

Initial Study / Environmental Assessment

Roosevelt Park Apartments Mixed-Use Development Project

Prepared by



In Consultation with



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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
AGL	above ground level
AIA	Airport Influence Area
AMI	Area Median Income
AP	Alquist-Priolo Earthquake Fault Zoning
APE	Area of Potential Effect
APN	Assessor's Parcel Number
ASD	Acceptable Separation Distance
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
BMP	Best Management Practice
BMR	below market rate
BRT	Bus Rapid Transit
CAA	Clean Air Act
CalARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CalGreen	California Green Building Standards
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CBIA	California Building Industry Association
CCL	Candidate City Landmark
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations

CGS	California Geological Survey
CH ₄	methane
CIWMB	California Integrated Waste Management Board
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CP	Commercial Pedestrian
CPD	Office of Community Planning and Development
CRHR	California Register of Historical Resources
CS	Contributing Structure
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted sound level
DNL	Day-Night Average Sound Level
DPF	Diesel Particulate Filters
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
du/ac	dwelling units per acre
EA	Environmental Assessment
EDD	Employment Development Department
EIR	Environmental Impact Report
ERR	Environmental Record Review
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FAR	floor area ratio
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gas
Habitat Plan	Santa Clara Valley Habitat Plan

HCM	Highway Capacity Manual
HI	Hazard Index
HIP	Housing Investment Plan
HMP	Hydromodification Management Plan
HSP	health and safety plan
HUD	Housing and Urban Development
IS	Initial Study
ITE	Institute of Transportation Engineers
IWM	Santa Clara County Integrated Watershed Management
IWMP	Integrated Waste Management Plan
LEED	Leadership in Energy and Environmental Design
L_{eq}	Noise Equivalent Level
LID	Low Impact Development
L_{max}	Maximum Sound Level
LOS	level of service
m^3	cubic meter
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
mph	mile(s) per hour
MRP	Municipal Regional Permit
MSL	mean sea level
MT	metric ton
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NCS	Non-Contributing Structure
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
N_2O	nitrous oxide
NOI	Notice of Intent
NO_x	nitrogen oxide(s)
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NS	Non-Significant
NWIC	Northwest Information Center
PBCE	City of San José Department of Planning, Building and Code Enforcement

PDO	Park Dedication Ordinance
PI	Plasticity Index
PIO	Park Impact Ordinance
PM	particulate matter
PM ₁₀	coarse particulate matter
PM _{2.5}	fine particulate matter
ppm	part(s) per million
PPV	peak particle velocity
PV	photovoltaic
RCRA	Resource Conservation and Recovery Act
RMP	Risk Management Plan
ROG	reactive organic gas
RTP	Regional Transportation Plan
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCS	Sustainable Communities Strategy
SCVWD	Santa Clara Valley Water District
SHMA	Seismic Hazards Mapping Act
SHPO	State Historic Preservation Officer
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SJWC	San José Water Company
SLF	Sacred Land Files
SM	Structure of Merit
SMP	Site Management Plan
STC	Sound Transmission Class
SVOC	semi-volatile organic compound
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TDM	Transportation Demand Management
TIA	Traffic Impact Analysis

TPH	total petroleum hydrocarbon
µg	microgram
µm	micrometer
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UV	Urban Village
V/C	volume-to-capacity ratio
VCP	verified clay pipe
VMT	vehicle miles traveled
VOC	volatile organic compound
VTA	Santa Clara Valley Transit Authority
WPCP	Water Pollution Control Plant

SECTION 1.0 PROJECT INFORMATION

1.1 PROJECT TITLE

Roosevelt Park Apartments Mixed-Use Development

1.2 CEQA LEAD AGENCY / NEPA RESPONSIBLE ENTITY

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1.3 CERTIFYING OFFICER

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1.4 GRANT RECIPIENT

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SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT LOCATION

The project site is located at 21 North 21st Street in the City of San José. The project site (Assessor's Parcel Number [APN] 467-12-001) is within the Roosevelt Park Urban Village area, north of East Santa Clara Street on the west side of North 21st Street. The location of the project site is shown on the following figures:

- Figure 2.1-1 Regional Map
- Figure 2.1-2 Vicinity Map
- Figure 2.1-3 Aerial Photograph and Surrounding Land Uses

2.2 DESCRIPTION OF THE PROPOSED PROJECT [24 CFR 50.12 & 58.32; 40 CFR 1508.25]

2.2.1 Existing Conditions

The 0.47-acre project site is currently vacant. The property is zoned *Commercial Pedestrian (CP)* and has a designated land use of *Urban Village (UV)* under the General Plan.

2.2.2 Overview

The proposed development would include up to 80 affordable residential units (including one unit for on-site staff) and 10,417 square feet of commercial space. The proposed apartments would range from studios to three-bedroom units and would be available to households at 30 to 80 percent of the Area Median Income. Parking would be provided in a two-story garage podium. Vehicular access to the site would be provided via one full-access driveway on North 21st Street. A site plan is shown on Figure 2.2-1, and an elevation plan is shown on Figure 2.2-2.

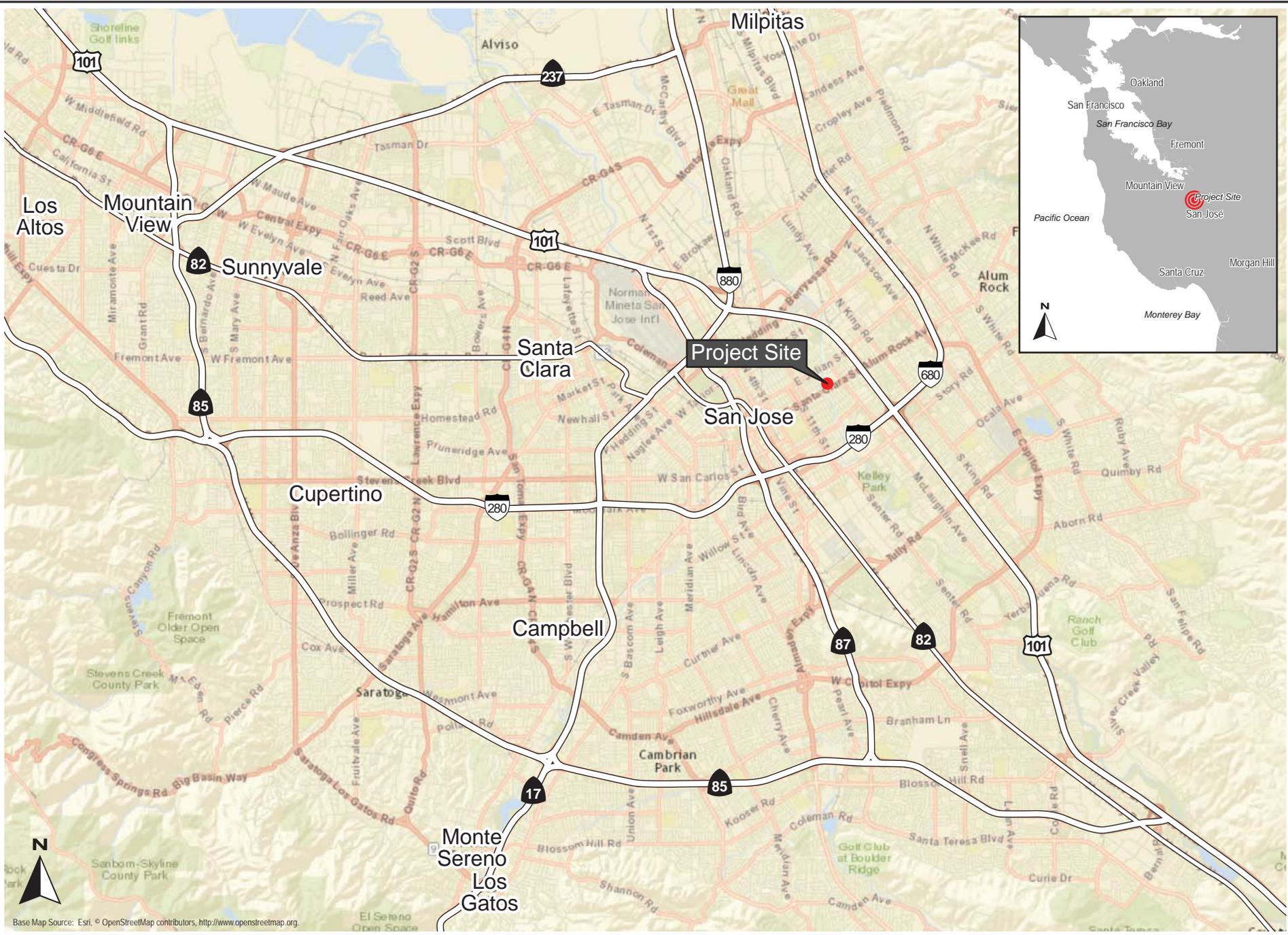
The project would require a Special Use Permit to allow for construction of a nine-story, mixed-use development with residential uses in the *CP* zoning district.

Construction of the proposed project is planned to begin in June 2020 and would take approximately 13 months.

2.2.2.1 *Residential Development*

The proposed nine-story building would be 85 feet in height, with an elevator shaft extending to 95 feet. The building would include 28 studio units, 11 one-bedroom units, 27 two-bedroom units, and 14 three-bedroom units for a total of 80 residential units. Apartments would be located on the third through eighth stories of the building. The proposed project would have a density of 170 dwelling units per acre (du/ac).

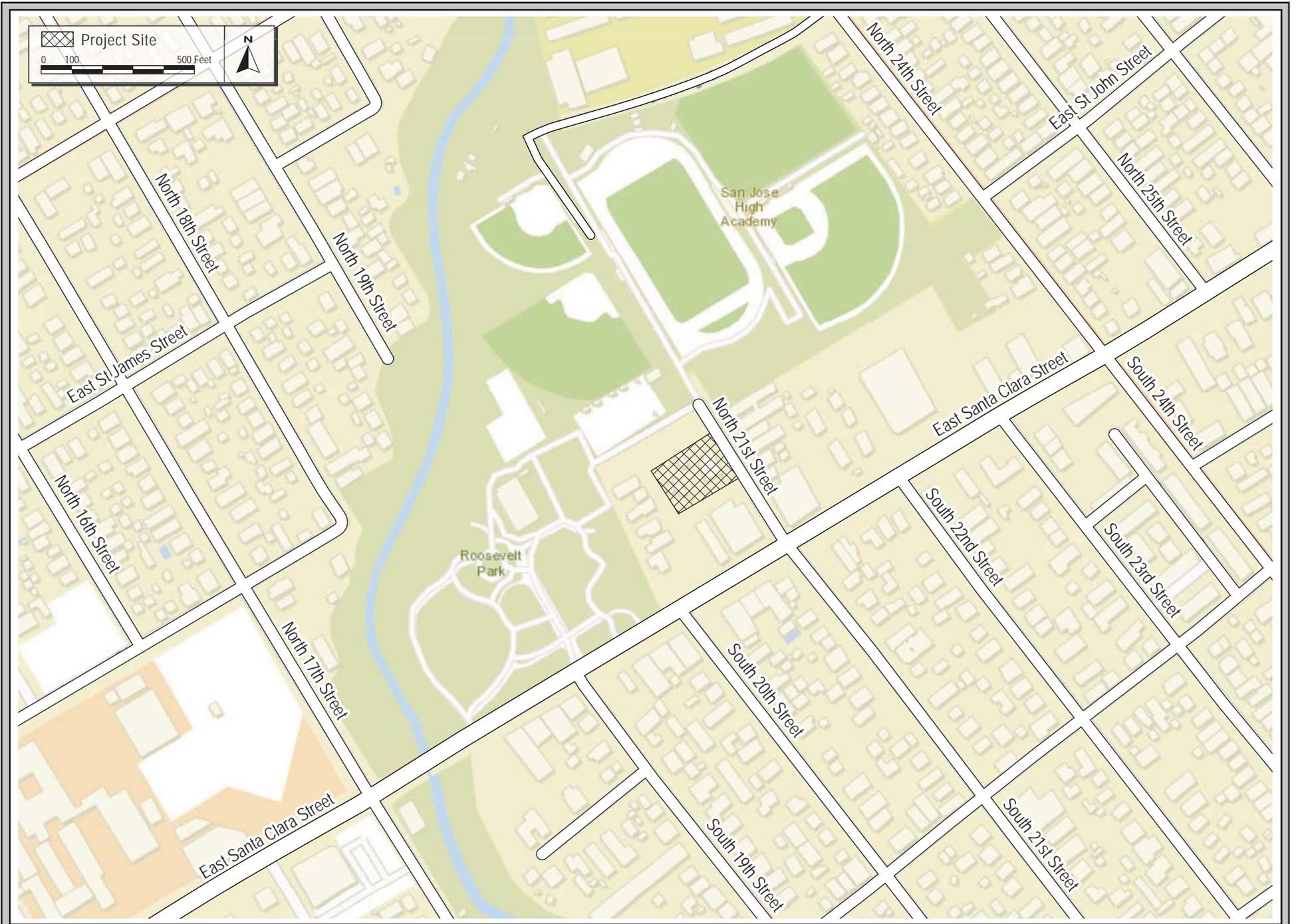
Residential vehicle parking (74 spaces) and bicycle parking (80 spaces) would be provided in the two-level garage podium. The parking podium would include five parking lift stalls accommodating 10 spaces and six tandem parking stalls.



