CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

*Department of Planning, Building and Code Enforcement*
**STEPHEN M. HAASE, AICP, DIRECTOR**

# INITIAL STUDY

**PROJECT FILE NO.: PDC03-029**

**PROJECT DESCRIPTION:** Planned Development Rezoning to allow 148 multi-family attached residences and 2,500 square feet of commercial space on 1.99 gross acres.

**PROJECT LOCATION:** Northeast corner of S. Fifth and Keyes Streets

**GENERAL** PLAN DESIGNATION: Residential Support for the Core (25+ DU/AC)

**ZONING:** LI Light industrial District

**SURROUNDING LAND USES**:

North: San Jose State Foundry Building and Future Park
East: Residential and Industrial Uses
South: Industrial Uses
West: Industrial Uses

**PROJECT APPLICANT'S NAME AND ADDRESS:**

Core Development, Inc., Attn: Martha Putnam

**DETERMINATION**

**On the basis of this initial study:**

| | |
|---|---|
| ☐ | I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| X | 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 the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| ☐ | I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required. |
| ☐ | I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document. |
| ☐ | I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required. |

_____
Date

_____
Signature
Name of Preparer: John Davidson
Phone No.: (408) 277-4576

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

## I. AESTHETICS - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | X | 1,2 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | X | 1,2 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | X | 1,2 |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | ☐ | ☐ | X | ☐ | 1,2 |
| e) Increase the amount of shade in public and private open space on adjacent sites? | ☐ | ☐ | ☐ | X | 1,2 |

DISCUSSION OF IMPACTS: The proposed project is located on a generally flat site, surrounded by a mixture of residential uses, industrial uses, and a future city park. The proposed project will not have a significant effect on scenic vistas, scenic resources, and will not substantially degrade the existing visual character of the site or its surroundings.

New light and glare could occur from on-site security and parking lot lights. Impacts to neighboring properties will be less than significant, because the project will comply with the Residential Design Guidelines, using parking lot lights that are of the low-pressure sodium variety, with cutoffs designed to minimize glare to adjacent properties.

The proposed buildings could marginally increase the amount of shade in the proposed park. However, the closest building to the proposed park is a one-story freestanding gallery space, which will be set back 15 feet from the adjacent park parcel.

MITIGATION MEASURES: None required.

## II. AGRICULTURE RESOURCES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | X | 1,3,4 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | X | 1,3,4 |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | ☐ | ☐ | ☐ | X | 1,3,4 |

DISCUSSION OF IMPACTS: The site is not in use as farmland, is not considered farmland by the Farmland Mapping Program of the California Resources Agency, and is not under Williamson contract.

MITIGATION MEASURES: None required.

## III. AIR QUALITY - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | X | 1,14 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | X | ☐ | ☐ | 1,14 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|
| 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 that exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | **X** | ☐ | 1,14 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | **X** | ☐ | 1,14 |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | **X** | 1,14 |

DISCUSSION: The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. BAAQMD manages air quality issues and concerns in the Bay Area. BAAQMD determines whether additional permits or special procedures are required for air quality impacts resulting from a proposed project's projected daily trips. An in-house traffic analysis indicates that approximately 1,371 daily trips will be generated on weekdays by the project. Based on the BAAQMD thresholds of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. Consequently, an air quality study was not prepared for this project.

Based on the City's significance criteria, the project would not expose sensitive receptors to substantial pollutant concentrations. The City's criteria for determining significance for a hazardous materials impact is that the project could expose workers or residents to a significant risk associated with use, storage, or disposal of hazardous materials on or adjacent to the site. Industrial Uses that conform to local, state, and federal regulations, are not considered to pose a significant risk to workers or residents. All existing and future industrial uses are required to conform with the City's Hazardous Materials Ordinance and are required to obtain all necessary permits; therefore, the proposed project would not result in significant risks to human health and safety as a result of adjacent offsite activities.

MITIGATION MEASURES: Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less-than-significant. The following construction practices would be implemented during all phases of construction on the project site:

- Use dust-proof chutes for loading construction debris onto trucks.
- Water to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Install gravelbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

## IV. BIOLOGICAL RESOURCES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | **X** | 1,10 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | **X** | 1,6,10 |
| 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? | ☐ | ☐ | ☐ | **X** | 1,6 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | **X** | 1,10 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | **X** | 1,11 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | **X** | 1,2 |

DISCUSSION OF IMPACTS: The site is a flat lot with no habitat value. There are no trees on site, and therefore the tree removal ordinance does not apply.

MITIGATION MEASURES: None required.

