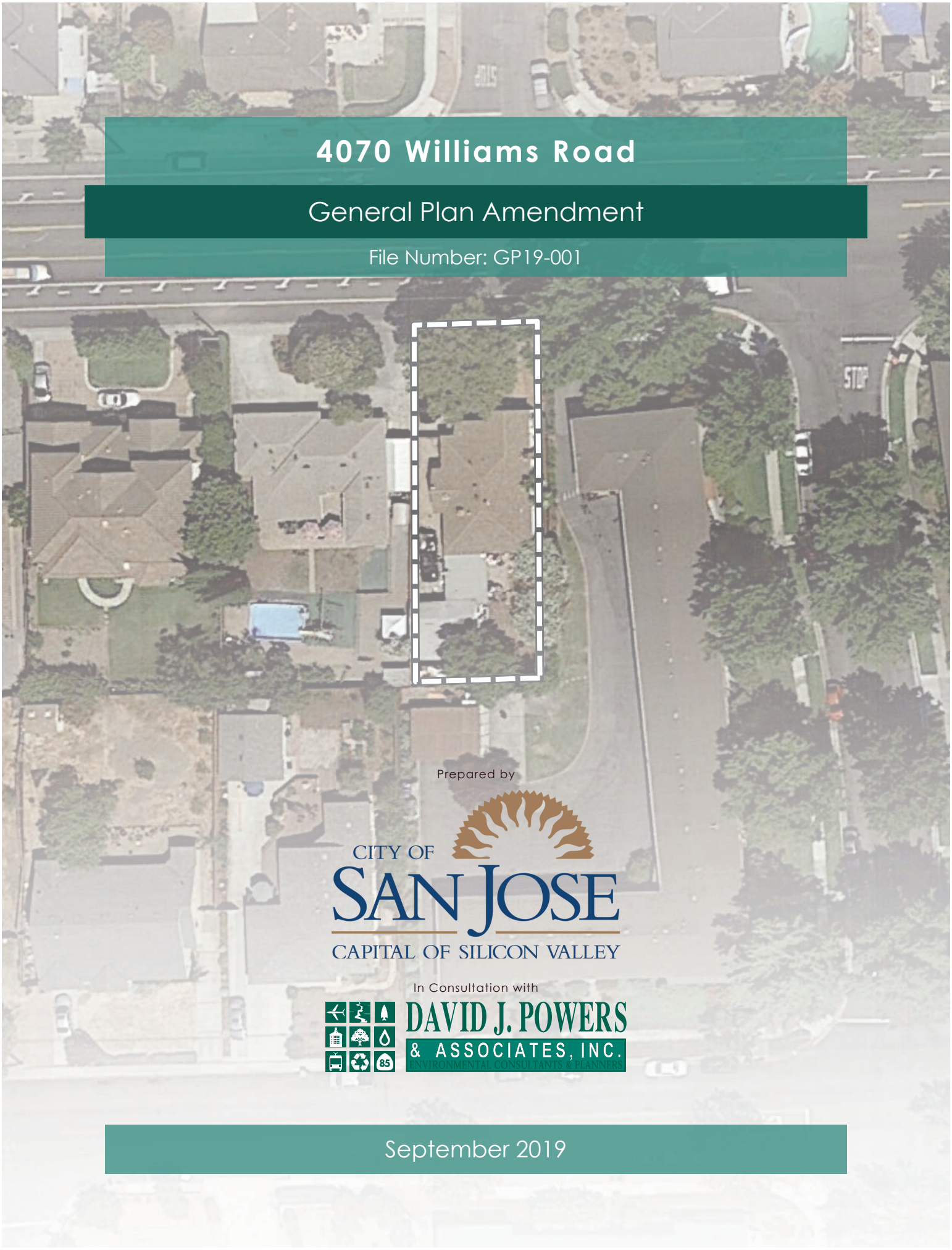
4070 Williams Road

General Plan Amendment

File Number: GP19-001



Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2019

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.

NAME OF PROJECT: 4070 Williams Road Christian General Plan Amendment

PROJECT FILE NUMBER: GP19-001

PROJECT DESCRIPTION: General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Urban Residential on a 0.20-gross acre site zoned Multiple Residence District (R-M). The proposed Land Use Designation of Urban Residential allows a density of 30 to 95 du/ac and an FAR of 1.0 to 4.0. The project site is currently occupied by a 1,547-square foot single-family residence. A specific development project is not proposed at this time.

PROJECT LOCATION: Southwest corner of Williams Road and Ranchero Way

ASSESSORS PARCEL NO.: 299-15-014 **COUNCIL DISTRICT:** 1

APPLICANT CONTACT INFORMATION: Joe Gentzkow, Mulberry Capital Advisors, 2571 Westgate Avenue, San Jose, CA 95125, (408)655-2095

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

E. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

F. **ENERGY** - The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

I. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

M. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

P. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

Q. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

R. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

S. **WILDFIRE** - The project will not have a significant impact on this resource, therefore no mitigation is required.

T. **MANDATORY FINDINGS OF SIGNIFICANCE**

The project will 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 **Monday, September 30, 2019** any person may:

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

Kara Hawkins
Environmental Project Manager

9/9/19
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

Circulation period: **September 10, 2019 to September 30, 2019**

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the 4070 Williams Road General Plan Amendment Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to change the General Plan land use designation of the project site from *Residential Neighborhood* to *Urban Residential*. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Kara Hawkins
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
kara.hawkins@sanjoesca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, City of San José will consider the adoption of the Initial Study/Negative Declaration (ND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/ND together with any comments received during the public review process. Upon adoption of the ND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

4070 Williams Road General Plan Amendment Project (GP19-001)

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Kara Hawkins
200 East Santa Clara Street
San José, CA 95113
Email: kara.hawkins@sanjoseca.gov
Phone: 408-535-7852

2.3 PROJECT APPLICANT

Jeffrey R. Current, AIA
StudioCurrent Urban Design + Architecture
96 North Third Street – Suite 110
San José, CA 95112
jeff@studiocurrent.com

2.4 PROJECT LOCATION

The project site is located at 4070 Williams Road in San José, California. Regional and vicinity maps are shown in Figure 2.4-1 and Figure 2.4-2. An aerial photograph of the project site and surrounding land uses is shown in Figure 2.4-3.

2.5 ASSESSOR'S PARCEL NUMBER

299-15-014

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

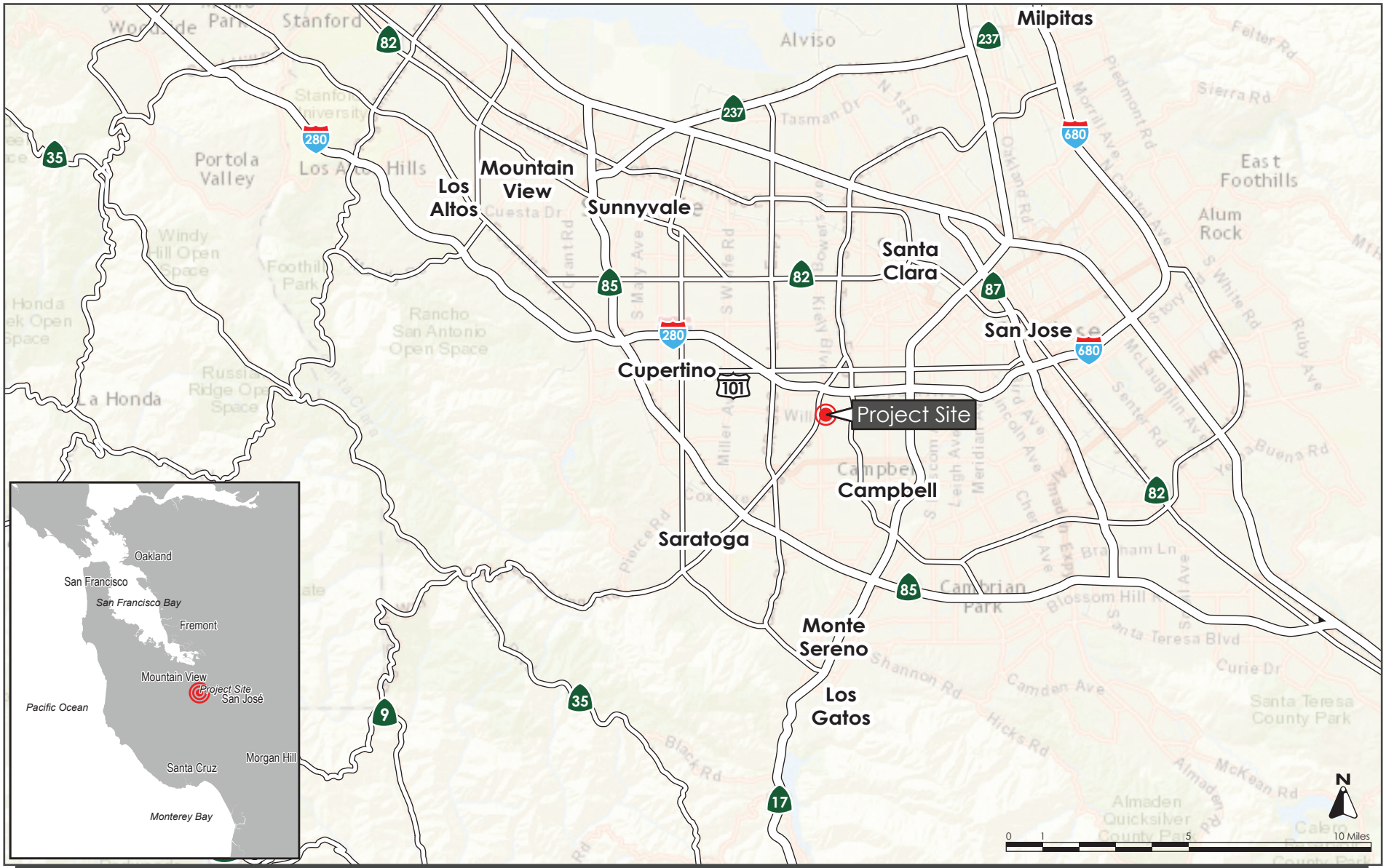
Current General Plan Designation:	*Residential Neighborhood*
Proposed General Plan Designation:	*Urban Residential*
Zoning District:	*R-M Multiple Residence District*

2.7 HABITAT PLAN DESIGNATION

Land Cover Type:	*Urban – Suburban*
Development Zone:	*Area 4: Urban Development Equal to or Greater Than 2 Acres Covered*
Fee Zone:	*Urban Areas* (No Land Cover Fee)
Wildlife Survey Area:	Not Applicable

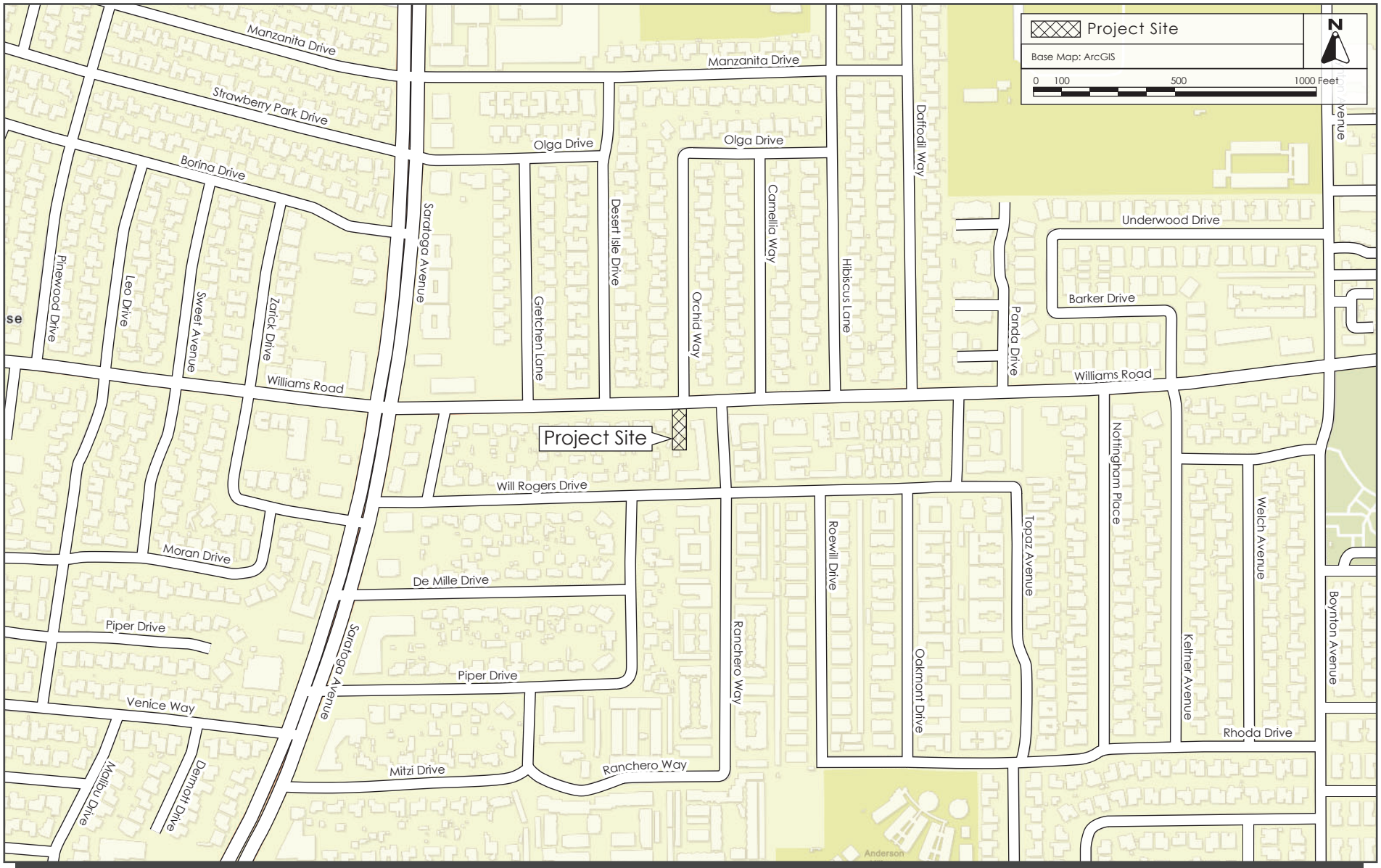
2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- General Plan Amendment



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

The approximately 0.20-gross acre (8,550-square foot) project site is located near the southwest corner of Williams Road and Ranchero Way in San José, California. The project proposes a General Plan Amendment to change the *Envision San José 2040 General Plan* land use transportation diagram designation from *Residential Neighborhood* to *Urban Residential*. The zoning of the site would remain the same. A specific development project is not proposed at this time. Future development under the *Urban Residential* General Plan land use designation would require project-level environmental review prior to issuance of appropriate land development permits.

