

**INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION**

**for**

**2905 SENTER ROAD  
COMMERCIAL PLAZA  
File Nos. C17-034, H18-007 & AT17-036**



**CITY OF SAN JOSÉ  
CALIFORNIA**

**March 2019**



## MITIGATED NEGATIVE DECLARATION

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

**PROJECT NAME:** 2905 Senter Road Commercial Plaza

**PROJECT FILE NUMBERS:** C17-034, H18-007 & AT17-036

**PROJECT DESCRIPTION:** Conforming Rezoning from LI Light Industrial Zoning District and CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District; Site Development Permit to allow the demolition of the existing one-story commercial building and construct three (3) one-story commercial buildings totaling 14,090-square feet with surface parking; and Lot Line Adjustment to reconfigure two (2) parcels into one (1) lot on a 1.05-gross acre site.

**PROJECT LOCATION:** Southwest corner of Lewis Road and Senter Road, at 2905 Senter Road in San José.

**ASSESSORS PARCEL NO.:** 497-27-013 and 497-27-014

**COUNCIL DISTRICT:** 7

**APPLICANT CONTACT INFORMATION:** Rescom Development & Investment Inc., 4848 San Felipe Road Suite 150-609, San Jose, CA, 95135

### FINDING

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

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

- A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY.**

**Impact AQ-1:** Construction activities associated with the proposed project would expose residential uses near the project site to increased infant cancer risks and maximum-modeled

annual PM<sub>2.5</sub> concentration in excess of acceptable thresholds.

**MM AQ-1:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 81 percent reduction in particulate matter (PM<sub>2.5</sub>) exhaust emissions or more. The plan can include, but is not limited to, the following:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.
- The use of equipment meeting EPA Tier 4 standards for particulate matter.
- The use of equipment that includes alternatively-fueled equipment (i.e., non-diesel).

- D. BIOLOGICAL RESOURCES.** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- E. CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS**– The project would not have a significant impact on this resource, therefore no mitigation is required.
- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE & VIBRATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- N. POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

- O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. **TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- S. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- T. **MANDATORY FINDINGS OF SIGNIFICANCE**

The project would not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Tuesday, April 9<sup>th</sup>, 2019** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Krinjal Mathur  
Environmental Project Manager

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

3/15/19

Date



Deputy

Circulation period: March 20, 2019 to April 9, 2019

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## Table of Contents

Chapter 1. Background Information .....	1
Chapter 2. Project Description .....	3
Chapter 3. Environmental Evaluation .....	19
A. Aesthetics .....	22
B. Agricultural and Forest Resources .....	25
C. Air Quality .....	28
D. Biological Resources .....	38
E. Cultural Resources .....	43
F. Energy .....	48
G. Geology and Soils .....	53
H. Greenhouse Gas Emissions .....	58
I. Hazards and Hazardous Materials .....	64
J. Hydrology and Water Quality .....	69
K. Land Use .....	76
L. Mineral Resources .....	79
M. Noise & Vibration .....	80
N. Population and Housing .....	88
O. Public Services .....	89
P. Recreation .....	92
Q. Transportation .....	94
R. Utilities & Service Systems .....	106
S. Wildfire .....	110
T. Mandatory Findings of Significance .....	112
Chapter 4. References .....	115

### List of Figures

Figure 1. Location Map .....	5
Figure 2. APN Map .....	6
Figure 3. Aerial Map .....	7
Figure 4. Site Plan .....	8
Figure 5. Floor Plans .....	9
Figure 6. Elevations .....	12
Figure 7. Stormwater Control Plan .....	15
Figure 8. Landscape Plan .....	16
Figure 9. Site Photos .....	17
Figure 10. Location of Offsite Receptors .....	36
Figure 11. Roadway Network & Study Intersections .....	92

### List of Tables

Table 1. Applicable BAAQMD Air Quality Significance Thresholds .....	34
Table 2. Community TAC Risk Impacts from Construction .....	35
Table 3. Estimated Annual Energy Use of the Proposed Project .....	51

Table 4. Annual Project GHG Emissions (CO <sub>2</sub> e) in Metric Tons .....	66
Table 5. Typical Ranges of Construction Noise Levels at 50 Feet, L <sub>eq</sub> (dBA).....	85
Table 6. Vibration Source Levels for Construction Equipment in PPV (in/sec) .....	86
Table 7. Project Trip Generation Estimates .....	102
Table 8. Intersection Level of Service (LOS) Summary .....	103

**Appendices**

- A. Air Quality and Greenhouse Gas Assessment
- B. Historical Evaluation
- C. Geotechnical Investigation
- D. Phase I Assessment & Limited Soil Survey
- E. Traffic Impact Analysis

## Chapter 1. Background Information

### PROJECT DATA

1. **Project Title:** 2905 Senter Road Commercial Plaza
2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
3. **Project Proponent:** ResCom Development & Investments, Inc. 2726 Aborn Rd., Suite 207, San José. Contact: Dylan Nguyen (408) 499-4076
4. **Project Location:** The project is located on approximately 1.05 gross acres at 2905 Senter Road. The site is currently occupied by a commercial building that will be demolished as part of the project.  
  
Assessor's Parcel Number (APN): 497-27-013, 497-27-014                      City Council District: 7
5. **Project Description Summary:** The project proposes a Rezoning, Site Development Permit, and Lot Line Adjustment to construct 14,090 square feet of neighborhood-oriented commercial space in a new shopping plaza with three one-story buildings and surface parking.
6. **Envision 2040 San José General Plan Designation:** Neighborhood Community Commercial
7. **Zoning Designations:** LI - Light Industrial on 0.83 acres; CP - Commercial Pedestrian on 0.22 acres.
8. **Habitat Conservation Plan Designations:**  
Area 4: Urban Development Equal to or Greater than 2 Acres Covered  
Land Cover: Urban-Suburban  
Land Cover Fee Zone: Urban Areas (No Land Cover Fee)
9. **Surrounding Land Uses:**
  - North: Lewis Road, strip commercial center
  - South: strip commercial, single family residential
  - East: Senter Road, single family residential
  - West: single family residential

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## Chapter 2. Project Description

### PROJECT LOCATION

The project is proposed within the City limits of San José, in Santa Clara County (refer to Figure 1). The project site is an approximately 1.05 gross acre property located at 2905 Senter Road. The site is located on two parcels: Assessor's Parcel Number (APN) 497-27-013 is 0.83 acres and zoned Light Industrial (LI) and APN 497-27-014 is 0.22 acres and is zoned Commercial Pedestrian (CP) (refer Figure 2).

The project site is currently occupied by an existing one-story commercial building that is currently vacant. The site does not contain any trees or other vegetation. An aerial photograph of the project site and surrounding area is presented in Figure 3.

### PROJECT DESCRIPTION

The project includes a Rezoning, Site Development Permit, and Lot Line Adjustment. The project is proposing a conforming rezoning from LI Light Industrial Zoning District and CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District. The Site Development Permit is to allow construction of three one-story commercial buildings in a new neighborhood-oriented commercial plaza. The site is currently occupied by a vacant commercial building that would be demolished as part of the project.

As proposed, the project would construct three buildings. Building A would consist of a 4,200 square foot, high-turnover sit-down restaurant and 2,271 square feet of retail space, for a total of 6,471 square feet. Building B would contain 2,234 square feet of commercial/office spaces and 2,000 square feet of retail space, for a total of 4,234 square feet. Finally, Building C would accommodate 1,700 square feet of commercial/office spaces and 1,685 square feet of retail space for a total of 3,385 square feet. The Lot Line Adjustment request is proposed to reconfigure two parcels into one lot on the project site. Additional details are provided below.

**Parking and Access.** The project would be accessed via one driveway on Senter Road and one driveway on Lewis Road. The driveway on Senter Road would be located approximately 100 feet south of Lewis Road and restricted to right-in/right-out movements because of the raised median island on Senter Road. The driveway on Lewis Road would be a full access driveway. Parking for 70 vehicles and four motorcycles would be accommodated in a surface parking lot. Bike racks will provide parking for 10 bicycles.

**Lighting.** Exterior lighting is proposed for the commercial building and parking area, for security and access. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3).

**Utilities.** The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is proposed that directs runoff to bio-retention areas prior to flowing into the City's storm drainage system, as conceptually shown in Figure 7. Features of the stormwater control plan include bioretention basins without liners and flow-through planters.

**Grading.** Development of the project would involve the grading of approximately 368 cubic yards (CY) of material for onsite placement and compaction, and approximately 166 CY of material to be exported from the site. Total earthwork activities for the site is approximately 534 CY.

**Public Improvements.** The project proposes new sidewalk, curb, and gutter along the Senter Road and Lewis Road frontages. In addition, the project would construct new driveways and install utility service laterals for storm water, water, sewer, and gas and electric.

**Landscaping.** A landscape plan has been prepared for the project that shows the planting of trees and other landscaping on the project site (see Figure 8).

## **PROJECT SCHEDULE**

The project is scheduled to be constructed within approximately 15 months.

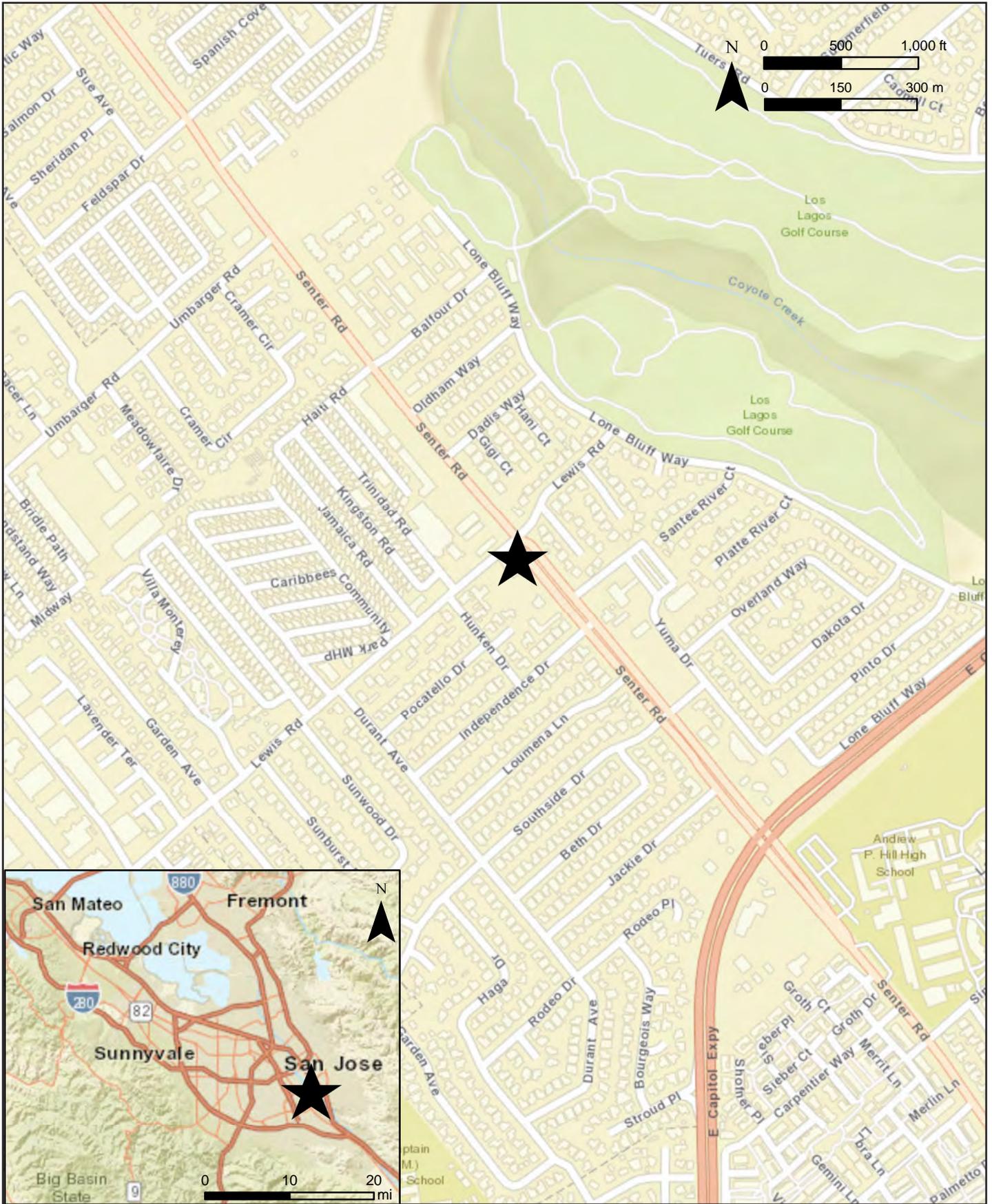
## **PROJECT OBJECTIVES**

The objective of the project is to provide a neighborhood-oriented commercial plaza to accommodate commercial retail and service demands (shops, office space, and restaurants) in the local community.

## **PROJECT APPROVALS**

The project will require the following approvals from the City of San José:

- Conforming Rezoning
- Site Development Permit
- Lot Line Adjustment
- Public Works Clearances: Grading Permit
- Building Clearances: Demolition Permit, Building Permit(s)



# Location Map

2905 Senter Road  
Initial Study

Figure  
**1**

29

28

BOOK 497 PAGE 27

R.O.S. 137-M-4

IVYWILD TRACT



49

50

25

TRACT NO. 2287

26

LAWRENCE E. STONE - ASSESSOR  
Cadastral map for assessment purposes only.  
Compiled under R. & T. Code, Sec. 327.  
Effective Roll Year 2017-2018

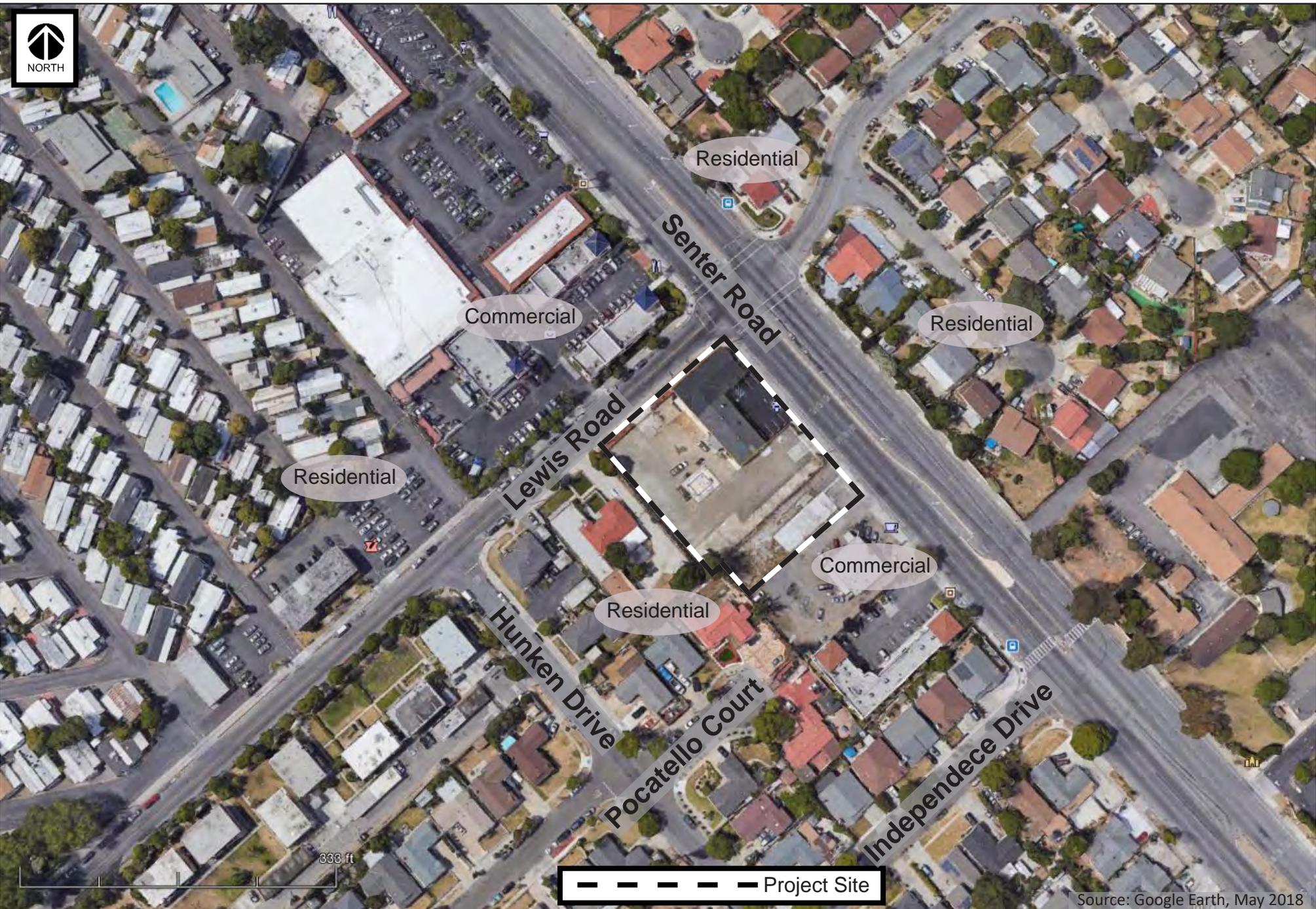
Source: Office of the Assessor, County of Santa Clara, 2017