## V. CULTURAL RESOURCES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5? | ☐ | ☐ | ☐ | **X** | 1,7 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | ☐ | ☐ | **X** | ☐ | 1,8 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | ☐ | ☐ | ☐ | **X** | 1,8 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | **X** | 1,8 |

DISCUSSION OF IMPACTS: The project site is not located in an area of known archaeological sensitivity. No known historic resources or unique geologic features are located on site.

As a part of the proposed project, the site will be cleared of existing structures. There are a total of seven buildings on-site, ranging from 1,100 to 14,000 square feet in size. Six of the seven buildings are industrial in character, and are associated with existing industrial uses, including an automobile repair shop, a fiberglass manufacturer, a door manufacturer, and a garage door company. There is one residential structure on the project site, which is now a sales office for the door manufacturer. The residential structure is a single-story, 1,100 square foot mission-revival house constructed in 1929, with no unique features. None of the buildings, including the residential structure, are listed on the City's Historic Resources Inventory.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

**MITIGATION MEASURES: Cultural Resources**

Although it is unlikely that buried cultural materials will be encountered, the project will comply with the standard conditions for excavation activities as described below.

- In the event any historic or prehistoric cultural materials are encountered, all construction within a radius of 50 feet of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a qualified archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
  - In the event that human remains and/or cultural materials are found, all project related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

    a. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

    b. A final report shall be submitted to the Director of Planning. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning.

## VI. GEOLOGY AND SOILS - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| 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.) | ☐ | ☐ | X | ☐ | 1,5,24 |
| 2) Strong seismic ground shaking? | ☐ | ☐ | X | ☐ | 1,5,24 |
| 3) Seismic-related ground failure, including liquefaction? | ☐ | X | ☐ | ☐ | 1,5,24 |
| 4) Landslides? | ☐ | ☐ | ☐ | X | 1,5,24 |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | X | 1,5,24 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | **X** | ☐ | ☐ | 1,5,24 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | **X** | 1,5,24 |
| 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? | ☐ | ☐ | ☐ | **X** | 1,5,24 |

DISCUSSION OF IMPACTS: The project site is subject to ground shaking, a hazard common to the Bay Area, including San Jose. The possibility of damage will be minimized through structural designs in conformance with the Uniform Building Code.

The Project site is within the State of California Seismic Hazard Zone and subject to liquefaction.

MITIGATION MEASURES: The following mitigation measures are included in the project and will reduce the potential geologic and soil impacts to a less than significant level:

- A design-level geotechnical investigation for the project will be completed to address the potential geologic hazards identified on the site. The geotechnical investigation for individual buildings will be completed and submitted to the City Geologist prior to construction.

- Potential impacts resulting from liquefaction-induced settlements and lateral spreading will be mitigated by following the recommendations of the design-level geotechnical investigation. Structures and foundations will be designed based upon the results of a detailed analysis of liquefaction potential on the site of individual buildings.

- The project buildings will be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

## VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | **X** | 1 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | **X** | 1 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | **X** | 1 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | **X** | ☐ | ☐ | 1,12 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | **X** | 1,2 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|
| f) 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? | ☐ | ☐ | ☐ | **X** | 1 |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | **X** | 1,2 |
| 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? | ☐ | ☐ | ☐ | **X** | 1 |

DISCUSSION OF IMPACTS: The proposed project is for 148 housing units and 2,500 square feet of commercial space and does not propose to use or store hazardous materials on site. The project site is not located within an airport land use plan area or near a private airstrip. The project would not physically interfere with an emergency response plan. The project is in an urbanized area and would not expose people or structures to risks associated with wildland fires.

One of the parcels within the project site (1060 S. Fifth Street) is on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The parcels at 1060 S. Fifth Street, 1057 S. Sixth Street and 1065 S. Sixth Street are occupied by the Viking Door Company. The portion of the Viking Door Company identified as 1060 S. Fifth Street is a case closed leaking underground storage tank (LUST) site. Based on a review of Santa Clara Valley Water District documents, two Underground Storage Tanks (USTs) were closed in place in 1985 after floating product was discovered in a monitoring well adjacent to the tanks. Remediation was performed on the site from 1985 to 2000, and in 2001 an analysis of the site was performed that indicated that residual benzene was below target levels. Following the analysis, the SCVWD and Regional Water Quality Control Board granted closure to the subject site.

The property identified at 1098 S. Fifth Street was formerly equipped with a 1,000-gallon fuel UST. According to the property owner, the UST was filled with sand in the 1970s. Sampling was performed adjacent to the UST, which indicated the presence of hydrocarbons found in gasoline, along with benzene. The UST will have to be remived and the surrounding area remediated.