The existing use, surrounding uses, and existing and proposed General Plan designations are described below.

3.1 EXISTING USE AND GENERAL PLAN LAND USE DESIGNATION

The project site is currently occupied by a 1,547-square foot single-family residence.

The project site is designated *Residential Neighborhood* in the *Envision San José 2040 General Plan* land use transportation diagram (General Plan). This land use designation has a density of eight dwelling units per acre (du/ac) with a Floor Area Ratio (FAR) of up to 0.7 (one to 2.5 stories)[1]. The site is zoned *RM Multiple Residence District (RM).*

The existing General Plan land use designation and zoning district are defined as follows:

<u>Existing General Plan Designation</u>

> *The Residential Neighborhood designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.*[2]

[1] The FAR of a building is the total square footage of that building divided by the total square footage of the lot on which the building is located.
[2] City of San José. *Envision San José 2040 General Plan*. Adopted November 1, 2011. Amended February 27, 2018. Chapter 5, Page 14.

Existing Zoning District

> *Residence District (Multiple Unit/Lot): The purpose of the multiple residence district is to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development.*[3]

3.2 SURROUNDING USES

The project site is located in a developed suburban area of San José. The project site is surrounded by residential uses, as described in Table 3.2-1.

Table 3.2-1: Land Uses Surrounding the Project Site

Direction	General Plan Designation	Zoning District	Existing Use
North	*Residential Neighborhood*	R-1-5	Single family residences
South	*Urban Residential*	R-M	Multi-family residences
East	*Urban Residential*	R-M	Multi-family residences
West	*Residential Neighborhood*	R-1-5	Single family residences

3.3 PROPOSED GENERAL PLAN DESIGNATION

The project proposes a General Plan Amendment to change the land use designation to *Urban Residential*. This land use designation allows a density of 30 to 95 du/ac and an FAR of 1.0 to 4.0 (three to 12 stories).

The proposed General Plan land use designation is defined as follows:

> *The Urban Residential designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for mixed-use development will be determined using an allowable FAR (1.0 to 4.0) to better address the urban form and*

[3] City of San José. "Code of Ordinance, Title 20 Zoning, Chapter 20.30 Residential Districts. Accessed: October 12, 2018." Available at: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.30REZODI.

potentially allow fewer units per acre if in combination with other uses such as commercial or office. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.[4]

3.4 DEVELOPMENT ASSUMPTIONS FOR ENVIRONMENTAL REVIEW

Under the proposed *Urban Residential* designation, the maximum number of residential units allowed on-site would be 19 (0.2-acre site multiply by 95 du/ac).

No specific development is proposed for the project site at this time and, therefore, the analysis in this Initial Study is programmatic in nature given the lack of detail about how the property would be developed. Future development of specific projects on the proposed site would require subsequent environmental review to provide project-level analysis of any proposed development(s) that would occur based on the proposed General Plan Amendment.

[4] City of San José. *Envision San José 2040 General Plan*. Adopted November 1, 2011. Amended February 27, 2018. Chapter 5, Page 12.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Since no specific development is proposed at this time, no mitigation measures are identified. The impact discussion in this Initial Study discusses applicable laws, regulations, and policies in place that would regulate reasonably foreseeable future development on the project site. Future development under the proposed General Plan Amendment would be subject to subsequent environmental review to provide project-level analysis. At that time, the impact discussion will identify mitigation measures as appropriate for each checklist questions.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

Various policies in the General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from development within the City. Future development allowed under the proposed land use designation would be subject to the following visual and aesthetic policies from the City's General Plan.

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

In addition to applicable General Plan policies, future development on the project site under the proposed land use designation would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines

4.1.1.2 *Existing Conditions*

Project Site

The 0.2-acre project site is located at 4070 Williams Road, near the southwest intersection of Williams Road and Ranchero Way. The site is relatively flat and is currently developed with a one-story single-family residence with a driveway connecting to Williams Road. The site is separated with wooden fences from the adjacent sites, and contains landscaping such as trees and shrubs. (Refer to Photos 1 to 2)

Surrounding Area

The project site is located in a suburban area developed with low-lying single- and multi-family residential development fronted by public sidewalks and landscaping. Specifically, the site is adjacent to a two-story multi-family building to the east and south with windows and hallways lining the exterior of the buildings, and one- to two-story single family buildings with front-facing garage doors and private driveways to the west and north across Williams Road. Views are dominated by an approximately 60-foot wide roadway (Williams Road) and landscaping (refer to Photos 3 and 6).

Scenic Views and Resources

The City has many scenic resources including the hills and mountains that frame the valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is relatively flat and is located in an urbanized area of San José. Views from the project area are limited to surrounding buildings, trees, and infrastructure (overhead electricity lines), and the scenic resources listed above are not visible from the project site. The project area is developed, and no natural scenic resources such as rock outcroppings are present on-site or in the project area. There are no existing landmarks that are visible from the project site or in its vicinity.

1- View of project site on Williams Road.

2 - View of the adjacent multi-family building to the east.

PHOTOS	1 & 2

3 - View of Williams Road near Ranchero Way.

4 - View of multi-family building on Ranchero Way.

PHOTOS	3 & 4

5 - View of the adjacent single-family buildings to the west.

6 - View of Williams Road and single-family buildings to the north.

PHOTOS	5 & 6

Scenic Corridors

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[5] The nearest Gateway segment to the project site is Saratoga Avenue from Stevens Creek to Manzanita Drive, approximately 0.3 miles northwest of the site. The City has designated State Route 87, from the Highway 101 interchange to State Route 85, and Interstate 280 from the Interstate 880 intersection to Fair Oaks Avenue in Sunnyvale, as Urban Throughways. The nearest Urban Throughway segment to the project site is I-280, 0.6 miles north of the site. Due to the flat topography of the project site and surrounding urban development, the project site is not visible from any of the Gateways or Urban Throughways. The site is not located near the southern or eastern part of the City, therefore, is not visible from any Rural Scenic Corridor.[6]

There are no state-designated scenic highways in San José.[7] Interstate 280 from the San Mateo County line to State Route (SR) 17,[8] which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is 0.6 miles north of that segment.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views[9] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

[5] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011. Page 739.
[6] City of San José. *Envision San José 2040 General Plan*. October 2011. Page 213.
[7] Department of Transportation. "California Scenic Highway Mapping System." Accessed: October 23, 2018. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.
[8] The segment at SR 17 is the same segment identified as the City's Urban Throughways.
[9] Public views are those that are experienced from publicly accessible vantage points.

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design review process.

Impact AES-1:	The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

Due to the flat topography of the site, views from the site are limited to the surrounding residential buildings and adjacent streets. The project is located within a developed suburban area, and there are no scenic vistas that would be impacted by future redevelopment of the site under the proposed General Plan Amendment. **(No Impact)**

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The project site is not located along a state scenic highway and no scenic resources such as heritage trees, rock outcroppings, or historic buildings are present on the site. **(No Impact)**

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. **(Less than Significant Impact)**

The project site is developed with a single-family residence, paved driveway, and associated landscaping. The site is bordered by single-family residences to the west, Williams Road and single-family residences to the north, and multi-family residences to the east and south. Future redevelopment allowed on-site under the proposed *Urban Residential* General Plan Amendment would be comparable to the existing multi-family development in the immediate project area, and would be similar in character to the existing surrounding uses. Future development allowed under the proposed General Plan Amendment would be subject to the City's applicable General Plan policies, Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00), and Residential Design Guidelines. Any future development proposed would be subject to review and approval by the City to ensure it meets local design and aesthetic standards. **(Less Than Significant Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The project site is located in a developed suburban area with existing sources of light and glare from street lighting, vehicles traveling on the existing roadways, and lighting and reflective building windows from the surrounding developments. While there is no specific development proposed as part of the proposed General Plan Amendment, any future development would be subject to the City's Residential Design Guidelines and Outdoor Lighting Policy, and would have comparable

exterior lighting source (i.e., security and landscaping lighting) and building materials (i.e., building surfaces and windows) to the existing multi-family development in the area. **(Less Than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[10]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[11]

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[12] Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.[13]

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[10] California Department of Conservation. "Farmland Mapping and Monitoring Program". Accessed: May 8, 2019. Available at: http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[11] California Department of Conservation. "Williamson Act". Accessed: May 8, 2019. Available at: http://www.conservation.ca.gov/dlrp/lca.

[12] *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

[13] Cal Fire. "FRAP". Accessed: May 8, 2019. Available at: http://frap.fire.ca.gov/.

4.2.1.2 *Existing Conditions*

Agricultural Resources

The project site is not designated as farmland nor is it under a Williamson Act Contract.[14] According to the *Santa Clara County Important Farmland 2014* map, the project site is designated as *Urban and Built-Up Land*, meaning that the land contains a building density of at least one unit to 1.5 acres, or approximately six units per 10-acre parcel. Common examples include residential, industrial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, or water control structures.[15]

Forestry Resources

The project site does not contain forest land and no forest or timberland is located in the vicinity of the project.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) 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))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) 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?	☐	☐	☐	☒

[14] California Department of Conservation, Division of Land Resources Protection. *Santa Clara County Williamson Act FY 2015/2016*. 2016.
[15] California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2014*. October 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				

Impact AG-1:	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is not designated, zoned, or used for agricultural purposes. As a result, approval of the proposed General Plan Amendment would have no impact on agricultural resources. Furthermore, any future redevelopment of the site under the proposed General Plan land use designation would not result in impacts to agricultural resources. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is not under a Williamson Act contract; therefore, approval of the General Plan Amendment and any future redevelopment under the proposed General Plan land use designation would not conflict with an existing contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**
Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site does not contain forest land, there are no forest lands in the vicinity, and the site is not zoned for forest-related uses. For this reason, there would be no use conflict or conversion of forest lands as a result of the proposed General Plan Amendment or any future redevelopment. **(No Impact)**

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The project site is surrounded by urban development and there is no land zoned for forestry-related uses within the City of San José. Therefore, the proposed General Plan Amendment or any future development on the project site would not result in the conversion of agricultural or forest lands to other uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

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

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants), including particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

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 released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[16]

Fine Particulate Matter ($PM_{2.5}$) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and

[16] CARB. "Overview: Diesel Exhaust and Health". Accessed: May 8, 2019. Available at: https://www.arb.ca.gov/research/diesel/diesel-health.htm.

wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs. According to the Bay Area Air Quality Management District (BAAQMD), $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents. Sources of $PM_{2.5}$ include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

Local risks associated with TACs and $PM_{2.5}$ are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[17]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

Various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development under the proposed land use designation would be subject to the air quality policies listed in the General Plan, including the following:

[17] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Policy	Description
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.
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.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
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.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures for Construction, Grading, Quarrying, and Surface Mining Operations.
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.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.3.1.2 *Existing Conditions*

Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the EPA and CARB, include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$) and state standards for particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants.

Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

$PM_{2.5}$ is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

There is one stationary TAC source identified associated with a dry cleaner within a 1,000-foot radius of the site.[18] A review of existing aerials show the dry cleaner located at 994 Saratoga Avenue is no longer present and has been replaced with a fast food restaurant. Mobile TAC sources located within 1,000 feet of the project site (e.g., freeways and major expressways are located over 1,000 feet from the project site) include Saratoga Avenue, approximately 997 feet from the project site.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the adjacent residences to the north, east, south, and west.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

[18] Bay Area Air Quality Management District. "Stationary Source Screening Analysis Tool." Accessed November 5, 2018. http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Result in substantial emissions (such as odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

Determining consistency with the 2017 CAP involves assessing whether the project would conflict with the primary goals of the 2017 CAP (i.e., protecting public health and protecting the climate) or prevent implementation of Control Measures contained in the 2017 CAP. The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of PM, TACs, O_3 precursors, and GHGs. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce emissions from stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The project is a General Plan Amendment that would allow for future construction of additional housing within a developed area of San José. While the proposed General Plan Amendment would diverge from the General Plan policies intended to focus development in identified Growth Areas (such as an Urban Village), the project site is in proximity (approximately 0.2 miles east) to the Saratoga Avenue Urban Village,[19] and is in an area served by bus transit. Given the proximity to an Urban Village, access to transit, and the maximum number of residential units allowed on-site (19 dwelling units), any future increase in residential density on-site would not substantially increase in the overall vehicle miles traveled by residents of San José.

The project does not include a development proposal at this time that could be compared to control measures for stationary, area, or mobile sources or energy control measures. When future development of a specific project is proposed, project design and conditions for vehicle, bicycle and pedestrian access and access to public transit would be reviewed for consistency with City General Plan policies (including those listed under Section 4.3.1.1) and Residential Design Guidelines by the City (e.g., building energy efficiency, energy use, provision for pedestrian and bicycle modes, appropriate TDM measures) that correspond with Control Measures in the 2017 CAP. During subsequent environmental review, any future redevelopment would also be compared against BAAQMD's threshold of significant for operational-related criteria air pollutants and precursors, and

[19] City of San José. "Urban Villages." Accessed: November 5, 2018. Available at: http://www.sanjoseca.gov/index.aspx?NID=1738.

reduce any significant to a less than significant level. This review would be undertaken during the development environmental and permit review phase.