Project Boundaries

# APN Map

2905 Senter Road  
Initial Study

Figure  
**2**



Aerial Map

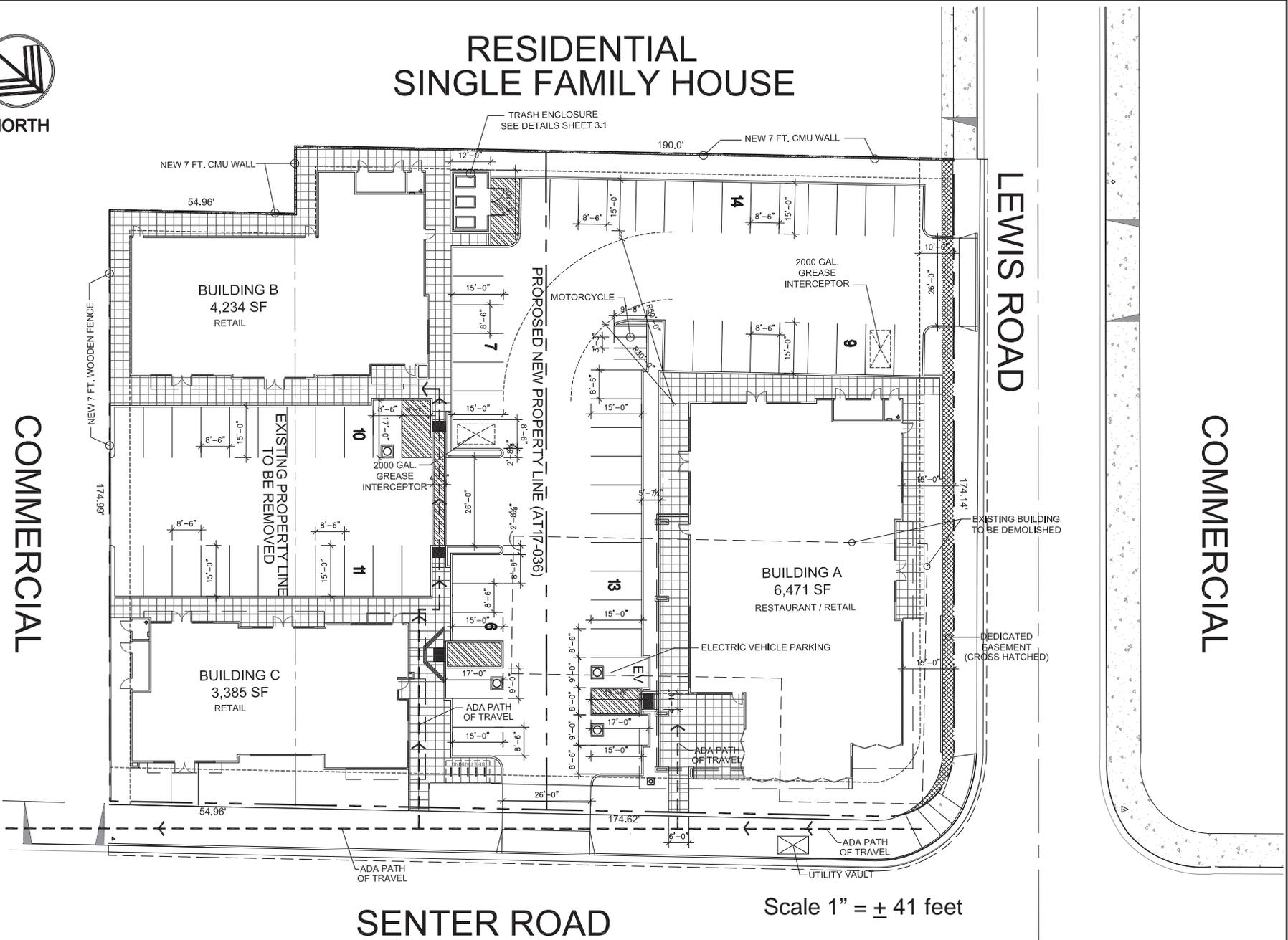
2905 Senter Road  
Initial Study

Figure  
3



# RESIDENTIAL SINGLE FAMILY HOUSE

COMMERCIAL

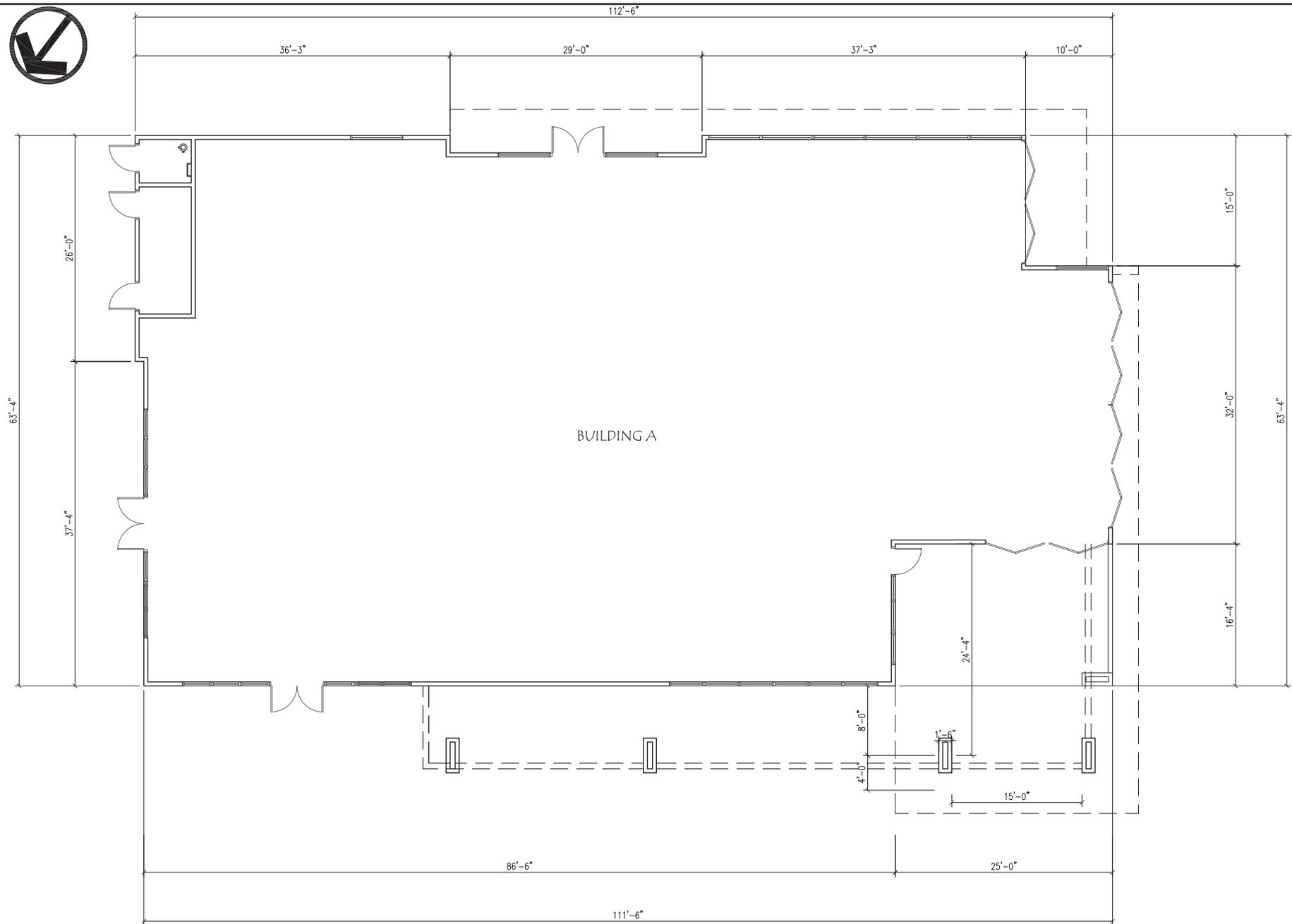


Source: LPDM Architects, October 2018 (Revised)

Site Plan

2905 Senter Road  
Initial Study

Figure  
4



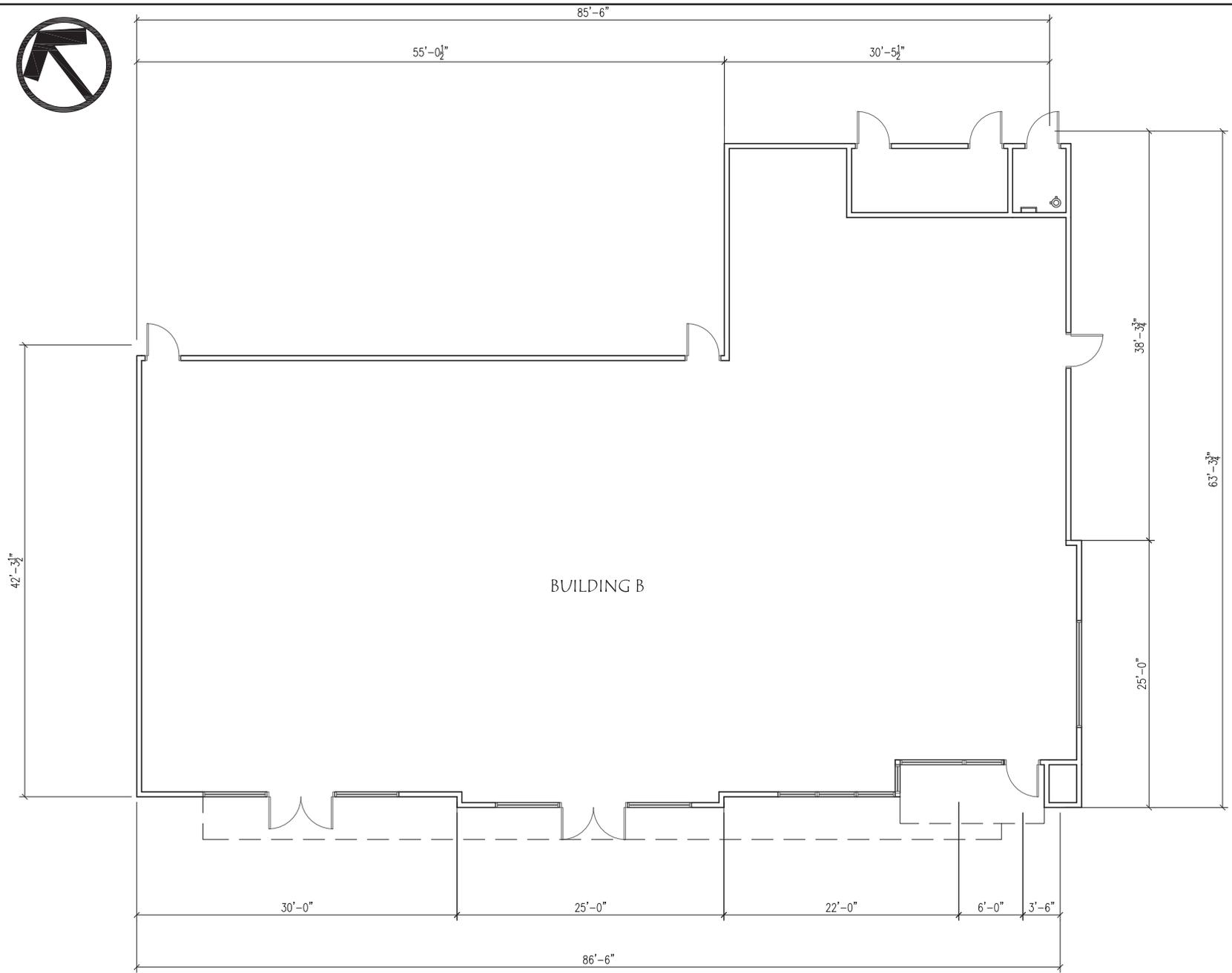
Scale 1" = ± 14 feet

Source: LPDM Architects, October 2018 (Revised)

# Floor Plan - Building A

2905 Senter Road  
Initial Study

Figure  
**5A**



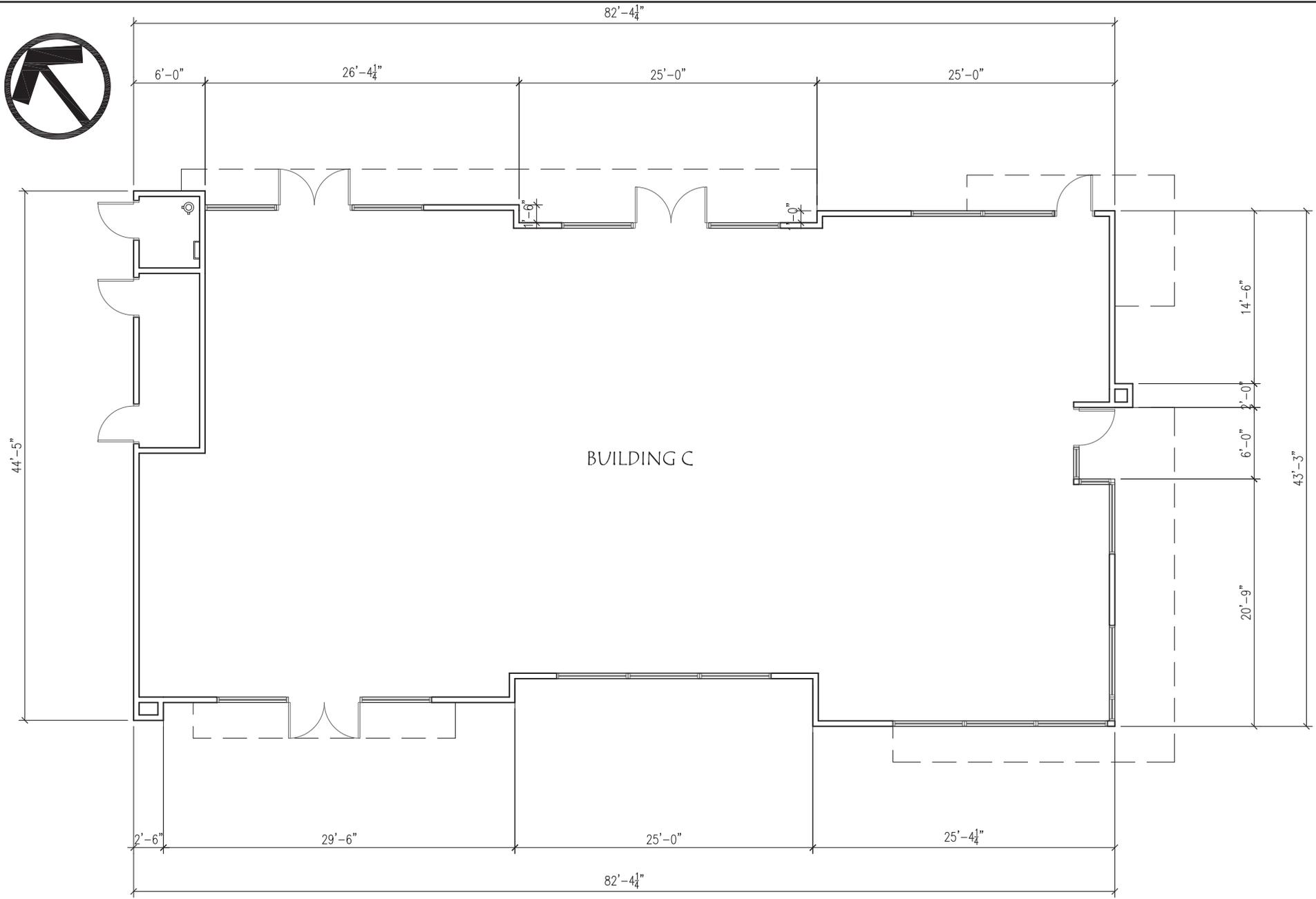
Scale 1" = ± 14 feet

Source: LPDM Architects, October 2018 (Revised)

# Floor Plan - Building B

2905 Senter Road  
Initial Study

Figure  
**5B**



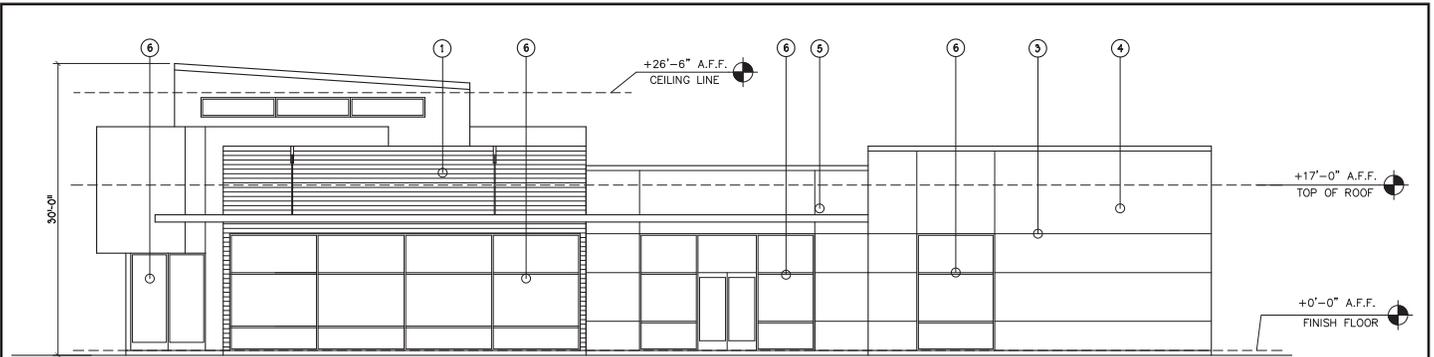
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Source: LPDM Architects, October 2018 (Revised)

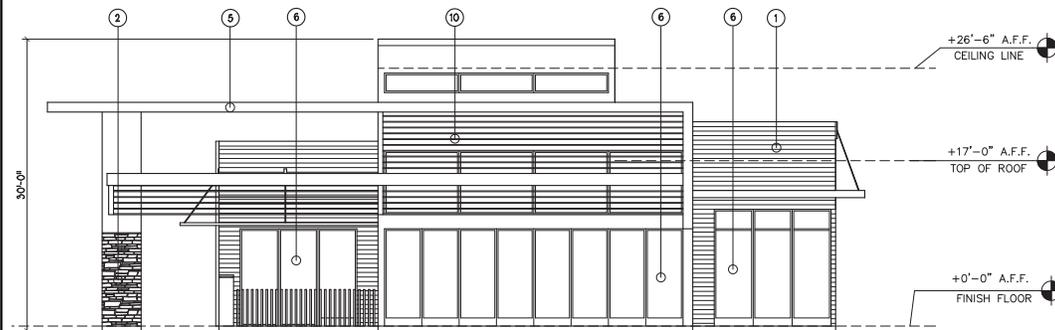
# Floor Plan - Building C

2905 Senter Road  
Initial Study

Figure  
**5C**



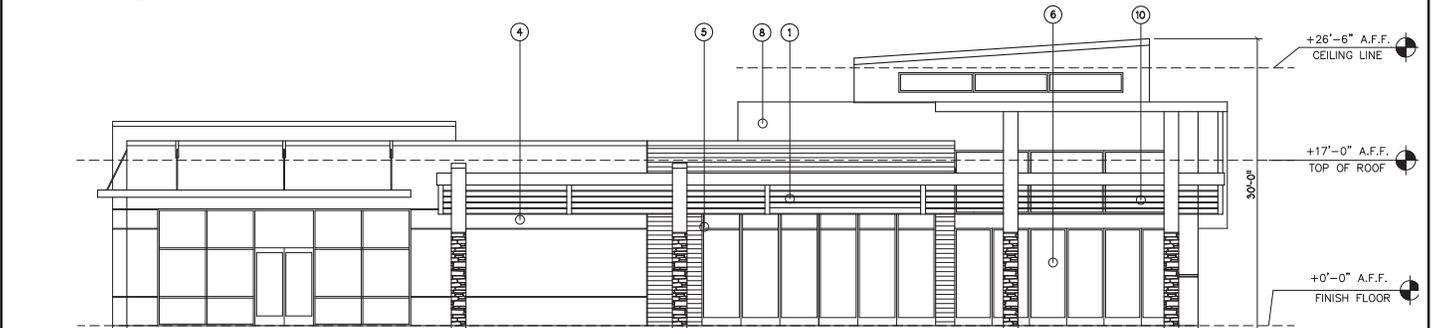
1 BUILDING A LEWIS ELEVATION  
1/8" = 1'-0"



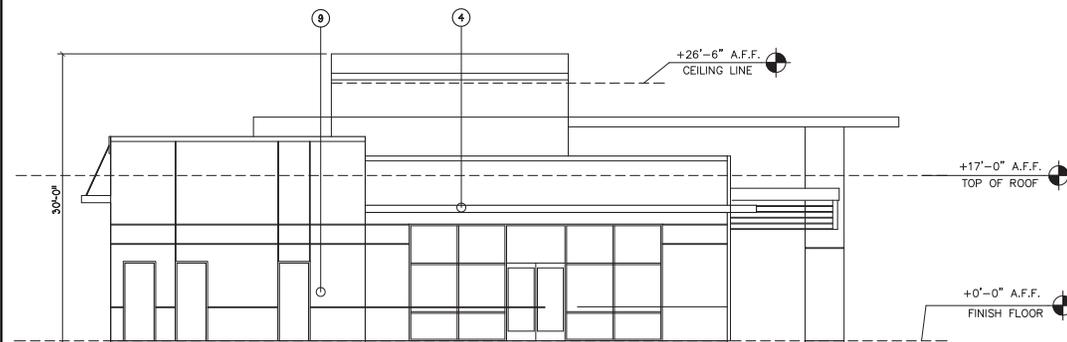
2 BUILDING A SENTER ELEVATION  
1/8" = 1'-0"

KEYNOTES

- ① EXTERIOR WOOD VENEER
- ② EXTERIOR STONE VENEER
- ③ METAL CHANNEL REVEAL
- ④ STUCCO FINISH
- ⑤ METAL AWNING
- ⑥ ALUMINUM STORE FRONT WINDOW AND DOOR
- ⑦ SIGN LOCATION
- ⑧ MECHANICAL LOCATION
- ⑨ EXTERIOR DOOR
- ⑩ METAL SCREEN



3 BUILDING A LEFT ELEVATION  
1/8" = 1'-0"



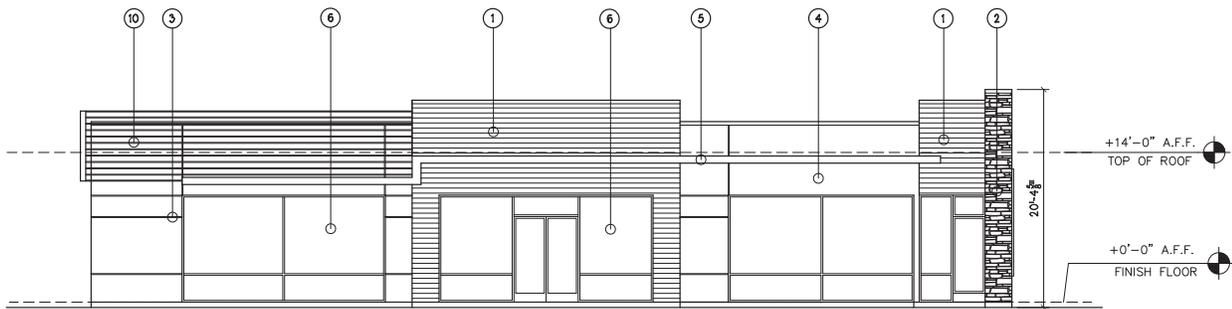
4 BUILDING A REAR ELEVATION  
1/8" = 1'-0"