Base Map Source: Esri, © OpenStreetMap contributors, <http://www.openstreetmap.org>.

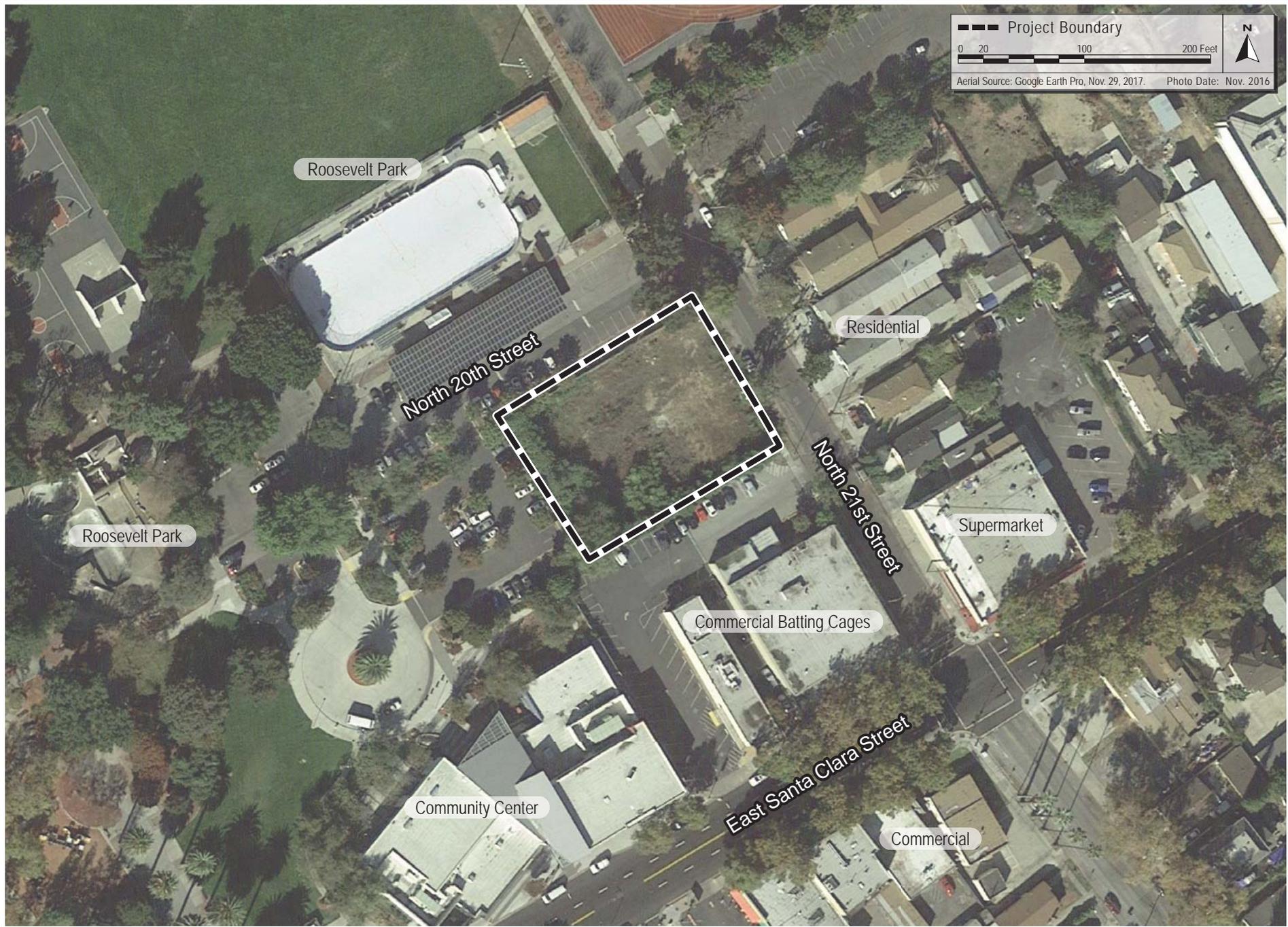
REGIONAL MAP

FIGURE 2.1-1



VICINITY MAP

FIGURE 2.1-2



AERIAL PHOTOGRAPH AND EXISTING USES

FIGURE 2.1-3



ELEVATION PLAN

FIGURE 2.2-2

2.2.2.2 Commercial Development

Consistent with the objectives of the Roosevelt Park Urban Village Plan, the commercial portion of the project would have a floor-area ratio (FAR) of 0.5. Commercial uses would be constructed on the ninth floor of the building and would include office space intended for use by the project applicant, First Community Housing.

2.2.3 Green Building Features

The project proposes to design the building as a Leadership in Energy and Environmental Design (LEED) Platinum project and would include energy-efficient appliances and lighting, on-site stormwater treatment, and low-flow fixtures. The project would provide each household with free Santa Clara Valley Transportation Authority SmartPasses or equivalent for transportation for the life of the project.

2.2.4 Funding Sources

Construction of the project may use federal funds. With the use of federal funds, National Environmental Policy Act (NEPA) review that meets the requirements of the U.S. Department of Housing and Urban Development (HUD) (24 Code of Federal Regulations [CFR] 58.36) would be required, in addition to California Environmental Quality Act (CEQA) review for the project.

2.3 STATEMENT OF PURPOSE AND NEED FOR THE PROPOSAL [40 CFR 1508.9(B)]

The purpose of the Roosevelt Park Apartments project is to provide affordable housing for low income persons and families in the City of San José. The proposed action would include up to 80 below market rate (BMR) apartments. Sources of financing may include the City of San José, Santa Clara County, the California Department of Housing and Community Development, and HUD. First Community Housing proposes affordability levels between 30 and 80 percent of the Area Median Income (AMI).

The 1988 Mayor's Task Force on Housing developed the initial policies that governed the City's affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated into the City's Affordable Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council in November 2015 for Fiscal Year 2016/17-2017/18.

These policies contribute to the creation of a comprehensive Citywide housing vision and ensure that affordable housing resources are distributed equitably and serve those most in need. Faced with competing priorities and limited resources, the City must develop policies that balance these concerns while continuing to provide the greatest good to the largest number of residents.

The proposed action would help meet the City of San José's goals for housing that are listed in the General Plan, including: (1) providing housing in a range of housing densities, especially higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population; (2) increasing, preserving, and

improving San José's affordable housing stock; (3) creating and maintaining safe and high quality housing that contributes to the creation of great neighborhoods and great places; and (4) providing housing that minimizes the consumption of natural resources and advances the City's fiscal, climate change, and environmental goals. The Roosevelt Park Residential Action would make a positive impact in addressing the need for affordable housing in San José while enhancing the overall look and feel of the neighborhood.

2.4 EXISTING CONDITIONS AND TRENDS [24 CFR 58.40(A)]

2.4.1 Regional Outlook

The Bay Area continues to be one of the most expensive real estate markets in the country. Most Bay Area homes are unaffordable for families with average household incomes. As detailed in the San José Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) show a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately \$86,000 to \$144,000 per year, nearly half of all jobs pay low-income wages between \$19,000 and \$52,000 annually. Further, projections from EDD anticipate that more than half of the new jobs created in the County over the next few years will pay \$15.00 per hour or less. These working-class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30 percent of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. Further, the market has not produced housing that is naturally affordable to low-income households, and public resources for affordable housing have been significantly diminished in recent years. As such, both the existing and future need for affordable housing in San José is considerable and far exceeds available supply.

The low housing availability also contributes to higher home prices. In many Bay Area communities, mostly large single-family homes are planned for and built. This offers consumers limited choice in housing types, especially relatively more affordable smaller homes, condominiums, townhomes, or apartments.

Multi-family housing can provide affordable options for individuals and families. Multi-family housing comes in a range of prices, but it can often include more affordable options than single-family homes. The proportion of multi-family housing built in the Bay Area has increased in the last few years. About one third of the region's total housing stock is in multi-family structures.

2.4.2 Local Perspective

According to the Santa Clara County Housing Needs Allocation, 2014 to 2022 (see Table 2.4-1) prepared by the Association of Bay Area Governments (ABAG), the City of San José should add 35,080 new units by 2022 (of which 9,233 would be very low, 5,428 would be low, and 6,188 would be moderate income units) in order to meet the needs for affordable housing.

Table 2.4-1: Santa Clara County Housing Needs Allocation, 2014-2022					
Jurisdiction	Very Low <50 Percent	Low < 80 Percent	Moderate <120 Percent	Above Moderate	Total
Campbell	253	138	151	391	933
Cupertino	356	207	231	270	1,064
Gilroy	236	160	217	475	1,088
Los Altos	169	99	112	97	477
Los Altos Hills	46	28	32	15	121
Los Gatos	201	112	132	174	619
Milpitas	1,004	570	565	1,151	3,290
Monte Sereno	23	13	13	12	61
Morgan Hill	273	154	185	316	928
Mountain View	814	492	527	1,093	2,926
Palo Alto	691	432	278	587	1,988
San José	9,233	5,428	6,188	14,231	35,080
Santa Clara	1,050	695	755	1,593	4,093
Saratoga	147	95	104	93	439
Sunnyvale	1,640	906	932	1,974	5,452
Unincorporated	22	13	214	28	277
Total	16,158	9,542	10,636	22,500	58,836
Source: Association of Bay Area Governments. <i>Final Regional Housing Needs Allocation – Santa Clara County</i> . Adopted July 18, 2013.					

2.4.3 Physical Setting/Existing Conditions

The 0.47-acre project site is located north of East Santa Clara Street and west of North 21st Street within an urbanized area of San José. The project site is bounded by City recreational uses (Roosevelt Park and Community Center) to the west and north, and commercial indoor batting cages to the south. Single-family homes are located east of the site across North 21st Street. The site is currently vacant.

2.5 GENERAL PLAN AND ZONING

General Plan Designation: *Urban Village*
 Zoning District: *Commercial Pedestrian*

SECTION 3.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This combined CEQA Initial Study and NEPA Environmental Assessment, has been completed to meet applicable requirements of both CEQA and NEPA. In order to satisfy both CEQA and NEPA for the proposed project, this environmental document has been prepared as a joint document, consisting of an Initial Study (IS) under CEQA and an Environmental Assessment (EA) under NEPA.