The proposed General Plan Amendment, by itself, would not affect population forecasts used for the 2017 CAP projections. While future development of the site could exceed population assumptions in the 2017 CAP, the incremental increase would be negligible. For these reasons, the proposed General Plan Amendment would not obstruct or be in conflict with implementation of the 2017 CAP. **(Less Than Significant Impact)**

Impact AIR-2:	The project would not 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. **(Less than Significant Impact)**

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are O_3, PM_{10}, and $PM_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Table 3-1 in the 2017 BAAQMD *CEQA Air Quality Guidelines* contains screening level sizes for various land use types/development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then a detailed air quality assessment of a project's air pollutant emissions does not need to be prepared and the project's air quality impacts are considered less than significant. As noted previously, there is not a specific development project proposed that would allow for a comparison against Table 3-1 screening levels; however the maximum number of residential units allowed on-site as a result of the General Plan Amendment would be 19, which is well below the screening threshold (as summarized below in Table 4.3-1).

Table 4.3-1: Criteria Air Pollutants and Precursors Screening Level Size

Land Use Type	Operational Criteria Pollutant Screening Size	Construction Criteria Pollutant Screening Size
Apartment, mid-rise	240 dwelling units	451 dwelling units
Below screening threshold?		
Potential Future Project (19 dwelling units maximum)	Yes	Yes

Any future development project allowed on-site as a result of the proposed General Plan Amendment would not exceed the screening levels for construction and operational criteria pollutants. In addition, any future development project would be reviewed for compliance with air quality regulations and policies, including Policies MS.10-1 and MS-13.1 that requires the implementation of BAAQMD's Best Management Practices for dust control, and other air emissions reduction measures as needed, to reduce the potential for air quality impacts as part of the overall development review process. Therefore, approval of the proposed General Plan Amendment would not result in a cumulatively considerable net increase of the region's criteria pollutant. **(Less Than Significant Impact)**

Impact AIR-3:	**The project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not result in any increase in pollutants. While there are sensitive receptors (residences) adjacent to the project site, any future proposed residential development under the proposed General Plan Amendment would not result in any localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels. Multi-family residential uses are not stationary sources of TACs, and do not involve significant diesel-powered trucks that generate mobile TAC emissions.

Construction activities associated with future development under the proposed General Plan Amendment could result in localized emissions of dust and diesel exhaust that could temporarily impact adjacent sensitive receptors; however, those activities would be required to comply with state and local regulations and implement the City's Standard Permit Conditions for dust and diesel exhaust control. Future development of the site would be required to conform to policies MS-13.1 and MS-13.2 at the time of construction, which would further reduce impacts. Thus, impacts to sensitive receptors would be less than significant. **(Less than Significant Impact)**

Impact AIR-4:	The project would not result in substantial emissions (such as odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operation, and food facilities. As described in Section 3.3, possible uses allowed under the proposed General Plan Amendment would allow medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, none of which, would be odor-generating land uses. No project development is proposed at this time. Therefore, the proposed General Plan Amendment, by itself, would not result in any increase in pollutants. During any future construction activities, use of diesel powered vehicles and equipment could temporarily generate localized odors; however any odors would be minimized with implementation of Standard Permit Conditions for noise (which prohibit unnecessary idling of equipment), would be temporary in nature, and would cease upon project completion. **(Less Than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies (refer to Section 4.3.1.1) that address existing air quality conditions affecting a proposed project.

Nearby sources of TACs were identified using the BAAQMD *Stationary Source Screening Tool* and *Highway Screening Analysis Tool*[20] and were reviewed to determine the potential for local sources of TACs to impact future residential development on the site.

As noted in the General Plan FPEIR (as amended), the General Plan includes a mechanism for screening and mitigating the effects of pollutants that can pose community risks. The busiest roadway within 1,000 feet of the project site is Saratoga Avenue, located approximately 997 feet from the site, with approximately 42,381 average daily trips (ADT).[21] Since the project site is within 1,000 feet of an existing mobile source, any future residential development at the site would be required to comply with City's General Plan policy MS-11.1 by preparing a site-specific air quality analysis at the time a specific development is proposed, and have measures included in the design of the project to reduce health risks to future occupants.

[20] Bay Area Air Quality Management District. "Stationary Source Screening Analysis Tool." Accessed November 5, 2018. http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools.
[21] City of San José. "Average Daily Traffic Volume 2005 – 2015." Accessed: November 5, 2018. Available at: https://data.sanjoseca.gov/dataviews/226261/average-daily-traffic-volume-2005-2015/.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), RWQCB, CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan 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 Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Envision San José General Plan

The General Plan includes the following policies, which are specific to biological resources and are applicable to development projects in San José.

Policy	Description
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.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
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.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.32.010 to 13.32.150) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet (54 inches) above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is

required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

4.4.1.2 *Existing Conditions*

The project site is currently occupied by a single-family residence and associated landscaping on an approximately 0.20-gross acre site. The project area has an overall low value for wildlife due to the disturbed nature of the property and limited habitat; however, nesting birds could use the trees on site and in the immediate vicinity of the site.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land comprises areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. Vegetation found in the *Urban-Suburban* Land cover type is usually in the form of landscaped residences, planted street trees, and parklands.

4.4.2 **Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
3) 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?	☐	☐	☐	☒
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1: The project would not 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 CDFW or USFWS. **(Less than Significant Impact)**

The project site is located within an urban area of San José. The site is developed with a single-family residence and associated landscaping. Vegetation generally consists of common landscape trees and plants, as well as ruderal grasses that are regularly mowed. No natural or sensitive habitats exist that would support endangered, threatened, or special-status wildlife species.

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Any future construction activities on-site under the proposed General Plan Amendment during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Future construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

- In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan policies ER-5.1 and ER-5.2, any future development under the proposed General Plan Amendment would be required to implement protection measures to avoid and/or reduce impacts to nesting birds.

Implementation of General Plan policies and conformance to state and federal laws protecting nesting birds would reduce potential impacts special-status species to a less than significant level. **(Less Than Significant Impact)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

There are no riparian habitat or sensitive communities on or adjacent to the project site. Neither the proposed General Plan Amendment nor any future development at the project site would impact riparian habitat or sensitive communities. **(No Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

The project site does not support wetlands, marshes, or vernal pools. Neither the proposed General Plan Amendment nor any future development at the project site would impact any federally protected wetlands under the Clean Water Act; therefore, there would be no impact. **(No Impact)**

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

The project site is located in an urban area and does not support any watercourse or river, or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. As discussed in Impact BIO-1, any future development activities would be required to comply with General Plan policies and federal regulations for the purpose of protecting migratory birds. Therefore, the site has limited potential to serve as a migratory corridor for wildlife and any impact as a result of future redevelopment at the site would be less than significant. **(Less Than Significant Impact)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

While no specific development is proposed as part of the General Plan Amendment, any future redevelopment of the project site would likely result in the removal of the trees currently located on the project site.[22] Any future redevelopment of the project site would be required to prepare a tree survey to document the location, size, species, and condition of all trees, and implement the following:

In accordance with existing General Plan Policies (MS-21.4, MS-21.5, and MS-21.6) and the Municipal Code (Sections 13.28, and 13.32.010 to 13.32.150), trees removed during future

[22] The City of San José defines an ordinance-sized tree as any tree that measures 38 inches or greater in circumference at 54 inches above the ground surface.

development of the site under the proposed General Plan Amendment would be replaced at the ratios shown in Table 4.4-1. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the development permit phase. Tree replacement would occur on-site or comply with other measures deemed as equivalent.

Table 4.4-1: City of San José Tree Replacement Ratios

Circumference of Tree to be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more[3]	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

[1]As measured 4.5 feet above ground level

[2]X:X = tree replacement to tree loss ratio

[3]Ordinance-sized tree

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

A 24-inch box tree = two 15-gallon trees

Single-family and two-dwelling properties may be mitigated at a 1:1 ratio

Accordingly, future development facilitated by the proposed project would be required to comply with these local regulations and policies to minimize the potential impacts to on-site trees. Impacts to tree preservation would be less than significant level. **(Less Than Significant Impact)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

The project site is within the Habitat Plan area. Private development in the Habitat Plan area is subject to the provisions and requirements of the Habitat Plan if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the county or one of the cities;
- The activity is described in Section 2.3.2 Urban Development or in Section 2.3.7 Rural Development; and;
- The activity is located in an area identified as Private Development is Covered, or the activity is equal to or greater than two acres and;

- The project is located in an area identified as Rural Development Equal to or Greater than 2 Acres is Covered, or Urban Development Equal to or Greater than 2 Acres is Covered or;
- The activity is located in an area identified as Rural Development is not Covered but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The project site is designated as *Urban–Suburban* and is not identified as important habitat for endangered and threatened species. Therefore, future development of the project site would not result in impacts to any of the Habitat Plan's covered species. Furthermore, a General Plan Amendment is not a ground-disturbing project and is not subject to the requirements of the Habitat Plan.

The proposed project is not subject to the nitrogen fee as there are no trips generated from the General Plan Amendment. However, any future redevelopment on-site would be subject to the requirements of the Habitat Plan because it would require discretionary approval by the City of San José, would be considered a covered activity described in Section 2.3.2 of the Habitat Plan, and would likely be a private development project; therefore, would be required to pay all applicable fees prior to issuance of permits. The Habitat Plan requires payment of nitrogen-deposition fees for projects that generate net new vehicle trips. This fee accounts for indirect impacts from vehicle emissions on sensitive habitats within the Habitat Plan Permit Area and is calculated based on the number of new daily vehicle trips generated by the project. In compliance with the Habitat Plan and General Plan policies, future development under the proposed General Plan Amendment would be required to implement the following measure:

- 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.

Therefore, the proposed General Plan Amendment and future potential development would not conflict with the provisions of the Habitat Conservation Plan and impacts would be less than significant. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the NHPA requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places

The NHPA is the primary federal law dealing with historic preservation. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history; or
- Is associated with the lives of persons significant to our past; or
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords protections under CEQA. A historic resource listed in, or formally determined to be eligible for listing in the NRHP is, by definition, included in the CRHR (Public Resources Code Section 5024.1(d)(1)).

For a historical resource to be eligible for listing on the CRHR, it must be significant under one or more of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

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

Senate Bill 18

The intent of Senate Bill 18 (SB 18) is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Local

Envision San José General Plan

The following General Plan policies are specific to cultural resources and are applicable to the proposed project.

Policy	Description
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.
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	Description
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.

4.5.1.2 *Existing Conditions*

The project site is developed with a single-family residence constructed sometime between 1954 and 1971, and is most likely over 50 years old. The project site is not included in the CRHR and is not included as a designated historic resource in the City's Historic Resource Inventory. The site is not located in an archaeologically sensitive area according to the City's archaeologically sensitivity map. The site is located in an area of high paleontological sensitivity at depth, but is not within an area of high paleontological sensitivity at the ground surface.[23]

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

There are no known historic resources at the site or in the immediate area. The existing single-family residence on-site is of modern construction and is likely over 50 years old. It is not listed on the City's Historic Resources Inventory, and approval of the proposed General Plan Amendment itself would have no impact on historic structures.[24] Future development of the site could result in demolition of the existing structure, at which time a historic evaluation of the structure would be required consistent with City and CEQA requirements for a structure of this age. **(Less Than Significant Impact)**

[23] City of San José. *Envision San José 2040 General Plan FPEIR*. September 2011. Figure 3.11-1.
[24] City of San José. "City of San José Historic Resources Inventory." Accessed: January 31, 2019. Available at: http://www.sanjoseca.gov/index.aspx?NID=2172.

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**
Impact CUL-3:	The project would not significant disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

Archaeological Resources

The project site is not within an area of archaeological sensitivity. However, future construction activities during development of the site could significantly impact cultural resources if they are encountered.

Consistent with General Plan policies ER-10.2 and ER-10.3, the following measures could be applied to future planning permits for development of the site in order to reduce or avoid impacts to subsurface cultural resources:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable).

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

Mandatory compliance with General Plan policies ER-10.2 and ER-10.3 listed above would ensure any future development of the site with would not significantly impact subsurface cultural resources. **(Less Than Significant Impact)**

Tribal Cultural Places

The project site is located in a fully developed, mostly residential area of San José. SB 18 requires local governments to consult with tribal representatives during the preparation of amendments of general plans. Notification was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC for all General Plan Amendments filed with the City on May 31, 2019. At the time of preparation of this Initial Study, the City of San José did not receive any requests for consultation from tribes under SB 18 regarding the proposed General Plan Amendment and any potential effects on tribal cultural places. **(No Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

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 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Building Codes

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, and the 2016 Title 24 updates went into effect on January 1, 2017.[25] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[26]

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

[25] California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed: February 26, 2019. Available at: https://www.dgs.ca.gov/bsc.
[26] California Energy Commission. "2016 Building Energy Efficiency Standards." Accessed: February 26, 2019. Available at: http://www.energy.ca.gov/title24/2016standards/index.html.

Local

City of San José Green Building Standards

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)[27], GreenPoint[28], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 4.6-1 below.

Table 4.6-1: Private Sector Green Building Policy Applicable Projects

Applicable Project*	Minimum Green Building Rating
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

Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. "Private Sector Green Building." Accessed: February 19, 2019. Available at: http://www.sanjoseca.gov/index.aspx?NID=3284.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated into the City's greenhouse gas (GHG) Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of 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 and could be incorporated as mitigation measures for proposed projects, at the City's discretion. GHG reduction measures serve the dual purpose of reducing GHG emissions and reducing wasteful and inefficient use of energy in new developments.