Source: LPDM Architects, October 2018 (Revised)

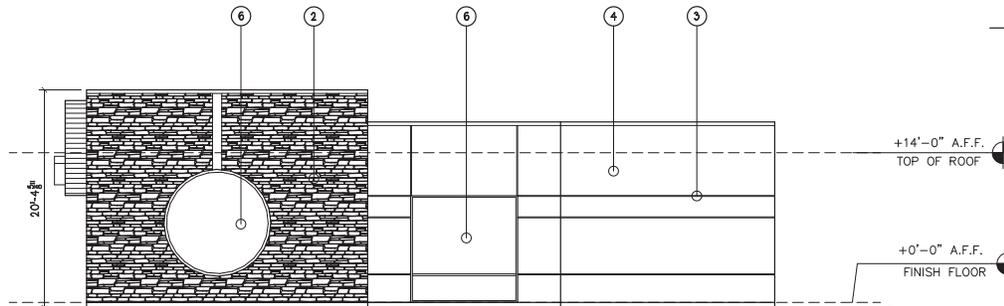
# Elevations - Building A

2905 Senter Road  
Initial Study

Figure  
**6A**



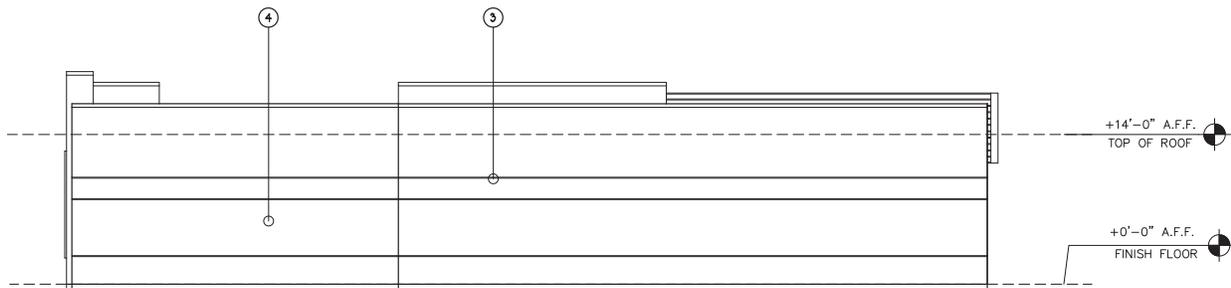
1 BUILDING B SENTER ELEVATION  
1/8" = 1'-0"



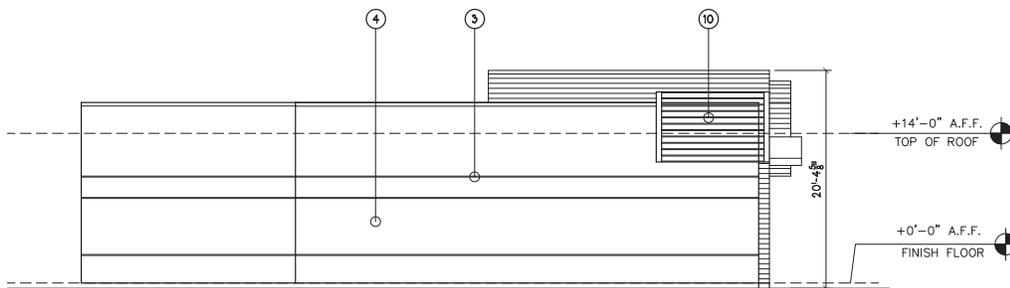
2 BUILDING B LEWIS ELEVATION  
1/8" = 1'-0"

KEYNOTES

- 1 EXTERIOR WOOD VENEER
- 2 EXTERIOR STONE VENEER
- 3 METAL CHANNEL REVEAL
- 4 STUCCO FINISH
- 5 METAL AWNING
- 6 ALUMINUM STORE FRONT WINDOW AND DOOR
- 7 SIGN LOCATION
- 8 MECHANICAL LOCATION
- 9 EXTERIOR DOOR
- 10 METAL SCREEN



3 BUILDING B REAR ELEVATION  
1/8" = 1'-0"



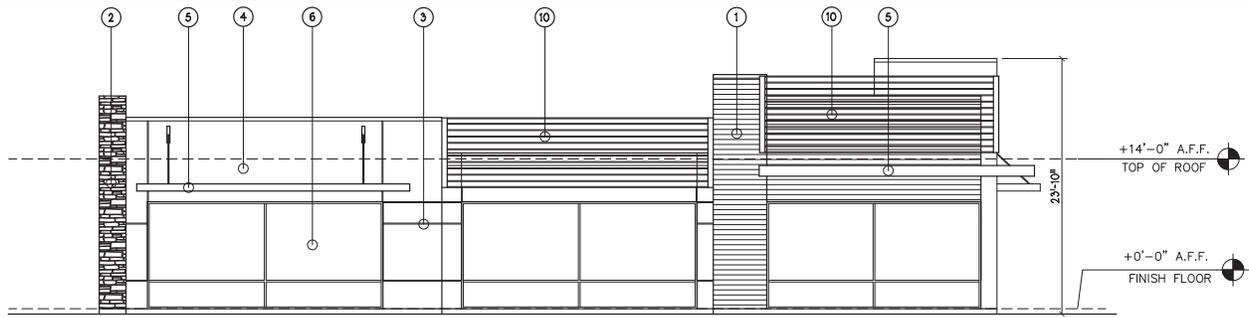
4 BUILDING B LEFT ELEVATION  
1/8" = 1'-0"

Source: LPDM Architects, October 2018 (Revised)

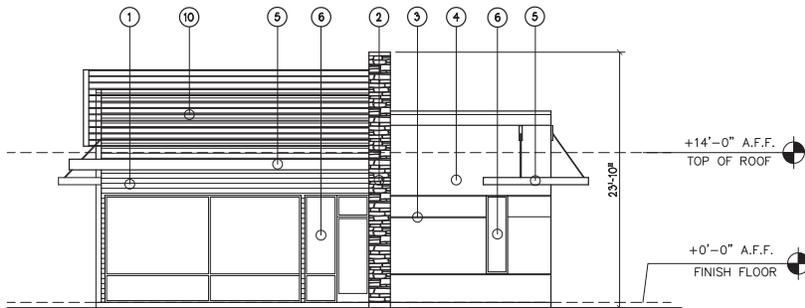
# Elevations - Building B

2905 Senter Road  
Initial Study

Figure  
**6B**



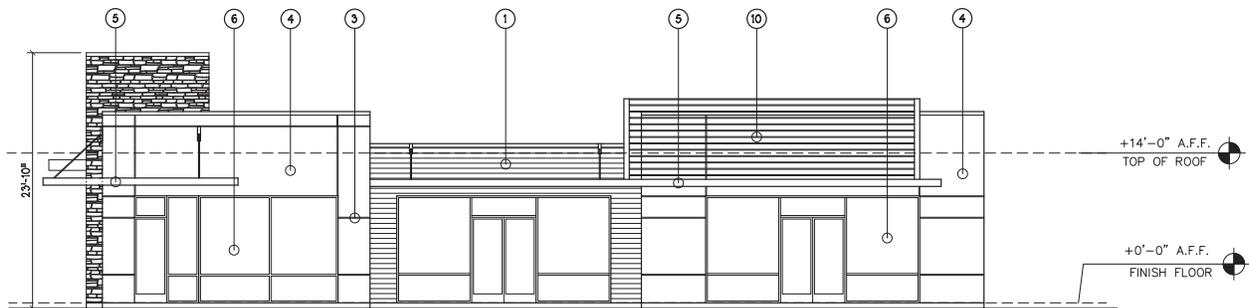
1 BUILDING C SENTER ELEVATION  
1/8" = 1'-0"



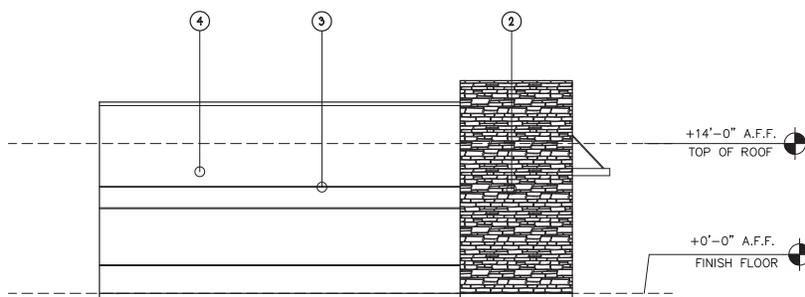
2 BUILDING C LEWIS ELEVATION  
1/8" = 1'-0"

### KEYNOTES

- 1 EXTERIOR WOOD VENEER
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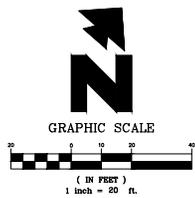
4 BUILDING C LEFT ELEVATION  
1/8" = 1'-0"

Source: LPDM Architects, October 2018 (Revised)

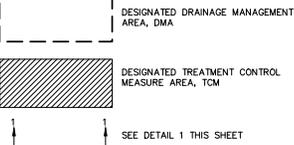
# Elevations - Building C

2905 Senter Road  
Initial Study

Figure  
**6C**

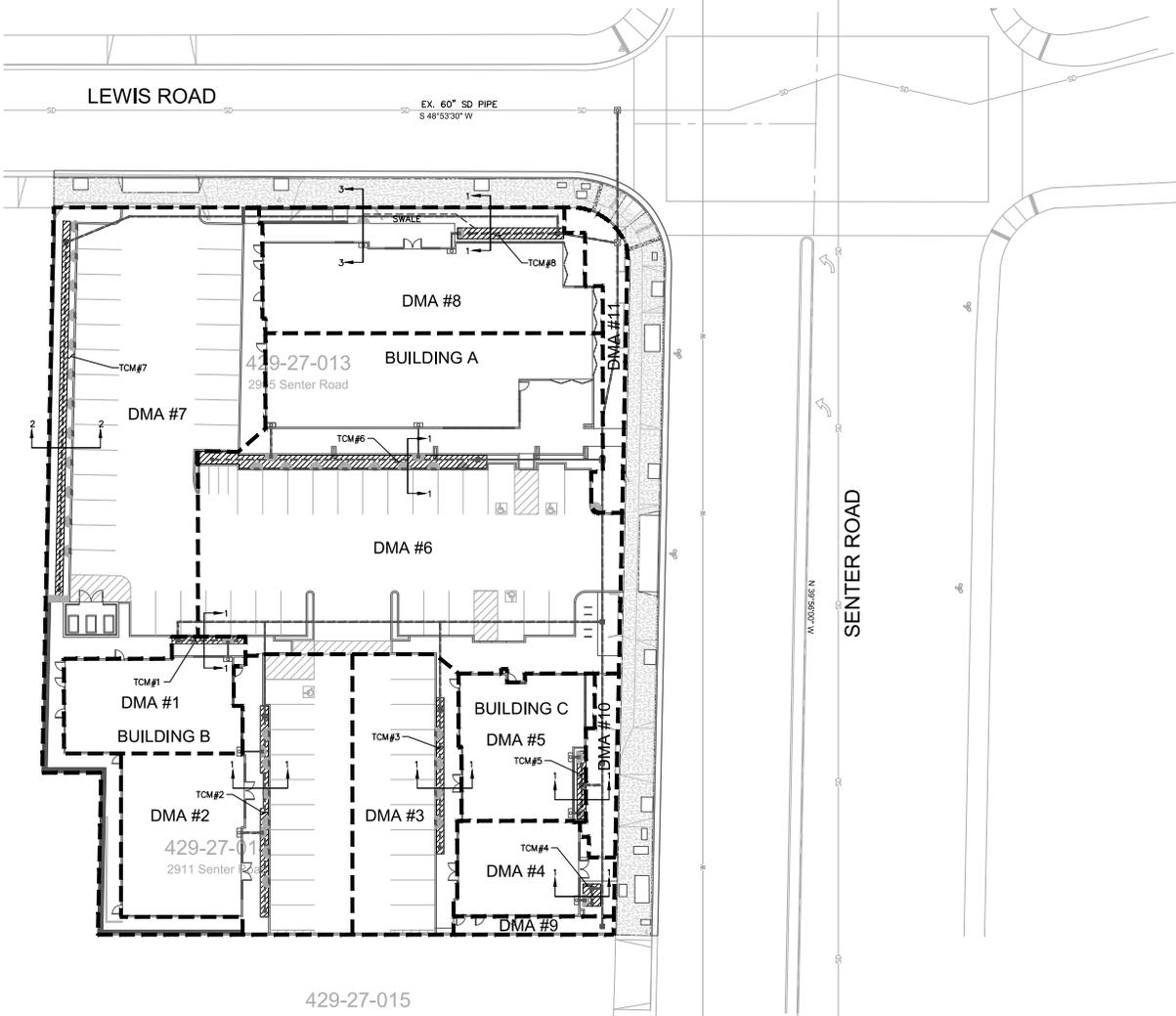


**LEGEND**

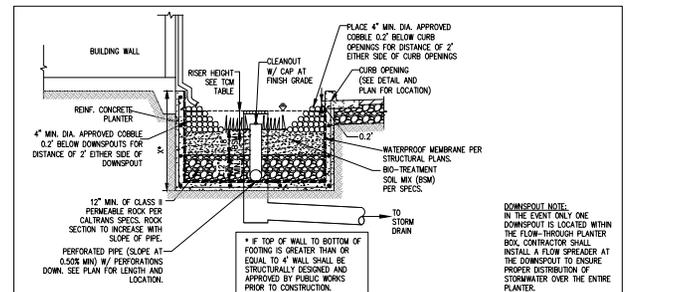


- A. PROJECT PHASE NUMBER: N/A
- B. TOTAL AREA OF SITE: 1.021 ACRES
- C. TOTAL EXISTING IMPERVIOUS SURFACES ON SITE 18,692 sq.ft
- D. TOTAL AREA OF SITE THAT WILL BE DISTURBED: 1,021 ACRES

AREA	TCM#	TREATMENT TYPE	DRAINAGE AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	BIORETENTION AREA REQUIRED (SF)	BIORETENTION AREA PROVIDED (SF)	BIORETENTION LINED OR UNLINED	OVERFLOW RISER HEIGHT (IN)	STORAGE DEPTH REQUIRED (FT)	STORAGE DEPTH PROVIDED (FT)	# OF CARTRIDGES REQUIRED	# OF CARTRIDGES PROVIDED	MEDIA TYPE	CARTRIDGE HEIGHT (INCHES)	# OF CREDIT TREES (INCHES)	TREATMENT CREDIT (SF)	LOCATION
1	1	FLOW THROUGH PLANTER (BELOW GRADE)	2,097	2,035	62	61.05	62	LINED	8	0.5	0.67	N/A	N/A	N/A	N/A	0	0	0
2	2	FLOW THROUGH PLANTER (BELOW GRADE)	5,861	5,660	201	169.8	170	LINED	8	0.5	0.67	N/A	N/A	N/A	N/A	0	0	0
3	3	FLOW THROUGH PLANTER (BELOW GRADE)	3,388	3,229	159	96.87	96.87	LINED	8	0.5	0.67	N/A	N/A	N/A	N/A	0	0	0
4	4	FLOW THROUGH PLANTER (BELOW GRADE)	1,611	1,497	114	44.91	45	LINED	8	0.53	0.67	N/A	N/A	N/A	N/A	0	0	0
5	5	FLOW THROUGH PLANTER (BELOW GRADE)	2,188	2,080	100	62.4	69	LINED	8	0.5	0.67	N/A	N/A	N/A	N/A	0	0	0
6	6	FLOW THROUGH PLANTER (BELOW GRADE)	14,606	13,931	675	417.93	441	LINED	8	0.5	0.67	N/A	N/A	N/A	N/A	0	0	0
7	7	BIORETENTION BASIN W/O LINER	10,519	9,324	1,195	279.72	317.50	UNLINED	8	0.58	0.67	N/A	N/A	N/A	N/A	0	0	0
8	8	FLOW THROUGH PLANTER (BELOW GRADE)	4,711	4,228	483	126.84	131.76	LINED	8	0.58	0.67	N/A	N/A	N/A	N/A	0	0	0
9	9	SELF TREATING	339	0	339	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
10	10	SELF TREATING	595	0	595	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
11	11	SELF TREATING	990	0	990	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
12	12	UNTREATED ***	634	634	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
			*** SIDEWALK DEDICATION TO CITY OF SAN JOSE	47,539	42,618	4,921												



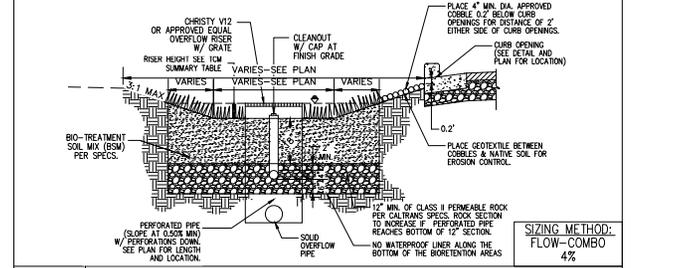
COMPARISON OF IMPERVIOUS AND PERVIOUS SURFACES AT PROJECT SITE	EXISTING SURFACE sq. ft.	PROPOSED SURFACE		TOTAL PROPOSED IMPERVIOUS SURFACE (REPLACED + NEW)
		TO BE REPLACED sq. ft.	NEW sq. ft.	
IMPERVIOUS SURFACES				
ROOF AREA	6,514	6,353	10,954	
PARKING	11,979	10,999	9,256	
SIDEWALKS, PATIOS, DRIVEWAYS, ETC.	204	137	4,285	
PUBLIC STREETS	0	0	634	
PRIVATE STREETS	0	0	0	
IMPERVIOUS SURFACES TOTAL	18,697	17,489	25,129	42,618
PERVIOUS SURFACES				
LANDSCAPE AREA	1,283	1,283	1,208	
PERVIOUS PAVING	0	0	0	
GREEN ROOF AND OTHER PERVIOUS SURFACES	27,559	2,430	0	
PERVIOUS SURFACES TOTAL	28,842	3,713	1,208	4,921
PERCENTAGE OF SITE'S IMPERVIOUS AREA REPLACEMENT				93.54%



- NOTES:
- PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
  - PROJECT WILL NOT LOCATE TREES DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (BUBBLE BOX EMITTERS, ETC.) AND WILL OFFSET OR RELOCATE TREES WHERE NECESSARY TO MAXIMIZE RUNOFF DISPERSAL THROUGHOUT BIORETENTION AREAS
- SIZING METHOD: FLOW-COMBO 4%**

**1 FLOW-THROUGH PLANTER ( BELOW GRADE) N.T.S.**

- NOTES:
- PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
  - BIORETENTION AREAS THAT ARE OUTSIDE THE 10-FOOT ZONE FROM BUILDINGS AND ABOVE 5- FEET FROM THE SEASONAL GROUNDWATER TABLE SHOULD BE UNLINED AND HAVE A RAISED UNDERDRAIN TO MAXIMIZE INFILTRATION MEASURES.
  - PROJECT WILL NOT LOCATE TREES DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (BUBBLE BOX EMITTERS, ETC.) AND WILL OFFSET OR RELOCATE TREES WHERE NECESSARY TO MAXIMIZE RUNOFF DISPERSAL THROUGHOUT BIORETENTION AREAS



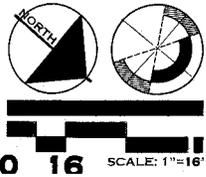
**2 BIORETENTION BASIN W/O LINER N.T.S.**

Source: Green Civil Engineering, October 2018 (Revised)

# Stormwater Control Plan

2905 Senter Road  
Initial Study

Figure  
**7**



**PROPOSED PLANT PALETTE**  
 CHARACTER: "SUB-TROPICAL"

**TREES:**

- T1 CATALPA SPECIOSA
- T2 CERCIS CANDENSIS "HEARTS OF GOLD" (MULTI-TRUNKED)
- T3 ERIOBOTRYA DEFLEXA (MULTI-TRUNKED)
- T4 JACARANDA MIMOSIFOLIA (MULTI-TRUNKED)
- T5 LAGERSTROEMIA INDICA "TUSCARORA" (STANDARD)
- T6 RHAPHIOLEPIS INDICA "MAJESTIC BEAUTY" (STANDARD)
- T7 SYAGRUS ROMANZOFFIANA
- T8 PODOCARPUS GRACILIOR (LOW BRANCH)
- T9 CELTIS SINENSIS
- T10 LOPHOSTEMON CONFERTUS
- T11 TRISTANIOPSIS LAURINA

**SHRUBS & PERENNIALS:**

- S1 ACANTHUS MOLLIS
- S2 AGAPANTHUS HYBRID "MIDNIGHT BLUE"
- S3 AGAVE ATTENUATA
- S4 BAMBUSA MULTIPLEX "GOLDEN GODDESS"
- S5 CANNA "TROPICANNA"
- S6 CYCAS REVOLUTA (MULTI-CLUMPED)
- S7 HIBISCUS ROSA-SINENSIS
- S8 FATSIA JAPONICA
- S9 HEMEROCALLIS HYBRID "LEMON VISTA"
- S10 MUSA ACUMINATA (MIXED VARIETIES)
- S11 PHORMIUM HYBRID (MIXED VARIETIES)
- S12 PHORMIUM TENAX
- S13 RHAPHIOLEPIS INDICA "CLARA"
- S14 STRELITZIA REGINAE

**VINES:**

- V1 PASSIFLORA CAERULEA

**GROUND COVERS:**

- G1 LIRIOPE MUSCARI "SILVERY SUNPROOF" (@ 12" O.C.)
- G2 VINCA MINOR (@ 24" O.C.)

