," accessed on August 8, 2016 at http://www.vta.org/cmp.
[27] Fehr & Peers, "Envision San José 2040 General Plan: Draft Existing Transportation Conditions" October 2008, page 16.
[28] City of San José, "San José 2040 General Plan: Airport Influence Area Diagram," Chapter 6, page 59.

Less than significant impact. Land uses such as the proposed Project typically generate very low levels of traffic. Based on Institute of Transportation Engineers trip generation rates and an assumed occupancy rate of 100 percent, the proposed 94-unit assisted living facility would be expected to generate about 250 daily two-way trips (125 inbound and 125 outbound), with 8 inbound and 5 outbound trips during the ambient commute AM peak hour, and 9 inbound and 11 outbound trips during the ambient commute PM peak hour.[29] This represents fewer than 10 project-generated trips per hour per approach lane at the San Felipe Drive/Yerba Buena Avenue intersection, the intersection most directly affected by Project traffic, and is below the threshold established by VTA for traffic impact analysis. As such, the Project would not have significant adverse impacts on the performance of the transportation system for any travel mode, and impacts with respect to conflicts with measures of transportation system effectiveness would be less than significant.

b. Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less than significant impact. Although there are no CMP segments or intersections in the vicinity of the Project site, workers commuting to the site during the construction and operational phases could potentially travel along CMP segments such as US 101 or the Capital Expressway or through CMP intersections. However, given the small number of trips the Project is projected to generate in comparison to the large volume of traffic those segments and intersections receive, the Project would not have a substantial adverse impact on the performance of the CMP network. Impacts would be less than significant.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No impact. The Project would involve construction and operation of a 94-unit assisted living facility in an established residential neighborhood within the City of San José. As described above, the Project site is not located in an airport influence zone as delineated on the Envision San José 2040 General Plan Airport Influence Area Diagram. As such, the Project would not affect air traffic patterns and there would be no associated impact.

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

Less than Significant. Access to the Project site would be provided from two points on San Felipe Road. The existing ingress/egress point at San Felipe Road and Yerba Buena Avenue would be signalized and improved to provide primary two-way vehicle access via the main driveway. Additionally, pedestrian crosswalks and timed signal controls would be provided on all intersection approaches at this location. Secondary access would be provided via a new driveway constructed to the southeast of the main access point along San Felipe Road. This second driveway would be signed for right turn in, and right turn out access. All access improvements at the site would be designed in

[29] Crane Transportation Group, Traffic and Parking Report for the Proposed Oakmont of Evergreen Assisted Living Facility, July 26, 2016, page 3.

compliance with City standards, including the City's Geometric Design Guidelines applicable to driveways in order to minimize the potential for safety hazards due to design to the maximum extent practicable. Therefore, impacts would be less than significant.

e. Would the Project result in inadequate emergency access?

Less than significant impact. Emergency access would be provided from both points of access via the main driveway interior to the site. The main driveway would be designed to provide emergency vehicle access and turnaround clearance as required by City standards, including the provisions of the City's Geometric Design Guidelines and the Municipal Code. As such, compliance with City standards and regulations would ensure the Project would not result in inadequate emergency access and impacts would be less than significant.

f. Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less than significant impact. As described above, the Project site is served by VTA bus route 31, which runs along San Felipe Road, and there is an existing Class II bike lane which also runs along San Felipe Road. The Project would involve access improvements at two points along San Felipe Road, as described above. Design of the proposed driveways would be done in compliance with the City's standards including the City's Geometric Design Guidelines in order to ensure roadway safety. Additionally, workers commuting to the site, whether by car, bus, bicycle or on foot, would not adversely affect the safety or performance of transit, bicycle or pedestrian facilities. Therefore, associated impacts would be less than significant.