The General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

[27] Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[28] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

Policy	Description
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
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).
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
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, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-14.5	Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

City of San José Municipal Code

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion British thermal unit (Btu) in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked 2nd in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion Btu) for transportation.[29] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2016, a total of approximately 16,800 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[30]

San José Clean Energy is the electricity generation service provider for residents and businesses in the City of San José. Beginning February 2019, it will provide over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower.

Existing electricity use on-site is associated with operation of the single-family building, including powering of lighting, cooling, and electronics.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[31] In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2016, Santa Clara County used approximately three percent of the state's total consumption of natural gas.[32]

Existing natural gas use on-site is associated with operation of the single-family building, including heating and appliances.

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[29] U.S. Energy Information Administration. "State Profile and Energy Estimates, 2016." Accessed: February 26, 2019. Available at: https://www.eia.gov/state/?sid=CA#tabs-2.
[30] California Energy Commission, Energy Consumption Data Management System. "Electricity Consumption by County." Accessed February 26, 2019. Available at: http://ecdms.energy.ca.gov/elecbycounty.aspx.
[31] California Gas and Electric Utilities. "2017 California Gas Report." Accessed: February 26, 2019. Available at: https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf.
[32] California Energy Commission. "Natural Gas Consumption by County." Accessed: February 26, 2019. Available at: http://ecdms.energy.ca.gov/gasbycounty.aspx.

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.[33] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.[34] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 mpg by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.[35,36] In 2012, the federal government raised the fuel economy standard to 54.5 mpg for cars and light-duty trucks by Model Year 2025.[37]

Existing gasoline use on-site is associated with vehicles driving to and from the site.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

[33] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed: February 26, 2019. Available at: http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.
[34] U.S. EPA. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Accessed: February 26, 2019. Available at: https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles.
[35] U.S. Department of Energy. "Energy Independence & Security Act of 2007." Accessed: February 26, 2019. Available at: http://www.afdc.energy.gov/laws/eisa.
[36] Public Law 110–140—December 19, 2007. "Energy Independence & Security Act of 2007." Accessed February 26, 2019. Available at: http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[37] National Highway Traffic Safety Administration. "Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards." August 28, 2012. Accessed February 8, 2018. http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards.

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. **(Less than Significant Impact)**

No development is proposed at this time. Therefore, the proposed General Plan Amendment, by itself, would not create energy demand. There is an existing single-family residence and associated improvements on-site. Any future redevelopment of the site would be required to comply with the City's Construction and Demolition Diversion Deposit Program to recycle and/or salvage a minimum of 75 percent of non-hazardous construction and demolition waste, minimizing energy impacts from the creation of excessive waste.

Operation of any future development would consume electricity and natural gas for operation of the building, including heating and cooling, lighting, appliances, and electronics, and gasoline fuel for vehicles traveling to and from the site. Any future development would be required to comply with the Green Building Ordinance (Chapter 18.84), and Private Sector Green Building policy (6-32), which would promote energy efficiency through site design, architectural design, and construction techniques. Adherence to General Plan policies, existing regulations, and adopted plans and policies would reduce possible energy consumption and ensure that future development at the project site would not consume energy in a manner that is wasteful, inefficient, or unnecessary. For these reasons, the proposed General Plan Amendment would not result in the wasteful, inefficient, or unnecessary use of energy. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

As discussed in Impact EN-1, any future development on-site facilitated by the proposed General Plan Amendment would be required to conform to General Plan policies and regulations which promote the use and expansion of renewable energy resources, including solar voltaic, solar hot water, wind, and biogas or biofuels. As discussed under Section 4.6.1.1, the City has adopted policies and plans in accordance with regional and statewide efforts to expand renewable energy resources and improve energy efficiency. By confirming to applicable General Plan policies related to renewable energy and energy efficiency, and the Green Building Ordinance, and Private Sector Green Building policy (6-32), the proposed General Plan Amendment and future development would not result in the inefficient use of energy during construction or operation. By the time future development project is completed, electricity to the site would be provided by San José Clean Energy, which sources its energy from renewable resources and began providing service in February 2019. For these reasons, the proposed General Plan Amendment would not conflict with or obstruct renewable or energy efficiency plans. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC covers grading and other geotechnical issues, building specifications, and non-building structures. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield

about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. Future development allowed by the proposed land use designation would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Policy	Description
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.
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.
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.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
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 (if applicable) prior to issuance of grading permits by the Director of Public Works.
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.
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.
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.

Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones.

4.7.1.2 *Existing Conditions*

Geology

The project site is located on an alluvial plain within the Santa Clara Valley. The 0.2-acre site is relatively flat; thus, the potential for land sliding and erosion to affect the site is considered negligible. The soils on-site are moderately expansive.[38]

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Strong ground shaking can be expected at the site during moderate to severe earthquakes in the general region. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined active fault zones of the San Andreas Fault System, which regionally trends in a northwesterly direction.

The project site is not within a designated Alquist-Priolo Earthquake Fault Zone[39], or in a Santa Clara County Fault Hazard Zone.[40] Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on a nearby faults. The closest fault of significance to the site is the Monte Vista-Shannon Fault, located approximately five miles west of the project site. The Hayward Fault is approximately ten miles east, and the San Andres Fault is approximately 11 miles west. There are no mapped active faults on-site.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. A liquefaction hazard may exist in areas where depth to groundwater is 40 feet or less.[41] Groundwater on-site is estimated to be

[38] United States Department of Agriculture. "Web Soil Survey." Accessed February 14, 2019. Available at: https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm.
[39] California Department of Conservation. "Regulatory Maps." Accessed November 21, 2018. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[40] Santa Clara County. *Santa Clara County Geologic Hazards Zones*. September 17, 2012. Sheet 27.
[41] California Department of Conservation, Division of Mines and Geology. *Seismic Hazard Zone Report for the San José West 7.5-Minute Quadrangle, Santa Clara County, California*. 2002. Page 13.

encountered at depths greater than 40 feet below the ground surface.[42] The project site is not located within a state-designated Liquefaction Hazard Zone.[43]

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. The project site is located in a relatively flat area, and is not located within a landslide hazard zone.[44]

Paleontological Resources

The City of San José has been mapped to show the varying degrees of paleontological sensitivity throughout the City. The site is located in an area of high paleontological sensitivity at depth.[45]

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– 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)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

[42] California Department of Conservation, Division of Mines and Geology. *Seismic Hazard Zone Report for the San José West 7.5-Minute Quadrangle, Santa Clara County, California*. 2002. Page 13.
[43] California Department of Conservation, California Geological Survey. *Earthquake Zones of Required Investigation San José West Quadrangle*. February 7, 2002.
[44] Santa Clara County. *Santa Clara County Geologic Hazards Zones*. September 17, 2012. Sheet 27.
[45] City of San José. *Envision San José 2040 General Plan FPEIR*. Figure 3.11-1.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) 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?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1:	The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**
Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

The project site is not located within a known earthquake fault zone, landslide hazard zone, nor liquefaction hazard zone. Since no known active faults cross the site, fault rupture or ground failure is not a significant geologic hazard at the site. The site is flat; thus, erosion risks are low.

The proposed General Plan Amendment, by itself, would not expose structures to seismic and liquefaction effects. Any future redevelopment on-site would expose structures to potentially significant seismic effects. These effects are common to all projects throughout the Bay Area. To minimize any impacts, future redevelopment would be required to utilize design and construction practices in accordance with seismic building criteria, as described in the current City of San José Building Standards Code and Fire Code. A design-level geotechnical investigation report addressing the potential seismic (and any other) geologic hazards would also be required. The report would be reviewed and approved by the City of San José Geologist and City of San José Building Division prior to issuance of a grading permit or Public Works clearance. Therefore, any future redevelopment on-site facilitated by the proposed General Plan Amendment as applicable, would address seismic hazard risk and would not exacerbate existing geologic hazards on the project site. The impact would be less than significant. **(Less Than Significant Impact)**

Impact GEO-2:	The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not result in soil erosion or the loss of topsoil. Any future redevelopment of the project site facilitated by the proposed General Plan Amendment would disturb the ground and expose soils, thereby, increasing the potential for wind or water-related erosion and sedimentation at the site until construction is complete. The National Pollutant Discharge Elimination System (NPDES) General Permit for construction, urban runoff policies, and the San José Municipal Code (which are discussed in more detail in Section 4.9 Hydrology and Water Quality) are the primary means of enforcing erosion control measures. Any future construction activities would be subject to the requirements of the aforementioned policies and regulations and, therefore, would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

Existing soils on-site are moderately expansive. The proposed General Plan Amendment, by itself, would not locate structures on expansive soil. Any future redevelopment on-site under the proposed land use designation would be required to address site-specific conditions through a geotechnical investigation as discussed above, and would not exacerbate existing soil conditions on the project site such that they would have off-site impacts. Therefore, the impact would be less than significant. **(Less Than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **(No Impact)**

The project site is located within an urbanized area of San José where sewers are available to dispose wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

The site is located in an area of high paleontological sensitivity at depth.[46] The proposed General Plan Amendment, by itself, would have no impact on paleontological resources. Construction activities associated with any future redevelopment under the proposed General Plan Amendment could significantly impact paleontological resources, if they are encountered.

[46] City of San José. *Envision San José 2040 General Plan FPEIR*. Figure 3.11-1.

Consistent with General Plan Policy ER-10.3, the following measure would apply to any future redevelopment of the project site to reduce and avoid impacts to as of yet unidentified paleontological resources:

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

Implementation of General Plan policies would ensure any future redevelopment of the site would not significantly impact paleontological resources. **(Less Than Significant Impact)**

4.7.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies (refer to Section 4.7.1.1) that address existing geology and soils conditions affecting a proposed project.

4.7.3.1 *Seismic Shaking*

The project site is not mapped with active faults on-site, however, is located in a seismically active region. Any future residential development on the project site would possibly be exposed to strong shaking and seismic-related hazards. Future redevelopment on the project site would be required to comply with the following measure.

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) established a statewide greenhouse gas (GHG) emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO2e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO2e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for

model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[47]

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

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)

[47] CARB. "The Advanced Clean Cars Program". Accessed April 6, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.

City of San José Private Sector Green Building Policy

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new 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. Future development under the proposed land use designation would be subject to this policy and would be required to achieve a GreenPoint Rated 50 Points or LEED Certification, at minimum.

Climate Smart San José

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

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated into the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA *Air Quality Guidelines*, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of 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 and could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy	Description
Action 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 (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best

	practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.
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.

4.8.1.2 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. The principal GHGs contributing to global warming include CO_2, methane, nitrous oxide, and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, manufacturing, utility, and agricultural sectors.

The project site is developed with a single-family residence. GHG emissions associated with the existing building are from vehicle trips of the occupants, electricity use, and heating and cooling for the building.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Post-2020 Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA, and to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide

GHG emissions. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. According to the CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, *Climate Smart San José* (The Plan) that serves to support the City's General Plan. The Plan was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, The Plan only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, The Plan is not in compliance with CEQA Guidelines 15183.5 (b) and it does not serve as a qualified GHG reduction plan. Additionally, the City of San José's current GHG Reduction Strategy presented in the General Plan aligns with AB 32 (2020 emission target), but it does not specifically address the SB 32 2030 emission target.

The GHG emissions thresholds identified by BAAQMD under AB 32 are 1,100 metric tons (MT) of CO_2e per year or 4.6 MT CO_2e per service population per year, however, these thresholds are not applicable post-2020. The numeric thresholds set by BAAQMD and included within the City's Greenhouse Gas Reduction Strategy were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). Any future development under the proposed General Plan Amendment would not be operational until after December 31, 2020, therefore, any future development project on-site cannot rely on the City's GHG Reduction Strategy.

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. Although BAAQMD has yet to publish a threshold for 2030, for the purposes of this analysis, a Substantial Progress efficiency metric of 2.6 MT CO2e/year/service population has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**
Impact GHG-2:	The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

Construction Emissions

The proposed General Plan Amendment, by itself, would not generate GHG emissions. Any future redevelopment of the site would result in minor increases in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the site. Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, number of personnel, etc. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction-related GHG emissions are significant. Because any project construction would be temporary, and would not result in permanent increase in GHG emissions that

would interfere with the implementation of Senate Bill 32 (SB 32), the increase in emissions would be less than significant. **(Less Than Significant Impact)**

Operational Emissions

While the proposed General Plan Amendment would not, by itself, generate GHG emissions, any future redevelopment allowed under the proposed General Plan Amendment would generate GHG emissions. BAAQMD sets guidelines and screening levels to determine if a project would contribute to a significant level of GHG emissions. This guideline was intended for use in determining the significance of GHG impacts for development occurring before 2021 in that it is based on the 2020 thresholds. The BAAQMD's GHG screening size for a general mid-rise apartment project is 87 dwelling units, meaning projects below the screening level would have a less than significant operational GHG impact if operational by the end of year 2020.[48]As described in Section 3.0 Project Description, under the proposed *Urban Residential* designation, the maximum number of multi-family dwelling units allowed on-site would be 19. Future development allowed under the proposed General Plan Amendment would be operational post-2020; therefore, the current BAAQMD screening size for operational GHG emissions cannot be used to screen out the proposed General Plan Amendment.

Since GHG emissions from residential uses are mostly associated with emissions from vehicle trips, the VMT impact of the proposed General Plan Amendment has been used to gauge its impact on GHG emissions. As discussed in Section 4.17 Transportation, under the City's VMT screening criteria for "Small Infill Projects", the addition of up to 25 multi-family dwelling units would not result in significant VMT impacts. In addition, using the City's VMT Evaluation Tool, the VMT per capita for future residential development on-site is estimated to be 6.93 (miles per day), which is below the residential threshold of 10.12. Since future development of up to 19 multi-family dwelling units would not result in a significant VMT impact, and any future development would be subject to guidance from the City of San José GHG Reduction Strategy, the Climate Smart San José Plan, and any applicable General Plan policies to reduce GHG emissions, the proposed General Plan Amendment would not result in significant GHG impacts or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. **(Less Than Significant Impact)**

[48] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. Updated May 2017. Table 3-1.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). As part of CalEPA, the California Department of Toxic Substances Control (DTSC) regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce hazardous waste in the state. In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program. The RWQCB also provides regulatory oversight for sites with contaminated groundwater or soils.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the DTSC, State Water Resources Control Board (SWRCB), and Santa Clara County.