This combined IS/EA identifies and analyzes the potential environmental impacts of the Roosevelt Park Apartments Mixed-Use Development Project (proposed project / proposed action) at a project-level. The information and analysis described in this document is organized in accordance with the order of the CEQA checklist in Appendix G of the CEQA Guidelines. Other sections required by NEPA, which are not covered by Appendix G of the CEQA Guidelines, are also included in this document. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that should be applied to the project are prescribed.

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

3.1	Aesthetics	3.10	Land Use and Planning
3.2	Agricultural and Forestry Resources	3.11	Mineral Resources
3.3	Air Quality	3.12	Noise and Vibration
3.4	Biological Resources	3.13	Population and Housing
3.5	Cultural Resources	3.14	Public Services
3.6	Geology and Soils	3.15	Recreation
3.7	Greenhouse Gas Emissions	3.16	Transportation/Traffic
3.8	Hazards and Hazardous Materials	3.17	Utilities and Service Systems
3.9	Hydrology and Water Quality	3.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project’s environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that would minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Baseline** – The baselines for resource analysis are the existing conditions (described in the “Setting” sections of this IS/EA), which are the existing environmental conditions at the time the IS/EA was drafted or when data were collected (i.e., noise measurements, historic evaluation, etc.) unless otherwise stated.

National Environmental Policy Act

This section provides key regulatory context information for NEPA, and identifies where the regulatory requirements are addressed within this combined IS/EA. This IS/EA includes all of the information necessary to satisfy the Department of Housing and Urban Development’s recommended EA format per 24 CFR 58.36.

Statutory Checklist [24 CFR §58.5]: Refer to Section 4 – Other Sections Required by NEPA – for a full discussion of each listed statute, executive order or regulation and HUD Environmental Standards.

Environmental Assessment Checklist [Environmental Review Guide HUD Office of Community Planning and Development [CPD] 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]: Refer to Section 3, Evaluation of Environmental Impacts and Section 4, Other Sections Required by NEPA for a full discussion of resource issues.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion (*California Building Industry Association [CBIA] v. Bay Area Air Quality Management District [BAAQMD]*, 62 Cal. 4th 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. One of the exceptions is affordable housing, for which hazardous materials, geotechnical hazards, and flooding are still considered CEQA impacts.

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

3.1 AESTHETICS

3.1.1 Setting

3.1.1.1 *Regulatory Framework*

California Scenic Highway Program

The intent of the California Scenic Highway Program (Streets and Highway Code Sections 260 et seq.) is to provide and enhance California’s natural beauty and protect the social and economic values provided by the State’s scenic resources. The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality.

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. Caltrans’ California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.¹ California State Route 9 is approximately 20 miles southwest of the project site and is not visible from the site.

City of San José General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to visual character and scenic resources and would be applicable to the proposed project:

Envision San José 2040 General Plan Relevant Aesthetics Policies

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.

¹ California Department of Transportation. “California Scenic Highway Mapping System: Santa Clara County.” Accessed February 2, 2018. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
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, the project 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

3.1.1.2 *Existing Conditions*

Project Site

The 0.47-acre project site is located at 21 North 21st Street in the Roosevelt Park Urban Village area, north of East Santa Clara Street on the west side of North 21st Street. The site is relatively flat and currently undeveloped and unpaved, surrounded by wooden and chain-link fencing (Photo 3.1-1). One street tree is located along the eastern boundary of the project site (Photo 3.1-2).

Surrounding Area

The project site is in an area developed with a mix of commercial and residential buildings. The project site is surrounded by indoor batting cages to the south (Photo 3.1-3), Chaparral Supermarket to the southeast, single-family residential properties to the east, Roosevelt Park playground and skate park and Roosevelt Community Center to the west (Photo 3.1-4), and Roosevelt Park roller rink and San José High School sport fields to the north (see Photo 3.1-5). Single-family residences are located across North 21st Street to the east (Photo 3.1-6). All surrounding properties contain paved lots, including the Roosevelt Park parking lot adjacent to the project site. Adjacent commercial properties are one to two stories in height. The residences to the east are one-story houses with facades primarily comprised of concrete, wood siding, and gable-style roofs.

The project area is developed with a mix of land uses and architectural styles. As a result, no single design aesthetic is dominant.



Photo 3.1-1: View of project site looking west.



Photo 3.1-2: Project site and street tree.



Photo 3.1-3: Commercial uses along East Santa Clara Street.

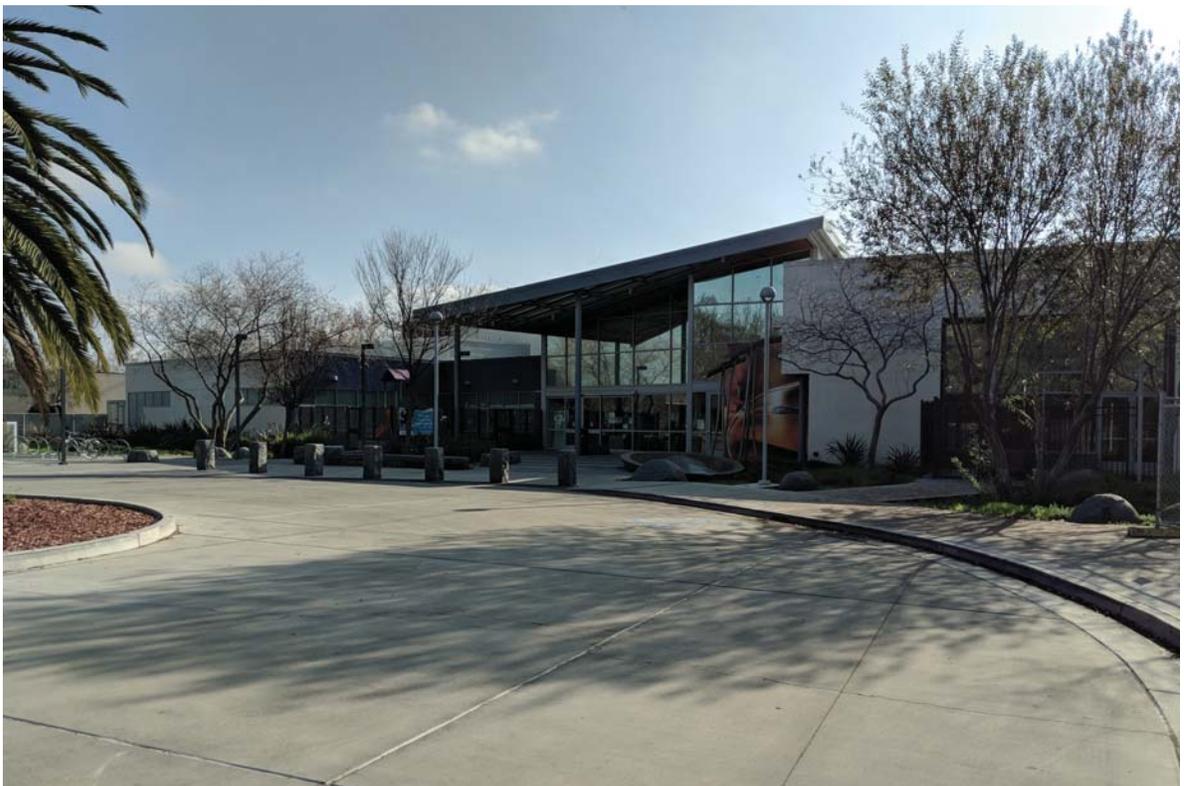


Photo 3.1-4: Roosevelt Community Center.



Photo 3.1-5: View of parking lot and roller rink from project site.



Photo 3.1-6: Residences along North 21st Street.

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 the Roosevelt Park Urban Village area. Prominent views of the mountains are limited because buildings, trees, and infrastructure (e.g., utility lines) obscure viewpoints. The project area is developed, and no natural scenic resources such as rock outcroppings are present on the site or in the project area. There are no existing landmarks that are visible from the project site or its vicinity, due to existing urban development surrounding the area.

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. The nearest Gateway to the project site is approximately 320 feet northeast of the site; this Gateway is a segment located on Santa Clara Street, spanning from North 21st Street east to King Road. Due to the flat topography of the project site and surrounding urban development, the project site is not visible from this Gateway segment.

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 State Route 87 Urban Throughway segment to the project site is 1.6 miles southwest of the site, and the Interstate 280 Urban Throughway segment is 4.3 miles southwest of the site. The site is not visible from either the elevated State Route 87 or the Interstate 280 corridors.

3.1.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 7, 8
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3

3.1.3 Impact Discussion

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character differs 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.

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

The project site is not located along a State scenic highway, rural scenic corridor, or City Gateway. Due to the flat topography of the site, views from the site are limited to the surrounding residential and commercial developments and adjacent streets. The project is located within a developed urban area, and there are no scenic vistas that would be impacted by the proposed project.

The Roosevelt Park Urban Village Plan establishes policies and development standards regarding development within the plan area, including building height restrictions. The project site is located within Area B of the plan, which has an established maximum height of 85 feet. The proposed project would construct a nine-story, 85-foot residential building, and would be consistent with the Roosevelt Park Urban Village Plan.

The project site is approximately 320 feet northeast from a Santa Clara Street Gateway segment. The project proposes to build a nine-story, 80-unit concrete mid-rise apartment building with office uses on the ninth floor. The proposed building would be taller than the surrounding one- to two-story buildings. As such, the proposed building may be visible from the nearby Santa Clara Street Gateway segment. Views of the developed project site would be consistent with the urban character of the surrounding area. **(Less Than Significant Impact)**

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

The project site is not located along a State scenic highway and no scenic resources such as heritage trees or rock outcroppings are located on the site. None of the buildings or structures adjacent to the site have been designated as historic resources by the City of San José or Santa Clara County.²³ **(No Impact)**

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

Surrounding Development

The project site is currently vacant. The project proposes to develop an 80-unit residential and office building. The building would include a two-level parking garage, six stories of residential

² City of San José. *Historic Resources Inventory*. Accessed February 1, 2018. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/35475>.

³ Santa Clara County. *Heritage Resource Inventory*. Accessed February 1, 2018. Available at: <https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx>.

development, and one story of commercial development. The surrounding area consists of smaller one- to two-story residential and commercial properties. The proposed project would alter the visual character of the site and its surroundings with construction of a new residential structure up to nine stories (95 feet) in height with up to 10,417 square feet of commercial uses. The proposed building would be modern in style, with aluminum siding, composite cladding, and metal trim and railings.

The project site is surrounded by a mix of recreational, commercial, and single-family residential development. The project would be generally compatible with the visual character of the surroundings.

Development under the proposed project would be reviewed in accordance with the City's Residential Design Guidelines during the Planning Permit stage as part of the City's planning review process. For this reason and those stated above, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **(Less Than Significant Impact)**

Shade and Shadow

There is no specific City policy which quantifies the impact of shadows from new development projects. The City of San José, however, typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces.

During the summer months, the proposed nine-story project building would shade portions of the adjacent Roosevelt Park and Community Center parking lots. No other areas of existing public parks or open space areas would be shaded by the building during the summer.

During the morning hours of winter months, the proposed building would shade portions of the adjacent parking lots and the roller rink. Parking lots would also be shaded during the afternoon hours.

While the project would increase shading on nearby park properties, the increase would not be substantial, and the increased shading would not preclude use of any public open space area. Therefore, shadows cast by the proposed building would have a less than significant impact. **(Less Than Significant Impact)**

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

The project site is currently vacant and is located in an urban area with recreational, commercial, and residential development.

The project proposes to construct nine stories of residential and commercial development. The project would include security lights, parking garage lights, and decorative outdoor lighting. The project would incrementally increase the amount of nighttime lighting on the project site. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor

lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan design and lighting policies would not create a new source of nighttime light that would adversely affect views.