3.17 UTILITIES AND SERVICE SYSTEMS

Utilities and Service Systems Environmental Checklist

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental	☐	☐	☒	☐	

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
effects?					
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	
g. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☒	☐	

Setting

The Project site is serviced by the City of San José Municipal Water Service (SJMWS), which covers North San José, Evergreen, and parts of Edenvale and Coyote Valley. Water is procured from three water retailers: the San José Water Company (SJWC), the City of San José Municipal Water System (SJMWS), and the Great Oaks Water Company (Great Oaks). The Santa Clara Valley Water District (SCVWD) manages water resources and wholesales treated water to the 13 water retailers throughout Santa Clara County. SJMWS purchases treated water from the SCVWD for the Evergreen service area, where the Project site is located. While groundwater drawn from the Santa Clara Valley sub-basin supplements supply in the northern part of Santa Clara County, the Evergreen service are does not rely on groundwater supply. The SJMWD's 2015 Urban Water Management Plan (UWMP) identifies sufficient water supply to meet projected demand during normal years through 2040. In the first year of drought, SCVWD would rely on available reserves to satisfy projected demand, while in subsequent years after available reserves have been depleted supply and demand would be balanced through short-term water use reductions and supplemental supplies, pursuant to the Water Shortage Contingency Plan.[30]

Imported water and local runoff are stored in the Anderson and Calero reservoirs and imported water before treatment at SCVWD's Santa Teresa, Rinconada, and Penitencia Water Treatment Plants (WTP). The total storage capacity of these surface reservoirs is about 169,000 acre-feet (AF). The Rinconada WTP was constructed in 1967 and can sustain a maximum flow rate of 75 MGD. Upgrades are in the planning stage to increase production at Rinconada to 100 MGD. The Penitencia

[30] San Jose Municipal Water System, 2015 Urban Water Management Plan, page 7-20.

WTP was constructed in 1974 and can sustain a maximum flow rate of 42 MGD. The Santa Teresa WTP was constructed in 1989 and can sustain a maximum flow rate of 100 MGD. The San José-Santa Clara Regional Wastewater Facility (RWF) serves 1.4 million residents and over 17,000 businesses in an eight-city area, including San José. The Facility treats an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd.[31]

Provision C.3 of the Municipal Regional Stormwater Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in October 2009, lays out requirements for low impact design (LID) based post-construction stormwater control measures into new development and redevelopment.[32] Projects that create or replace 10,000 square feet or more of impervious surface are required to incorporate stormwater treatment measures such as bioretention areas, rainwater harvesting and permeable paving in order to facilitate groundwater recharge and minimize the flow of runoff into the storm sewer system.

Republic Services as a 15-year exclusive franchise to collect standard garbage, recycling, and organics from businesses in San José. Residences in the Evergreen area are served by three franchised waste and recycling haulers: California Waste Solutions, Garden City Sanitation and GreenWaste Recovery. With mandatory recycling and laws that have come into effect since 2012, approximately 60 percent of the waste generated in San José is diverted from landfill. The remaining solid waste is sent to landfill sites, including Guadalupe Recycling and Disposal Facility located at 15999 Guadalupe Mines Road, approximately 7 miles from the Project site. Guadalupe Recycling and Disposal Facility is a 411-acre landfill and a permitted capacity of up to 3,650 tons of waste per day. Currently accepts about 1,000 tons daily and has a reported remaining capacity of 11,055,000 cubic yards.[33] Through the Construction & Demolition Diversion Deposit Program (CDDD), the City of San José's offers an incentive program to encourage the recovery of debris from construction and demolition projects.

Impacts Evaluation

a. Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than significant impact. Wastewater from the Project would mainly consist of effluent typical of residential apartment units. Small quantities of hazardous household materials such as cleaning solvents may be present, but not in quantities sufficient to exceed treatment requirements. Additionally, the Project would be required to comply with all applicable regulations and standards, including the NPDES permit requirements and RWQCB standards. Therefore, impacts would be less than significant.

[31] *City of San Jose, "San José-Santa Clara Regional Wastewater Facility," accessed on August 11, 2016 https://www.sanjoseca.gov/Index.aspx?NID=1663

[32] Santa Clara Valley Urban Runoff Pollution Prevention Program, Provision C.3 Handbook, April 2012.