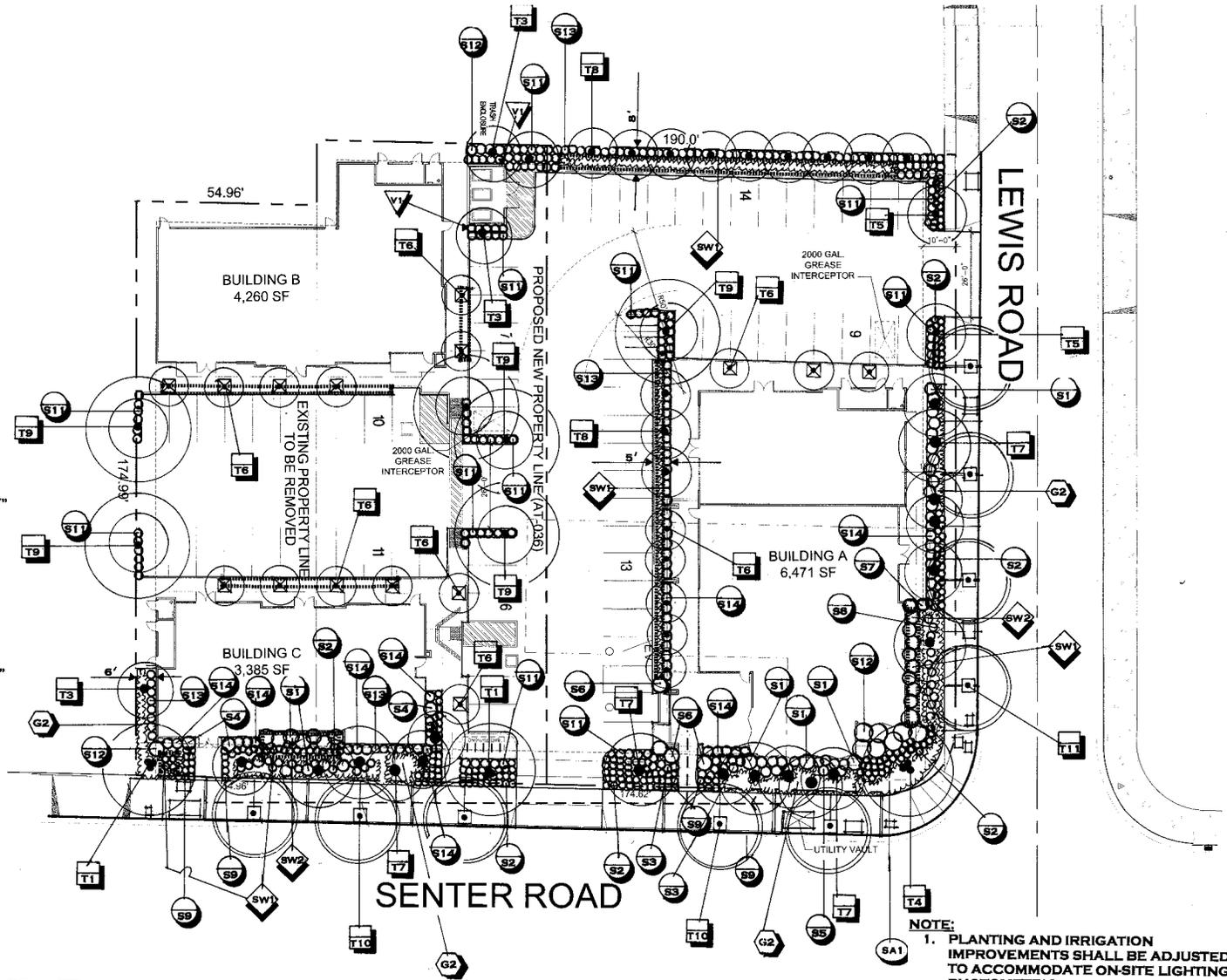
**STORM WATER TREATMENT PLANTING:**

- SW1 CAREX DIVULSA (@ 24" O.C.)
- SW2 JUNCUS PATENS

**SEASONAL ANNUALS:**

- SA1 PELARGONIUM x HORTORUM (4" POTS @ 10" O.C.)

TREES: 24" BOX  
 SHRUBS & PERENNIALS: 5 GALLON  
 GROUND COVERS: 1 GALLON  
 STORM WATER TREATMENT PLANTING: 1 GALLON



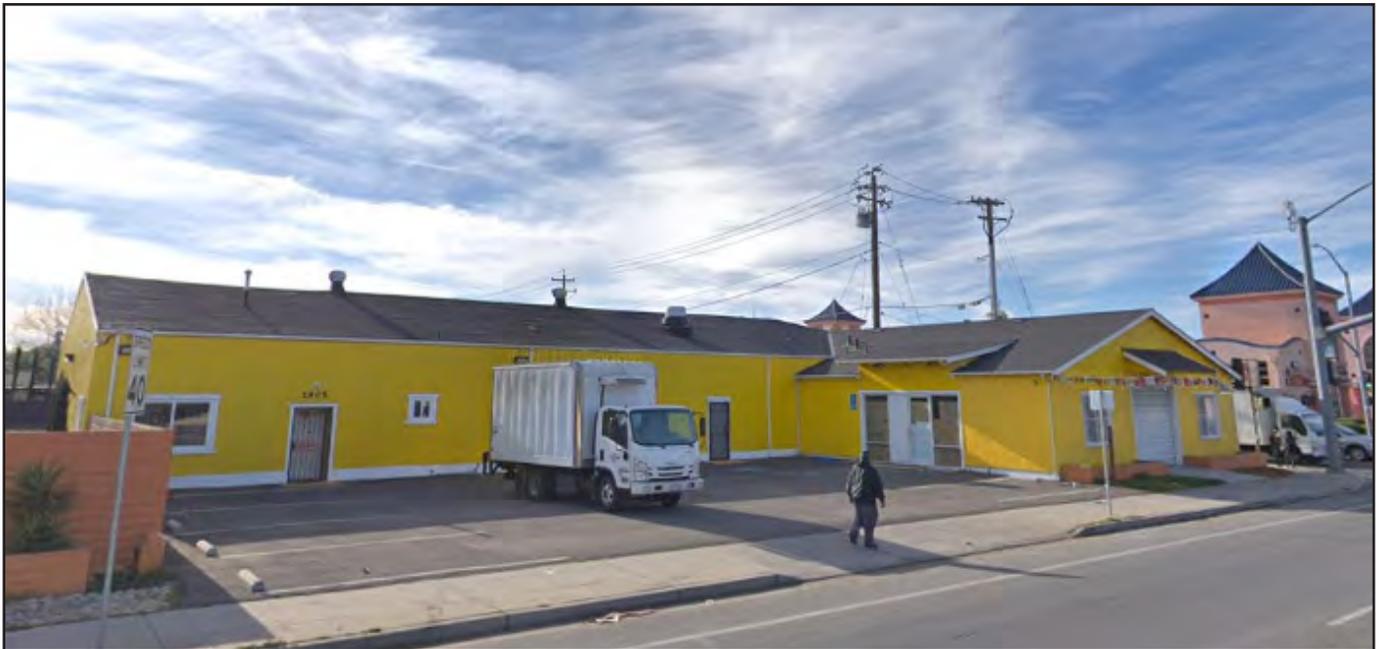
**NOTE:**

1. PLANTING AND IRRIGATION IMPROVEMENTS SHALL BE ADJUSTED TO ACCOMMODATE ON-SITE LIGHTING PHOTOMETRICS.
2. ALL PLANTING AREAS SHALL HAVE COMPOSTED, NON-FLOATABLE TOP DRESSING / MULCH (WHICH INCLUDES AREAS BETWEEN PLANTINGS FOR BIORETENTION AREAS AND SIDE SLOPES); THREE (3") INCHES DEEP.
3. EXACT LOCATIONS OF STREET TREES SHALL BE DETERMINED @ STREET IMPROVEMENT STAGE; PER CITY REQUIREMENTS.

Source: Isaacson, Wood & Associates, October 2018 (Revised)



View of the project site from Lewis Road, looking east



View of the project site from Senter Road, looking west

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## Chapter 3. Environmental Evaluation

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project as indicated by the checklist on the following pages and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics              | <input type="checkbox"/> Agricultural Resources                        | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Biological Resources    | <input checked="" type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Energy                      |
| <input checked="" type="checkbox"/> Geology/Soils           | <input checked="" type="checkbox"/> Greenhouse Gas Emissions           | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                      |
| <input checked="" type="checkbox"/> Noise                   | <input checked="" type="checkbox"/> Population/Housing                 | <input checked="" type="checkbox"/> Public Services             |
| <input checked="" type="checkbox"/> Recreation              | <input checked="" type="checkbox"/> Transportation/Traffic             | <input checked="" type="checkbox"/> Utilities/Service Systems   |
| <input type="checkbox"/> Wildfire                           | <input checked="" type="checkbox"/> Mandatory Findings of Significance |   |

### EVALUATION OF ENVIRONMENTAL IMPACTS

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

2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

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

4. “Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant

Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures.

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

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9. The explanation of each issue should identify:

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

## **ENVIRONMENTAL SETTING AND IMPACTS**

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

### ***Important Note to the Reader***

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

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter shall discuss operational issues that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

## A. AESTHETICS

### Setting

The project site is located on a developed parcel within an urbanized area of San José. The property is currently occupied by a vacant one-story commercial building and parking area, as shown in the site photos in Figure 9. The site is located in a mixed residential and commercial area along Senter Road. The project site is directly bordered by the following uses:

- North: Lewis Road, strip commercial center
- South: strip commercial, single family residential
- East: Senter Road, single family residential
- West: single family residential

Photographs of the property and adjacent properties are presented in Figure 9 and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site consists of an existing vacant commercial building, driveway/parking area, and gravel lots.

### Regulatory Framework

#### *State Scenic Highways Program*

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways. In addition, the City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

#### *Council Policy 4-3 Outdoor Lighting Policy*

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

#### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Aesthetic Policies</b>	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

<b>Envision San José 2040 Relevant Aesthetic Policies</b>	
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City’s Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

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

## Explanation

- a) **Less Than Significant Impact.** Based on the City’s General Plan, views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains are scenic features in the San José area. The project site is located in an urbanized location in central San José. The existing surrounding uses consist of one to two-story residential and commercial development. Therefore, the project site and surrounding areas are relatively flat and the visibility of prominent viewpoints, other than buildings, are limited. The development of three new one-story commercial buildings would not impact any scenic vistas.
- b) **Less Than Significant Impact.** The project site is not located within any City or state-designated scenic routes. No natural scenic resources, such as rock outcroppings, are present on-site or in the project area. Therefore, the project would not damage scenic resources, such as rock outcroppings and historic buildings, since the property does not contain any trees or other notable aesthetic features.
- c) **Less Than Significant Impact.** The project site is located on a developed parcel within an urbanized area of San José, in a mixed residential and commercial area along Senter Road. The project would alter the existing visual character of the site and its immediate surroundings by introducing a new commercial plaza. Building elevations are presented in Figure 6. The general architectural design of the proposed buildings is modern. The building heights range from 20 to 30 feet. Landscaping is proposed on the site as shown in Figure 8. The proposed project would be required to conform to the applicable City’s Commercial Design Guidelines, and undergo design review to ensure the scale and mass are compatible with surrounding development and other publicly accessible vantage points (e.g. sidewalks, public streets) through the development review process.

The project proposes a Conforming Rezoning from LI and CP Zoning Districts to CN Commercial Neighborhood Zoning District. The proposed rezoning is in conformance with the General Plan designation. The CN Commercial Neighborhood Zoning District is intended to provide for neighborhood serving commercial uses, consistent with the proposed project. The project is also consistent with General Plan policies relating to scenic quality focused on creating a well-designed, unique, and vibrant public realm that supports community interaction and attract residents, business, and visitors.

Given the location of this infill project within a developed area along Senter Road and its consistency with site’s zoning and other regulations related to scenic quality, the project would not degrade the existing visual character or quality of the site and its surroundings within this urbanized area.

- d) **Less Than Significant Impact.** The project does not propose any major sources of lighting or glare. All lighting would conform to the City’s Outdoor Lighting policies, 3), and be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties, consistent with City standards. In addition, the project does not propose to introduce materials into the design that would create substantial glare. The project would have a less-than-significant impact on light and glare.

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

## B. AGRICULTURAL AND FOREST RESOURCES

### Setting

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

### Regulatory Framework

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “Urban and Built-Up Land” on the 2014 Santa Clara County Important Farmlands Map.

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

### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Agricultural Resources Policies</b>	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José’s sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means: <ul style="list-style-type: none"><li>• Limit residential uses in agricultural areas to those which are incidental to agriculture.</li><li>• Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.</li><li>• Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.</li><li>• Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.</li></ul>
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X	2, 4

### Explanation

- a) **No Impact.** The project site is an infill property and designated as Urban and Built-Up Land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project will not affect agricultural land.
- b) **No Impact.** The project site is an infill property and is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses will occur.
- c) **No Impact.** The project will not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).
- d) **No Impact.** See c) above. No other changes to the environment will occur from the project that will result in the loss of forest land or conversion of forest land to non-forest uses.

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

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

## C. AIR QUALITY

An air quality and greenhouse gas assessment was prepared for the project by Illingworth & Rodkin, Inc. (January 31, 2019). This report is contained in Appendix A.

### Setting

The project lies within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb). Secondary criteria pollutants include ozone (O<sub>3</sub>), and fine particulate matter (PM<sub>2.5</sub>).

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. The closest sensitive receptors to the project site are residences adjacent to the southern site boundary, with additional residences to the northeast, east, and west.

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. The project is located close to small retail shops, electronic stores, and other similar uses that are not common sources of odors.

### Regulatory Framework

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. EPA has classified the region as a nonattainment area for the 8-hour O<sub>3</sub> standard and the 24-hour PM<sub>2.5</sub> standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM<sub>10</sub>. At the State level, the Bay Area is considered nonattainment for ozone, PM<sub>10</sub> and PM<sub>2.5</sub>.

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

The BAAQMD, along with other regional agencies (e.g., ABAG and MTC), develop plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an

update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

*Toxic Air Contaminants*

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Exhaust from trucks, buses, trains, ships, and other equipment with diesel engines contains a mixture of gases and solid particles. These solid particles are known as diesel particulate matter (DPM). DPM contains hundreds of different chemicals which can have harmful health effects, such as cardiovascular and respiratory disease.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three quarters of the cancer risk from TACs. According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under California Proposition 65 or the Federal Hazardous Air Pollutants programs.

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Air Quality Policies</b>	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region’s Clean Air Plan and State law.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities)

<b>Envision San José 2040 Relevant Air Quality Policies</b>	
	that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy 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.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

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

## Explanation

- a) **Less Than Significant Impact.** Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The consistency of the project with the applicable control measures is presented below. The project would have a less-than-significant effect on clean air planning efforts.

2017 CAP Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Transportation Measures</i>		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City's Zoning Ordinance standards. The project is consistent with this measure.
<i>Energy Control Measures</i>		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Ordinance, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
<i>Building Control Measures</i>		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Ordinance and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure
<i>Water Control Measures</i>		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water. Therefore, the project is consistent with this control measure.

- b) **Less Than Significant Impact.** The region is classified at the federal level as a non-attainment area for the 8-hour ozone standard and the 24- hour PM<sub>2.5</sub> standard and at the state level for ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. The project size is well below the BAAQMD screening criteria, and would not result in a significant impact related to criteria pollutants. The project, therefore, would not result in a cumulatively considerable net increase of criteria pollutants for which the

project region is in non-attainment under an applicable federal or state ambient air quality standard.

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been below State and federal standards in the Bay Area since the early 1990s and the region has been designated as attainment for the standard. The highest measured level over any 8-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm.

For a land use project, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less-than-significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour. Intersections affected by the proposed project would have traffic volumes less than the BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.

- c) **Less Than Significant Impact.** The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. In their 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for land use projects that could result in significant air pollutant emissions. For the land use category of “strip mall,” (closest land use category in character to the proposed development) the construction screening size is 277,000 square feet. For operational impacts, the screening size for strip mall is identified as 99,000 square feet. Since the project proposes to develop approximately 14,090 square feet of commercial uses, it is concluded that the emissions would be below the BAAQMD significance thresholds and less-than-significant.

In addition, the project would implement standard permit conditions during construction activities to further reduce dust and particle matter. Refer to discussion in d) below. Stationary sources of air pollution (e.g., back-up generators) are not proposed by the project. Finally, the project would not introduce new sensitive receptors to the area.

#### *Operational Emissions*

Operation of the project is not expected to cause any localized emissions that could expose existing sensitive receptors to unhealthy air pollutant levels. When operating, the project may generate automobile traffic and infrequent truck traffic; however, these emissions are anticipated to result in fairly low impacts in terms of TAC or PM<sub>2.5</sub> exposure and, thus, were not evaluated. No stationary sources of TACs, such as generators, are proposed as part of the project. The proposed commercial project would not introduce new sensitive receptors to the area.

### *Construction Emissions*

Substantial amounts of dust could be generated during excavation, grading, and construction activities. Most of this dust is generated during grading. The amount of dust generated would be highly variable and depend on the size of the area disturbed at any given time, amount of activity, soil conditions, and meteorological conditions. To address fugitive dust emissions that lead to elevated PM<sub>10</sub> and PM<sub>2.5</sub> levels near construction sites, the BAAQMD CEQA Air Quality Guidelines identify best management practices for all construction projects. During any construction period ground disturbance, the project would implement the standard permit conditions below to reduce the air quality impacts associated with grading and construction activities and further reduce potential construction emissions.

#### **Standard Permit Conditions**

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two or more 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). 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; and
- A publicly visible sign shall be posted with the telephone number and person to contact at the construction site 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.

*Community Health Risk from TACs*

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM<sub>2.5</sub>.

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or, introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project area. The project does not involve the introduction of any new substantial sources of TACs. When operating, the project may generate automobile traffic and infrequent truck traffic; however, these emissions are anticipated to result in fairly low impacts in terms of TAC or PM<sub>2.5</sub> emissions. No stationary sources of TACs, such as generators, are proposed by the project. This commercial project would not introduce new sensitive receptors to the area.

A health risk assessment of project construction activities was conducted to evaluate potential health effects on nearby residences from emissions of diesel particulate matter (DPM) and PM<sub>2.5</sub>. The closest sensitive receptors to the project site are residences south of the site. Emissions and dispersion modeling were conducted to predict the off-site concentrations resulting from project construction. The applicable BAAQMD thresholds related to TACs are presented below in Table 1.