An inspection of the property located at 1098 S. Fifth Street also indicated the presence of numerous containers of solvents involved in the manufacture of fiberglass. These containers were generally not stored with secondary containment, and soil testing indicated the presence of trichloroethene.

The property located at 1044 S. Sixth Street has been occupied by various auto and truck repair businesses. An inspection of the property revealed a below-grade automobile service pit. This service pit was sampled for petroleum hydrocarbons, and after analysis it was determined that impacted soils were likely limited to the area immediately below the service pit.

In addition, due to the age of the subject buildings there is a possibility that asbestos-containing material (ACMs) and/or lead-based paint are present.

MITIGATION MEASURES: Conformance with the recommendations included in the Phase I Environmental Site Assessment for 1044-1098 S. Fifth Street and 1057-1065 S. Sixth Street dated July 9, 2002, prepared by AEI Consultants, will reduce impacts from hazardous materials to a less than significant level.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

## VIII. HYDROLOGY AND WATER QUALITY - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | **X** | 1,15 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | **X** | ☐ | 1 |
| c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | ☐ | ☐ | **X** | ☐ | 1 |
| 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 that would result in flooding on-or off-site? | ☐ | ☐ | **X** | ☐ | 1 |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | **X** | 1,17 |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | **X** | 1 |
| 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? | ☐ | ☐ | ☐ | **X** | 1,9 |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | ☐ | ☐ | ☐ | **X** | 1,9 |
| 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? | ☐ | ☐ | ☐ | **X** | 1 |
| j) Be subject to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | **X** | 1 |

DISCUSSION: The subject proposal would increase the impermeable surface area on the subject site, which will impede natural stormwater percolation and will contribute to surface stormwater runoff.

The applicant shall be encouraged to increase the natural landscaped area on the site to increase water percolation.

MITIGATION MEASURES: In conformance with the City of San Jose's Post-Construction Urban Runoff Management Policy, the project would implement Best Management Practices (BMP's) during construction to limit runoff contaminants from entering storm drains. The following measures would reduce water quality impacts in runoff to the maximum extent practicable:

- Implement regular maintenance activities, including sweeping driveways and public streets.
- The project would include post-construction structural controls as permanent features of the project where feasible, and BMP's for reducing contamination in storm water runoff. These measures could include, for example, regular sweeping of parking lots and driveways, and stenciling on-site catch basins to discourage illegal dumping.
- The project will comply with the City of San Jose Grading Ordinance, including erosion- and dust-control measures during site preparation and with the City of San Jose zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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- Restricting grading to the dry season or meet City requirements for grading during the rainy season;
- Using BMP's to retain sediment on the project site;
- Providing temporary cover of disturbed surfaces to help control erosion during construction.
- Providing permanent cover to stabilize the disturbed surfaces after construction has been completed.

## IX. LAND USE AND PLANNING - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Physically divide an established community? | ☐ | ☐ | ☐ | X | 1,2 |
| 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? | ☐ | ☐ | ☐ | X | 1,2 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | X | 1,2 |

DISCUSSION: The project would not have potentially significant adverse effects on land use and planning because the project as proposed conforms to the City of San José's adopted San José 2020 General Plan Land Use/Transportation Diagram.

MITIGATION MEASURES: None proposed.

## X. MINERAL RESOURCES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | X | 1,2,23 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | X | 1,2,23 |

DISCUSSION: The project would not have significant impacts on mineral resources because the site is located within the Urban Service Area.

MITIGATION MEASURES: None proposed.

## XI. NOISE - Would the project result in:

| | | | | | |
|---|---|---|---|---|---|
| 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? | ☐ | X | ☐ | ☐ | 1,2,13,18 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | X | ☐ | 1 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | X | 1 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | X | 1 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | **X** | 1 |
| 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? | ☐ | ☐ | ☐ | **X** | 1 |

DISCUSSION: The proposed building is subject to noise impacts from surrounding uses, including Keyes Street to the south. Interior noise levels in dwelling units will be higher than the 45 dB DNL criterion under existing and future conditions. Construction of the project in compliance with Title 24 of the California Code of Regulations will reduce noise impacts to the project to a less than significant level.

MITIGATION MEASURES: The following measures will be incorporated in the structural design, to reduce interior noise to an acceptable level:

- All townhouses along the Keyes Street façade will require windows with sound transmission class (STC) ratings of 32 to allow the interior noise standard to be met within residences.

- All townhouses on the Keyes, Sixth and Fifth Street façades of the project will be provided with mechanical ventilation capable of supplying the fresh air needs of the residents.

The project also includes the following mitigation measures, to minimize the potential noise disturbance to adjacent land uses:

- Limit construction to hours to 7 a.m. to 7 p.m. weekdays and 9 a.m. to 5 p.m. on Saturdays with 500 feet of a residential unit.