[33] CalRecycle, Guadalupe Sanitary Landfill (43-AN-0015), August 11, 2016 accessed at http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0015/Detail

b. Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. As described above, the RWF has approximately 57 mgd of wastewater treatment capacity available, which is sufficient to accommodate the additional 30.8 mgd of effluent anticipated from Envision San José 2040 General Plan buildout through 2040. Additionally, SJMWD currently has a combined total maximum flow rate of over 200 MGD from its three WTPs, with plans to add an additional 25 MGD now in development. As an assisted living facility in an established residential neighborhood of San José which would not require a change in the General Plan land use designation, the proposed Project is consistent with the Envision San José 2040 General Plan and its buildout projections, and therefore would not result in demand for water or wastewater treatment over and above the capacity of facilities serving the Project. As such, the Project would not require the construction or expansion of water or wastewater treatment facilities and impacts would be less than significant.

c. Would the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than significant impact. The Project would provide connections to the City's storm sewer system. Additionally, the Project would be required to implement stormwater treatment measures in compliance with Provision C.3, thereby reducing the volume and flow rate of stormwater from the site to the storm sewer system to the maximum practicable extent. Therefore, impacts associated with the construction or expansion of stormwater drainage facilities would be less than significant.

d. Would the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than significant impact. The Project would require water for the daily needs of residents as well as for landscaping and maintenance and the operation of the facility, including the proposed dining rooms and beauty parlor. As described above, SJMWD has sufficient water supply to meet projected demand during normal years through 2040, and in drought cycles after available reserves have been depleted supply and demand would be balanced through short-term water use reductions and supplemental supplies. The proposed Project is consistent with Envision San José 2040 General Plan and its buildout projections, and as such would not require new or expanded water supply entitlements. Impacts would be less than significant.

e. Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

Less than significant impact. As described above, the RWF has approximately 57 mgd of wastewater treatment capacity available, which is sufficient to accommodate the additional 30.8 mgd of effluent anticipated from Envision San José 2040 General Plan buildout through 2040. The Project is consistent with Envision San José 2040 General Plan and its buildout projections, and would not

result in demand for wastewater treatment over and above the capacity of facilities serving the Project. Impacts would be less than significant.

f.–g. Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? Would the Project comply with federal, state and local statutes and regulations related to solid waste?

Less than significant impact. Solid waste from the Project site that is not diverted from landfills would be sent to the Guadalupe Recycling and Disposal Facility. This facility has a reported remaining capacity of 11,055,000 cubic yards and currently accepts approximately 1,000 tons daily. The proposed 94-unit assisted living facility would be expected to generate 470 pounds (0.235 ton) of refuse per day, based on solid waste generation rates published by the California Department of Resources Recycling and Recovery. This represents a nominal percentage of the facility's daily permitted capacity, and the facility would have adequate capacity to serve the Project. Additionally, the Project would comply with all applicable federal, state and local laws, including Assembly Bill 341—Mandatory Recycling, and Assembly Bill 1826—Mandatory Organics Recycling. Therefore, impacts would be less than significant.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	
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)?	☐	☐	☒	☐	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	

Project Impacts

The Project would involve the redevelopment on a previously developed site in an established residential neighborhood to construct and operate a 94-unit assisted living facility. Existing historic structures on the site would be relocated and rehabilitated in a manner that retains their historic significance. Given the location of the site in proximity to Thompson Creek, where significant paleontological resources have been recovered in the past, mitigation would be required to avoid the accidental destruction or disturbance of previously undiscovered paleontological resources. Additionally, given the location of the site within the designated western burrowing owl conservation zones defined in the SCVHCP, mitigation would be required to avoid impacts to this Special-Status species. Mitigation to protect nesting habitat for nesting birds and raptors would also be required to avoid potentially significant impacts to Migratory Bird Treaty Act-protected birds. The Project would not have the potential to degrade the quality of the environment and, overall, impacts would be less than significant with the implementation of mitigation.