<b>Table 1</b>	
<b>Applicable BAAQMD Air Quality Significance Thresholds</b>	
<b>Health Risks and Hazards for Sources within 1,000 Feet of Project</b>	
Excess Cancer Risk	>10 per one million
Chronic or Acute Hazard Index	>1.0
Incremental annual average PM <sub>2.5</sub>	>0.3 µg/m <sup>3</sup>
<b>Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources</b>	
Excess Cancer Risk	>100 per 1 million
Chronic Hazard Index	>10.0
Annual Average PM <sub>2.5</sub>	>0.8 µg/m <sup>3</sup>
PM <sub>2.5</sub> = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less	

Construction activity is anticipated to include grading and site preparation, trenching, building construction, and paving. Construction period emissions were modeled using the California Emissions Estimator Model, Version 2016.3.2 (CalEEMod). A build-out construction schedule, including equipment usage assumptions, was developed based on information provided by the project applicant and CalEEMod default values for a project of this type and size. The proposed land uses were input into CalEEMod, which included 4,200 square feet entered as “High Turnover (Sit Down Restaurant),” 5,956 SF entered as “Strip Mall,” 4,260 square feet entered as “General Office Building,” and 70 spaces entered as “Parking Lot.” The CalEEMod default schedule estimated 236 construction workdays over 12 months. A

construction start date of June 2019 was used for the CalEEMod default; however, the project construction date has since been delayed. The model run using the June 2019 construction date represents a conservative analysis and does not change the conclusions of the air quality analysis, since regional emissions are projected to decrease over time.

Figure 10 shows the locations where the maximum-modeled DPM and PM<sub>2.5</sub> concentrations would occur. These maximum concentrations occurred at a residence adjacent to the southern project site boundary, as shown in Figure 10. Using the maximum annual modeled DPM concentration, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD recommended methods. The cancer risk calculations are based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations.

Table 2 presents the predicted increases to cancer risk, annual PM<sub>2.5</sub> concentrations, and Hazard Index (HI) from construction of the project. Results of this assessment indicate that the maximum increased residential cancer risks would be 48.9 in one million for an infant exposure and 0.9 in one million for an adult exposure. The maximum-modeled annual PM<sub>2.5</sub> concentration, which is based on combined exhaust and fugitive dust emissions, would be 0.34 µg/m<sup>3</sup>. The cancer risk and PM<sub>2.5</sub> concentration would exceed the BAAQMD significance thresholds of 10 in one million for cancer risk and 0.3 µg/m<sup>3</sup> for PM<sub>2.5</sub> concentrations. The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) would be 0.2978 µg/m<sup>3</sup>. The maximum computed HI based on this DPM concentration is 0.06, which does not exceed the BAAQMD significance criterion of a HI greater than 1.0.

As shown in Table 2, the impact of the project and the sum of impacts from combined sources would not exceed the cumulative significance thresholds for cancer risk, annual PM<sub>2.5</sub> concentrations, and non-cancer hazards (expressed as an HI). The TAC assessment assumes that the Standard Permit Conditions outlined above, consistent with the BAAQMD-recommended basic measures to control dust and exhaust during construction, are included in the project.

<b>Table 2 Community TAC Risk Impacts from Construction</b>			
<b>Source</b>	<b>Maximum Cancer Risk (per million)</b>	<b>PM<sub>2.5</sub> concentration (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
Project Construction			
Unmitigated	<b>48.9 (infant)</b>	<b>0.34</b>	0.06
Mitigated	7.8 (infant)	0.06	0.01
<i>BAAQMD Single-Source Threshold Significant?</i>	<b>&gt;10.0 Yes (Unmitigated)</b>	<b>&gt;0.3 Yes (Unmitigated)</b>	<b>&gt;1.0 No</b>
<b>Cumulative Sources</b>			
Senter Road at 200 feet, 24,505 ADT	3.1	0.09	<0.01
Combined Sources			
Unmitigated	52.0	0.43	<0.07
Mitigated	10.9	0.15	<0.02
<i>BAAQMD Cumulative Source Threshold Significant?</i>	<b>&gt;100 No</b>	<b>&gt;0.8 No</b>	<b>&gt;10.0 No</b>



Source: Illingworth & Rodkin, Inc., August 2018

# Location of Offsite Receptors

2905 Senter Road  
Initial Study

Figure  
**10**

**Impact AQ-1:** Construction activities associated with the proposed project would expose residential uses near the project site to increased infant cancer risks and maximum-modeled annual PM<sub>2.5</sub> concentration in excess of acceptable thresholds.

**Mitigation (Included in Project)**

**MM AQ-1** Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 81 percent reduction in particulate matter (PM<sub>2.5</sub>) exhaust emissions or more. The plan can include, but is not limited to, the following:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.
- The use of equipment meeting EPA Tier 4 standards for particulate matter.
- The use of equipment that includes alternatively-fueled equipment (i.e., non-diesel).

Implementation of Standard Permit Conditions as outlined above requiring implementation of BAAQMD best management practices and the above mitigation MM AQ-1 would reduce fugitive dust emissions by over 72 percent and reduce on-site diesel exhaust emissions by 84 percent. This would reduce the residential infant cancer risk and maximum annual PM<sub>2.5</sub> concentration proportionally, such that the mitigated infant cancer risk at the residential receptor would be less than 7.8 in one million and the maximum annual PM<sub>2.5</sub> concentration would be reduced to less than 0.06 µg/m<sup>3</sup>, which are below the BAAQMD significance thresholds.

- d) **Less Than Significant Impact.** The proposed project consists of a new 14,090 square foot commercial plaza. Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. The proposed project would not create new sources of odor. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which will cease upon project completion. This represents a temporary impact and implementation of abatement measures for construction period emissions identified in c) would further assure that this impact is less-than-significant.

**Conclusion:** The project would have a less-than-significant impact on air quality with implementation of identified mitigation measures, standard permit conditions, and compliance with General Plan Policies.

## **D. BIOLOGICAL RESOURCES**

### **Setting**

The project site is located within an urbanized area of San José. The property is occupied by a vacant commercial building and does not contain any vegetation or trees. The site is surrounded by urban development and the habitat value on the property is considered low.

### **Regulatory Framework**

#### *Tree Removal Controls*

The City of San José's Municipal Code (Section 13.32) regulates the removal of trees. An "ordinance tree" is defined as any native or non-native tree with a circumference of 38 inches (diameter of about 12 inches) measured at 4½ feet above natural grade. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 4½ feet above grade. A "heritage tree" is defined as a tree of special significance to the community due to history, girth, height, species, or other unique quality.

#### *Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan*

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

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

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

#### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Biological Resource Policies</b>	
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 2
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 3

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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, 7, 8

### Explanation

- a) **Less Than Significant Impact.** The site is fully developed and does not contain any trees or other significant vegetation or habitat; therefore, the proposed improvements would not result in habitat modifications or impacts on species identified as a candidate, sensitive, or special-status species.
- b) **Less Than Significant Impact.** The closest riparian habitat to the project site is Coyote Creek, in Los Lagos Golf Course, which is located approximately 0.35 mile to the east. The project is located on a developed infill site and does not contain any sensitive natural communities.
- c) **Less Than Significant Impact.** The project is located on a developed infill site and does not contain or in near proximity to any state or federally protected wetland resources.
- d) **Less Than Significant Impact.** The project is proposed on an infill site surrounded by development and has not been found to contain any native resident or wildlife species. The project site is not located within a designated wildlife corridor. Therefore, the proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **Less Than Significant Impact.** The project site does not contain any trees or other habitat. A few trees are located adjacent to the project site along the west property line that could be affected by project construction activities. As a part of the development approval, the project would implement the following standard permit conditions to avoid impacts to offsite trees. The project, therefore, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

### Standard Permit Conditions

Implement the following tree protection measures consistent with the City’s requirements to protect adjacent off-site trees.

#### Pre-Construction and Grading Treatments

1. A pre-construction and grading meeting with a certified arborist (“site arborist”) shall be required to discuss monitoring schedule, as recommended by the site arborist, in addition to applicable logistics to ensure tree protection.
2. The site arborist shall review all future project submittals including grading, utility, drainage, irrigation, and landscape plans. The consulting arborist shall assist with:

- a. Establishing a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be either the existing masonry wall separating the two properties. No grading, excavation, construction or storage of materials shall occur within that zone.
  - b. Verifying the location and tag numbers of the 19 trees proposed for preservation. Include trunk locations and tag numbers on all plans.
  - c. Routing underground services including utilities, sub-drains, water or sewer around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
3. Trees to be preserved will require pruning to clean the crown and to provide clearance. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300).
  4. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
  5. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

#### Tree Protection During Construction

1. Prior to beginning work, contractors working in the vicinity of trees to be preserved are required to meet with the consulting arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
  2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the site arborist.
  3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
  4. Any additional tree pruning needed for clearance during construction must be performed by a site arborist and not by construction personnel.
  5. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw, with the consultation of the site arborist.
- f) **Less Than Significant Impact.** The project is located within the boundaries of the Santa Clara Valley HCP and is considered a Covered Activity. The project is located on land designated by the HCP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A Nitrogen Deposition Fee will be required for each new vehicle trip generated by the project. Fees are required at the time of ground disturbance. The project would implement the following Standard Permit Conditions in accordance with the HCP.

### **Standard Permit Condition**

- The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

**Conclusion:** The project would have a less-than-significant impact on biological resources with implementation of identified standard permit conditions.

## **E. CULTURAL RESOURCES**

A historic evaluation was prepared for the property by Archives & Architecture (April 13, 2018), and is contained in Appendix B.

### **Setting**

The project site is occupied by a vacant commercial building. The one-story, L-shaped commercial building is actually two buildings, with the corner building constructed in 2014 to replace a similar-sized structure that was damaged in an auto accident. The rear building was constructed in 1960 as an expansion of a former casket manufacturing company. The site was used as a manufacturing site until at least 1970. The construction in 2014 included a slight remodeling of the rear building so that they continue to appear as one facility.

The project site is not listed on the San José Historic Resources Inventory; however, a portion of the existing vacant building is over 50 years in age. The historic evaluation prepared for the project site by Archives & Architecture analyzed the structures on the project site, as follows:

- Evaluation of the structures based on the criteria of the California Register of Historic Resources (CRHR) and the National Register of Historic Places (NRHP);
- Evaluation of the structures based on the criteria of the City of San José Historic Resource Inventory requirements (2010); and
- California Department of Recreation historic resources evaluation forms (DPR 523 forms).

The project site is not listed on the San José Historic Resources Inventory, nor has it been evaluated as a part of any local historic resource survey conducted by the City of San José or any other agency that has been filed with the State Office of Historic Preservation. The property was annexed to the City of San José in 1959. The rear building was built in 1960 under a City of San José permit. It was an addition to an earlier circa 1946-1948 building that had been constructed when the site was in unincorporated Santa Clara County.

The historic evaluation concluded that the property does not qualify for listing on the California Register of Historical Resources, and the building does not appear to be eligible for San José City Landmark designation when considered under the qualitative criteria of the City's Historic Preservation Ordinance. The evaluation performed per the City of San José rating system resulted in point score of 4; therefore, the property does not appear eligible for listing on the San José Historic Resources Inventory.

The area in which this property is located has not been identified as a potential historic district or conservation area, and given the mixed contemporary development pattern of the area, it is unlikely to be considered as such in the future. Furthermore, the project site has been highly disturbed with development and is not considered archaeologically sensitive.

## Regulatory Framework

### *Native American Heritage Commission*

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

### *California Assembly Bill 52*

California Assembly Bill (AB) 52 went into effect on July 1, 2015, and establishes a new category of CEQA resources for “tribal cultural resources” (Public Resources Code §21074). The intent of AB 52 is to provide a process and scope that clarifies California tribal government’s involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also creates a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible. The City of San José complied with AB 52. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José regarding preparation of Negative Declarations, Mitigated Negative Declarations, or Environmental Impact Reports under AB 52 provisions for projects on this site or within the vicinity of this site.

### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Cultural Resource Policies</b>	
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

<b>Envision San José 2040 Relevant Cultural Resource Policies</b>	
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?			X		1, 2, 9
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		1, 2
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2
TRIBAL CULTURAL RESOURCES: Would the project:					
e) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
1. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		1, 2
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2

## Explanation

- a) **Less Than Significant Impact.** The historic evaluation concluded that the property does not qualify for listing on the California Register of Historical Resources, and the building does not appear to be eligible for San José City Landmark designation when considered under the qualitative criteria of the City’s Historic Preservation Ordinance. Because the building on the property does not appear to qualify for the California Register or as a City Landmark, demolition would not have an adverse effect on historic resources under CEQA.

- b) **Less Than Significant Impact.** The archaeological sensitivity of the infill property is considered low, since it has been disturbed by development activities and based on citywide archeological investigations completed for the 2040 General Plan EIR. While it is unlikely that construction activities would encounter prehistoric or historic archaeological deposits, the project would conform to the following standard permit conditions to further avoid impacts associated with accidental discovery of buried archaeological resources during construction.

#### **Standard Permit Conditions**

- In the event that prehistoric or historic archaeological resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped and the Director of Planning, Building and Code Enforcement shall be notified. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) meet the definition of a historical or archaeological resource, then it should be avoided during project activities. Project personnel shall not collect or move any cultural materials. Fill soils that may be used for construction purposes shall not contain archaeological materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of building permits.
- If human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, amended per Assembly Bill 2641, shall be followed. 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 reasonable suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the land owner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being given access to the site;
  - The descendant identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the descendant or the mediation by the NAHC fails to provide measures acceptable to the landowner.
- c) **Less Than Significant Impact.** Though unlikely, human remains may be encountered during construction activities. Standard permit conditions are identified in b) above to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries.
- d) 1,2 **Less Than Significant Impact.** Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

Further, notification was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC in compliance with Assembly Bill (AB) 52. AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José.

**Conclusion:** The project would have a less-than-significant impact on cultural and tribal resources with implementation of standard permit conditions.

## F. ENERGY

### Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.<sup>1</sup>

### Regulatory Framework

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

#### *California Renewable Energy Standards*

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's electricity mix in 2015 was 30 percent renewable. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

#### *California Building Codes*

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2013 standards became effective July 1, 2014. The 2016 Title 24 updates went into effect on January 1, 2017.<sup>2</sup> Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.<sup>3</sup>

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<sup>1</sup> PG&E, Delivering low-emission energy. Accessed September 19, 2018. Available at: [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page)

<sup>2</sup> California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). Accessed September 20, 2018. <http://www.bsc.ca.gov/Codes.aspx>.

<sup>3</sup> CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. <http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf>.

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

*Council Policy 6-32 Private Sector Green Building Policy*

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),<sup>4</sup> GreenPoint,<sup>5</sup> or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San Jose. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown below.

<b>Private Sector Green Building Policy Applicable Projects</b>	
<b>Applicable Project Minimum Green Building Rating</b>	<b>Minimum Green Building Rating</b>
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
<i>Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008.</i> <a href="https://www.sanjoseca.gov/DocumentCenter/Home/View/363">https://www.sanjoseca.gov/DocumentCenter/Home/View/363</a>	

*General Plan Policies*

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

<sup>4</sup> Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

<sup>5</sup> Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

<b>Envision San José 2040 Relevant Energy Policies</b>	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

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

**Explanation**

a) **Less Than Significant Impact.** A discussion of the project’s effect on energy use is presented below. Energy use consumed by the proposed project was estimated in the Air Quality and Greenhouse Gas Assessment prepared for the project by Illingworth & Rodkin.<sup>6</sup> This included

<sup>6</sup> Refer to Appendix A, Attachment 2, Sections 5.2 and 5.3, pgs 55-56.

natural gas and electricity consumption for the proposed commercial project. The project site contains a vacant commercial building, which generates little to no energy demand. The energy use from the project did not take into account any energy use that may be generated by onsite uses.

*Construction Impacts*

The anticipated construction schedule assumes that the project would be built out over a period of approximately 12 months. The project would require demolition, site preparation, minor grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed in *Section C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. The project would also recycle or salvage at least 30 percent of construction waste as part of its LEED certification (discussed further below).

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

*Operational Impacts*

Operation of the proposed project would consume energy, in the form of electricity and natural gas, primarily for building heating and cooling, lighting, cooking, and water heating. Table 3 summarizes the estimated energy use of the proposed project.

<b>Table 3</b>		
<b>Estimated Annual Energy Use of Proposed Project</b>		
<b>Proposed Project</b>	<b>Electricity Use (kWh)</b>	<b>Natural Gas Use (kBtu)</b>
Commercial Development	281,037	951,611
Source: Illingworth & Rodkin, Inc., 2905 Senter Road Air Quality and Greenhouse Gas Assessment, Attachment 2, Sections 5.2 and 5.3, January 31, 2019.		

However, the energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2016 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code, which includes insulation and design provisions to minimize

wasteful energy consumption, thereby improving the efficiency of the overall project. Though the proposed project does not include on-site renewable energy resources, the proposed project also is required to be built to LEED Checklist standards consistent with Council Policy 6-32.

The proposed project would result in an increase in traffic to the project site of approximately 721 total daily traffic trips (Appendix E). The total annual VMT for the project is approximately 2,062,060, assuming that the average trip length in Santa Clara County is 11 miles. Using the U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 88,882 gallons of gasoline per year.<sup>7</sup>

The project is in close proximity to major transit services and is served by VTA bus route 42, 70, and 73 (refer to *Section Q. Transportation*). As a result, implementation of the proposed project would not result in a substantial increase on transportation-related energy use.

Furthermore, the proposed project would be required to build in compliance with the CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Though the proposed project does not include on-site renewable energy resources, the proposed industrial building would also be built to achieve LEED certification consistent with San José Council Policy 6-32. The project proponent anticipates that LEED certification would be achieved in part by conforming to the City's Green Building Measures.

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

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

- b) **Less Than Significant Impact.** As stated above the project would be required to be built to LEED Certification pursuant Council Policy 6-32. By reducing single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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

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<sup>7</sup> 721 daily trips (260 weekdays) = 187,460 yearly trips (11 miles) = 2,062,060 annual VMT/23.2 mpg = 88,882 gallons/year

## **G. GEOLOGY AND SOILS**

A geotechnical investigation of the project site was conducted by Silicon Valley Soil Engineering in December 2014. This report is contained in Appendix C.

### **Setting**

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

The project property is an essentially flat lot with an elevation of approximately 108 feet above mean sea level. The project site is currently occupied by a vacant commercial building, paved areas, and a gravel lot. Results of the subsurface testing indicate that the existing pavement surface consists of 2.5 inches of asphalt over four inches of aggregate base. Below the pavement to a depth of five feet, a black moist, stiff silty clay layer was encountered. From the depths of five to eight feet, the soil was medium brown, moist, stiff clayey silt. From 8-13 feet deep, a brown, moist medium dense, silty sand layer was encountered. From 13-20 feet deep, the soil was medium brown, moist, stiff clayey silt.

The geological investigation included a site inspection, two test borings, lab testing, and recommendations related to the geotechnical constraints on the property. As part of the geological investigation, a liquefaction analysis was conducted for the site soils. The results showed that the soils are not subject to liquefaction. However, lab testing indicated that the native surface soil at the site has a very high expansion potential.

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

### **Regulatory Framework**

#### *California Building Code*

The 2016 California Building Standards Code (CBC) was published July 1, 2016, with an effective date of January 1, 2017. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and

- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

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

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Geology and Soil Policies</b>	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.

<b>Envision San José 2040 Relevant Geology and Soil Policies</b>	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2, 10
ii) Strong seismic ground shaking?			X		1, 2, 10
iii) Seismic-related ground failure, including liquefaction?			X		1, 2, 10
iv) Landslides?				X	1, 2, 10
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2, 10
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2, 10
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, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2

## Explanation

- ai) **No Impact.** The site is not located within a State of California Earthquake Fault Hazard Zone or an Alquist-Priolo Earthquake Fault Zone, and no known active faults cross the site. Therefore, the risk of ground rupture within the site is considered low. The project would be

designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential direct or indirect damage from seismic shaking on the project site as described below in aii) and aiii).

- aii) **Less Than Significant Impact.** Due to its location in a seismically active region, the proposed building and associated structures would likely be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.
- aiii) **Less Than Significant Impact.** The project site is within the State of California Seismic Hazard Zone of Required Investigation for Liquefaction. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. An updated geotechnical analysis would be required prior to construction to identify recommendations to minimize these hazards from the currently proposed project. The project would be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition.

#### **Standard Permit Condition**

- A geotechnical investigation report shall be submitted to the Public Works Project Engineer for review and approval by the City Geologist prior to issuance of a grading permit or a Public Works Clearance. Foundation, earthwork and drainage recommendations should be included in the report. The geotechnical report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining, and drainage recommendations. The investigation shall be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center Report (SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the geotechnical report and issue a Geologic Clearance. In addition, the following requirement for the geotechnical and soils report shall be met:
    - Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."
- aiv) **No Impact.** The project site has no appreciable vertical relief and would not be subject to landslides. See also aiii) above.
- b) **Less Than Significant Impact.** Development of the project would require earthwork activities involving approximately 534 cubic yards of material, which could result in a temporary increase in erosion. The project will implement the standard measures identified in *Section I. Hydrology and Water Quality* section of this Initial Study to minimize erosion.