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a project construction area.

- Prohibit unnecessary idling of internal combustion engines.

- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

## XII. POPULATION AND HOUSING - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| 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)? | ☐ | ☐ | **X** | ☐ | 1,2 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | **X** | 1 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | **X** | 1 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

DISCUSSION: The infill project would not have significant impacts to population and housing because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan.

MITIGATION MEASURES: None proposed.

## XIII. PUBLIC SERVICES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| 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: | | | | | |
| Fire Protection? | ☐ | X | ☐ | ☐ | 1,2 |
| Police Protection? | ☐ | ☐ | X | ☐ | 1,2 |
| Schools? | ☐ | ☐ | ☐ | X | 1,2 |
| Parks? | ☐ | ☐ | ☐ | X | 1,2 |
| Other Public Facilities? | ☐ | ☐ | ☐ | X | 1,2 |

DISCUSSION: The project does not have water flow adequate to provide fire protection to the site. The Fire Department has indicated that the required fire flow for the site is 4,500 gallons per minute.

The proposed project will be an additional responsibility for the San Jose Police Department. However, this project is not expected to significantly affect service ratios or response times.

The infill project would not have significant impacts to schools, parks, or other public facilities because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan. The proposed gallery space at the northeast corner of the site is expected to act as a complementary use to the park under development immediately to the north of the proposed site.

Parkland Development Ordinance fees from the proposed project will help fund either the park under development at S. Fifth and Bestor Street, or a larger park planned for S. Third and Martha Streets.

MITIGATION MEASURES: Prior to the issuance of a Certificate of Occupancy, the project proponent shall construct improvements to provide a fire flow of 4,500 gallons per minute to the site, to the satisfaction of the San Jose Fire Department.

## XIV. RECREATION

| | | | | | |
|---|---|---|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | X | 1,2 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | X | 1,2 |

DISCUSSION: The infill project would not have significant impacts to recreation because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan. Additionally, the project proposes on site recreation areas. The project will also contribute required Parks fees to the City of San Jose.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

MITIGATION MEASURES: None proposed.

## XV. TRANSPORTATION / TRAFFIC - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)? | ☐ | ☐ | X | ☐ | 1,2,19 |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | X | 1,2,19 |
| 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? | ☐ | ☐ | ☐ | X | 1,19 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | X | 1,19 |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | X | 1,20 |
| f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | X | 1,18 |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☐ | 1,2,18 |

DISCUSSION: The proposed project will create additional traffic along Fifth and Keyes Streets. A total of 121 a.m. peak hour and a total of 141 p.m. peaks hour trips are anticipated from the project, which is not anticipated to be significant based on the existing capacity of the street system, or to any signalized intersections. A significant effect is defined as a decrease in level of service (LoS) for a signalized intersection to level E or F. The project therefore, is in conformance with the City of San Jose LoS policy.

The project will meet Residential Design Guidelines requirements for automobile, motorcycle and bicycle parking.

MITIGATION MEASURES: None proposed.

## XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | X | 1,15 |
| 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? | ☐ | ☐ | ☐ | X | 1,2,21 |
| 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 effects? | ☐ | ☐ | ☐ | X | 1,17 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | X | ☐ | ☐ | 1,22 |
| 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? | ☐ | ☐ | ☐ | X | 1,21 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | X | 1,21 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | **X** | 1,21 |

DISCUSSION: The project will not have potentially significant impacts to utilities and service systems because the subject site contains an existing urban land use served by storm sewer, sanitary sewer, and solid waste disposal services. The proposed project will be developed in conformance with the General Plan and Zoning Ordinance. At the present time, the site does not have adequate water service for fire protection.

MITIGATION MEASURES: See Public Services mitigation measures. Prior to the issuance of a Certificate of Occupancy, the project proponent shall construct improvements to provide a fire flow of 4,500 gallons per minute to the site, to the satisfaction of the San Jose Fire Department.

## XVII. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | | |
|---|---|---|---|---|---|
| a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | **X** | ☐ | 1,10 |
| 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 and the effects of other current projects. | ☐ | ☐ | **X** | ☐ | 1,16 |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | **X** | 1 |

DISCUSSION OF IMPACTS: The project could have potentially significant impacts to examples of California prehistory, which will be mitigated to a less than significant level through the archaeological monitoring mitigation delineated in the Cultural resources section of this Initial Study.

As with any project, the proposal will have environmental impacts. However, these impacts are related to an infill project, and have been mitigated to a less than significant impact.

MITIGATION MEASURES: None Required.

## CHECKLIST REFERENCES


1. Environmental Clearance Application – File No. PDC03-029
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25.