Cumulative Impacts

As an assisted living facility in an established residential neighborhood of San José which would not require a change in the General Plan land use designation applicable to the site, the proposed Project is consistent with the Envision San José 2040 General Plan and its buildout projections. Impacts associated with citywide growth through 2040 were analyzed in the General Plan EIR, and as such, the Project's cumulative growth-related impacts were analyzed and mitigated in that context. Potentially significant site-specific impacts to western burrowing owl and previously undiscovered paleontological resources would be mitigated to a less than significant level with the implementation of Mitigation Measures BIO-1, BIO-2 and CUL-1, and potential air quality impacts to sensitive receptors would be reduced to a less than significant level with implementation of Mitigation Measure AIR-1. With mitigation, the Project's contribution to any associated cumulative impacts would be less than significant.

Short-term Environmental Goals vs. Long-term Environmental Goals

With implementation of the identified Mitigation Measures, Standard Permit Conditions, and compliance with City General Plan policies, the proposed Project would not result in significant adverse environmental impacts. Construction would cause temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources; however, as an urban infill

project that provides space for seniors to age in place, the Project would further several objectives of the Envision San José 2040 General Plan and contribute toward a more socially and environmentally sustainable community over the long-term. Therefore, impacts would be less than significant.

Direct or Indirect Adverse Effects on Human Beings

Compliance with existing regulations and implementation of City of San José standard permit conditions would ensure the Project would not result in substantial adverse effects on human beings, including affects related to air pollution, seismic and geologic hazards, hazardous materials, flooding and natural disasters, or noise and vibration. Therefore, impacts would be less than significant.

Checklist Sources

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan.*

3. City of San José. *Municipal Code*. 2016.

4. California Department of Conservation. *Santa Clara County Important Farmland 2010 Map*. 2011.

5. California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Williamson Act FY* 2012.

6. *Air Quality Analysis.*

7. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.

8. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2011.

9. *Arborist Report*

10. County of Santa Clara. *Final Santa Clara Valley Habitat Plan*. August 2012.

11. *Geotechnical Report*

12. *Evaluation of Project Conformance with the City of San José Greenhouse Gas Reduction Strategy.*

13. *Phase I and/or Phase II Environmental Site Assessments*

14. *Flood Insurance Rate Map.*

15. *Transportation Impact Analysis.*

16. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan: Normal Y. Mineta San José International Airport.* May 2011.

17. Santa Clara Valley Transportation Authority. *Congestion Management Program Transportation Impact Analysis Guidelines*. Updated March 29, 2004.

SECTION 4.0 REFERENCES

California Air Pollution Control Officers Association (CAPCOA). 2009. Health Risk Assessments for Proposed Land Use Projects. Website: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf. Accessed March 9, 2015 and July 26, 2016.

California Air Resources Board (ARB). 2005. California Environmental Protection Agency. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. Website: www.arb.ca.gov/ch/landuse.htm. Accessed July 27, 2016.

U.S. Geological Survey. 2011. Van Gosen, B.S., and Clinkenbeard, J.P. California Geological Survey Map Sheet 59. Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California. Open-File Report 2011-1188 Website: http://pubs.usgs.gov/of/2011/1188/. Accessed July 27, 2015.

THIS PAGE INTENTIONALLY LEFT BLANK

SECTION 5.0 AUTHORS AND CONSULTANTS

REPORT PREPARATION

FirstCarbon Solutions

Jason Brandman, Project Director

Andrew Hill, Project Manager

Phil Ault, Noise Specialist

Kimberly Johnson, Air Quality Specialist

Tania Santiago-Greathouse, Johnson, Air Quality Specialist

Brian Mayerle, Senior Biologist

Ashley Laor, Biologist

Dana DiPietro, Archaeologist

Paul Smallman, Environmental Analyst

Ericka Rodriguez, Word Processor

Ed Livingston, Editor

THIS PAGE INTENTIONALLY LEFT BLANK