- c) **Less Than Significant Impact.** The project site’s soils were analyzed for liquefaction potential in the geotechnical study, which found that the site soils are not susceptible to liquefaction. An updated geotechnical analysis would be prepared to provide recommendations to minimize these any other hazards on the site as described in aiii) above. This would reduce any potentially significant geotechnical impacts to a less-than-significant level.
- d) **Less Than Significant Impact.** Based on the results of the geotechnical study, the project site contains highly expansive soils, which could damage proposed structures and infrastructure. Impacts associated with expansive soils or other soil hazards would be minimized by applying engineering and construction techniques for expansive soils.
- An updated geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for aiii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less-than-significant level.
- e) **No Impact.** The project does not include any septic systems. The proposed project would tie into the City’s existing sanitary sewer system.
- f) The project site is located in an area mapped as “high sensitivity at depth” in the 2040 General Plan EIR.<sup>8</sup> The project proposes minor grading and would not require excavation for a parking garage or any other structure; therefore, it is unlikely to disturb paleontological resources. However, consistent with General Plan Policy ER-10.3, the following standard permit condition will be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on this infill site.

### **Standard Permit Condition**

- If vertebrate fossils are discovered during construction, the Director of Planning, Building, and Code Enforcement shall be notified and 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, and a final report documenting the implementation of the treatment program shall be provided to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.

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

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<sup>8</sup> Figure 3.11-1 “Paleontologic Sensitivity of City of San Jose Geologic Units,” from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

## H. GREENHOUSE GAS EMISSIONS

An air quality and greenhouse gas assessment was prepared for the project by Illingworth & Rodkin, Inc. (January 31, 2019). This report is contained in Appendix A.

### Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

### Regulatory Framework

#### *Assembly Bill 32*

AB 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.<sup>9</sup>

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

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO<sub>2</sub>e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO<sub>2</sub>e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing

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<sup>9</sup> Note that Assembly Bill (AB) 197 was adopted in September 2016 to provide more legislative oversight of CARB.

the baseline inventory to 507 MMT of CO<sub>2</sub>e. Thus, an estimated reduction of 80 MMT of CO<sub>2</sub>e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

#### *Senate Bill 1368*

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO<sub>2</sub> per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

#### *Senate Bill 375*

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

#### *City of San José Municipal Code*

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

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

#### *City of San José Private Sector Green Building Policy (6-32)*

In October 2008, the City adopted the Private Sector Green Building Policy (6-32), which identifies baseline green building standards for new private construction and provides a framework for the

implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

### *City of San José Greenhouse Gas Reduction Strategy*

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that are consistent with the GHG Reduction Strategy would have a less than-significant-impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR as supplemented.

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

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)
2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
  - a. Solar Site Orientation
  - b. Site Design
  - c. Architectural Design
  - d. Construction Techniques
  - e. Consistency with the City Green Building Ordinance and Policies
  - f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.
3. Pedestrian/Bicycle Site Design Measures
  - a. Consistency with Zoning Ordinance
  - b. Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Greenhouse Gas Reduction Policies</b>	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City’s Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
8. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 6
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 6

## Explanation

- a) **Less Than Significant Impact.** The proposed development would result in temporary increases in GHG emissions associated with construction activities, including operation of construction equipment, and emissions from vendors and hauling trucks trips and personal vehicles of the construction workers traveling to and from the project site. Construction-related GHG emissions were input into the CalEEMod model to estimate GHG emissions during the construction period. GHG emissions associated with project construction were computed to be 253 MT of CO<sub>2</sub>e for the total construction period. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD-recommended best management practices to reduce GHG emissions during construction where feasible and applicable are assumed to be incorporated into construction of the proposed project.

### *Operational Emissions*

The CalEEMod model, along with the project vehicle trip generation rates, were used to estimate daily emissions associated with operation of the fully-developed site under the proposed project. As shown in Table 4 below, unmitigated annual emissions resulting from operation of the proposed project are predicted to be 578 MT of CO<sub>2</sub>e for the year 2021 and 479 MT of CO<sub>2</sub>e for the year 2030. The annual emissions from operation of the existing building in 2021 is computed as 205 MT of CO<sub>2</sub>e. Therefore, net emissions resulting from the project would be 373 MT of CO<sub>2</sub>e in 2021 and 274 MT of CO<sub>2</sub>e in 2030. The 2030 net GHG emissions would not exceed the 2030 “Substantial Progress” threshold of 660 MT of CO<sub>2</sub>e/yr. The service population emissions would be 13.4 for the year 2021 and 11.1 for the year 2030. The 2030 service population emissions would exceed the “Substantial Progress” efficiency metric of 2.6 MT CO<sub>2</sub>e/year/service population.

To be considered significant, the project must exceed both the GHG significance thresholds in metric tons per year and the service population significance threshold. This project would not exceed the “Substantial Progress” threshold of 660 MT of CO<sub>2</sub>e/yr. Therefore, the operational emissions from the project would have a less-than-significant impact regarding GHG emissions.

<b>Table 4 Annual Project GHG Emissions (CO<sub>2</sub>e) in Metric Tons</b>			
<b>Source Category</b>	<b>Existing in 2021</b>	<b>Proposed Project in 2021</b>	<b>Proposed Project in 2030</b>
Area	<1	<1	<1
Energy Consumption	27	88	88
Mobile	172	456	357
Solid Waste Generation	4	30	30
Water Usage	2	4	4
Total	205	578	479
<i>Net New Emissions</i>		373	274
<b>Bright-Line Significance Threshold</b>		<b>1,100</b>	<b>660</b>
<i>Service Population Emissions</i>		13.4	11.1
<b>SP Significance Threshold</b>		<b>4.6</b>	<b>2.6</b>
<b>Significant (Exceeds Both)?</b>		<i>No</i>	<i>No</i>

- b) **Less Than Significant Impact.** The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the proposed project would not substantially increase GHG emissions, as described above. In addition, the project would conform to the City’s green building policies. For example, proposed buildings would be constructed in conformance with CALGreen and Title 24 Building Code, which require high-efficiency water fixtures and water-efficient irrigation systems. In addition, the project would be subject to the City of San José GHG Reduction Strategy that requires compliance with the City’s Green Building Ordinance. The project consists of an in-fill type project that would provide neighborhood-serving commercial uses in an urban area that is accessible to the community via non-vehicular modes (e.g., walking, biking) and is served by nearby transit services. The project would also include bicycle parking and accommodate electric vehicles with proposed charging stations in the parking area.

For these reasons, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

**Conclusion:** The project would have a less-than-significant impact related to GHG emissions.

## I. HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Assessment was prepared for the project site by Phase I Assessments (August 21, 2016) to determine the potential for hazardous materials contamination on the project site. This report is contained in Appendix D-1. In 2018, a Near Surface Soil Sampling Report was prepared for the project by IRC Environmental Consulting, LLC, which evaluated four onsite soil samples for pesticides, arsenic, and lead (January 25, 2018). This report is contained in Appendix D-2.

### Setting

The purpose of a Phase I Assessment is to identify any recognized environmental conditions (RECs). An REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The Phase I Assessment included the following tasks: 1) review of regulatory agency databases and historical aerial photos for the site, 2) a site inspection, and 3) interview of the responsible parties.

A review of historical aerial photos from 1939 showed that the project site and vicinity area were agricultural lands. Historical photos from 1948 showed that the older building was constructed on the property while the entire area was still in agricultural use. Historical photos from 1950 and 1956 showed that the older building was in existence on the property while there were residential homes in the neighboring area to the west. Historical photos from 1968 and 1974 showed the older building on the property and a gas station and a retail center to the north and a car storage facility to the northwest. Historical photos from 2005, 2006, 2009, 2010 and 2012 showed the older and newer buildings on the property and the entire area developed.

According to the historical file searches, the site was used as Santa Clara Casket Company in 1963, 1986 and 1970; Winchester Casket Company in 1975; Sandman Inc. in 1980; Ken's Glass Company in 1985, 1986, 1991, 2000, and 2006; and Ken's Glass & Mirror in 2008 and 2013.

The Phase I Assessment included a review of previous environmental records and historical data. Two underground storage tanks including a 550-gallon gasoline tank and a 12,000-gallon gasoline tank were previously located on the property and removed on March 27, 1991. The soil and groundwater underneath the project site were monitored from 1991 to 1995. Finally, on September 19, 1995, Santa Clara Valley Water District Issued a No Further Action Letter.

The Near Surface Soil Sampling Report was prepared for the project site that collected discrete soil samples from four accessible locations across the project site on January 16, 2018 for pesticides, arsenic, and lead. All soil samples were collected from depths of approximately 0.5 feet below the ground surface (bgs). Based on the results of lab testing, the results of the soil sampling detected arsenic and lead showed concentration levels of naturally occurring arsenic and lead levels. No pesticide detections in three of the soil samples were at or above the laboratory reporting limits. Two pesticides (4,4-DDE and gamma-Chlordane) were detected in one sampling location at low trace level concentrations well below the applicable Environmental Screening Levels (ESLs)<sup>10</sup>. Arsenic and lead were detected in all four soil samples at relatively low concentrations well below the ESLs and below or within naturally occurring background levels.

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<sup>10</sup> San Francisco Regional Water Quality Control Board Tier 1 / Summary Tables, February 2016.

## Regulatory Framework

Since the early 1970s, governments at the federal, state, and local level have become increasingly concerned about the impacts from hazardous materials on human health and the environment. Numerous laws and regulations were developed to regulate the management of hazardous materials and mitigate potential impacts. As a result, the storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated at all levels of government. In addition, federal and state laws and regulations also apply to airport safety and height restrictions near airports.

The proposed commercial uses do not involve the routine transport, use, or disposal of hazardous materials. Soil sampling found that the site does not contain any contamination. Finally, the project site is not located near any public or private airports.

### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Hazardous Material Policies</b>	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 2, 11, 12
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1, 2, 11, 12
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 11, 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 or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	1, 2

### Explanation

- a) **Less Than Significant Impact.** The proposed commercial center would not involve the routine transport, use, or disposal of hazardous materials. The project may use small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer’s specifications.
- b) **Less Than Significant Impact.** Based on the results of lab testing of the soil sampling on the site for pesticides, arsenic, and lead, pesticide residuals were either undetected or detected at levels that are well below the ESLs. Arsenic and lead were detected in all four soil samples at relatively low concentrations that are also well below the ESLs and within naturally occurring background levels.

Due to its age, the existing building to be demolished may contain asbestos containing materials (ACMs) and/or lead-based paint. Incorporation of the standard permit conditions

identified below will assure that ACMs or lead-based paint are not released during demolition activities.

### **Standard Permit Conditions**

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

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

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

- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
  1. Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
  2. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
  3. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

- c) **Less Than Significant Impact.** The project site is not located within ¼ mile of a school. The closest school is Andrew P. Hill High School, which is located approximately 0.5 mile southeast of the project site. Additionally, the project would not routinely emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. See a) and b) above.
- d) **Less Than Significant Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List).
- e) **No Impact.** The project site is located approximately six miles southeast of the Norman Y. Mineta San José International Airport. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard to airport operations.
- f) **Less Than Significant Impact.** The proposed commercial project would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.
- g) **No Impact.** The project would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section S. Wildfire* of this Initial Study.

**Conclusion:** The project would have a less-than-significant impact related to hazards and hazardous materials.

## **J. HYDROLOGY AND WATER QUALITY**

### **Setting**

The project site is essentially flat and lies at an elevation of about 108 feet above mean sea level.<sup>11</sup> The site is currently occupied by a vacant commercial building. Runoff from the site currently flows into the City's existing drainage system.

The project site does not contain any natural drainages or waterways. The nearest waterway is Coyote Creek, located over 1,000 feet east of the project site. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D. Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

Static groundwater depths measured during historic monitoring activities ranges from approximately 8.0 to 14.0 feet below ground surface. The direction of groundwater flow beneath the site has varied from the north to the east, with the majority of historical groundwater gradients trending to the northeast (Phase I Assessments.Com, August 21, 1016).

### **Regulatory Framework**

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.

Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

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 Municipal Regional Permit mandates the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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<sup>11</sup> U.S. Geological Survey, San Jose Quadrangle, California, 1978.

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

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site’s natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

The City has developed policies that implement Provision C.3, consistent with the MRP. The City’s Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements include LID design features to minimize and treat stormwater runoff from new and redevelopment projects. The City’s Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Hydrology and Water Quality Policies</b>	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i) Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2, 14
iv) impede or redirect flood flows?				X	1, 2
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

### Explanation

- a) **Less Than Significant Impact.** The proposed commercial project is located in an urban environment and operations would not consist of materials that would significantly harm the water quality in the area. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure. would not violate any water quality standards or waste discharge requirements or degrade surface or groundwater quality as described below.
- b) **Less Than Significant Impact.** The proposed project would not decrease or otherwise affect groundwater supplies such that the project would impede sustainable groundwater management of the basin, since it does not propose major excavation and would not access groundwater. In addition, the project would not deplete/otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area.<sup>12</sup>

<sup>12</sup> Santa Clara Valley Water District, 2012 Groundwater Management Plan.

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

### Construction Impacts

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

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall 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 applicant is required comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and

6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project would somewhat increase impervious surfaces on the site and slightly modify the drainage pattern on site. Consistent with the regulations and policies described above, the project will follow the standard permit conditions. The following measures are based on RWQCB BMPs and have been included in the project to reduce construction and development-related water quality impacts. These BMPs would be implemented prior to and during earthmoving activities on-site and would continue until the construction is complete and during the post-construction period as appropriate.

### **Standard Permit Conditions**

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

### **Post-Construction Impacts**

The project is required to comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management. Furthermore, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures

demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Policy 6-29 and 8-14. The project will not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance.

- cii) **Less Than Significant Impact.** The project would increase the amount of impervious area on the project site compared to existing conditions by approximately 23,000 square feet. The project proposes to implement a stormwater control plan to manage runoff from the site (refer to Figure 7). Runoff will be collected in a storm drain system and conveyed to bioretention facilities on the site, where it will be treated prior to discharging into the City's drainage system. Other features of the stormwater control plan include pervious paving, flow-through planters, and landscaping. New storm drain laterals will be built and connect to the existing storm drainage system in Senter Road. As a result, the proposed project would have a less-than-significant impact associated with flooding on- or offsite due to increased surface runoff.
- ciii) **Less Than Significant Impact.** The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also c) above.
- civ) **Less Than Significant Impact.** The project site is located outside the 100-year floodplain and would not significantly impede or redirect flood flows.
- d) **Less Than Significant Impact.** The project site is not located in an area subject to significant seiche or tsunami. The project is not located within a 100-year floodplain or flood hazard zone as mapped by FEMA (site is within Zone D). 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.

The project is identified within the inundation area for Anderson Dam, based on the Association of Bay Area Governments (ABAG) Dam Failure Inundation Maps.<sup>13</sup> This assumes complete failure with a full reservoir. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources (DWR), Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Santa Clara Valley Water District) are responsible for minimizing the risks of dam failure and release of pollutants due to project inundation.

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<sup>13</sup> ABAG, "Dam Failure Inundation Areas Map," 1995.

- e) **Less Than Significant Impact.** The project consists of development on an approximately 1.05-acre infill site. As described above, the project would not result in significant water quality or groundwater quality impacts that would conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan because, as outlined above, the proposed project would be required to comply with the City of San José Grading Ordinance as well as standard BMPs during construction.

**Conclusion:** The project would have a less-than-significant impact on hydrology and water quality with implementation of identified standard permit conditions.

## K. LAND USE

### Setting

The project site is located in an urbanized area within the jurisdiction of the City of San José. The site is located in a mixed residential and commercial area along Senter Road and is developed with an existing vacant commercial building, driveway/parking area, and gravel lots. The site is directly bordered by the following land uses:

- North: Lewis Road, strip commercial center
- South: strip commercial, single family residential
- East: Senter Road, single family residential
- West: single family residential

The project site is designated *Neighborhood/Community Commercial* in the City's 2040 Envision San José 2040 General Plan Land Use/Transportation Diagram. The project site is currently zoned Light Industrial (LI) and Commercial Pedestrian (CP).

The *Neighborhood/Community Commercial* General Plan land use designation supports a very broad range of commercial activity, including commercial uses that serve communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Uses typically have a strong connection to and provide services and amenities for the nearby community, including design features which promote walking, transit use, and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Land Use Policies</b>	
Policy LU-4.1	Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3

### Explanation

- a) **No Impact.** The project is proposed on a site occupied by a vacant commercial building that is bordered on all sides by commercial and residential development. The building was constructed in 1960 with the corner constructed in 2014, used as a manufacturing company. The project includes demolition of the existing structure and proposed redevelopment of the site. The site is located in an urban area of San José, surrounded by commercial and residential development. The proposed commercial use is compatible with these surrounding uses and the layout and design of the project does not include any physical features that would physically divide the community (e.g., blocking of roadways or sidewalks). For these reasons, the proposed commercial plaza would be compatible with the existing and surrounding uses, and would not physically divide an established community.
- b) **Less Than Significant Impact.** The project is proposing the following actions:
- A Conforming Rezoning from LI Light Industrial Zoning District and CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District on the 1.05 gross acre site (C17-034).
  - A Site Development Permit to allow the demolition of the existing 1-story commercial building and construct three, 1-story commercial buildings totaling approximately 14,100-square feet as well as surface parking on the site (H18-007).
  - A Lot Line Adjustment to reconfigure two parcels into one lot on the site (AT17-036).

The proposed project site has an Envision San José 2040 General Plan designation of *Neighborhood/Community Commercial*. This designation supports a very broad range of commercial activity, including commercial uses that serve the communities, such as neighborhood serving retail and services and commercial/professional office development. General office uses, hospitals, and private community gathering facilities are also allowed in this designation. The proposed project would be consistent with the *Neighborhood/Community Commercial* General Plan land use designation, because the proposed retail and office buildings are commercial uses that would serve the surrounding area. Therefore, the project would not adversely affect the surrounding developments.

As described above, the project proposes a Conforming Rezoning from LI and CP Zoning Districts to CN Commercial Neighborhood Zoning District. The proposed rezoning is in conformance with the General Plan designation. The CN Commercial Neighborhood Zoning District is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments. Therefore, the retail and office/commercial project is consistent with the proposed zoning district. Furthermore, the project would comply with the required development standards, such as setback and height requirements, per the CN Commercial Neighborhood Zoning District.

The project is a commercial plaza located in an urban area that does not contain sensitive habitat or other resources. With the implementation of the mitigation measures and standard permit conditions identified in this Initial Study, the proposed commercial plaza will comply with applicable land use plans, policies, and/or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance). By providing commercial services to the local, nearby community (including restaurant and retail uses), the project would encourage pedestrian and bicycle use to access the site. In summary, the project would not conflict with policies, plans, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

**Conclusion:** The project would have a less-than-significant impact on land use and planning.

## L. MINERAL RESOURCES

### Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

### Impacts and Mitigation

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1, 2

### Explanation

a), b) **No Impact.** The project site is located outside the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA; therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

**Conclusion:** The project will have no impact on mineral resources.

## M. NOISE & VIBRATION

### Setting

#### *Noise Fundamentals*

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City’s Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dBA.

#### *Vibration Fundamentals*

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

### Regulatory Framework

#### *California Building Code*

The current version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment.

#### *Envision San José 2040 General Plan Noise Compatibility Guidelines*

The City’s Envision San José 2040 General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

<b>EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José</b>						
<b>Land Use Category</b>	<b>Exterior DNL Value In Decibels</b>					
	<b>55</b>	<b>60</b>	<b>65</b>	<b>70</b>	<b>75</b>	<b>80</b>
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						

<b>EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José</b>			
4.	Office Buildings, Business Commercial, and Professional Offices		
5.	Sports Arenas, Outdoor Spectator Sports		
6.	Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters		
<input type="checkbox"/>	<b>Normally Acceptable:</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.		
<input type="checkbox"/>	<b>Conditionally Acceptable:</b> Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.		
<input type="checkbox"/>	<b>Unacceptable:</b> New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)		

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Noise and Vibration Policies</b>	
Policy EC-1.1	<p>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:</p> <p>Interior Noise Levels</p> <ul style="list-style-type: none"> <li>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 <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</li> </ul> <p>Exterior Noise Levels</p> <ul style="list-style-type: none"> <li>The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.</li> </ul>
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as

<b>Envision San José 2040 Relevant Noise and Vibration Policies</b>	
	<p>acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> <li>• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or</li> <li>• 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.</li> </ul>
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City’s Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.
Policy EC-1.7	<p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>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.</p>
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 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.