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Local

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport is located approximately 4.15 miles northeast of the project site. Development within the Airport influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP). The project site is not located within the AIA nor the safety zones designated by the CLUP.[49]

Envision San José 2040 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
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.
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.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of

[49] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. 2011. Amended November 16, 2016.

Policy	Description
	hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any 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.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.9.1.2 *Existing Conditions*

Site History

Land within Santa Clara County has been used for agricultural purposes since at least the late 1800s. Arsenical insecticides, such as lead arsenate that was first prepared in 1892 were extensively used.[50] Based on historical aerial photographs compiled for a Phase I Environmental Site Assessment for a site in the project area, the project site was used for agricultural purposes till at least 1954.[51] Since then, the site was developed with a single-family residence. The single-family residence on-site exists today, and appears to be constructed sometime between 1954 and 1971.[52]

On-Site Sources of Contamination

Based on past agricultural use of the site, soils on-site may contain elevated levels of residual lead arsenate.

Up until 1979, building materials containing lead-based paint and/or asbestos containing materials (ACMs) were commonly used. All three of these substances can pose a threat to human health. Since the building was constructed prior to 1979, the building and adjacent soils likely contain one or more of these hazardous materials.

[50] City of San José. *Envision San José 2040 General Plan FPEIR*. September 2011. Page 578.
[51] Professional Services Industries, Inc. *Phase I Environmental Site Assessment for the Former Andersons's TV 606 Saratoga Avenue, San José, California 95117.* Appendix B. Accessed: May 2, 2019. Available at: https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/8522796452/MISC_R_2009-06-07.pdf.
[52] Professional Services Industries, Inc. *Phase I Environmental Site Assessment for the Former Andersons's TV 606 Saratoga Avenue, San José, California 95117.* Appendix B. Accessed: May 2, 2019. Available at: https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/8522796452/MISC_R_2009-06-07.pdf.

The project site is not on the Cortese List.[53]

Off-Site Sources of Contamination

There are two off-site sources of contamination within 1,000 feet of the site: 1) 1030 Saratoga Avenue, and 2) 951 Saratoga Avenue.[54] Both sites were listed on the GeoTracker database as leaking underground storage tank (LUST) cleanup site associated with the operation of a gasoline station. Both LUST cleanup sites were listed as completed with Closure/No Further Action Letter issued. [55] Due to the regulatory status, and distances from the clean-up sites, the off-site sources of contamination do not pose a hazardous materials concern to the project.

Airports

The project site is located approximately 4.15 miles southwest of the Norman Y. Mineta San José International Airport.[56] The project site is not located within the airport's AIA. The project site also is not located within the vicinity of a private airstrip.

Wildfire Hazards

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. [57]

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐

[53] CalEPA. "Cortese List Data Resources". Accessed December 4, 2018. https://calepa.ca.gov/sitecleanup/corteselist.
[54] California State Water Resources Control Board. "GeoTracker." Accessed May 2, 2019. Available at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=4070+williams+road%2C+san+jose.
[55] Sources: 1) California State Water Resources Control Board. "GeoTracker." Accessed May 2, 2019. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608501415; 2) California State Water Resources Control Board. "GeoTracker." Accessed May 2, 2019. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608501456.
[56] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. May 25, 2011. Amended November 16, 2016.
[57] CalFire. *Very High Fire Hazard Severity Zones in LRA Santa Clara County*. Map. October 8, 2008.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒
5) 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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☒
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**
Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

Uses allowed under the *Urban Residential* land use designation would include residential uses, and would not facilitate or allow for the routine use, transport, or release of hazardous materials.

Agricultural Chemicals

Due to Santa Clara County's history of past agricultural use, pesticide based metals, such as lead and arsenic, can be found in the Santa Clara Valley from historic applications. These agricultural chemicals could be present on the site based upon this historic use. The proposed General Plan Amendment, by itself, would not create hazard to the public, however, there is the potential for any future redevelopment on-site under the proposed General Plan Amendment to disturb and/or release residual contamination during construction activities and impact construction workers, adjacent uses, or the environment.

Compliance with applicable General Plan policies during any future redevelopment review and permitting stage, including Policy EC-7.2 and EC-7.11, would ensure that any residual agricultural chemicals present in soil are properly handled and disposed of to ensure they are not released into the environment.

Implementation of on-site soil sampling and remediation (if needed) in conformance with General Plan policies and federal, state, and local laws would ensure that hazards and hazardous material impacts associated with historic agricultural use would be reduced to a less than significant level at the time of future development of the site. **(Less Than Significant Impact)**

Hazardous Building Materials

The proposed General Plan Amendment, by itself, would not disturb or demolish buildings on-site. Any future redevelopment of the project site under the proposed General Plan Amendment would require the demolition of the single-family residence, which may contain ACMs and lead-based paint. In conformance with state and local laws and General Plan Policy EC-7.4, a visual inspection/pre-demolition survey, and possible sampling, will be conducted by a qualified environmental professional prior to the demolition of the building to determine the presence of these hazardous materials. Demolition will be in conformance with regulations and procedures developed by Cal/OSHA, NESHAP, Bay Area Quality Management District BAAQMD and any other applicable laws and regulations to ensure that, if present, ACMs and lead-based paint are properly handled and disposed of to protect the health and safety of construction workers, the public, and the environment.

Conformance with the state regulations and implementation of remediation to standards in conformance with General Plan policies and federal, state, and local laws would ensure that hazards and hazardous material impacts associated with building materials would be reduced to a less than significant level at the time of any future development of the site. **(Less Than Significant Impact)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The project site is located approximately one-quarter mile to the edge of the Harker Middle School/Boynton High School campus, West Valley Middle School, and the Anderson Elementary School/Discovery Charter School campus. The proposed General Plan Amendment, by itself, would not result in hazardous impacts to nearby schools. As described in Impacts HAZ-1 and HAZ-2, conformance with General Plan policies and federal, state, and local laws during any future redevelopment review under the proposed General Plan Amendment, would ensure that hazards and hazardous materials on-site would be reduced to a less than significant level. Furthermore, future development of the site would establish residential uses, which are not typically sources of hazardous materials. For these reasons, any future redevelopment of the site would not result in significant hazardous materials impacts to schools. **(Less Than Significant Impact)**

Impact HAZ-4:	The project would not 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, create a significant hazard to the public or the environment. **(No Impact)**

The project is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.[58] Thus, there would be no impact. **(No Impact)**

Impact HAZ-5:	The project would not be 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. **(No Impact)**

The project site is located approximately 4.15 miles southwest of the Norman Y. Mineta San José International Airport.[59] The project site is not located within the airport's Airport Influence Area (AIA). The proposed General Plan Amendment, and any resulting future redevelopment on-site would not result in a safety hazard for people related to airport activities. **(No Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not impair implementation of an adopted emergency response or evacuation plan. During construction and operation of any future redevelopment on-site allowed under the proposed General Plan Amendment, roadways would not be permanently blocked such that emergency vehicles would be unable to access the site or surrounding sites. Any improvements made to access the site would be subject to review and approval by the City. Thus, any impacts would be less than significant. **(Less Than Significant Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

The project site is located in a highly urbanized area in San José and is not located in an area that is exposed to wildland fire hazards. The proposed General Plan Amendment would have no impact related to wildland fires. **(No Impact)**

[58] CalEPA. "Cortese List Data Resources". Accessed December 4, 2018. https://calepa.ca.gov/sitecleanup/corteselist.
[59] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. May 25, 2011. Amended November 16, 2016.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal

National Flood Insurance Program

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

State

Statewide General Construction Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of fifteen public agencies in Santa Clara Valley that share a common NPDES municipal stormwater permit to discharge stormwater to South San Francisco Bay (the MRP). The Program and member agencies implement pollution prevention, source control, monitoring and outreach programs aimed at reducing pollution in stormwater runoff, protecting water quality and beneficial uses of San Francisco Bay and Santa Clara Valley creeks and rivers. SCVURPPP promotes valuing stormwater as an important resource, and produces guidance materials and conducts training workshops for agency staff and community stakeholders to implement stormwater pollution prevention. They are responsible for collecting and submitting to the Regional Board the annual reports prepared by the member agencies.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[60] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams. The SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

[60] State of California. "2018 California State Hazard Mitigation Plan." Accessed February 26, 2019. Available at: https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP_FINAL_ENTIRE%20PLAN.pdf.

Local

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. The City of San José's Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures. This policy also established specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65% impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

The project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in an area that drains into hardened channel and/or tidally influenced areas.[61]

Envision San José 2040 General Plan

Future development allowed by the proposed land use designation would be subject to the hydrology policies of the City's General Plan, including the following:

Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
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.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

[61] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José." July 2011. Available at: http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
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.
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.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 *Existing Conditions*

Water Quality

Under existing conditions, the project site is developed with a single-family residence and associated driveway and landscaping. Runoff from the site contains sediment, metals, trash, oils and grease from the paved areas of the site. Runoff from the project site currently flows directly into the City's storm drainage system untreated for the removal of pollutants.

Hydrology and Drainage

The project site is located in the San Tomas Aquino Watershed.[62] The San Tomas Aquino watershed covers an area of approximately 45 square miles. San Tomas Creek originates in the forested foothills of the Santa Cruz Mountains, flowing in a northern direction through the cities of Campbell and Santa Clara, into Guadalupe Sough, and finally into the Lower South San Francisco Bay.[63]

Flooding and Other Hazards

The project site is not located in a 100-year floodplain.[64] According to the FEMA FIRM for the project area, the project site is designated as Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D.

As identified in the General Plan FPEIR (as amended), the project site is not located within a dam failure inundation area.[65]

[62] City of San José. San Tomas Aquino Watershed Map. Accessed December 4, 2018. https://www.sanJoséca.gov/DocumentCenter/View/801.
[63] Santa Clara Valley Water District. "San Tomas Aquino Watershed." Accessed December 4, 2018. http://www.scvurppp-w2k.com/ws_sta.shtml.
[64] Federal Emergency Management Agency. GeoPlatform. Accessed December 4, 2018. http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30&extent=-121.88620702655062,37.367936536613456,-121.86002866656457,37.3791910545685.
[65] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011. Figure 3.7-5.

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.[66] The project site is located on the valley floor and not subject to mudflows.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) 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:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– 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	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

[66] California Department of Conservation. "Santa Clara County Tsunami Inundation USGS 24 Quads." Accessed: February 26, 2019. Available at: https://www.conservation.ca.gov/cgs/Pages/Tsunami/Maps/SantaClara.aspx.

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction-Related Water Quality Impacts

The proposed General Plan Amendment, by itself, would not violate water quality standards or degrade water quality. Any future development resulting from the proposed General Plan Amendment may result in temporary impacts to surface water quality during construction activities (e.g., grading and excavation) at the project site. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The project site is approximately 0.2 acres in size, however, in the event any future development on-site becomes part of a larger construction project that would disturb more than one acre of soil; compliance with the NPDES General Permit for Construction Activities would be required.

- All development projects in San José are required to comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discard of stormwater pollutants. The following best management practices, which include, but are not limited to the following, may be required to be implemented prior to and during earthmoving and demolition activities, and continue until any future construction is complete: 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 covered and all trucks shall maintain at least two feet of freeboard;
- Vegetation in disturbed areas shall be replanted as quickly as possible;
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City;
- 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.

Any future development of the project site under the proposed General Plan Amendment, with the implementation of the above best management practices, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Water Quality Impacts

The proposed General Plan Amendment, by itself, would not violate water quality standards or degrade water quality. Any future development would likely add impervious surfaces to the project site (such as buildings and parking lots) due to the intensification of potential residential development. This increase could contribute to water quality impacts as a result of polluted stormwater runoff. To avoid potential impacts, any future development on-site would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and MRP, as applicable. Stormwater runoff from any future development would drain into treatment areas prior to entering the storm drainage system. Any proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the roof and any parking lot runoff prior entering the storm drainage system consistent with the NPDES requirements.

Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the MRP, would be required in any future project design as applicable, to the satisfaction of the Director of PBCE. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, any future development on the site would have a less than significant water quality impact. **(Less Than Significant Impact)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not deplete groundwater supplies or interfere with groundwater recharge. The project site is located in a developed urban area; the project site is not within a designated groundwater recharge zone. The site is developed with areas of impervious surfaces (single-family residence and associated driveway) with landscaping under existing conditions. The depth to groundwater in the project area is greater than 40 feet below the ground surface.[67] Any future development on-site would receive water from the City's water suppliers with no need to pump groundwater from the site and would not interfere with groundwater recharge. **(Less Than Significant Impact)**

[67] State of California. *Seismic Hazard Zone Report for the San José West 7.5-Minute Quadrangle, Santa Clara County, California*. Accessed November 21, 2018. http://gmw.consrv.ca.gov/shmp/download/quad/SAN_JOSÉ_WEST/reports/sjosw_eval.pdf.

Impact HYD-3:	The project would not 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 result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows. **(Less than Significant Impact)**

The nearest waterway is San Tomas Aquinas Creek, approximately 0.5 miles east of the site. There are no waterways on or adjacent to the project site, therefore, the proposed General Plan Amendment or future development would not alter the course of a stream or river.