The design of the proposed project would also be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's commercial Design Guidelines. As a result, the project would not significantly impact adjacent uses with daytime glare from building materials. **(Less Than Significant Impact)**

3.1.4 Conclusion

Conformance with existing General Plan policies, City design guidelines, and City Council policies would ensure that the proposed project would not result in significant adverse effects on scenic vistas or degrade visual character. The project would not create a new source of substantial light or glare. The project would not damage scenic resources.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

3.2.1 Setting

3.2.1.1 *Regulatory Framework*

State Regulations

The California Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.

City of San José General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to agricultural resources and are applicable to the proposed project:

Envision San José 2040 General Plan Relevant Agricultural Resources Policies

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

3.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes, and is located within an existing developed area of Santa Clara County. 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 six units per 10-acre parcel. Common examples of Urban and Built-Up Land include residential, industrial, and commercial purposes; golf courses; landfills; airports; sewage treatment; and water control structures.

The site is not designated by the California Resources Agency as farmland of any type and is not the subject of a Williamson Act contract. No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

3.2.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 9
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 10
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3

3.2.3 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources. **(No Impact)**

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

The project site is not zoned for agriculture, and it is not the subject of a Williamson Act contract. The project would not conflict with existing zoning for agriculture. **(No Impact)**

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

The project site and surrounding area are developed with urban uses, and are not zoned for forest land or timberland. The project would not conflict with existing zoning for forest land, timberland, or timberland production. **(No Impact)**

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. The proposed project would, therefore, not impact forest land or timberland. **(No Impact)**

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

According to the *Santa Clara County Important Farmland 2014* map, the project site and surrounding area are designated as Urban and Built-Up Land. Development of the project site would not result in conversion of any forest or farmlands. **(No Impact)**

3.2.4 Conclusion

The proposed project would have no impact on agricultural land, agricultural activities, or forestry resources.

3.3 AIR QUALITY

The discussion in this section is based in part on the *Construction Risk Assessment* prepared by Illingworth & Rodkin, Inc. on January 27, 2018. This report is included in this Initial Study / Environmental Assessment as Appendix A.

3.3.1 Setting

3.3.1.1 *Regulatory Framework*

Regional Air Quality Thresholds

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the Bay Area Air Quality Management District believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with toxic air contaminants (TACs) and fine particulate matter. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 3.3-1.

Table 3.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (Exhaust)	82	15
PM _{2.5}	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Single Sources			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual PM _{2.5}	>0.3 µg/m ³		
Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)			
Excess Cancer Risk	>100 per one million		
Hazard Index	>10.0		
Annual Average PM _{2.5}	>0.8 µg/m ³		
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µg/m ³ = micrograms per cubic meter, ppm = parts per million.			
Sources: Bay Area Air Quality Management District. <i>CEQA Thresholds Options and Justification Report</i> . 2009. Bay Area Air Quality Management District. <i>CEQA Air Quality Guidelines</i> . May 2017.			

Envision San José 2040 General Plan

In connection with the implementation of BAAQMD’s Bay Area 2017 Clean Air Plan (CAP), various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The proposed project would be subject to the air quality policies listed in the General Plan, including the following:

Envision San José 2040 General Plan Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	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.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's Airborne Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy 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.

3.3.1.2 *Existing Conditions*

Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San

Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley's northwest-southwest axis.

Regional and Local Criteria Pollutants

Major criteria pollutants, listed in “criteria” documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (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 (PM₁₀). 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 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).

Fine particulate matter 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.

Mobile TAC sources within 1,000 feet of the project site are the surrounding streets, including East Santa Clara Street and North 24th Street. There are no large stationary sources of TACs in the project area.

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 residential uses and Roosevelt Park Community Center.

3.3.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or State ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

3.3.3 Impact Discussion

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

BAAQMD is the agency primarily responsible for assuring the federal and State ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD’s most recent adopted plan is the Bay Area 2017 CAP. Determining consistency with the 2017 CAP involves assessing whether applicable control measures in the 2017 Clean Air Plan are implemented. Implementation of control measures improve air quality and protect health. The project’s consistency with applicable control measures is summarized in Table 3.3-2 below. As shown in Table 3.3-2, the project is consistent with applicable control measures and with the San José General Plan by developing a high-density, transit-oriented infill development, installing energy efficient features, and planting a net increase of at least two trees. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. For these reasons, the project would not conflict with or obstruct implementation of the CAP. **(Less Than Significant Impact)**

Table 3.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
<i>Transportation Control Measures</i>		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project proposes multi-family residential development at an infill, urban location in proximity to bus routes 22, 23, 64, and 522, and 2.0 miles from the San José Diridon Station rail depot. The project includes 80 bicycle parking spaces to promote automobile-alternative modes of transportation. The project, therefore, is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include 80 bicycle parking spaces. The project area is well equipped with pedestrian facilities including sidewalks and crosswalks. The project, therefore, is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project proposes residential development of multi-family residential units at an infill, urban location in proximity to bus routes and the Diridon Station rail depot. The project, therefore, is consistent with this measure.
<i>Building Control Measures</i>		
Green Building	Identify barriers to effective local implementation of the CalGreen (Title 24) Statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City’s Green Building Program and the California Green Building Standards Code (CalGreen). The project, therefore, is consistent with this measure.
Decarbonize Buildings	Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	The project would include photovoltaic (PV) cells for electricity and solar thermal heating. The project, therefore, is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for	The project would locate vehicle parking for the residents in parking garages on the first and second floors of the proposed building. In addition, the project would plant new landscaping and trees. These features would reduce the project’s heat island effect. The project, therefore, is consistent with this measure.

Table 3.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
	commercial and residential multi-family housing.	
<i>Waste Management Control Measures</i>		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project would provide recycling services to project residents as mandated by Assembly Bill 341 and the City's Multi-family Recycling Program. The project, therefore, is consistent with this measure.
<i>Water Control Measures</i>		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CalGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, would be consistent with this measure.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

As discussed below under checklist question *c* and *d* of *Section 3.3, Air Quality*, the project would have emissions below the BAAQMD thresholds for ozone precursors and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level.

Congested intersections with a large volume of traffic have the greatest potential to cause highly localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at levels that are below State and federal standards in the Bay Area since the early 1990s. As a result, the region has been designated as in attainment for the carbon monoxide standard.

The highest measured level of carbon monoxide over any eight-hour period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes below the BAAQMD screening criteria⁴ and, therefore, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. **(Less Than Significant Impact)**

⁴ The BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or State ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?**

The Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the federal Clean Air Act and California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter, BAAQMD has established thresholds of significance for these air pollutants and their precursors (refer to Table 3.3-1). These thresholds are for ozone precursor pollutants (reactive organic gas [ROG] and nitrogen oxide [NO_x]), PM₁₀, and PM_{2.5}, and apply to both construction period and operational period impacts.

Construction Period Emissions

Construction period emissions were modeled based on an equipment list and schedule information provided by the applicant. Refer to Appendix A for more detail about the modeling, data inputs, and assumptions. Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Table 3.3-3 below summarizes the project's estimated construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust.

Emissions	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Average daily emissions (pounds)	5.2	12.7	0.8	0.1
<i>BAAQMD Thresholds (pounds per day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Exceed BAAQMD Threshold?	No	No	No	No

BAAQMD considers construction emissions impacts that are below the thresholds of significance (such as those of the project) less than significant if Best Management Practices (BMPs) are implemented. The project shall implement the following Standard Permit Condition as a condition of approval.

Standard Permit Condition: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Soil, sand, or other loose material that would be transported off-site shall be covered in transit.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- Sandbags or other erosion control measures shall be installed to prevent silt runoff on public roadways.
- Wheel washers shall be installed for all exiting trucks, or tires or tracks of all trucks and equipment shall be washed off before leaving the site.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and contact person at the Lead Agency who will receive dust complaints. The Air District's phone number shall also be included to ensure compliance with applicable regulations.

With the implementation of the above Standard Permit Conditions, construction air quality impacts would be less than significant. **(Less Than Significant Impact)**

Operational Period Emissions

The project proposes development of up to 80 residential units and 10,417 square feet of commercial uses. Operational air emissions from the project would be generated primarily from vehicles driven by future residents and employees.

The proposed project is below the BAAQMD operational screening levels for criteria pollutants of 494 residential units and 346,000 square feet of general office uses.⁵ Operation of the proposed project would not contribute substantially to the Bay Area's existing air quality violations of ground-level ozone, PM₁₀, or PM_{2.5}, or to any projected violations. **(Less Than Significant Impact)**

d) Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of toxic air contaminants (see Section 3.3.3.1 below) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity.⁶ The project would introduce a new source of temporary TACs during project construction near existing sensitive receptors and would introduce new sensitive receptors in proximity to air pollutant or contaminant sources.⁷ BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. With implementation of the Standard Permit Condition listed above, fugitive dust impacts would be less than significant.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As discussed above, these exhaust air pollutant emissions would not contribute substantially to existing or projected air quality violations. Construction exhaust emissions, however, may still pose community health risks for sensitive receptors such as nearby residents. The closest sensitive receptors to the project site are residences located to the east and south, across North 21st Street and East Santa Clara Street.

The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A community risk assessment was completed to evaluate potential health effects to sensitive receptors at nearby residences.

⁵ Bay Area Air Quality Management District. *CEQA Guidelines May 2017*. Table 3-1.

⁶ Toxic air contaminants are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). 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 (based on the Bay Area average). Additional details about air pollutants and their regulations are included in Appendix A.

⁷ The project would not be introducing a substantial source of operational-related, localized TACs. No stationary sources of TACs, such as generators, are proposed as part of the project. Therefore, an impact analysis of project operational TACs on existing sensitive receptors was not completed.

Particulate Matter

The maximum-modeled PM_{2.5} concentration, which is based on combined exhaust and fugitive dust emissions, was 0.22 microgram per cubic meter (µg/m³) and would occur at a residence on East Santa Clara Street, southeast of the project site (see Appendix A). The maximum annual PM_{2.5} concentration would not exceed the BAAQMD significance threshold of 0.3 µg/m³.

Cancer Risks

Results of the community risk assessment (see Appendix A) indicate that the maximum excess residential cancer risk would be 32.3 in one million for an infant exposure and 0.6 in one million for an adult exposure. The maximum residential excess cancer risk would exceed the BAAQMD significance threshold of 10 in one million.

Impact AIR-1: The project would result in a maximum residential cancer risk during construction activities that would exceed the BAAQMD significance threshold. **(Significant Impact)**

Mitigation Measure: The project proposes to implement the following measures to reduce construction-related TACs at nearby sensitive receptors to a less than significant level:

MM AIR-1.1: Exhaust emissions reduction. The project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 70 percent reduction in PM₁₀ exhaust emissions (assumed to be diesel particulate matter) or more. Feasible methods to achieve this reduction would include the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, USEPA particulate matter emissions standards for Tier 4 engines or equivalent.
- The use of equipment that includes Tier 2 engines and CARB-certified Level 3 Diesel Particulate Filters (DPF), or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.
- The use of added exhaust devices, or a combination of measures, to meet this requirement, provided that these measures are approved by the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and demonstrated to reduce community risk impacts to a less than significant level.

MM AIR-1.2: Construction operations plan. Prior to issuance of any grading permit, the project applicant shall submit a construction operations plan to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement that includes specifications of the equipment to be used during construction. The plan shall include a letter

signed by a qualified air quality specialist which verifies that the equipment included in the plan meets the standards set forth in **MM AIR-1.1**.

The implementation of the Standard Permit Condition would reduce project construction exhaust emissions by five percent. Implementation of **MM AIR-1.1** and **MM AIR-1.2** would further reduce on-site diesel exhaust emissions. With mitigation, the maximum increased cancer risk would be less than 5.7 in one million, below the BAAQMD threshold of 10 per one million. Therefore, the project would have a less than significant impact with respect to community risk caused by construction activities. (**Less Than Significant Impact with Mitigation Measures Incorporated in the Project**)

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

Odors are generally considered an annoyance rather than a health hazard. 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 operations, and food manufacturing facilities. Residential and office development, such as the proposed project, do not typically generate objectionable odors. (**No Impact**)

3.3.3.1 Existing Air Quality Conditions Affecting the Project

As discussed in Section 3.0, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project.