*San José Municipal Code*

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use Permit as provided in Chapter 20.100.

<b>City of San José Zoning Ordinance Noise Standards</b>	
<b>Land Use Types</b>	<b>Maximum Noise Levels in Decibels at Property Line</b>
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

### *Existing Noise Environment*

The project site is located along Senter Road, an urbanized corridor within the City. The property is surrounded by residential and commercial land uses. Noise in the project area is dominated by traffic along Senter Road. Based on the noise assessment for the 2040 General Plan EIR, noise levels along Senter Road between Capitol Expressway and Tully Road were determined to be 70 dBA (DNL) at a distance of 75 feet for 2008-2035.<sup>14</sup> The nearest noise-sensitive receptors to the project site are existing residences located to the south and southwest (see Figure 3).

### **Impacts and Mitigation**

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 2, 3
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		1, 2, 3
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2

<sup>14</sup> Source: "Environmental Noise Assessment for Envision San José 2040 General Plan Comprehensive Update," Illingworth & Rodkin, Inc., December 2010.

## Explanation

- a) **Less Than Significant Impact.** The proposed operational and construction noise impacts from the project are addressed below.

### *Operational Noise*

The commercial plaza would introduce new noise sources to the currently unoccupied site including additional vehicle traffic, human activity on the site, and noise from outdoor mechanical equipment. The proposed project would result in up to 721 net daily vehicle trips (refer to *Section P. Transportation*). Although the increase in traffic would result in an overall increase in traffic noise, the project would not generate sufficient trips to double the existing traffic volumes and substantially increase noise levels, resulting in a significant noise level increase as outlined in General Plan Policies EC-1.1 and EC-1.2. Furthermore, the noise levels along Senter Road, a six-lane roadway along the project frontage, are relatively high (70 dBA DNL at 75 feet). No significant noise impacts are anticipated from the project, since the new noise sources (e.g., additional vehicle traffic, human activity, outdoor equipment) are anticipated to be masked by existing noise from Senter Road.

The project proposes to retain the masonry wall and repair existing fencing along the west/southwest project boundary, the closest adjacent residential uses should be adequately shielded from new noise generated by the project. Outdoor dining for approximately 30 people is proposed along the east site of the proposed restaurant. Noise from this use would also be attenuated by the barrier along the west boundary and shielded by the proposed restaurant building itself. Noise from operation of the project, thus, represents a less-than-significant impact.

### *Construction Noise Impacts*

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction of the project would involve demolition, grading, foundation placement, building development, and paving. Typical construction noise levels at various construction phases are presented in Table 5. The project does not propose any pile driving. Given that construction equipment can generate noise levels of 85 dBA or louder at a distance of 50 feet, project-related construction activities would temporarily raise ambient noise levels in the project vicinity, affecting surrounding existing noise-sensitive residential uses.

Table 5 Typical Ranges of Construction Noise Levels at 50 Feet, $L_{eq}$ (dBA)								
Construction Phase	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. II - Minimum required equipment present at site. Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973								

Construction noise levels from the project site would be expected to exceed both the 60 dBA  $L_{eq}$  residential thresholds at nearby residential receptor. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain quality of life.

Construction activities will be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limit temporary construction work on weekdays within 500 feet of residential land uses and prohibit construction work on weekends at sites located within 500 feet of residential uses. Further, the City will require the construction crew to adhere to construction best management practices to reduce construction noise levels from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity. The project will incorporate the following standard permit conditions to reduce construction noise to a less-than-significant level.

#### Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

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

With the incorporation of permit conditions mentioned above, temporary construction impact would be reduced to a less-than-significant level.

- b) **Less Than Significant Impact.** Construction of the project may generate perceptible vibration levels when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used during construction. Construction activities on the project site would include site demolition work, preparation and foundation work, and new building framing and finishing. Table 6 presents typical vibration levels that could be expected from construction equipment, anticipated to be used during project construction, at a distance of 25, 20, and 15 feet from the source.

<b>Equipment</b>	<b>at 25 feet</b>	<b>at 20 feet</b>	<b>at 15 feet</b>
Hoe Ram	0.089	0.156	0.114
Large bulldozer	0.089	0.156	0.114
Caisson drilling	0.089	0.156	0.114
Loaded trucks	0.076	0.133	0.097
Jackhammer	0.035	0.061	0.045
Small bulldozer	0.003	0.005	0.004
Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006.			

General Plan Policy EC-2.3 sets a construction vibration limit of 0.2 in/sec PPV to minimize damage at buildings with normal conventional construction, and a significant impact would occur if buildings adjacent to the proposed construction site were exposed to vibration levels that exceed this limit.

The use of impact pile driving and vibratory rollers are not proposed for the project. Construction equipment is anticipated to include transfer trucks, excavators, concrete pumps, scissor lifts, and Gradalls. Vibration from such equipment would be conservatively represented by a large bulldozer, which generates 0.089 in/sec PPV at 25 feet. The nearest existing residential structure is as close as 15 feet west of project site. Vibration levels generated by use of this construction equipment is not expected to generate vibration levels over 0.2 in/sec PPV at a distance of 15 feet or greater (Illingworth & Rodkin, Inc. pers. comm., January 2019), which represents a less-than-significant impact (refer to Table 6). Therefore, project construction would not expose persons to or generate excessive ground borne vibration or ground borne noise levels.

- c) **Less Than Significant Impact** The project site is outside the 65 dB noise contour for the San José International Airport and is not within the vicinity of a private airstrip.

**Conclusion:** The project would have a less-than-significant impact related to noise and vibration with incorporation of identified standard permit conditions.

## N. POPULATION AND HOUSING

### Setting

Based on information from the Department of Finance, the City of San José population was estimated to be 1,046,079 in January 2017 and had an estimated total of 332,574 housing units with an average of 3.21 persons per household.<sup>15</sup> The Association of Bay Area Governments (ABAG) projects that the City’s population will reach 1,445,000 with 472,000 households by 2040. The proposed commercial plaza is intended to accommodate the demand for neighborhood-accommodating commercial uses in the local community.

### Impacts and Mitigation

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2, 3
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	1, 2

### Explanation

- a) **Less Than Significant Impact.** The proposed commercial plaza would not induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). This small commercial plaza would not generate substantial job creation resulting in population growth and is consistent with the development assumptions in the General Plan. The project would have a less-than-significant impact on population growth.
- b) **No Impact.** The project consists of the development of the commercial plaza on an infill site that does not contain housing. The project would not displace existing housing or require the construction of replacement housing since the site does not contain any residential uses.

**Conclusion:** The project would have a no impact on population and housing.

<sup>15</sup> State of California, Department of Finance, “E-5 City/County Population and Housing Estimates for Cities, Counties, and the State - January 1, 2011-2017, with 2010 Benchmark,” May 2017. Accessed October 6, 2017 at <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

## O. PUBLIC SERVICES

### Setting

**Fire Protection:** Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 26, located at 528 Tully Road about one mile from the project site.

**Police Protection:** Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

**Parks:** The nearest park is Solari Park, an 8.3-acre park located at Los Arboles Avenue and Cas Drive, about 0.85 miles from the project site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

### Regulatory Framework

#### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Public Service Policies</b>	
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Envision San José 2040 Relevant Public Service Policies	
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?				X	1, 2
d) Parks?			X		1, 2
e) Other public facilities?				X	1, 2

### Explanation

- a) **Less Than Significant Impact.** The proposed commercial plaza could result in an incremental increase in the demand for fire protection services. The project site is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with all current building and Fire codes and be maintained in accordance with applicable City policies to promote public and property safety.
- b) **Less Than Significant Impact.** The project would result in an incremental increase in the demand for police protection services. The project site is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety.
- c) **No Impact.** The project does not propose any residential uses that typically generate new student population. The proposed commercial uses would not generate a notable, if any, increase in student demand on school services.

- d) **Less Than Significant Impact.** The proposed development would place more people on-site during regular business hours than exist currently but would not increase the permanent population of the City. While future employees and patrons of the site may utilize nearby parks, they are unlikely to place a major physical burden on these facilities. As a result, the proposed project would have a less than significant impact on park facilities in the City
- e) **No Impact.** The commercial project would not impact other public services, including library services.

**Conclusion:** The project would have a less-than-significant impact on public services.

## P. RECREATION

### Setting

The City of San José owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks.<sup>29</sup> The City has 51 community centers and over 57 miles of trails. The City’s Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest park is Solari Park, an 8.3-acre park located at Los Arboles Avenue and Cas Drive, about 0.85 miles from the project site. The project is a commercial plaza and would not affect park land and facilities in the local community.

### Regulatory Framework

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks.

### General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

### Impacts and Mitigation

#### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X		1, 2

## **Explanation**

- a), b) **Less Than Significant Impact.** Although the proposed development would place more people on-site, the increase in employees and patrons on-site would not result in a substantial increase in usage of existing recreational facilities because the resident population would not increase. While future employees and patrons may use City parks or other recreational facilities, they would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. Therefore, the development of the commercial plaza on the project site is not anticipated to substantially increase the use of parks or other recreational facilities.

**Conclusion:** The project would have a less-than-significant impact on recreational facilities.

## Q. TRANSPORTATION

The following discussion is based on a traffic impact analysis prepared for the project by Hexagon Transportation Consultants (September 14, 2018). This study is contained in Appendix E. This analysis was conducted to determine the potential traffic impacts related to the project based on the standards and methodologies set forth by the City of San José.

### Setting

#### *Existing Roadway Network*

Regional access to the project site is provided by SR 87, US 101 and I-280. Local access to the project site is provided via Capitol Expressway, Tully Road, Monterey Road, Senter Road, Lewis Road, Umbarger Road and Southside Drive. These facilities are described below.

**State Route 87 (SR 87)** provides access to the project site via full interchanges at Tully Road to the north and Capitol Expressway to the south. SR 87 is oriented in a north/south direction with four mixed-flow lanes and two high-occupancy vehicle (HOV) lanes.

**U.S. Route 101 (US 101)** is a north-south freeway that extends through and beyond the Bay Area, connecting San Francisco to San José. US 101 is eight lanes wide (three mixed-flow lanes and one HOV lane in each direction) within the vicinity of the project site. US 101 provides site access via full interchanges at Tully Road and Capitol Expressway.

**Interstate 280 (I-280)** is a north-south freeway that extends from US 101 in San José to I-80 in San Francisco. It is generally an east-west oriented eight-lane freeway within the vicinity of downtown San José. I-280 provides access to the site via partial interchanges at Vine Street, First Street, Seventh Street, Tenth Street, and the Eleventh Street. I-280 connects to US 101, I-680 and SR 87.

**Capitol Expressway** is an east-west Grand Boulevard that extends from Almaden Expressway to the west to I-680 to the east. Capitol Expressway has a posted speed limit of 50 mph and is six lanes wide in the project vicinity. Discontinuous sidewalks exist on both sides of Capitol Expressway. Most of the segments on Capitol Expressway have wide shoulders on both directions that can be used by bicyclists.

**Monterey Road** is a north-south Grand Boulevard that extends from Gilroy in the south to central San José in the north, where it eventually becomes El Camino Real, extending all the way north to San Francisco. Monterey Road has a posted speed limit of 45 mph and consists of six travel lanes with a raised median within the study area. Monterey Road has sidewalks on both sides of the street, bike lanes in both directions and no on-street parking permitted in the project vicinity. Monterey Road intersects Lewis Road in the immediate vicinity of the project site.

**Tully Road** is an east-west City Connector Street that extends from Monterey Road to the west to US 101 to the east. East of US 101, Tully Road is classified as a Main Street extending east to White Road. East of White Road it is classified as a City Connector Street to Ruby Road. East of Ruby Road, it transitions into a Local Connector Street called Murillo Avenue. Tully Road has a posted speed limit of 40 mph and consists of six travel lanes with a raised median in the project vicinity. Tully Road has sidewalks on both sides of the street, bike lanes in both directions and no on-street parking permitted in the study area. Tully Road provides access to the site via its connection to Senter Road. West of

Monterey Road, Tully Road becomes Curtner Avenue and provides access to SR 87. To the east, Tully Road provides access to US 101.

**Senter Road** is a north-south City Connector Street that extends from Keyes Street/Story Road to the north and Sylvandale Avenue to the south. South of Sylvandale Avenue it is classified as a Local Connector Street and connects to Monterey Road. Senter Road has a posted speed limit of 40 mph and consists of four to six lanes with some sections having a raised median and others with a painted median. Senter Road has sidewalks on both sides of the street and bikes lanes in both directions. On-street parallel parking is provided on the east side of Senter Road north of Balfour Drive to 170 feet south of Baltic Way. Senter Road provides direct access to the project site via a right-in/right-out driveway.

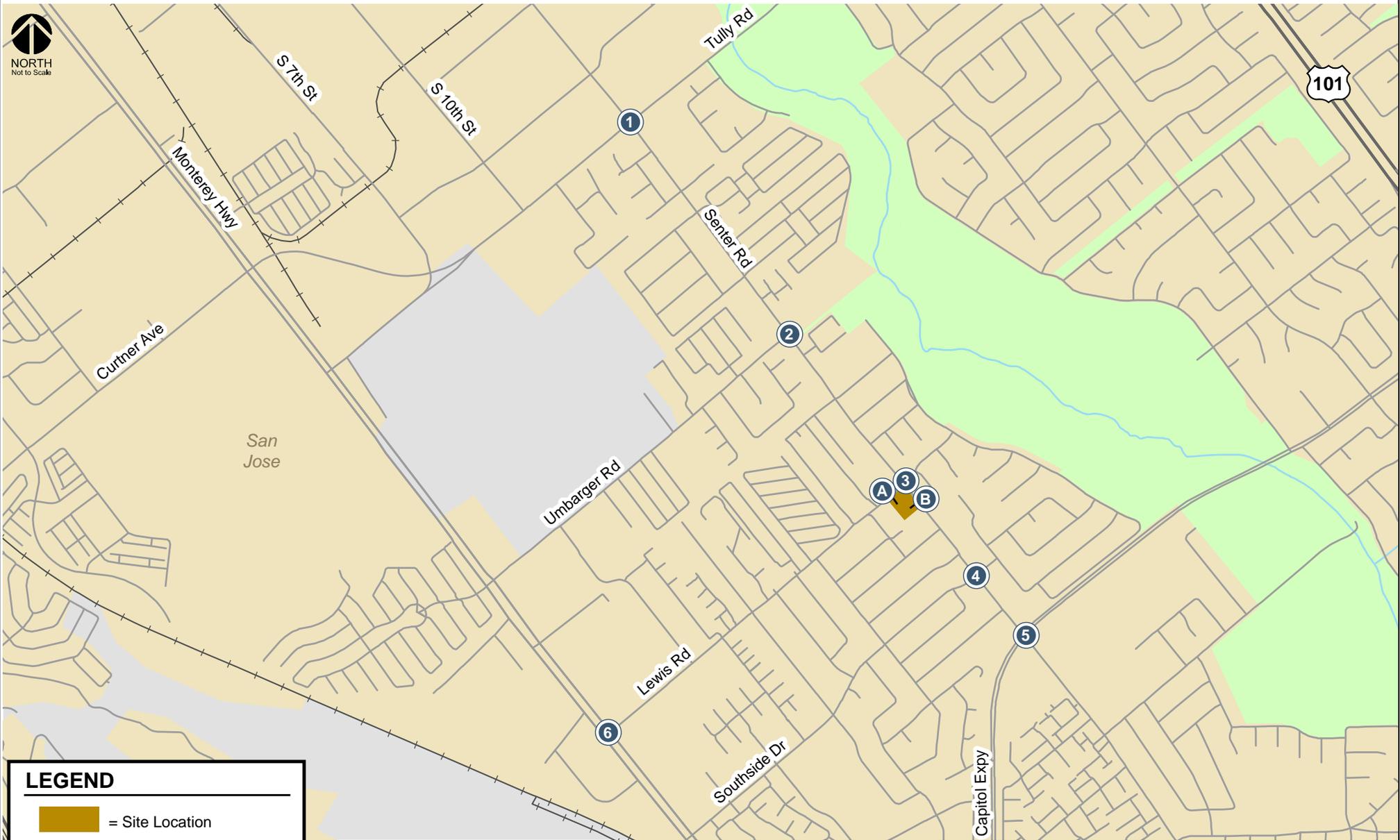
**Lewis Road** is a two-lane east-west roadway that extends from Monterey Road to the west and Lone Bluff Way to the east. Lewis Road has a posted speed limit of 30 mph in the project vicinity and consists of one travel lane in each direction. Lewis Road has sidewalks on both sides on most roadway segments with on-street parking allowed on both sides of the street. There is no sidewalk on the south side of Lewis Road approximately 130 feet to the west and east of Garden Avenue and along the project frontage. The project will construct sidewalk along its frontage on Lewis Road. No bike lanes are provided on Lewis Road. Lewis Road provides direct access to the project via a full-access unsignalized driveway that would be located approximately 150 feet to the west of Senter Road.

**Umbarger Road** is an east-west City Connector Street that extends from Monterey Road to the west and Senter Road to the east. Umbarger Road has a posted speed limit of 35 mph in the project vicinity and consists of one travel lane in each direction. Umbarger Road has continuous sidewalks on the south side and discontinuous sidewalks on the north side of the street. Although no striped bike lanes exist, the wide shoulders provided on Umbarger Road can be used by bicyclists. Parking is generally allowed on both sides on most of the roadway segments along Umbarger Road. Umbarger Road is located north of the project site.

**Southside Drive** is an east-west residential roadway that extends from Monterey Road to the west and Yuma Drive to the east. Southside Drive has a posted speed limit of 25 mph in the project vicinity and consists of one travel lane in each direction. Southside Drive has sidewalks on both sides of the street with missing sidewalks in some segments. Although there are no striped bike lanes, the roadway carries low traffic volumes and is conducive to bicycle traffic. Southside Drive is located to the south of the proposed project.

#### *Existing Pedestrian, Bicycle and Transit Facilities*

**Pedestrian Facilities.** Pedestrian facilities in the area consist of sidewalks along most of the surrounding roadways. There is no sidewalk along the project frontage on Lewis Road. This short segment of Lewis Road has a dirt pedestrian path. Crosswalks with pedestrian signal heads and push buttons are located on all approaches of the Senter Road/Lewis Road intersection, and Americans with Disabilities Act (ADA) compliant ramps are provided on all four corners of the intersection. Enhanced crosswalks with traffic control devices (Rectangular Rapid Flashing Beacons) are also located on Senter Road to the north at Balfour Drive and to the south at Independence Drive.



**LEGEND**

-  = Site Location
-  = Study Intersection

Source: Hexagon Transportation Consultants, July 2018

# Site Location & Study Intersections

2905 Senter Road  
Initial Study

**Bicycle Facilities.** Class II bicycle facilities (bike lanes) are provided along the following roadways in the project area:

- Monterey Road, between Keyes Street and Metcalf Road
- Curtner Avenue/Tully Road, between Leigh Avenue and Ruby Avenue
- Senter Road, between Keyes Street and Monterey Road (with a 1,200-foot segment missing between Singleton Road and Sylvandale Road)
- Seventh Street, between San José State University and Tully Road
- 10th Street, between Old Bayshore Highway and Tully Road

Wide shoulders are provided on Capitol Expressway and segments of Umbarger Road and may be used by bicyclists. Although there are no striped bike lanes or sharrows (shared bike routes) on Southside Drive, this residential street carries relatively low traffic volumes and is conducive to bicycle travel. Lewis Road has narrow shoulders, street parking and no bicycle facilities. Thus, bicyclists should ride with extreme caution on Lewis Road.

The Guadalupe River/Los Alamitos Creek multi-use trail system runs through the City of San José along the Guadalupe River, adjacent to SR 87, and is a City of San José and Santa Clara County Class I bicycle facility (off-street bike path). It runs between Willow Street and Curtner Avenue within the study area and continues southward to connect to the bicycle lane on Narvaez Avenue. This path accesses the Tamien Caltrain/Light Rail Transit (LRT) station, located just north of Alma Avenue, and the Curtner LRT station to the south. Bike lockers and bike racks are provided at both the Tamien and Curtner LRT stations.