Drainage Pattern

The proposed General Plan Amendment, by itself, would not alter the existing drainage pattern of the site. Any future development of the site could alter the existing drainage patterns of the site as a result of increased impervious surfaces. Any future development of the site, however, would be required to comply with the NPDES MRP and City of San José Policy 6-29 as applicable, which would remove pollutants and reduce the volume of runoff from the project site, reducing the potential for erosion, siltation, and flooding on and off the site. **(Less Than Significant Impact)**

Stormwater Drainage System

The proposed General Plan Amendment, by itself, would not create additional stormwater runoff on-site. Any future development could result in increased stormwater flows from the site due to increased impervious surfaces, however, would be required to comply with the NPDES MRP requirements, and City's Council Policy 6-29 as applicable, which would remove pollutants from stormwater and reduce the rate and volume of runoff from the project. For these reasons, any future development of the project site would not significantly impact the water quality of runoff and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(No Impact)**

As described in Section 4.10.1.2, the project site is not located within a flood hazard, tsunami, or seiche zones, therefore, the proposed General Plan Amendment and any resulting future redevelopment on-site would not result in the release of pollutants due to inundation of the site. **(No Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

As discussed in Impact HYD-1, any future development on-site as a result of the proposed General Plan Amendment would include BMPs to comply with the NPDES General Construction Permit and MRP, and City of San José's Policy No. 6-29 as applicable and, therefore, would not significantly impact water quality. As discussed in Impact HYD-2, the proposed project site is not located in a designated groundwater recharge zone, and therefore, would not impact groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

4.10.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies (refer to Section 4.10.1.1) that address existing hydrology and water quality conditions affecting a proposed project.

Flooding and Inundation

While the proposed General Plan Amendment would allow for the intensification of residential development on-site, the site is not located within a flood zone or area subject to inundation by seiche, tsunami, mudflow, or dam failure.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Habitat Plan is a conservation program 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 Habitat Plan is a regional partnership between six Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (CDFW and USFWS).

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long term viability of endangered species.

Envision San José 2040 General Plan

The proposed land use change is subject to the land use policies of the City's General Plan, including the following:

Policies	Description
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
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).
LU-2.3	To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.
LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the General Plan Land Use/Transportation Diagram.
LU-10.5	Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

4.11.1.2 *Existing Conditions*

The project site is developed with a single-family residence. The project site is designated as *Residential Neighborhood* in the General Plan. This land use designation has a density of eight du/ac with an FAR of up to 0.7 (one to 2.5 stories). The site is zoned *R-M Multiple Residence District* (R-M).

Habitat Plan Land Designation

The project site is identified within the Habitat Plan as *Area 4: Development Equal to or Greater Than Two Acres Covered* and designated as *Urban-Suburban* land cover.

Surrounding Land Uses

The project is located in a developed suburban area of San José. The uses surrounding the project site are shown in Table 4.11-1. Beyond the immediate project site, primarily single-family and multi-family residential uses comprise the greater area.

Table 4.11-1: Land Uses Surrounding the Project Site

Direction	General Plan Designation	Zoning District	Existing Use
North	*Residential Neighborhood*	R-1-5	Single family residences
South	*Urban Residential*	R-M	Multi-family residences
East	*Urban Residential*	R-M	Multi-family residences
West	*Residential Neighborhood*	R-1-5	Single family residences

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐

Impact LU-1:	The project would not physically divide an established community. **(Less than Significant Impact)**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed project would only change the General Plan designation of the project site, and would not change the physical environment. The proposed *Urban Residential* General Plan designation would allow for an increase in density on-site and allow multi-family development similar to what currently exists on the adjacent residential property to the east and south, which is also designated *Urban Residential*. Thus, any future redevelopment allowed under the proposed General Plan Amendment would not divide an established community and the impact would be less than significant. **(Less Than Significant Impact)**

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

As described in Section 3.0, the proposed *Urban Residential* land use designation is intended for medium density residential development and a fairly broad range of commercial uses. This land use designation allows a density of 30 to 95 du/ac; and an FAR of 1.0 to 4.0 (three to 12 stories).

For the proposed *Urban Residential* designation, the maximum number of residential units allowed on-site would be 19 (0.2-acre site multiply by 95 du/ac). The proposed General Plan Amendment would increase growth than what was projected in the General Plan, and diverge from the General Plan policies intended to focus development in Growth Areas, such as an Urban Village. However, the project site is 0.2 miles east of the Saratoga Avenue Urban Village and has access to bus transit, including a bus stop 60 feet from the site. As discussed in in Section 4.3 and Section 4.17, future residential development on-site would have a VMT per capita below the VMT threshold for residential development. Other potential environmental effects of the proposed General Plan Amendment are analyzed throughout this Initial Study. Any future redevelopment facilitated by the proposed General Plan Amendment would comply with all applicable policies, standards, code requirements, and would not conflict with regulations adopted for avoiding or mitigating an environmental effect. **(Less Than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act of 1974

The California Department of Conservation, Geological Survey classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.

Local

The General Plan FPEIR (as amended) states that an area of Communications Hill in central San José is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Communications Hill is the only area in the City with this designation. The project site is located approximately 5.6 miles west of Communications Hill, and is in a developed urban area that does not contain any known or designated mineral resources.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
2) 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?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**
Impact MIN-2:	The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

The project site is developed with an existing single-family residence and associated landscaping, and is surrounded by existing urban development in San José. The State Mining and Geology Board under SMARA has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hill area, San José does not have mineral deposits subject to SMARA. The project site is approximately 5.6 miles west of Communications Hill. The proposed General Plan Amendment and any resulting future redevelopment would not result in the loss of availability of any known mineral resource; therefore, there would be no impact. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[68] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration Overview

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

4.13.1.2 *Regulatory Framework*

California Building Standards Code

The California Building Standards Code (CBC) establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates

[68] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

that interior noise levels attributable to exterior sources not exceed 45 dBA DNL or CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source.

Envision San José 2040 General Plan

Noise and land use compatibility guidelines set forth in the General Plan are shown in the following Table 4.13-1.

Table 4.13-1: Land Use Compatibility Guidelines for Noise in San José

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

The following General Plan policies are specific to noise and vibration and are applicable to future development on the project site allowed by the proposed land use designation.

Policies	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design,

building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study).

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 or Table 4.12-1 in this Initial Study) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.

EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

EC-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.

Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a development permit or other planning approval.[69] The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a development permit or other planning approval.

[69] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.13.1.3 *Existing Conditions*

The project site is surrounded by sensitive receptors, including residential uses such as the single-family residences to the north and west, and multi-family residences to the east and south. According to the General Plan FPEIR (as amended), noise levels in the project area are approximately 60 to 65 dBA DNL along Williams Road, which is within the conditionally acceptable range for residential uses.[70] The noise environment on the project site results primarily from vehicular traffic along Williams Road. The project site is located approximately 4.15 miles southwest of the Norman Y. Mineta San José International Airport and is located outside of its AIA and 65 dBA CNEL noise contour.[71]

4.13.2 **Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) 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?	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) 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?	☐	☐	☒	☐

[70] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011. Figure 3.3-1.
[71] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. May 25, 2011. Amended November 16, 2016.

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Operational Noise

The proposed General Plan Amendment, by itself, would not generate operational noise. The proposed General Plan Amendment would facilitate redevelopment of up to 19 multi-family residential units on-site. Operational noise associated with residential developments include traffic noise traveling to and from the project site, and operation of stationary sources such as heating, ventilation, and air conditioning (HVAC) equipment.

As described above, the existing noise levels in the project area are approximately 60 to 65 dBA DNL along Williams Road, which is within the conditionally acceptable range outlined in Table 4.13-1, therefore, as detailed in General Plan Policy EC-1.2 listed above, a significant noise impact occurs when the project would cause a permanent increase of three dBA in ambient noise levels at noise-sensitive receptors. For a project's traffic noise to increase existing noise levels by three dBA DNL, existing traffic volume would have to double in the project area. As described in Section 4.16 Transportation/Traffic, future redevelopment of up to 19 multi-family residential units, as facilitated by the proposed General Plan Amendment, would result in approximately 103 daily trips with six AM peak hour trips and eight PM peak hour trips. These volumes would not be sufficient to double existing traffic volumes, and therefore, would not substantially increase noise levels by three dBA DNL or more in the immediate project area. As part of the development review and permitting process, the City would review any future redevelopment on-site for consistency with the nose levels specified in the General Plan Policy EC-1.2; require noise mitigation consistent with Policy EC-1.3; and would regulate long-term operational noise levels consistent with the Municipal Code.

The City's Municipal Code limits noise from mechanical and other stationary equipment to 55 dBA at the closest residential property line. Any future development facilitated by the General Plan Amendment would require an acoustical study to be completed prior to construction in order to demonstrate to the City of San José's Director of PBCE that noise emissions from operational stationary equipment on the new building would conform to the City's Municipal Code noise requirements. Completion of this study would be required to be submitted and approved prior to issuance of a building permit.

Therefore, future development of the project site with residential uses would not substantially increase ambient noise levels in the project area. **(Less Than Significant Impact)**

Construction Noise

The proposed General Plan Amendment, by itself, would result in physical changes to the existing environment, and therefore would not generate construction noise. Construction noise from any future redevelopment of the project site would temporarily increase ambient noise levels in the project area.

The City's Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the General Plan addresses the types of construction equipment that are sources of significant noise. Future redevelopment under the proposed General Plan Amendment would implement the following measures to reduce construction noise levels, consistent with City policies:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses.
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Future construction could potentially require measures and conditions to reduce potential noise impacts. Implementation of these measures, which are required by the City's Municipal Code and General Plan and would be required for any future redevelopment on-site, would reduce potentially significant construction-related noise impacts. However, the currently proposed project would only result in changes to Land Use/Transportation Diagram to facilitate potential development in future and would not result in any construction activities. Mandatory compliance with the City's regulations, such as those listed above, to reduce construction noise and vibration levels to an acceptable level would ensure impacts from future development facilitated by the proposed project would be less than significant. **(Less Than Significant Impact)**

Impact NOI-2:	The project would not result in generation of, excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not generate vibration or groundborne noise levels. Any future construction activities as a result of the proposed General Plan Amendment, including grading and excavation, could involve the use of vibration-generating heavy equipment. Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity.

There are no historic structures in the project vicinity that would be impacted by groundborne vibration generated by construction of any future development. The nearest residence is approximately eight feet from the shared property line According to General Plan Policy EC-2.3, a vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of normal conventional construction.

Vibration during construction activities could be perceptible indoors to adjacent residences, however, any future development of the project site would be required to address vibration impacts to prevent architectural damage to the buildings by implementing all feasible mitigation measures, as necessary, to reduce construction vibration levels to a less than significant level. In addition, construction is temporary, and would occur only during the daytime hours, reducing the potential for annoyance to residences during the evening and night hours of rest and sleep.

Due to the type of development anticipated and required setbacks specified in the General Plan and Municipal Code, operation of the anticipated development would not generate a substantial level of groundborne vibration or noise to the surrounding land uses. **(Less Than Significant Impact)**

Impact NOI-3:	The project would not be 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. **(Less than Significant Impact)**

There are no private airstrips located in the project vicinity. The project site is not located within Norman Y. Mineta San José International Airport's AIA and is outside of the 65 dBA CNEL noise-contour area. Therefore, the proposed General Plan Amendment and any future redevelopment on-site would not expose people to excessive noise levels from aircraft overflights. **(Less Than Significant Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies (refer to Section 4.13.1.3) that address existing noise conditions affecting a proposed project.

Based on the General Plan noise and land use compatibility guidelines (Table 4.13-1), residential development is allowed in areas with ambient noise levels up to 60 dBA DNL and is conditionally allowed in areas with noise levels up to 75 dBA DNL. The City also has an interior noise level standard of 45 dBA DNL for residential uses. The project area has existing noise levels of 60 to 65 dBA DNL, which is acceptable/conditionally acceptable as is outlined in Table 4.13-1. The proposed General Plan Amendment, by itself, would not expose persons to or generate noise. Any future development on-site would be subject to the City's General Plan Policy EC-1.1 which permits residential land uses where the exterior noise exposure is between 60 and 75 dBA DNL only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design to reduce interior noise levels to 45 dBA DNL. For this reason, any future development would not expose future residents to noise levels in excess of applicable standards.

There are no heavy rail tracks or other sources of excessive groundborne vibration or noise near the project site. Therefore, future uses on the project site would not be exposed to substantial vibration.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing, upon which *Plan Bay Area 2040* is based.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. *Plan Bay Area 2040* promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified PDAs and Transit Priority Areas (TPAs).

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. With respect to population, housing, and jobs, the General Plan focuses on having growth occur in a manner that is sustainable and efficient. A key strategy of the General Plan is to balance the ratio of local jobs with available housing within the City. All future development facilitated by the proposed General Plan Amendment would be subject to the City's General Plan policies related to population and housing, including the following:

Policies	Description
H-4.2	Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.
H-4.3	Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

4.14.1.2 *Existing Conditions*

Based on California Department of Finance estimates for 2018, San José has a population of 1,051,316 persons and 335,164 households, with an average of 3.20 persons per household.[72] According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households. To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the General Plan FPEIR (as amended), San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

The project site is developed with a single-family residence in a mostly residential area of San José. The surrounding area contains single-family development to the north and west, and multi-family development to the east and south.

4.14.2 **Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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)?	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

[72] State of California Department of Finance. *E-5 City/County Population and Housing Estimates*. May 29, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed December 5, 2018.