Traffic on high-volume roadways is a source of TAC emissions that may adversely impact sensitive receptors in close proximity to the roadway. The significance criteria used by the City of San José are that a significant TAC or PM_{2.5} exposure would occur if the project would result in:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index (HI) greater than 1.0; or
- An incremental increase of more than 0.3 µg/m³ annual average PM_{2.5}.

As discussed under checklist question *d* above, the maximum-modeled PM_{2.5} concentration was 0.22 µg/m³ (occurring in 2018), which would not exceed the threshold of 0.3 µg/m³ annual average PM_{2.5}. The maximum computed HI was 0.04, which would not exceed the threshold of 1.0. Future residents of the proposed project would not be exposed to TACs or PM_{2.5} levels in excess of BAAQMD or City of San José standards; therefore, the project is consistent with General Plan Policy MS-11.1 as it relates to mobile and stationary sources of TACs.

3.3.4 Conclusion

The proposed project's conformance with existing General Plan policies and implementation of **MM AIR-1.1** and **MM AIR-1.2**, would ensure the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

With implementation of the above Standard Permit Condition, the proposed project would not conflict with an air quality plan, violate an air quality standard, or result in a cumulatively considerable increase of criteria pollutants. The proposed project would not create objectionable odors.

3.4 BIOLOGICAL RESOURCES

3.4.1 Setting

3.4.1.1 *Regulatory Framework*

Special-Status Species

Special-status species include plants or animals that are listed as threatened or endangered under the federal and/or California Endangered Species Act (CESA), species identified by the California Department of Fish and Wildlife (CDFW) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society (CNPS) as rare, threatened, or endangered.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA: 16 USC Section 703, Supp. I, 1989) 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, bird nests, and eggs. Construction disturbance during the breeding season could result in a violation of the MBTA such as the incidental loss of fertile eggs or nestlings, or nest abandonment.

California Fish and Game Code

The California Fish and Game Code includes regulations governing the use of, or impacts on, many of the State's fish, wildlife, and sensitive habitats. Certain sections of the Fish and Game Code describe regulations that pertain to certain wildlife species. Fish and Game Code Sections 3503, 2513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by CDFW.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan (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 the U.S. Fish and Wildlife Service [USFWS]).

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to provide mitigation 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.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas

with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

Envision San José 2040 General Plan Relevant Biological Resources Policies

Policy	Description
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	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.
Policy MS-21.6	As a condition of new development, require 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.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none"> 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

San José Tree Ordinance

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

3.4.1.2 Existing Conditions

The project site is in an urban area surrounded by existing residential and commercial development. The site is currently vacant and covered by grasses and tree of heaven (*Ailanthus altissima*), an invasive multi-trunked tree with trunks less than two inches in diameter (see Photo 3.4-1). One ordinance-sized street tree, a Northern California walnut (*Jugland hindsii*), is located along the project site on North 21st Street (see Photo 3.4-2).

Developed, urban areas are generally low in species diversity. Common species that occur in urban environments include rock pigeons, mourning doves, house sparrows, finches, and European starlings. Raptors and other avian species could forage in the project area or nest in surrounding landscaping or within buildings.

There are no sensitive habitats or wetlands on or adjacent to the project site. Due to the lack of sensitive habitats, and the human disturbance and development, at the project site, special-status plant and animal species are not expected to occur.

3.4.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 12
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 13
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 12

3.4.3 Impact Discussion

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?**

The project site is in an urban area that is developed with recreational, residential, and commercial uses. The site is currently vacant but was previously developed with a stable, garage, sanitarium, and residential dwellings. No sensitive habitats or habitats suitable for special-status plant or wildlife species occur on or adjacent to the project site; therefore, development of the project site under the proposed project would not directly impact special-status species. **(Less Than Significant Impact)**

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?**

The project site is in an urban area and does not contain any riparian habitats or other sensitive natural communities. The nearest riparian corridor to the site is Coyote Creek, approximately 500 feet west of the project site. **(No Impact)**

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

The project site is surrounded by urban uses and is devoid of wetlands, marshes, and vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act. **(No Impact)**

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

The site does not support a watercourse or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. Therefore, the site has limited potential to serve as a migratory corridor for wildlife.

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. Development of the site 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 CDFW and USFWS. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Impact BIO-1: Demolition, grading, and construction activities and tree removal during the nesting season could impact nearby migratory birds and raptors. **(Significant Impact)**

Mitigation Measures: The project would implement the following measures to avoid impacts to nesting migratory birds. Within incorporation of these measures, the project would result in a less than significant impact.

MM BIO-1.1: Avoidance. The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 15th (inclusive), as amended.

MM BIO-1.2: Nesting bird surveys. If it is not possible to schedule demolition and construction between August 16th and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days

prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

MM BIO-1.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading or building permits.

Implementation of mitigation measures **MM BIO-1.1** through **MM BIO-1.4** would reduce potential impacts to migratory birds and raptors to a less than significant level. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

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

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality.

The project site currently supports one ordinance-sized street tree and several multi-trunked trees of heaven. Development of the site with multi-family residential and commercial uses would be expected to result in the removal of the existing trees. The proposed project would be required to offset the impact to the urban forest through compliance with Standard Permit Conditions below.

Standard Permit Condition: The trees removed by the proposed project would be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance (see replacement ratios provided in Table 3.4-1 below);
- San José Municipal Code Section 13.28; and
- San José General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

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.

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

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 is 12.1 inches in diameter.
 One 24-inch box tree = two 15-gallon trees.

Standard Permit Condition: In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Building Division within the Department of Planning, Building and Code Enforcement prior to the issuance of any occupancy permits.

Through compliance with the Standard Permit Conditions above, the project would offset the loss of the existing trees and reduce the impacts of tree removal to a less than significant level. **(Less Than Significant Impact)**

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

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to provide mitigation 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.

The project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands. The project site is not identified as important habitat for endangered and threatened species. Therefore, the proposed project would not result in direct impacts to the Habitat Plan's covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: The project shall implement the following condition to reduce the impacts to endangered and threatened species:

- The project is subject to applicable Santa Clara Valley 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, City of San José Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the Habitat Plan. The project would pay nitrogen deposition fees based on the trip generation associated with the proposed uses. **(Less Than Significant Impact)**

3.4.4 **Conclusion**

Conformance with the General Plan policies and State and federal laws discussed above, as well as implementation of **MM BIO-1.1** through **MM BIO-1.4**, would ensure that biological impacts from the development of this urban property would not interfere substantially with the movement of wildlife species.

With implementation of the Standard Permit Conditions above, the proposed project would not conflict with any local policy protecting biological resources or habitat conservation plan. The project would not have a substantial adverse effect on candidate, sensitive, or special status species. The proposed project would have no effect on any riparian habitat or sensitive natural community.

3.5 CULTURAL RESOURCES

The discussion of cultural resources in this section is based on the *Section 106 Archaeological Literature Search and Initial Native American Consultation* prepared by Holman & Associates on December 19, 2017. The report is on file with the City of San José Department of Planning, Building and Code Enforcement (PBCE).

3.5.1 Setting

3.5.1.1 *Regulatory Framework*

Federal

Historic Resources

The National Register of Historic Places (NRHP) is the National Park Service’s official list of historic places worthy of preservation, and is part of a national program to identify, evaluate, and protect historic and archaeological resources. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be “associated with an important historic context,” and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, “Statement of Significance,” of the NRHP Registration Form, these are:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important to prehistory or history.

State

Historic Resources

The California Register of Historical Resources (CRHR) includes buildings and sites significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of the State. The California Office of Historic Preservation’s Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and State processes. The context types to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and State significance. They are:

- 1. 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; or

2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Native American Tribal Cultural Resources

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB 52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. The legislation includes new requirements for consultation regarding projects that may affect a tribal cultural resource, a definition of what may be considered to be a tribal cultural resource, and a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to mitigate or avoid a significant impact on a tribal cultural resource or when it is concluded that agreement cannot be reached.

Paleontological Resources

Several sections of the California Public Resources Code protect paleontological resources. Section 5097.5 prohibits “knowing and willful” excavation, removal, destruction, injury, and defacement of any “vertebrate paleontological site, including fossilized footprints” on public lands, except where the agency with jurisdiction has granted express permission. “As discussed in this section, ‘public lands’ means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority, or public corporation, or any agency thereof.” California Public Resources Code Section 30244 requires reasonable mitigation for impacts on paleontological resources that occur as a result of development on public lands.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to development on the site:

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy 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.

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

In addition, Historic Preservation Policies (e.g., LU-13 through LU-15) also may apply in the event landmark buildings or districts of historic significance are located within or near new development at the time it is proposed.

Municipal Code – Historic Preservation Ordinance

City of San José Criteria for Local Significance

In accordance with the City of San José’s Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has “special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature” and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term “historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, State or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
 - a. Of an architectural style, design or method of construction;
 - b. Of a master architect, builder, artist or craftsman;
 - c. Of high artistic merit;
 - d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or

- f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A). The ordinance also provides a designation of a district: “a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B). Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The “Historic Evaluation Sheet” requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into three categories:
- Candidate City Landmark (CCL)
 - Structure of Merit (SM) and/or Contributing Structure (CS)
 - Non-Significant (NS)/Non-Contributing Structure (NCS)

According to the City of San José’s *Guide to Historic Reports*, a City Landmark is “a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential.” The preservation of Structures of Merit “should be a high priority” but these structures are not considered significant historic resources for the purposes of CEQA.

3.5.1.2 Existing Conditions

Archaeological Resources

The site is located within an area of high archaeological sensitivity.⁸ No known archaeological resources are located within 0.5 mile of the project site. The potential for accidental discovery of archaeological materials is considered moderate to high due to the historical development of the project footprint and the proximity to a waterway.

In this area of San José, Native American sites have been identified within a half mile of the two major waterways, Coyote Creek and Guadalupe River. Approximately 60 percent of these Native American cultural resources were buried under alluvium or unearthened 10 feet or more below the current ground surface. The project site is located approximately 500 feet from Coyote Creek on part of a large valley terrace. There is a high potential for intact prehistoric archaeological deposits and cultural materials within the project area.⁹

⁸ City of San José. *Envision San José 2040 General Plan FEIR, Appendix J*. Page 22. July 2009.

⁹ Holman & Associates. *Section 106 Archaeological Literature Search and Initial Native American Consultation*. December 19, 2017.

Based upon the cultural resources literature review, there is a moderate potential for intact historic-era archaeological deposits within the project area.

Historic Resources

The first recorded building on the project site, a carriage house, was constructed in 1888. The carriage house was extensively remodeled in 1920. Two additional cottages were constructed in the 1920s. In the 1930s, the buildings on the project site operated as part of the Valley Sanitarium and Health Center. The site was converted to other residential uses in the 1970s until the site buildings were demolished in 2015.

Ten other built historic resources are located in the project vicinity. These buildings and structures date from 1889 to 1952. None of the properties within the project site, nor the adjacent properties within the boundaries of the Area of Potential Effect (APE), appear on any local, State, or federal lists of historically or architecturally significant structures and/or sites, landmarks, or points of interest.

None of the existing residential and commercial buildings adjacent to the site appear to have exemplary characteristics in design and are not associated with any patterns of development or significant events in the history of the City that would make the buildings eligible for the NRHP, CRHR, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory.¹⁰

Paleontological Resources

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.¹¹

3.5.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 7, 14, 15
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 14, 15

¹⁰ Santa Clara County. *Heritage Resource Inventory*. Accessed February 2, 2018. Available at: <https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx>.