The southern portion of the Coyote Creek Trail is located to the east of the project and connects to Senter Road via Balfour Drive. The Coyote Creek Trail is a multi-use trail system that is planned and partially developed as one of the longest trail systems, ultimately extending from the Bay to the City's southern boundary. The southern portion begins at Tully Road and extends southward through county jurisdiction and reaches Morgan Hill.

**Public Transit Services.** Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority (VTA). There are three VTA bus lines that operate within walking distance (approximately ½ mile) of the project site. Note that there are additional bus lines that operate within approximately one mile of the project site.

Route 42 provides service between Kaiser San José and Evergreen Valley College. Route 42 operates along Capitol Expressway in the project study area, with 45- to 50-minute headways during the weekday peak commute hours and 60-minute headways during most of the day on weekends. The closest bus stop served by Route 42 is located on Capitol Expressway near Senter Road, approximately 0.35 miles south of the project site.

Route 70 provides service between the Capitol LRT Station and Great Mall/Main Transit Center. Route 70 operates along Capitol Expressway in the project study area, with 15- to 20-minute headways during the weekday peak commute hours and during most of the day on weekends. Stops for Route 70 are located on Capitol Expressway near Senter Road, about 0.35 miles south of the project site.

Route 73 provides service between the Snell/Capitol intersection and downtown San José. Route 73 operates along Senter Road in the project study area, with 15-minute headways during the weekday

peak commute hours and 30-minute headways during most of the day on weekends. Bus stops on Senter Road for Route 73 in the northbound and southbound directions are located just north of Lewis Road, a short walk from the project site.

### *Traffic Analysis Methodology and Existing Conditions*

The traffic study was conducted for the purpose of identifying potential traffic impacts related to the proposed development. The impacts of the project were evaluated following the standards and methodologies set forth by the City of San José. Since the project would not generate more than 100 peak hour trips, an analysis in accordance with the VTA Congestion Management Program (CMP) guidelines was not required. The study determined the traffic impacts of the proposed development on six signalized intersections within the vicinity of the project site during the weekday AM and PM peak periods of traffic. The study also included an operations analysis, based on vehicle-storage requirements, at selected intersections, and a review of site access and on-site circulation. The study intersections are listed below:

1. Senter Road and Tully Road (CMP)
2. Senter Road and Umbarger Road
3. Senter Road and Lewis Road
4. Senter Road and Southside Drive
5. Senter Road and Capitol Expressway (CMP)
6. Monterey Road and Lewis Road

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hours of traffic are generally between 7:00 and 9:00 AM, and the PM peak hours are typically between 4:00 and 6:00 PM. Traffic conditions were evaluated for the following scenarios: existing conditions, existing plus project, background, and background plus project conditions.

Traffic conditions at the signalized study intersections were evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The various analysis methods are described below.

The City of San José level of service methodology for signalized intersections is the 2000 Highway Capacity Manual (HCM) method. This method is applied using the TRAFFIX software. The 2000 HCM operations method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Since TRAFFIX is also the CMP-designated intersection level of service methodology, the City of San José methodology employs the CMP default values for the analysis parameters. The City of San José level of service standard for signalized intersections is LOS D or better, whether or not the intersection is a CMP intersection.

## Regulatory Framework

### *Santa Clara County Congestion Management Program*

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP.

### *Council Policy 5-3 Transportation Impact Policy*

The City of San José's Council Policy 5-3 "Transportation Impact Policy" was the adopted established threshold for CEQA at the onset of the traffic study. Council Policy 5-3 acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. It also establishes thresholds to determine environmental impacts and requires new development to mitigate for significant impacts.

### *Vision Zero San José*

Senter Road, between Story Road and Monterey Road, is designated as a "Safety Priority Street" as part of San José's Vision Zero Policy (Vision Zero San José, April 2015). The goal of Vision Zero San José is to create a community culture that prioritizes traffic safety. Vision Zero is designed to create policies that focus on roadway safety for all modes of travel, particularly non-automobile modes. Streets with these "Safety Priority Street" designations are given priority within the City's Transportation Capital Improvement Program (CIP) to provide safer transportation systems for all users.

### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Transportation Policies</b>	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

<b>Envision San José 2040 Relevant Transportation Policies</b>	
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. TRANSPORTATION/. Would the project:					
a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 15
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 15
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2, 15
d) Result in inadequate emergency access?			X		1, 2, 15

## Explanation

- a) **Less Than Significant Impact.** The project would increase traffic to/from the site. The trip generation rates published in the Institute of Transportation Engineers’ (ITE) manual entitled Trip Generation, 10th Edition (2017) were used to estimate the project’s trip generation. The trip rates published for office (ITE land use code 710), shopping center (ITE land use code 820) and high-turnover sit-down restaurant (ITE land use code 932) were used to estimate trips generated by the proposed uses for this project. Pass-by reductions of 34% and 43% were applied to the shopping center and restaurant uses, respectively, during the PM peak hour to account for any traffic attracted from traffic traveling on Senter Road (based on the ITE Trip Generation Handbook, Third Edition). No pass-by reductions were applied during the AM peak hour.

Trip generation estimates for the project are presented in Table 7. Based on the standard ITE trip rates, it is estimated that the proposed project would generate 721 net daily vehicle trips, with 74 trips occurring during the AM peak hour and 50 trips occurring during the PM peak hour. Using the inbound/outbound splits recommended by ITE, the project would generate 42 inbound trips and 32 outbound trips during the AM peak hour, and 27 inbound trips and 23 outbound trips during the PM peak hour.

### *Intersection Analysis*

Significance criteria are used to establish what constitutes an impact. For this analysis, the criteria used to determine significant impacts on signalized intersections are based on City of San José LOS standards. The City of San José definition of significant intersection impacts are set forth below:

The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or
2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to rule #2 above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

The results of the intersection level of service analysis show that, based on the City of San José significant impact criteria, none of the studied signalized study intersections would be significantly impacted by the project, as shown in Table 8.

**Table 7  
Project Trip Generation Estimates**

Proposed Land Use	Land Use <sup>1</sup>	Size	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
					Rate	In	Out	Total Trips	Rate	In	Out	Total Trips
Office	710	4,260 SF	9.74	41	1.16	4	1	5	1.15	1	4	5
Shopping Center	820	3,385 SF	37.75	128	0.94	2	2	4	3.81	6	7	13
<i>Pass-By Reduction (Daily AM/PM) (17%/0%/34%)<sup>2</sup></i>				(22)		0	0	0		(2)	(2)	(4)
High-Turnover Sit-Down Restaurant	932	6,471 SF	112.18	726	9.94	36	29	65	9.77	39	24	63
<i>Pass-By Reduction (Daily/AM/PM) (21%/0%/43%)<sup>2</sup></i>				(152)		0	0	0		(17)	(10)	(27)
<b>Net Project Trips</b>				<b>721</b>		<b>42</b>	<b>32</b>	<b>74</b>		<b>27</b>	<b>23</b>	<b>50</b>

Notes:

<sup>1</sup>Rates based on ITE Trip Generation, 10<sup>th</sup> Edition.

<sup>2</sup>PM Peak hour pass-by trip reduction based on ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction for these land uses. Daily pass-by trip reduction percentage assumed to be average of AM and PM pass-by reduction.

**Table 8  
Intersection Level of Service (LOS) Summary**

ID	Intersection	Peak Hour	Existing		Existing + Project		Background		Background + Project			
			Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. In Crit. Delay (sec)	Incr. In Crit. V/C
1	Senter Rd and Tully Rd*	AM	44.8	D	44.9	D	46.0	D	46.1	D	0.1	0.001
		PM	50.7	D	50.9	D	52.2	D-	52.4	D-	0.2	0.003
2	Senter Rd and Umbarger Rd	AM	34.7	C-	35.0	C-	34.7	C-	35.0	C-	0.6	0.008
		PM	35.9	D+	36.0	D+	36.4	D+	36.4	D+	0.2	0.005
3	Senter Rd and Lewis Rd	AM	32.0	C-	33.1	C-	32.3	C-	33.3	C-	0.8	0.008
		PM	29.6	C	30.9	C	30.4	C	31.6	C	0.9	0.009
4	Senter Rd and Southside Dr	AM	28.2	C	28.1	C	29.3	C	29.2	C	-0.1	0.004
		PM	20.6	C+	20.5	C+	20.8	C+	20.7	C+	-0.1	0.002
5	Senter Rd and Capitol Expressway*	AM	52.1	D-	52.7	D-	<b>64.8</b>	<b>E</b>	<b>65.9</b>	<b>E</b>	1.9	0.006
		PM	<b>57.2</b>	<b>E+</b>	<b>57.3</b>	<b>E+</b>	<b>61.3</b>	<b>E</b>	<b>61.5</b>	<b>E</b>	0.5	0.003
6	Monterey Hwy and Lewis Rd	AM	19.6	B-	19.9	B-	20.9	C+	21.2	C+	0.4	0.003
		PM	23.8	C	23.9	C	24.8	C	24.9	C	0.1	0.001

Notes:

\*Denotes VTA CMP intersection

**Bold** indicates a substandard level of service.

### *Queueing Analysis*

The queueing analysis showed that under existing conditions, the 95<sup>th</sup> percentile queues for certain left-turn movements exceed the available vehicle storage capacity. The analysis showed that the addition of project traffic to these left-turn movements would increase the queue by a maximum of 1 to 2 vehicles. Thus, the project would not cause an adverse impact to the traffic operations at these study intersections.

### *Pedestrian Facilities*

Pedestrian traffic primarily would be generated by employees of the proposed commercial development walking to/from the bus stops on Senter Road, and by residents of the adjacent neighborhoods walking to/from the proposed retail and restaurant uses. Senter Road has sidewalks on both sides of the street in the project vicinity. Crosswalks with pedestrian signal heads and push buttons are located on all approaches of the Senter Road/Lewis Road intersection, and ADA compliant ramps are provided on all four corners of the intersection. In addition, enhanced crosswalks with traffic control devices (Rectangular Rapid Flashing Beacons, or RRFBs) are located on Senter Road to the north at Balfour Drive and to the south at Independence Drive.

While the network of sidewalks in the study area is largely continuous, a standard sidewalk is missing along the project frontage on Lewis Road. This short segment of Lewis Road currently has a dirt pedestrian path. The project would construct a new sidewalk along its frontage on Lewis Road to improve this condition. Overall, the existing network of sidewalks in the study area has adequate connectivity and provides pedestrians with a safe connection between the project site and other points of interest.

### *Bicycle Facilities*

Bike lanes are located on Senter Road adjacent to the project site. These bike lanes connect to other bike lanes on Tully Road and Keyes Street to the north, as well as Capitol Expressway to the south, which does not have designated bike lanes but does provide wide shoulders that can be used by bicyclists. The existing network of bike lanes in the study area provides good connectivity and would provide bicyclists with a safe connection between the project site and other surrounding land uses.

The project would add a small amount of bicycle traffic to the roadways in the study area. No improvements to the bicycle network are needed for the project. However, the project should provide bicycle parking that meets the City requirements to encourage the use of bicycles. The project proposes bike racks on the site to accommodate 10 bicycles.

### *Public Transit*

Although no transit reduction was applied to the estimated trip generation for the project, some of the project trips could be made by transit. It is assumed that some employees of the proposed commercial uses would utilize existing bus service. Applying a three percent transit mode share yields an estimate of approximately two new transit riders during both the AM and PM peak hours. Local bus line 73 operates along Senter Road in the project area, with 15-minute headways during the weekday peak commute hours and 30-minute headways during most of

the day on weekends. The bus stops for Route 73, both northbound and southbound, are located on Senter Road just north of Lewis Road. It is estimated that potential new riders could be accommodated by the current available capacity of the bus service in the study area. Thus, no transit-related improvements would be necessary with the project. In addition, project-generated traffic would be so minor that delay experienced along the bus routes the study area would be imperceptible.

Based on the discussion above, the project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

- b) **Less Than Significant Impact.** The City of San José Council Policy 5-3 “Transportation Impact Policy” was the adopted threshold for CEQA traffic impacts at the onset of the traffic study for the project. For this reason, the project would not conflict with CEQA Guidelines Section 15064.3(b), which calls for evaluation of a project’s transportation impacts based on VMT. Please note that the City has subsequently adopted a methodology based on vehicle miles traveled (VMT) that establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS.
- c) **Less Than Significant Impact.** The proposed small commercial plaza would not substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses. Based on the site plan provided, adequate sight distance would be provided at the project driveways on Senter Road and Lewis Road. The site plan includes 26 feet wide drive aisles, consistent with City standards, and has efficient on-site circulation with all parking provided at 90-degrees, allowing sufficient room for vehicles to back out and circulate throughout the parking area. See also discussion under a) above.
- d) **Less Than Significant Impact.** The City’s fire code requires driveways to provide at least 32 feet for fire access. The project driveways would be 26 feet wide measured at the throat. As it currently exists, on-street parking is permitted along both sides of Lewis Road adjacent to the project site. Following the development of this project, the curb segments adjacent to the new project driveway on Lewis Road should be painted red to prohibit parking and provide additional width necessary to comply with the City’s fire code.

The City of San José Fire Department additionally requires that all portions of buildings be within 150 feet of a fire department access road and a minimum of six feet clearance from the property line along all sides of the building. Based on the site plan, the project would meet the six-foot clearance requirement. The project would also meet the 150-foot fire access requirement. The impacts to emergency access would be less-than-significant.

**Conclusion:** The project would have a less-than-significant impact on transportation.

## **R. UTILITIES AND SERVICE SYSTEMS**

### **Setting**

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company
- Storm Drainage: City of San José
- Solid Waste: Republic Services
- Natural Gas & Electricity: PG&E

### **Regulatory Framework**

#### *Assembly Bill (AB) 939*

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

#### *California Green Building Standards Code*

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

#### *San José Zero Waste Strategic Plan/Green Vision*

The City's Green Vision provides a comprehensive approach to achieving sustainability through technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José facilitate a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013, which has been achieved, and zero waste by 2022.

#### *Private Sector Green Building Policy*

The City of San José Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects, and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and

visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

*General Plan Policies*

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

<b>Envision San José 2040 Relevant Utilities and Service System Policies</b>	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2, 3
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2, 3
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2, 3
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

## Explanation

- a) **Less Than Significant Impact.** The City of San José owns and maintains the sanitary sewer drain system in the project area. There is an existing 6-inch vitrified clay pipe (VCP) sanitary sewer main along Lewis Road project frontage and an existing 10-inch and 18-inch VCP sanitary sewer main along Senter Road project frontage, which may serve the proposed project site. The project proposes to construct a sanitary sewer lateral that will tie into the City's existing 6-inch sanitary sewer main in Lewis Road.

Given the small scale of the project (14,090 square feet of commercial use), the increase in water demand and wastewater generation is expected to be minor since it represents a small fraction of the total growth identified in the City's General Plan.

As described in *Section F. Energy*, the project would have a less-than-significant impact related to natural gas and electricity use (among other energy sources). The provision/relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of the project.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. There is an existing 60-inch reinforced concrete pipe (RCP) storm sewer main along Lewis Road project frontage and an existing 42-inch and 60-inch RCP storm sewer main along Senter Road project frontage, will serve the proposed project site. The project proposes to construct a storm sewer lateral that would tie into the City's existing 60-inch storm main in Lewis Road. While the project would increase the amount of impervious surfaces on the site; the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b) **Less Than Significant Impact.** The project would incrementally increase demands on utility services. Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources.

The project applicant would be required to acquire a “will serve” letter from SJWC to assure adequate water is available to serve the proposed commercial uses during normal, dry, and multiple dry year conditions. Additionally, as the project is consistent with the City’s General Plan, the growth as proposed in the project and associated water use was identified in the General Plan EIR

- c) **Less Than Significant Impact.** The amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, therefore, would not impact wastewater treatment services, since adequate capacity is available to serve the relatively minor increase in project demand. See also a) above and d) below.
- d) **Less Than Significant Impact.** The proposed commercial plaza would result in an incremental increase in solid waste generation. According to Santa Clara County’s Integrated Waste Management Plan (IWMP), Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution that set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City generates approximately 700,000 tons per year of solid waste that is disposed of in landfills, including 578,000 tons per year at landfills in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The 2040 General Plan EIR concluded that the increase in waste at buildout of the General Plan would not exceed existing landfill capacity. The proposed project is consistent with the development assumptions in the General Plan; and would have a less-than-significant impact on landfill capacity.

- e) **Less Than Significant Impact.** Final project design would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal.

**Conclusion:** The project would have a less-than-significant impact on utilities and service systems.

## S. WILDFIRE

### Setting

The project site is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

### Regulatory Framework

#### *Public Resources Code 4201 – 4204*

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

#### *Government Code 51175 – 51189*

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

#### *California Fire Code*

Chapter 49 of the 2016 California Fire Code establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

#### *General Plan Policies*

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

<b>Envision San José 2040 Relevant Wildfire Policies</b>	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

## Impacts and Mitigation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		1, 2, 3
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		1, 2, 3, 16
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		1, 2, 3, 16
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		1, 2, 3, 16

## Explanation

- a) **Less Than Significant Impact.** The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.
- b) **Less Than Significant Impact.** The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.
- c) **Less Than Significant Impact.** Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.
- d) **Less Than Significant Impact.** See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

**Conclusion:** The project would result in a less-than-significant impact related to wildfire.

## T. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		1-16
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 the past projects, the effects of other current projects, and the effects of probable future projects.			X		1-16
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-16

### Explanation

- a) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project is proposed on a developed infill site with low habitat value. Standard permit conditions are identified for potential impacts of the project on potential disturbance to buried archaeological resources during construction to reduce these effects to a less-than-significant level, in the event that archaeological resources are encountered during construction. The existing building on the site was found to have no historical significance.
- b) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project would not significantly contribute to cumulative impacts, because the 14,090 square foot commercial plaza consists of an infill project on a small site surrounded by existing urban development. Operation of the project would emit criteria air pollutants and GHG emissions and contribute somewhat to the overall regional and global emissions of such pollutants. By their nature, air pollution and GHG emissions are largely a cumulative impact. However, this initial Study concluded that the project would be below BAAQMD screening levels and consistent with the General Plan designation, and thus have a less-than-significant effect on air quality emissions. However, construction would result in significant short-term TAC emissions during construction. These would be minimized by implementation of identified mitigation measures and standard permit conditions and, therefore, would not significantly contribute to cumulative TAC impacts in the area.

- c) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**Conclusion:** The project would have a less-than-significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures and standard permit conditions identified in this document.

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## Chapter 4. References

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### BIBLIOGRAPHY

Archives & Architecture. *2905 Senter Road, San José Historic Report*, April 2018.

Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, revised May 2017.

Bay Area Air Quality Management District, *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate*, April 2017.

California Department of Conservation, *Santa Clara County Important Farmlands Map*, accessed online.

Hexagon Transportation Consultants, Inc. *2905 Senter Road Plaza Draft Traffic Impact Analysis*, September 14, 2018.

IFC International, *Final Santa Clara Valley Habitat Plan*, August 2012.

Illingworth & Rodkin, Inc. *2905 Senter Road Air Quality And Greenhouse Gas Assessment*, January 31, 2019.

IRC Environmental Consulting, LLC. *Near Surface Soil Sampling Report 2905 and 2911 Senter Road*, January 2018.

LPMD Architects, Plan Set for Thien Huong Plaza, 2017-2019.

Phase 1 Assessments. *Phase I Environmental Site Assessment Report, Ken's Glass & Mirror 2905 Senter Road*, August 2016.

San José, City of, *San José 2040 Envision San José General Plan*, adopted November 2012 and updated through 2018.

Silicon Valley Soil Engineering. *Geotechnical Investigation for Proposed Commercial/Retail Building, 2911 Senter Road*, December 2014.

## **CHECKLIST SOURCES**

1. 2019 CEQA Guidelines and professional expertise of consultant
2. Project Plan and site review
3. 2040 Envision San José General Plan
4. Santa Clara County Important Farmlands Map, 2014
5. BAAQMD CEQA Guidelines, 2017
6. Air Quality and Greenhouse Gas Assessment, 2019
7. Santa Clara Valley Habitat Plan
8. Santa Clara Valley Habitat Agency Geobrowser
9. Historical Evaluation, 2018
10. Geotechnical Evaluation, 2016
11. Phase I Assessment, 2016
12. Soil Study, 2018
13. FEMA Maps, Panel 06085C0262H
14. Stormwater Control Plan, 2018
15. Traffic Analysis, 2018
16. Cal Fire, Fire Hazard Severity Maps, 2007 & 2008