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Less than Significant Impact)**

The project site is located in an urbanized area in the City of San José. Although the proposed General Plan Amendment from *Residential Neighborhood* to *Urban Residential* would facilitate up to 19 multi-family housing units (approximately 61 residents based on the City's average of 3.20 persons per household) that were not accounted for in the General Plan, this increase is not substantial given the overall population growth projected within the central area of San José. The project is an infill development currently serviced by existing roadway and utility infrastructures. Any future redevelopment of the project site would not require extension of roadways or utility lines to serve future residences, and would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence. The proposed General Plan Amendment would make the existing zoning consistent with the site's land use designation for a higher intensity development. While the site is not within a Growth Area identified in the City's General Plan, it is in proximity to the Saratoga Avenue Urban Village, and would have a VMT per capita below the VMT threshold for residential development. As a result, the impacts to population and housing would be less than significant. **(Less Than Significant Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

The project site contains a single-family residence. Approval of the proposed General Plan Amendment would allow for a greater density of residential development. Any future redevelopment of the site would result in the loss of the existing residence on-site, however, this would not be considered substantial because new housing would replace the existing residence. The proposed General Plan Amendment and future development would not necessitate the construction of replacement housing elsewhere or displace a substantial number of people. **(Less Than Significant Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

California Government Code Section 65995 to 65998 (School Facilities)

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 sets forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed project:

Policy	Description
FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
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.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
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.
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.
PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend PDO and PIO fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 0.75-mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.15.1.2 *Existing Conditions*

Fire and Police Protection

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City of San José. The closest station to the project site is Station 14, located at 1201 San Tomas Aquino Road, approximately 0.5 mile southwest of the project site.

Police protection services for the project site are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately four miles northeast of the site. 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.

Schools

The project site is located within the Moreland School District and the Campbell Union High School District. The closest public schools to the project site are Anderson Elementary School/ Discovery Charter School (approximately 0.25 miles southwest of the site), and Boynton High School (approximately 0.25 miles northeast of the site). West Valley Middle School and The Harker School - Middle School Campus (approximately 0.25 miles north and north and northeast of the site) are private schools in proximity to the project site.

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. Starbird Park is the closest park to the project site, located approximately 0.4 mile west of the site. Starbird Park contains a youth center, picnic area, playground, athletic field, and basketball courts.

Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the project area are served by the West Valley Branch Library, located 0.4 mile south of the site at 1243 San Tomas Aquino Road.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☒	☐
4) Parks?	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☒	☐

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. **(Less than Significant Impact)**
Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **(Less than Significant Impact)**

The project site is currently served by both the SJFD and SJPD. The proposed General Plan Amendment would potentially facilitate multi-family residential uses on the project site. Any future redevelopment on the project site under the proposed General Plan Amendment would intensify residential development on-site and would incrementally increase the demand for fire and police protection services compared to existing conditions. While any future development on the site would exceed the assumed development in the General Plan, the development of up to 19 residential units would not, by itself, preclude the SJFD and SJPD from meeting their service goals and would not require the construction of new or expanded fire or police facilities. Since the site is located within a developed urban area, the SJFD and SJPD would not have to expand their services areas to meet future demands. Future residential development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies such as General Plan Policy ES-3.9 to promote public and property safety. For these reasons, the proposed General Plan Amendment would not result in a significant impact on fire and police protection services. **(Less Than Significant Impact)**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **(Less than Significant Impact)**

The proposed General Plan Amendment from *Residential Neighborhood* to *Urban Residential* would allow a potential maximum buildout of 19 residential units, based on a density of 95 du/ac. The incremental increase of students attending local public schools that could result from the proposed project is not expected to require construction of a new school. Although future redevelopment of the project site with residential uses would generate new students in the area, future redevelopment on the site would be required to be in conformance with Government Code Section 65996, which requires new development projects to pay school impact fees to fully mitigate the impacts of new development on school services. **(Less Than Significant Impact)**

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **(Less than Significant Impact)**

Any future redevelopment on the project site facilitated by the proposed General Plan Amendment would intensity residential development on-site and would incrementally increase the demand for recreational facilities. Future residents of the site would use existing recreational facilities in the area including Starbird Park, located 0.4 miles east of the site. The new residents on-site would incrementally increase the use of existing recreational facilities in the project area.

Consistent with City's policies, any future redevelopment under the proposed land use designation would be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance (PDO/PIO), and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities resulting from future residential development on the site. The PDO/PIO fees generated by new residential development would be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (as stated in General Plan policies PR-2.4 and PR-2.5). **(Less Than Significant Impact)**

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **(Less than Significant Impact)**

There are 22 branch libraries serving neighborhoods located throughout San José. Development approved under the *Envision San José 2040 General Plan* is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the Envision San José 2040 General Plan by the year 2035, which is above the City's service goal. Although the proposed General Plan Amendment would incrementally increase the amount of residential development and population growth anticipated in the General Plan, any future redevelopment of the project site would not substantially increase use of San José library facilities or otherwise require the construction of new library facilities. Furthermore, because the current General Plan buildout would result in the City exceeding its library service goals, a net increase of up to 18 residential units on-site would not preclude the City from meeting its service goals. **(Less Than Significant Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Local

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the PDO/PIO requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO/PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO/PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to recreational facilities and are applicable to the proposed project:

Policy	Description
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.
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.
PR-1.3	Provide 500 SF per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

4.16.1.2 *Existing Conditions*

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks, and over 55 miles of trails.[73] Starbird Park is the closest park to the project site, located approximately 0.4 mile west of the site. Starbird Park contains a youth center, picnic area, playground, athletic field, and basketball courts. West Valley Branch Library is the closest library to the project site, located 0.4 mile south of the site at 1243 San Tomas Aquino Road.

4.16.2 <u>Impact Discussion</u>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Impact REC-1:	The project would not increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

The proposed General Plan Amendment would facilitate a potential maximum residential buildout of 19 residential units and approximately 61 new residents on the project site, using the City's average of 3.20 persons per household.[74] The increase in residents would incrementally increase the demand for recreational facilities, such as the use of existing neighborhood, regional parks, and other recreational facilities. Although the proposed General Plan Amendment would facilitate residential development and population growth that was not anticipated in the General Plan, as discussed in Section 4.15.2 under Impact PS-4, future development would be subject to conformance with the

[73] City of San José. *Envision 2040 General Plan Final Program Environmental Impact Report.* September 2011. Pages 615-618.
[74] State of California Department of Finance. E-5 City/County Population and Housing Estimates. May 29, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed December 5, 2018.

City's PDO/PIO ordinance. The PDO/PIO ordinance would require payment of PDO/PIO fees from future residential development to offset increased demand, and ensure that potential residential development facilitated by the proposed General Plan Amendment would not significantly impact neighborhood and regional park facilities. The PDO/PIO fees generated by new residential development would be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (as stated in General Plan policies PR-2.4 and PR-2.5). **(Less Than Significant Impact)**

Impact REC-2:	The project would not include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

As described above, the proposed General Plan Amendment would facilitate intensification of residential development on-site. However, any future redevelopment on-site with residential uses would require the provision of open space on-site and/or payment of in-lieu fees, consistent with the City's PDO and POI ordinance requirements. No new off-site recreational facilities would be required to serve the incremental population increase that could result from future residential redevelopment on-site. The proposed General Plan Amendment, therefore, would not result in the construction of new recreational facilities with the potential to adversely affect the physical environment. **(Less Than Significant Impact)**

4.17 TRANSPORTATION

This discussion is based, in part, on a Long-Range General Plan Amendment Transportation Analysis prepared by Hexagon in August 2019, and is included in Appendix B of this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on July 1, 2020, the provisions of SB 743 will apply statewide.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact

analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day.[75] According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements. Based on the City's significance criteria for VMT, the City's VMT threshold for residential development is 10.12 VMT per capita.[76] If a residential project's VMT is estimated to result in fewer than 10.12 VMT per capita, it can be exempted from a project-specific VMT analysis.

In addition, screening criteria have been established by the City to determine if a project requires a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Based on the City's screening criteria for "Small Infill Projects", the addition of 25 multi-family dwelling units would not result in significant VMT impacts, and are screened out a transportation analysis.[77]

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The Circulation Element of the General Plan contains various long-range goals and policies that are intended to:

- provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;

[75] City of San José. *Transportation Analysis Handbook*. April 2018. Page 9.
[76] City of San José. *Transportation Analysis Handbook*. April 2018. Table 2.
[77] City of San José. *Transportation Analysis Handbook*. April 2018. Table 1.

- create a city where people are less reliant on driving to meet their daily needs; and
- increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future redevelopment facilitated by the proposed land use designation of *Urban Residential* would be subject to the transportation policies of the City's General Plan, including the following:

Policy	Description
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).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
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.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

Residential Design Guidelines

In addition to the policies of the *Envision San José 2040 General Plan*, any future redevelopment of the project site with residential uses would be required to comply with the San José Residential Design Guidelines, with regards to pedestrian access.

4.17.1.2 *Existing Conditions*

Existing Roadway Network

Regional access to the project site is provided via Highway 280 and State Route 85. Local access to the project site is provided to Williams Road via Saratoga Avenue and San Tomas Expressway.

Pedestrian and Bicycle Facilities

Sidewalks are found along the project frontage on Williams Road. Sidewalks are generally present on the surrounding residential streets in the project area. Bicycle facilities in the project area include a Class II bike lane along the project frontage on Williams Road.

Transit Service

Existing transit service to the project area is provided by VTA. The project area is served by Bus Routes 25 along Williams Road, 57 and 58 along Saratoga Avenue, and 330 along San Tomas Expressway.[78] The nearest bus stop, which is served by Bus Route 25, is approximately 60 feet from the project site on Williams Road. Bus Route headways are approximately 20 minutes for Bus Route 25, and 20 to 30 minutes for Bus Routes 57 and 58.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☒	☐
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

[78] VTA plans to discontinue Bus Route 58 along Saratoga Avenue and 330 along San Tomas Expressway as part of the Draft 2019 New Transit Service Plan. The goals of the plan is to place greater emphasis on increasing ridership. Source: Santa Clara Valley Transportation Authority. "VTA is developing a new transit service plan." Accessed: February 22, 2019. Available at: http://newtransitplan.vta.org/.

Impact TRN-1:	The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **(Less than Significant Impact)**
Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

City Council Policy 5-1

As described above, the City adopted Policy 5-1 to comply with SB 743 and CEQA Guidelines Section 15064.3(b)(1). The Policy uses VMT as the metric to evaluate transportation impacts. Using the City's VMT Evaluation Tool, the VMT per capita for development of 19 multi-family units on-site is estimated to be 6.93 (miles per day), which is below the residential threshold of 10.12 (see Appendix A for modeling results). For this reason, it is determined that the proposed General Plan Amendment would not result in a VMT impact.

Since no development is proposed at this time, an LTA has not been prepared to analyze operational transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

The City of San José's General Plan Amendment procedures require a project specific long-range traffic analysis of proposed General Plan Amendments when they would result in more than 250 peak hour trips, for projects located outside of Evergreen, North San José, or South San José.[79] Future development of the site under the proposed *Urban Residential* General Plan designation would result in a maximum of 19 new residences on the project site, based on a density of 96 du/ac. Based on the trip generation rates for mid-rise multi-family residential units, 19 multi-family units would generate approximately 103 daily trips with six AM peak hour trips and eight PM peak hour trips., which is below the threshold of 250 peak hour trips[80] Therefore, the proposed General Plan Amendment does not require a project-specific General Plan traffic analysis, and any future residential development on-site under the proposed General Plan Amendment is not expected to conflict with an adopted plan, ordinance, or policy related to the effectiveness of the circulation system. **(Less Than Significant Impact)**

Public Transit, Bicycle, and Pedestrian Facilities

The City would review any future designs for vehicle, bicycle, and pedestrian access and access to public transportation for consistency with General Plan policies and the Residential Design Guidelines at the Planning permit phase for any future proposed development. Future development facilitated by the proposed General Plan Amendment would be subject to compliance with General Plan policies (TR-3.3, -1.6, -2.8, -9.1, and CD-2.3) and Residential Design Guidelines. For these reasons, the proposed General Plan Amendment would not conflict with existing or planned multimodal transportation facilities. **(Less Than Significant Impact)**

[79] City of San José. *Transportation Analysis Handbook*. April 2008. Table 12.
[80] Institute of Transportation Engineers. *Trip Generation Manual, 10th Edition, Volume 2: Data.* September 2017. Pages. 73, 76 and 77.

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The City would review any future plans for redevelopment of the project site under the proposed General Plan Amendment for consistency with General Plan policies and the Residential Design Guidelines at the Planning permit phase. Pedestrian, bicycle, and vehicular access and circulation and safety would be reviewed during this phase. Future development of the project site, in accordance with City design standards, would ensure that hazards due to a design feature would be avoided. **(Less Than Significant Impact)**

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

As previously discussed, the project would only result in a change to the Land Use/Transportation Diagram. Any future plans for redevelopment of the project site under the proposed General Plan Amendment would be reviewed and approved by the San José Fire Department and Department of Public Works to ensure adequate emergency access. **(Less Than Significant Impact)**

14.7.2.1 Long-Range Transportation Analysis for General Plan Amendments

General Plan Amendments (GPAs) in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year is when the development anticipated in the General Plan is built out. There are two types of GPA transportation analysis: 1) a site-specific long-range transportation analysis for individual GPAs that exceed 250 peak hour trips; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle.

In 2011, the City certified the General Plan FEIR and adopted the 2040 General Plan. The General Plan FEIR and supporting Transportation Impact Analysis (TIA) identified programmatic long-range transportation impacts based on planned land uses and the planned transportation system within the City projected to the horizon of the General Plan in year 2035.

In 2016, a subsequent TIA was prepared for the General Plan Four-Year Review that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The General Plan Four-Year Review TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of GPAs considered for approval during and after the Four-Year Review.

In 2017, the VTA published the BART Phase II EIR that included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the transportation analysis in the Downtown Strategy 2040 EIR, which evaluated an increase of 4,000 households and 10,000 jobs in Downtown San Jose by transferring General Plan

growth capacity from other areas within the City. Once again, the model was validated with current traffic data to update the existing transportation conditions.