¹¹ City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report*. 2010.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 14, 15
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 15
e) 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); or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 15
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 15

3.5.3 Impact Discussion

a) **Cause a substantial adverse change in the significance of an historical resource?**

As discussed above, there are no known historic sites in the project Area of Potential Effect. The project site and adjacent properties do not appear on any local, State, or federal lists of historically or architecturally significant structures and/or sites, landmarks, or points of interest. The project site is currently undeveloped. The existing buildings nearby have been modified over time, do not have distinctive architectural features, and are located within a setting that is no longer consistent with the era in which they were built. Therefore, the buildings are not eligible for listing on the NRHP, CRHR, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory. The proposed project would not have an impact on significant or potentially significant architectural resources. **(No Impact)**

b) Cause a substantial adverse change in the significance of an archaeological resource?

Although there are no known archaeological sites within or adjacent to the project site, the site is located approximately 500 feet from Coyote Creek within an area of high archaeological sensitivity. No known archaeological resources are located within 0.5 mile of the project site. The potential for accidental discovery of archaeological materials is considered moderate to high due to the historical development of the project site and the proximity to a waterway. The project proposes to excavate to approximately 12 feet below grade during construction.

Impact CUL-1: Construction activities could impact unknown archaeological resources.
(Significant Impact)

Mitigation Measures: The project applicant shall implement the following mitigation measures to reduce and/or avoid impacts to buried archaeological resources on site to a less than significant level.

MM CUL-1.1: Preliminary investigation. Once the site has been cleared, a qualified archaeologist shall complete mechanical trenching to explore for buried historical and Native American resources. Trenching depths shall be consistent with the depths and range of excavation proposed, and the stratigraphy of the parcel. This investigation shall be completed prior to any construction or other ground disturbing activities required as part of the project. The results of the presence/absence exploration shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in **MM CUL-1.2**) shall be prepared by a qualified archaeologist, if necessary.

MM CUL-1.2 Treatment plan. If required by **MM CUL 1-1**, the project applicant shall retain a qualified archaeologist to prepare a treatment plan that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).

- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan by a qualified archaeologist shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL-1.3: Accidental discovery. 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 Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.

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 any occupancy permits. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete. If the find does not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical or archaeological resource, then project activities shall avoid it. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan

per **MM CUL-1.2**, or otherwise equivalent as determined by the qualified archaeologist.

Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center (NWIC) prior to issuance of occupancy permits.

Implementation of **MM CUL-1.1** through **MM CUL-1.3** would reduce and/or avoid impacts to buried archaeological resources to a less than significant level. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

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

The project site is located in an area of high paleontological sensitivity at depth, but not of high sensitivity at the ground surface.¹² Soil on the project site has been previously disturbed during construction of the previous buildings.

Construction activities associated with the proposed project could significantly impact paleontological resources, if they are encountered. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: The following measures shall be applied to development of the project site to reduce and/or avoid impacts to paleontological resources:

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction, the types of fossils likely to be seen based on past finds in the project area, and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.

¹² City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report (FEIR)*. Figure 3.11-1. 2010.

Implementation of the above Standard Permit Condition, in accordance with General Plan policies, would ensure that the proposed project would not significantly impact paleontological resources. **(Less Than Significant Impact)**

d) Disturb any human remains, including those interred outside of formal cemeteries?

The project site is not located on or near a known archaeological site or cemetery. Although the likelihood of encountering human remains is low, the disturbance of these remains, if they are encountered during construction, could result in an impact. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: The following measures shall be applied to the project to reduce and/or avoid impacts to human remains:

- 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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;
 - The MLD identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the above Standard Permit Condition would reduce and/or avoid impacts to unknown human remains to a less than significant level. **(Less Than Significant Impact)**

- e) **Cause a substantial adverse change in the significance of a tribal cultural resource that is:**
1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

As part of the archeological investigation, Holman & Associates contacted the Native American Heritage Commission to request a review of the Sacred Land Files (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project site. The NAHC has evidence that a Native American cultural resource is noted within or adjacent to the proposed project APE. The NAHC provided a contact list of six Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. After outreach was completed (phone calls and emails), one spokesperson agreed that mechanical trenching under the direction of a qualified archaeologist (**MM CUL-1.1**) would be their recommended approach.

With implementation of **MM CUL-1.1** through **MM CUL-1.3** above, the project would reduce and/or avoid impacts to tribal cultural resources to a less than significant level. (**Less Than Significant Impact with Mitigation Measures Incorporated in the Project**)

3.5.4 **Conclusion**

Implementation of the proposed project, in accordance with **MM CUL-1.1** through **MM CUL-1.3** above, would ensure that the project would result in a less than significant impact to archaeological and tribal cultural resources.

With adherence to the Standard Permit Conditions above, the project would not result in a significant impact to paleontological resources or disturb human remains. The project would not impact historical resources.

3.6 GEOLOGY AND SOILS

The discussion in this section is based in part on the *Geotechnical Investigation* prepared by TRC Companies, Inc. on November 21, 2016. This report is included in this Initial Study / Environmental Assessment as Appendix B.

3.6.1 Setting

3.6.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into law following the destructive 1971 San Fernando earthquake. The AP Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. The project site is not located in an Alquist-Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The SHMA established a State-wide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The California Geological Survey (CGS) is mapping SHMA Zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, which include the central San Francisco Bay Area and Los Angeles Basin.

California Building Code

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2016 Building Standards Code.

Envision San José 2040 General Plan

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

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve 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.
Policy EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
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.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José 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 17.10 (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, including State Seismic Hazard Zones for Liquefaction.

3.6.1.2 Existing Conditions

Regional Geology

The City of San José is located in the eastern portion of the Santa Clara Valley. The Santa Clara Valley, an alluvial basin, is oriented northwest to southeast and is bounded by the Santa Cruz Mountains to the west and the Hamilton/Diablo Range to the east. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Late Jurassic to Cretaceous age (70 to 140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age.

Project Site

A subsurface exploration, including four soil borings and two Core Penetration Tests (CPTs), was completed in October 2016 as part of the *Geotechnical Investigation*. Interbedded layers of clay, sandy silt, and silty sand were encountered to depths exceeding 60 feet below grade. Compressible clays were observed between 24 and 48 feet below grade. Results of three Plasticity Index (PI) tests showed low to moderate plasticity and expansion potential of the soils. Based on the depth to free groundwater and pore pressure dissipation measurements, groundwater was inferred to be at a depth of approximately 17.5 feet below grade.

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. Major faults in the area include the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east. During an earthquake, very strong ground shaking could occur at the project site.

The project site is not located within an Alquist-Priolo Special Studies Zone or Santa Clara County Fault Hazard Zone.¹³¹⁴ There are no known faults at the project site. Therefore, ground rupture on the site is unlikely.

Liquefaction and Lateral Spreading

Liquefaction is a seismic hazard and is characterized as the temporary transformation of soils to a liquid state during ground shaking. Lateral spreading, typically associated with liquefaction, is horizontal ground movement of flat-lying soil deposits toward a free face such as an excavation, channel, or open body of water.

¹³ California Geological Survey. *Earthquake Zones of Required Investigation – San José East Quadrangle*. January 17, 2001.

¹⁴ Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.

According to the California Geological Survey, the project site is located within a State of California Seismic Hazard Zone for liquefaction. There is no known history of liquefaction-induced damage at the site. The project site is not located adjacent to a creek or open body of water.

Landslides

The project site is located within the relatively flat Santa Clara Valley. According to the California Geological Survey, the project site is not located within a State of California Seismic Hazard Zone for earthquake-induced landslides.

3.6.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16, 17
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16, 17
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16, 17
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

3.6.3 Impact Discussion

- a, c) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides? 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?

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone. No known surface expression of active faults is known to cross the site.¹⁵ Fault rupture through the site, therefore, is not anticipated. **(No Impact)**

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. Major faults in the area include the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east. During an earthquake, very strong ground shaking could occur at the project site. The *Geotechnical Investigation* calculated a peak ground acceleration of 0.50g¹⁶ on the site.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. The building foundation design would incorporate liquefaction control measures, such as a concrete mat slab or a ground improvement system such as soil mixed columns or drilled displacement piles. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José Department of Planning, Building and Code Enforcement as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on-site and off-site to the extent feasible and in compliance with the Building Code. In accordance with the Municipal Code, the Director of Public Works must approve a seismic hazard evaluation report prior to issuance of a grading or building permit for areas within the defined State Seismic Hazard Zone for Liquefaction.

¹⁵ TRC Companies, Inc. *Geotechnical Investigation*. November 2016.

¹⁶ 1g is equal to the acceleration due to gravity at the Earth's surface.

With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological and soil conditions. **(Less Than Significant Impact)**

Landslides

The project site is not located within a landslide hazard zone. The project site is relatively flat, and is not located in the vicinity of any slope that could be affected by a landslide. **(No Impact)**

Liquefaction

The project site is located within a State of California Liquefaction Hazard Zone. Analyses completed for the *Geotechnical Investigation* indicated that silty soils on the site could potentially liquefy, resulting in less than 0.25 inch of total settlement. The *Geotechnical Investigation* concluded that the potential for ground rupture and sand boils due to liquefaction is low.

The building foundation design would incorporate liquefaction control measures, such as a concrete mat slab or a ground improvement system such as soil mixed columns or drilled displacement piles. The project shall implement the above Standard Permit Condition as a condition of approval for the project.

With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to liquefaction. **(Less Than Significant Impact)**

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or “free” face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction.

Coyote Creek is located approximately 500 feet west of the site boundary. The potentially liquefiable soil layers at the site are thin. For these reasons, the probability of lateral spreading occurring at the site is judged to be low. **(No Impact)**

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

Construction of the proposed project would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The City’s National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (which are discussed in *Section 3.9, Hydrology and Water Quality* of this IS/EA) are the primary means of enforcing erosion control measures. Construction activities would be subject to the requirements of the aforementioned policies and regulations. The project would not, therefore, result in substantial soil erosion or loss of topsoil. **(Less Than Significant Impact)**

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Expansive soils are common in the San Francisco Bay Area. Expansive soils on the project site could create risks to life or property.

As part of the *Geotechnical Investigation*, Plasticity Index (PI) tests were completed on representative clay samples from soil borings. PT test results indicated low to moderate plasticity and expansive potential of the on-site soils.

All aspects of site grading, including the placement of fill and backfilling of excavations, would be completed under the observation of a Geotechnical Engineer's field representatives. Field representatives would monitor and test compaction of fill, backfill, and subgrades.

If grading work is scheduled to begin in the wintertime, the near-surface soils may become unstable under the heavy traffic loads of construction equipment. The project would incorporate measures to stabilize the subgrade, such as: 1) removal of the wet soil and replacement with imported dry soil or aggregate baserock; 2) addition of geofabrics or geogrids to bridge minor unstable areas; 3) reduction of moisture content through aeration; and 4) addition of quick lime, which reacts with and changes the chemical composition of the soil, resulting in soil with lower shrinkage and swelling potential and less moisture. In addition, the project shall implement the following Standard Permit Conditions as a condition of approval for the project.

Standard Permit Conditions:

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit shall be obtained prior to the issuance of a Department of Public Works clearance.
- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining, and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008; and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the report.
- The City Geologist shall review the Geotechnical Report and issue a Geologic Clearance before the building permit is issued.
- The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.

The Standard Permit Conditions above would ensure that development of the site would not exacerbate existing soil conditions on the project site, and that expansive soils on-site would not exacerbate risks to life and property. **(Less Than Significant Impact)**

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

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

3.6.4 **Conclusion**

Through conformance with regulatory standards and Standard Permit Conditions, the project would result in less than significant seismic ground shaking and liquefaction impacts, and would not significantly expose people or structures to adverse seismic risks. With adherence to the above Standard Permit Conditions, the project result in significant impacts due to expansive or unstable soils.

The project would not result in earthquake fault rupture or landslide impacts. The project does not propose septic tanks or alternative wastewater disposal systems.

3.7 GREENHOUSE GAS EMISSIONS

3.7.1 Setting

3.7.1.1 *Regulatory Framework*

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 3.3, Air Quality* and have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

3.7.1.2 *Regulatory Framework*

Federal

Clean Air Act

The USEPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.* ruled that carbon dioxide is an air pollutant as defined under the CAA, and that the USEPA has the authority to regulate emissions of GHGs. Following the court decision, the USEPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

California Global Warming Solutions Act (Assembly Bill 32)

Under the California Global Warming Solution Act, also known as AB 32, the California Air Resources Board established a Statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and the *Climate Change Scoping Plan* identifying how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

On September 8, 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that Statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the *Climate Change Scoping Plan* to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. The most recent *Climate Change Scoping Plan* was adopted in November 2017.

Senate Bill 375 – Redesigning Communities to Reduce GHGs

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with ABAG, BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region’s Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013, *Plan Bay Area* established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit. Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based on current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan are related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the State and federal CAAs. The *Bay Area 2017 Clean Air Plan* focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease 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.

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. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

City of San José

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 primary test for consistency with the City’s GHG Reduction Strategy is conformance with the General Plan Land Use / Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project’s consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the *Climate Change Scoping Plan* through 2020.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

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

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

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.

City of San José Municipal Code

The City’s Municipal Code includes the following regulations designed to reduce GHG emissions from development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) 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. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

3.7.1.3 Existing Conditions

The existing project site is currently vacant. There are no GHG emissions associated with the current condition of the project site.

3.7.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 14

3.7.3 Impact Discussion

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

Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The emissions summary calculations (see Appendix A) for the construction phase of the project show that the project would generate approximately 130 metric tons (MT) of carbon dioxide equivalent (CO₂e).

Because construction would be temporary (approximately 13 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32. **(Less Than Significant Impact)**

Operational Emissions and Consistency with Greenhouse Gas Reduction Strategy

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

The primary test for consistency with the GHG Reduction Strategy is conformance to the General Plan Land Use / Transportation Diagram and supporting policies. The proposed project is consistent with the General Plan land use designation for the site. CEQA clearance is required for all development proposals to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions.

Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions. The project's conformance with the GHG Reduction Strategy is described below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
 - a. Solar site orientation
 - b. Site design
 - c. Architectural design

- d. Construction techniques
 - e. Consistency with City Green Building Ordinances and Policies
 - f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
3. Pedestrian/Bicycle Site Design Measures
 - a. Consistency with Zoning Ordinance
 - b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
 4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;
 5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
 6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
 7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

The proposed project would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code. The proposed development would be designed to achieve LEED Platinum certification consistent with San José Council Policy 6-32.

Given that the project is consistent with the General Plan land use designation (see *Section 3.10, Land Use and Planning*), is in proximity to transit (see *Section 3.3, Air Quality*), and includes green building measures, the project would be consistent with the mandatory criteria 1 through 3 listed above.

Criteria 4 through 7 are not applicable to the proposed project because the site does not contain historic structures and the project does not propose an energy-intensive use or vehicle-serving use.

The General Plan FEIR concluded that the City's projected GHG emissions would be below the average carbon efficiency standard necessary to meet Statewide 2020 goals. The proposed project is consistent with the GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **(Less Than Significant Impact)**

3.7.4 **Conclusion**

Implementation of the proposed project would not result in significant GHG emissions or conflict with regional or State policies adopted for the purpose of reducing GHG emissions; therefore, it would have a less than significant GHG emissions impact for development.

3.8 HAZARDS AND HAZARDOUS MATERIALS

The discussion in this section is based in part on the *Phase I Environmental Site Assessment* prepared by West Environmental Services & Technology in March 2017. The report is included in this Initial Study / Environmental Assessment as Appendix C.

3.8.1 Setting

3.8.1.1 *Regulatory Framework*

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous wastes at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), initially authorized in 1976, gives the USEPA the authority to control hazardous waste from “cradle-to-grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled the USEPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Department of Toxic Substances Control and Regional Water Quality Control Board

The Department of Toxic Substances Control (DTSC) regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code. The San Francisco Bay Regional Water Quality Control Board also provides regulatory oversight for sites with contaminated groundwater or soils.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by State and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB). The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

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 property boundaries. 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. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and State Community Right-to-Know laws. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Federal Aviation Regulations, Part 77

Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways. For the project site, any proposed structure of a height greater than approximately 195 feet above mean sea level (MSL) or 102 feet above ground level (AGL) is required under FAR Part 77 to be submitted to the FAA for airspace safety review. The maximum elevation of the project site is approximately 188 feet MSL or 95 feet AGL (including elevator/stair overruns) and therefore, the project does not require FAA airspace safety review.

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

The Norman Y. Mineta San José International Airport is located approximately 2.3 miles from 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.

Envision San José 2040 General Plan

In addition to the above regulations, various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. The proposed project would be subject to the hazards and hazardous materials policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Hazardous Materials Policies

Policy	Description
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Action EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Action EC-6.9	Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-7.4	In redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with State and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy 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.
Action 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.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and

community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Policy TR-14.4 Require aviation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

3.8.1.2 *Existing Conditions*

The project site is currently vacant and surrounded by a wooden and chain-link fence.

The site is bounded by mixed commercial/residential neighborhoods to the east, Roosevelt Community Center and Roosevelt Park to the west, a commercial roller rink to the north, and commercial areas to the south. Prior to existing uses, land in the surrounding area was used for agricultural production.

Site History

From at least the 1890s to the 1930s, the project site contained the stable and then garage for an off-site residence located on East Santa Clara Street. In the 1930s, the lot was divided and the site was converted into use as the Valley Sanitarium and Health Center. The site was converted to other residential use in the 1970s until the building was demolished in 2015.

Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. In 1972, the Consumer Products Safety commission limited lead content in new paint to 0.5 percent. In 1978, the Consumer Products Safety Commission banned lead-based paint and other surface coating materials containing lead. Therefore, lead-based paint from demolished buildings may be present in shallow soils on the site.

Off-Site Sources of Contamination

The adjacent site at 997 East Santa Clara Street became an automobile gasoline and service station between the 1940s and 1950s. During the 1950s, a commercial building was constructed and used as a furniture sales store. Currently, the commercial building is used as an indoor sports facility.

Between the 1920s and 2015 the neighboring properties included a former cleaners at 46 North 21st Street and automobile service stations at 961 and 997 East Santa Clara Street. Releases of petroleum hydrocarbons were identified at 961 East Santa Clara Street from former gasoline service station operations. The release cases were closed by the Santa Clara County Department of Environmental Health (SCCDEH) in 2008.

Wildland Fires

The project site is located in an urbanized area of San José. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located within a moderate, high, or very high fire hazard severity zone.

3.8.2

Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 18
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 18
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 20, 21

3.8.3 Impact Discussion

a-b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Site Operation

Post-construction operation of the proposed project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. Operation of the proposed project would include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses. **(Less Than Significant Impact)**

Project Construction

As described above, the project site was previously developed with a variety of buildings, including a stable and garage, the Valley Sanitarium and Health Center, and residential uses. The depth to groundwater on the project site was measured at 17.5 feet (see *Section 3.8, Geology and Soils*).

Historical uses of the properties surrounding the project site have included cleaners and automobile service stations. Gasoline-contaminated soil was excavated at 961 East Santa Clara Street, located adjacent to the project site to the southwest and downgradient, in 2006. The source of the gasoline contamination was an underground storage tank 190 feet southwest of the project site. Soil and groundwater samples were collected on the 961 East Santa Clara Street property and tested for total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals using USEPA methods. In 2008, the SCCDEH closed the fuel leak site case, with residual TPH, VOCs, and lead remaining in the soil, and TPH and kerosene in the groundwater.

No releases have been identified from 46 North 21st Street (former cleaners) or 997 East Santa Clara Street (former automobile service station). The former cleaners is located approximately 50 feet to the northeast and upgradient of the project site, across North 21st Street, and the former automobile service station is adjacent to the site.

Based on the historical site uses, the following environmental conditions were identified:

- Potential presence of lead-based paint in soil from the former pre-1978 site buildings;
- Potential for releases of wastewater containing solvents from the former cleaners at 46 North 21st Street, located upgradient from the site, that could migrate beneath the site; and
- Potential releases from the former automobile service station at 997 East Santa Clara Street, located adjacent to the site, to migrate beneath the site.

Impact HAZ-1: Residual chemicals from lead-based paint and potential past releases from a cleaner and an automobile service station in the project vicinity may have migrated beneath the project site and could be encountered during construction. **(Significant Impact)**

Mitigation Measures: The project would implement the following measures to minimize the effects of potential contaminants during and after site development.

MM HAZ-1.1: Preliminary investigation. Soil, soil gas, and groundwater investigations and testing shall be completed to determine the presence/absence and extent of residual chemical contamination on the project site. If testing determines that contaminants on the site exceed screening levels, additional mitigation measures shall be required, including soil removal and vapor barriers. The results of the preliminary investigation shall be submitted to the Santa Clara County Department of Environmental Health or equivalent agency. This can also be included in the submittal described in **MM HAZ-1.2** below. A copy of the preliminary investigation results shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer, City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

MM HAZ-1.2: Site Management Plan. Based on the results of the investigations described in **MM HAZ-1.1**, the SCCDEH will require a Site Management Plan (SMP) or similar document to manage the cleanup of potential contamination. If applicable, an SMP shall be prepared prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils, and shall include the following:

- A detailed discussion of the site background;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Procedures to follow if evidence of an unknown historic release of hazardous materials is discovered during excavation or demolition; and
- A health and safety plan (HSP) for each contractor working at the site, in an area below grade, that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

The SMP shall be submitted to the SCCDEH (or equivalent agency) for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer, City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

Implementation of mitigation measures **MM HAZ-1.1** and **MM HAZ-1.2** would reduce potential on-site contamination impacts to a less than significant level during construction of the proposed project. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

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

The project site is located approximately 200 feet south of the San José High School campus; however, development of the project site with multi-family residential and commercial uses would not use or emit significant quantities of hazardous materials. **(Less Than Significant Impact)**

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

The project site is not located on the California Environmental Protection Agency Cortese List, compiled pursuant to Government Code Section 65962.5. **(No Impact)**

- e-f) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

The project site is located approximately 2.3 miles from the Norman Y. Mineta San José International Airport. As the project proposes a maximum building height of 95 feet AGL, or approximately 188 feet MSL, it would not require submittal to the FAA for airspace safety review under FAR Part 77. Based on a review of the San José International Airport Land Use Plan, the project site is not located within an airport influence area, airport clear zones, or safety zones. There are no private airstrips within the project vicinity. **(No Impact)**

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

Development of the project site under the proposed project would not physically interfere with an adopted emergency response or evacuation plan. The project site is not located in an area that is exposed to wildland fire hazards. **(No Impact)**

3.8.3.1 *Existing Hazardous Materials Conditions Affecting the Project*

The California Supreme Court, in a December 2015 opinion (CBIA vs. BAAQMD), confirmed that CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions (e.g., soil/groundwater contamination) affecting a proposed project, which are addressed below.

General Plan Policy EC-7.2 requires the identification of existing soil, soil vapor, groundwater, and indoor air contamination and mitigation for identified human health and environmental hazards to future users. All development and redevelopment projects must provide identification and mitigation as part of the environmental review process. Mitigation measures for soil, soil vapor, and groundwater contamination are required to be designed to avoid adverse human health or environmental risk, in conformance with regional, State, and federal laws, regulations, guidelines, and standards.

Based on the Phase I Environmental Site Assessment review of environmental databases, there have been no on-site releases of hazardous materials. With implementation of **MM HAZ-1.1** and **MM HAZ-1.2**, any off-site hazardous materials releases would not significantly impact future occupants or construction workers at the site. Therefore, the project would be consistent with Policy EC-7.2 and would not pose a safety risk to future site users.

3.8.4 Conclusion

With implementation of **MM HAZ-1.1** and **MM HAZ-1.2** listed above, the proposed project would not create a significant hazard due to disposal or release of hazardous materials.