The cumulative long-range transportation impacts of the proposed 2018 GPAs were evaluated in a Long-Range Transportation Impact Analysis model forecast prepared by Hexagon Transportation Consultants dated August 2019. This analysis evaluated both the site-specific long-range transportation impacts for GPAs that exceeded 250 peak hour trips per day and the cumulative impacts of the nine privately initiated GPAs in the 2019 GPA cycle.

Each of the proposed GPAs would result in changes to the assumed number of households and/or jobs on each site when compared to the 2040 General Plan land use and intensity assumptions for each site in the TIA for the General Plan FEIR and the General Plan Four-Year Review TIA. Like the analysis in the General Plan FEIR and subsequent Four-Year Review, the 2018 Long-Range Transportation Analysis assumed development in either the middle range of the density allowed under each proposed General Plan land use designation or assumed a density consistent with the density of surrounding development with a similar land use designation. The City uses the middle range or typical range based on surrounding development densities, as opposed to the maximum intensities potentially allowed under each proposed General Plan land use designations, because build out under the maximum density allowed for all General Plan land designations would exceed the total citywide planned growth capacity allocated in the General Plan. Furthermore, maximum build-out at the highest end of the density range does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, FAA regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code in Title 20 (Zoning), market conditions, and other factors.

The results of the analysis for the proposed GPAs are then compared to the results of the 2017 updated General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed 2018 GPAs would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as amended by the City Council in December 2017. None of the proposed GPAs would change the total number of jobs and households citywide that were assumed with build out of the 2040 General Plan.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[81]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

Local

The City of San José sets forth the following policies pertaining to tribal cultural resources in its General Plan.

Envision San José 2040 Tribal Cultural Resources Policies

Policy	Description
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 their 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.

[81] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

4.18.1.2 *Existing Conditions*

The project site is located in an urban area predominantly developed with residential uses, and is currently developed with a single-family residence, and associated driveway and landscaping. According to the City's archaeological sensitivity map, the site is not located in an archaeologically sensitive area.

On July 12, 2018, a representative of the Ohlone Indian Tribe requested notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José. In accordance with AB 52, a monthly list of submitted projects that meet this criteria is forwarded from the City to notify representatives of the Ohlone Indian Tribe.

4.18.2 **Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**
Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. **(Less than Significant Impact)**

The project site is located in a fully developed, mostly residential area of San José. As the proposed General Plan Amendment does not include a specific project proposal and no ground-disturbing activities would be facilitated, the project does not fall within the parameters of notification as requested by the Ohlone Tribe. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for consultation from tribes under AB 52 regarding projects in the area and their effects on tribal cultural resources. Any future development facilitated by the proposed General Plan Amendment involving ground-disturbing activities would require notification to tribes to determine if formal consultation is requested. In addition, in the event unknown Native American resources or human remains are discovered during future development of the site, compliance with General Plan policies ER-10.2 and ER-10.3 would reduce impacts to a less than significant level. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

California Urban Water Management Planning Act

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events.

Wastewater

The San Francisco Bay RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

San José Zero Waste Strategic Plan/Green Vision

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

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that would minimize the use and waste of energy, water and other resources in the City of San José.

San José Municipal Water System Urban Water Management Plan

The City of San José adopted its most recent UWMP in 2015. Water service to the project site is provided by the San José Water Company, which gets its water from a variety of sources including groundwater (approximately 40 percent), imported surface water (approximately 50 percent), and local mountain surface water (approximately 10 percent).[82]

Envision San José 2040 General Plan

Future development of the project site allowed by the proposed land use designation would be subject to the utilities and services policies of the City's General Plan, including the following:

Policy	Description
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.
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.
MS-3.3	Promote the use of drought-tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.1	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal National Pollutant Discharge Elimination System (NPDES) Permit to reduce urban runoff from project sites.
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.

[82] San José Water. *Water Supply FAQs.* Accessed: May 3, 2019. Available at: https://www.sjwater.com/customer-care/help-information/water-supply-faqs.

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.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
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 NPDES permit.

4.19.1.2 *Existing Conditions*

The project site is developed with a single-family residence that is served by existing utilities, including water, sanitary sewer, stormwater, and solid waste removal. The site is located within the City of San José Urban Service Area.

Water Service

Water service is provided to the site by the San José Water Company. It is estimated the City's water supply is approximately 19,678 acre-feet/year (approximately 17.5 million gallons per day), based on when the UWMP was prepared in 2015.[83] There are currently no recycled water lines in the project area.[84] Outdoor water use associated with the landscaping on-site is approximately 113 gallons per day, and indoor water use associated with the single-family building on-site is approximately 179 gallons per day, with a total of 292 gallons per day.[85]

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara WPCP, in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.[86] In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day.[87] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

[83] San José Municipal Water System. *2015 Urban Water Management Plan*. June 2016. Table 6-9.
[84] City of San José. "Recycled Water Pipeline System." Accessed December 5, 2018. Available at: http://www.sanjoseca.gov/DocumentCenter/View/4692.
[85] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 9.1 Water Use Rates, Single Family Housing.
[86] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed December 5, 2018. Available at: http://www.sanjoseca.gov/index.aspx?NID=1663.
[87] City of San José. "Clean Bay Strategy Reports." Accessed December 5, 2018. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.[88] The project site generates approximately 179 gallons of wastewater per day, or approximately 0.00018 million gallons per day.[89]

Storm Drainage

The project site is located in a developed area served by storm drainage systems. Impervious surfaces on-site include the single-family buildings and paved driveway.

Storm drainage lines in the project area are owned and maintained by the City of San José.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[90] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. The current amount of solid waste produced on-site is primarily associated with the single-family building, and is estimated to be 840 pounds per year, or 1.68 cubic yards per year.[91][92]

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

[88] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[89] Based on the general assumption that wastewater generated is approximately the same as the indoor water use.
[90] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[91] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 10.1 Solid Waste Disposal Rates, Single Family Housing.
[92] A common conversion factor used for municipal solid waste as it is collected and transported in compaction vehicles is 500 pounds per cubic yard. Source: Lacaze, Skip. City of San José Department of Environmental Services. Personal communication. June 3, 2013.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) 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?	☐	☐	☒	☐
5) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
6) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The proposed General Plan Amendment, by itself, would not increase water demand or generate additional wastewater. As described in Impact UTL-2 and UTL-3 below, any future development of the project site under the proposed General Plan Amendment would not substantially increase water demand or wastewater volumes such that new or expanded facilities would be required. Future redevelopment under the proposed General Plan Amendment would be required to comply with all applicable Public Works requirements to ensure wet utility mains would have capacity for water and sewer services. Therefore, the proposed General Plan Amendment would not have a significant impact related to the provision of water and sewer service for the project. **(Less Than Significant Impact)**

Impact UTL-2:	The project would have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

Water retailers serving the City of San José includes the San José Water Company, San José Municipal Water, and Santa Clara Valley Water District. Their most recent UWMP (adopted in July 2016 by City Council) determined that with utilization of conservation measures and recycled water, water supplies would meet the City's projected General Plan buildout demand.[93]

The proposed General Plan Amendment, by itself, would not generate water demand. Any future redevelopment under the proposed General Plan Amendment is anticipated to result in up to 19 units, which would result in a water demand of approximately 2,138 gallons per day for outdoor water use, and 3,392 gallons per day for indoor water use, with in a total net increase of 5,238 gallons per day.[94] According to the UWMP, the projected water supply is estimated to be 43,484 acre-feet/year (approximately 38.8 million gallons per day) at the 2040 General Plan buildout.[95] While the proposed General Plan Amendment would incrementally increase the City's overall water demand projected in the UWMP, additional demand from future development on-site would be incremental, based on the existing and future available water supplies, the proposed General Plan Amendment would not result in a significant impact to water supplies. (**Less Than Significant Impact)**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

Wastewater from the project site would be transported through existing sanitary sewer pipelines to the RWF for treatment. The RWF completes tertiary treatment of all wastewater to remove 99 percent of impurities before effluent is released to the San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.[96]

The proposed General Plan Amendment, by itself, would not generate wastewater. Any future development under the proposed General Plan Amendment is anticipated to result in a maximum of 19 units, which would generate approximately 2,138 gallons of wastewater per day, a net increase of 1,959 gallons per day, or approximately 0.002 million gallons per day[97] In 2011, the Envision San José 2040 General Plan FPEIR (as amended) identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. Due to the remaining capacity at the RWF, the incremental increase from any future redevelopment on-site under the proposed General Plan Amendment would not increase wastewater treatment demand beyond the capacity of the RWF. **(Less Than Significant Impact)**

[93] City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.
[94] California Air Pollution Control Officers Association. *California Emissions Estimator Model. Appendix D Default Data Tables*. September 2016. Table 9.1 Water Use Rates, Apartments Mid Rise.
[95] San José Municipal Water System. *2015 Urban Water Management Plan*. June 2016. Table 6-10.
[96] City of San José. "San José-Santa Clara Regional Wastewater Facility Treatment Process." Accessed December 6, 2018. Available at: http://sanjoseca.gov/index.aspx?NID=1672.
[97] Based on the general assumption that wastewater generated is approximately the same as the indoor water use.

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**
Impact UTL-5:	The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**
Impact UTL-6:	The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

According to the IWMP, the County has adequate disposal capacity beyond 2030. The proposed General Plan Amendment would not, by itself, generate solid waste. Any future development on-site under the proposed General Plan Amendment would be required to conform to City plans and policies to reduce solid waste generation, and would be served by a landfill with adequate capacity. Additionally, any future development project at the site would be subject to ongoing implementation of the City's Zero Waste Strategic Plan, including the 75 percent diversion goal. Thus, implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity. **(Less Than Significant Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The project site is located in an urban area predominantly developed with residential uses. The site is developed with a single-family residence, and is surrounded by single-family development to the north and west, and multi-family development to the east and south.

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) 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?	☐	☐	☐	☒
3) 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?	☐	☐	☐	☒
4) 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?	☐	☐	☐	☒

Impact Discussion 1 through 4: The project site is located within an urbanized area of the City of San José and is surrounded by existing urban development. The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. [98] **(No Impact)**

[98] CalFire. *Very High Fire Hazard Severity Zones in LRA Santa Clara County*. Map. October 8, 2008.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) 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?	☐	☐	☒	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact)**

As discussed in the individual sections, the proposed General Plan Amendment to the *Urban Residential* General Plan designation would not degrade the quality of the environment with the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances.

As discussed in Section 4.4 Biological Resources, the project is located in an urban environment and would not directly impact sensitive habitat or species. The project site is located within the Habitat Plan study area and, as a result, any future redevelopment of the site would be subject to all applicable Habitat Plan fees. There is a low potential for buried archaeological and paleontological resources on-site. As discussed in Section 4.5 Cultural Resources, implementation of measures in accordance with the General Plan would ensure impacts to cultural resources are less than significant.

As discussed in Section 4.8 Hazardous Materials, the existing buildings on-site may contain asbestos material and lead-based paint, and pesticides may be present in on-site soils as a result of previous agricultural use in the project area. Site clearing and remediation in accordance with the General Plan and applicable state and local regulations would ensure less than significant hazardous materials impacts to the environment. As discussed in Section 4.9 Hydrology and Water Quality, construction activities during redevelopment of the site could result in temporary impacts to surface water quality. Implementation of measures in accordance with the City's General Plan and Grading Ordinance would reduce the risk of impacts to surface water quality and associated wildlife habitat to a less than significant level. **(Less Than Significant Impact)**

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were designed such that a project impact would also be a cumulatively considerable impact. The proposed General Plan Amendment would not result in a significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts statewide and globally.

With the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances, future residential development allowed under the proposed land use designation would not result in significant geology and soils, hydrology and water quality, or public services impacts and would not contribute to cumulative impacts to these resources. Also, the project would not impact agricultural and forest resources or mineral resources; therefore, the project would not contribute to a significant cumulative impact on these resources.

The project site is located in an urban area and, given its limited size, redevelopment under the proposed land use designation would not contribute to a cumulative impact on aesthetics, population and housing, or recreation with the implementation of General Plan policies, Municipal Code requirements, and Residential Design Guidelines.

Cumulative Long-Range Transportation Impact Analysis

In addition to an analysis of long-range transportation impacts of individual GPAs, the City also evaluates cumulative long-range transportation impacts of all proposed GPAs in each annual GPA cycle. The purpose of this analysis is to evaluate the combined effect of all proposed GPAs on the

three MOE thresholds used to evaluate long-range transportation impacts citywide at build out of the 2040 General Plan. The results of the cumulative Long-Range transportation analysis are discussed below**.**

2019 GPAs Cumulative Effect on Daily Vehicle Miles Traveled per Service Population

Compared to the current General Plan, the proposed GPAs would not result in an increase in VMT per service population. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-automobile modes of travel.

2019 GPAs Cumulative Effect on Journey to Work Mode Share

The proposed GPAs would not result in an increase of drive alone journey to work mode share when compared to the current General Plan. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

2019 GPAs Cumulative Effect on Average Vehicle Speeds in Transit Priority Corridors

The proposed GPAs would not result in a decrease in travel speeds of greater than one mile per hour or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on the AM peak hour average vehicle speeds on the transit priority corridors.

2019 GPAs Effect on Adjacent Jurisdictions

The current General Plan land use designations and proposed GPA land use adjustments would result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the 2040 General Plan. Therefore, the proposed GPA land use adjustments would not result in further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the General Plan FEIR.

2019 GPAs Long-Range Transportation Impacts Conclusion

Compared to the Envision San José 2040 General Plan, the 2019 GPAs Long-Range Transportation Analysis found that the proposed GPAs would not 1) result in an increase citywide daily VMT per service population; 2) reduce the percentage of journey to work drive alone trips; or 3) increase average vehicle speeds on the transit priority corridors. Future development on each of the GPA project sites would be required to evaluate near-term transportation for project-level CEQA clearance for each planning permit. **(Less Than Significant Impact)**

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City's General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however, would ensure that these impacts would be less than significant. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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