The proposed project is located within one-quarter mile of an existing school, but would not result in hazardous emissions. The project site is not on the EPA Cortese List. The site is not located within an airport land use plan or in the vicinity of a private airstrip. The proposed project would not impair implementation of an emergency plan or expose people or structures to wildland fire risks.

3.9 HYDROLOGY AND WATER QUALITY

3.9.1 Setting

3.9.1.1 *Regulatory Framework*

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data.

Federal and State Laws and Programs Regarding Water Quality

The federal Clean Water Act (CWA) and California’s Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the “Waters of the United States,” which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board.

Regulations set forth by the USEPA and the SWRCB have been developed to fulfill the requirements of this legislation. The USEPA’s regulations include the National Pollutant Discharge Elimination System permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay Regional Water Quality Control Board (RWQCB). Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region’s Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants.¹⁷ Coyote Creek is listed as an impaired water body for diazinon (an organophosphate insecticide) and trash.

State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Program is administered by the RWQCB under the NPDES General Permit for

¹⁷ California State Water Resources Control Board. “Impaired Water Bodies.” Accessed February 2, 2018. Available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Municipal Regional Stormwater NPDES Permit/C.3 Requirements

The San Francisco Bay RWQCB also issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, 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 site design measures, pollutant source control measures, and stormwater treatment facilities designed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. Amendments to the MRP require all post-construction runoff to be treated using LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to receiving any LID Reduction Credits, the project must first establish the infeasibility of treating 100 percent of runoff with LID treatment measures. A narrative must be submitted to the City that describes why and how the implementation of 100 percent LID treatment measures are not feasible, in accordance with the MRP.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface, and are located in a sub-watershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

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.

City of San José Hydromodification Management (Policy 8-14)

The City of San José’s Policy No.8-14 implements the stormwater treatment 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 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).

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.¹⁸

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 proposed project would be subject to applicable policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Hydrology and Water Quality Policies

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

¹⁸ Santa Clara Valley Urban Runoff Pollution Prevention Program. “Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José.” July 2011.

3.9.1.2 *Existing Conditions*

Hydrology and Drainage

The 0.47-acre project site is located in the Coyote Creek watershed. The Coyote Creek watershed is a 320-square-mile area that drains Coyote Creek and its tributaries from the Diablo Range to the valley floor. Runoff from the project site and the surrounding area enters the City's storm drainage system, which outfalls to Coyote Creek, located approximately 500 feet west of the site. The project site is currently vacant and covered with pervious surfaces.

Flooding and Other Hazards

The project site is not located in a 100-year floodplain. According to the FEMA FIRM, the project site is designated as Zone X, which is defined as "Areas of 0.2 percent annual chance flood; areas of one percent annual chance flood with average depths of less than one-foot or with drainage areas less than one square mile; and areas protected by levees from one percent annual chance flood."¹⁹ There are no City floodplain requirements for Zone X.

As identified in the Envision San José 2040 General Plan Final EIR, the project site is located in the Anderson Reservoir dam failure inundation area, which is the area that may be flooded in the event of a complete dam failure.

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. The project site is located on the valley floor and not subject to mudflows.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged into Coyote Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is vacant. Because the site currently consists entirely of pervious surfaces, runoff from the site is minimal. Runoff from the site vicinity contains sediment, metals, trash, oils and grease from paved areas. Runoff from the project site currently flows directly into the City's storm drainage system, untreated for the removal of pollutants.

¹⁹ Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No. 06085C0251J*. Effective Date: February 19, 2014.

3.9.2

Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 14, 22
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 18
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 23, 24
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 23, 24
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 25
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 24

3.9.3 Impact Discussion

a) **Violate any water quality standards or waste discharge requirements?**

The project site is currently vacant. Runoff from the site vicinity contains sediment, metals, trash, oils, and grease from paved areas. Runoff from the project site currently flows directly into the City's storm drainage system, untreated for the removal of pollutants.

Construction-Related Water Quality Impacts

Construction activities (e.g., grading and excavation) on the project site may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the proposed project would disturb approximately 0.47 acre of soil and add an estimated 17,369 square feet of impervious surfaces to the site. Because less than one acre of soil would be disturbed, the project would not be required to comply with the NPDES General Permit for Construction Activities.

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 1st to April 30th), the applicant would be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Erosion Control Plan must detail the BMPs that would be implemented to prevent the discard of stormwater pollutants.

Standard Permit Conditions: Best Management Practices to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:

- 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.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Construction of the proposed project, with implementation of the above measures in accordance with the City's General Plan, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Water Quality Impacts

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB MRP, as applicable. Stormwater runoff from the project site would primarily be generated by the building's impermeable roof areas. Pervious pavement would also be used on the site to reduce runoff. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit would be included in the final project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The project site is currently vacant, consisting of 0.47 acre of pervious surfaces. The proposed project would add an estimated 17,369 square feet of impervious area. Treatment facilities would have sufficient capacity to treat the runoff prior entering the storm drainage system consistent with the NPDES requirements.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, the proposed project would have a less than significant water quality impact. **(Less Than Significant Impact)**

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

The project site is located in a developed urban area and is not within a designated groundwater recharge zone for the groundwater basin. The depth to groundwater on the project site was measured at 17.5 feet,²⁰ and the project excavation would extend no more than 12 feet below grade. Development of the project site is not anticipated to result in the need to pump groundwater from the site and would not interfere with groundwater recharge. **(Less Than Significant Impact)**

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

Construction of the proposed project would not substantially alter the drainage pattern of the site or surrounding area. The project would increase the total impervious surface area of the project site by approximately 17,369 square feet. The project would also comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on and off the site. **(Less Than Significant Impact)**

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

According to the FEMA FIRM, the project site is designated as Zone X, which is defined as areas of 0.2 percent annual chance of flooding. There are no City floodplain requirements for Zone X.

The project is subject to Provision C.3 of the MRP, as the site would increase impervious surfaces by more than 10,000 square feet. Consistent with Provision C.3, the project proposes to reduce the flowrate of stormwater and remove stormwater pollutants from the site by installing stormwater site design and treatment control measures. Therefore, the project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. **(Less Than Significant Impact)**

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The project site is currently vacant. Runoff from the project site currently flows overland and directly enters the storm drainage system untreated and unimpeded. The project would result in increased runoff water compared to existing conditions. Construction of the proposed project

²⁰ TRC Companies, Inc. *Geotechnical Investigation*. November 2016.

would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site. For these reasons, development of the project site would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

f) Otherwise substantially degrade water quality?

The project would follow Santa Clara County and City of San José water quality guidelines. Standard Permit Conditions related to water quality impacts are listed above. No additional impacts to water quality are expected. **(Less Than Significant Impact)**

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project site is not within a 100-year flood hazard area; therefore, the proposed project would not place housing within a 100-year flood zone. **(No Impact)**

h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

The project site is not within a 100-year flood hazard area; therefore, the proposed project would not place structures within a 100-year flood hazard area that would impede or redirect flood flows. **(No Impact)**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

While the project site is located in the inundation areas for the Anderson Reservoir in the event of a complete dam failure, the Santa Clara Valley Water District's (SCVWD's) comprehensive dam safety program and emergency action plan would ensure public safety. For this reason, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. **(Less Than Significant Impact)**

j) Result in inundation by seiche, tsunami, or mudflow?

The project site is a flat parcel on the valley floor and is not proximate to a large body of water. Additionally, the project site is not located within a designated tsunami inundation zone. Therefore, the proposed project would not be subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

3.9.4 **Conclusion**

Implementation of General Plan policies and existing City policies and Standard Permit Conditions would ensure that the proposed project would not violate water quality standards or waste discharge requirements. Site drainage and runoff would not be significantly altered under the proposed project. The project would not result in significant risks involving flooding.

The project site is not located within a 100-year flood hazard area or an area subject to inundation seiche, tsunami, or mudflow.

3.10 LAND USE AND PLANNING

3.10.1 Setting

3.10.1.1 *Regulatory Framework*

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. The proposed project would be subject to the land use policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-6.1	Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.
Policy LU-6.2	Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.
Policy LU-6.3	When new uses are proposed in proximity to existing industrial uses, incorporate measures within the new use to minimize the negative impacts on existing nearby land uses to promote the health and safety of individuals at the new development site.
Policy LU-9.2	Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation

unless these hazards are adequately mitigated.

- Policy LU-9.5 Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
- Policy LU-9.7 Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
- Policy TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- Policy TR-14.4 Require aviation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
-

Roosevelt Park Urban Village Plan

The project site is located within Area B of the Roosevelt Park Urban Village Plan. The land use goal of the plan is to “create a pedestrian-oriented, complete community in the Roosevelt Park Urban Village by developing a mix of uses along East Santa Clara Street including retail sales and services, public facilities, offices, and other commercial uses integrated with high density housing, to serve the surrounding neighborhoods and help create a vibrant great place.” The Roosevelt Park Urban Village Plan allows development of up to 526,000 square feet of commercial/retail space in the entire Urban Village and 650 residential units in Areas B, C, and D.

Land use policies applicable to the proposed project include:

Land Use Policy 1: Grow the Roosevelt Park Urban Village into an economically vibrant commercial district that serves the surrounding communities and increase commercial building square footage within the Village by 53 percent.

Land Use Policy 2: New commercial development is encouraged to be built at Floor Area Ratios of 0.45 or greater.

Land Use Policy 3: The minimum FAR for the commercial portion of a mixed use project should be 0.50 in Areas B and D, and 0.30 in Area C.

Land Use Policy 4: A mixed use residential project with the minimum commercial FAR called for in this Plan could be permitted to provide a lower commercial FAR or potentially no commercial FAR at all, if the existing amount of commercial development exceeds the FAR objective within the site’s given area as indicated on the Roosevelt Park Land Use Plan, and such that the overall amount of commercial development within the given area would not drop below the FAR objective.

Land Use Policy 8: Create a high-density mixed-use Urban Village that is pedestrian focused and enhances the quality of life for residents in surrounding communities.

Land Use Policy 9: Mixed-use residential projects are encouraged to build at densities of 50 dwelling units to the acre or greater on those sites that are large in size, such as the Empire Lumber site, given that the site design is compatible with the surrounding neighborhood.

Land Use Policy 12: Types of uses in a mix and intensity that support ridership on Bus Rapid Transit are strongly encouraged.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in *Section 3.4, Biological Resources* of this Initial Study / Environmental Assessment, 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 project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

3.10.1.2 Existing Setting

The project site is located on North 21st Street, north of East Santa Clara Street. The site is directly adjacent to the Aloha Roller Rink, South Bay Sports Training & Batting Cages, and Roosevelt Park and Community Center. Surrounding land uses also include San José High School, commercial uses, and single-family residential development. The project is not located within the Airport Influence Area for the Norman Y. Mineta San José International Airport.

The project site consists of one parcel (APN 467-12-001) which is designated *Urban Village* in the General Plan and zoned *R-2, Two-Family Residence District*. The 0.47-acre site is currently vacant.

3.10.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 12

3.10.3 Impact Discussion

a) **Physically divide an established community?**

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes to construct a multi-family residential and commercial development under the existing *Urban Village* land use designation, would not include construction of dividing infrastructure. The project site is located in a neighborhood with similar uses and patterns of development, and, therefore, implementation of the project would not physically divide an established community. **(Less Than Significant Impact)**

b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

The project site's *Urban Village* land use designation is intended for mixed residential and employment development at densities that support transit use, bicycling, and walking and thus support the General Plan's environmental goals. Urban villages prioritize revitalization of underutilized properties that have access to existing infrastructure.

The *Roosevelt Park Urban Village Plan* does not establish a maximum FAR for commercial or mixed residential/commercial development for properties designated *Urban Village*, nor does it establish a maximum or minimum number of dwelling units per acre for the residential portion of mixed-use projects. In the project area (Area B), the plan established a minimum FAR for the commercial portion of a mixed-use project of 0.5, and a maximum height of 85 feet.

The project site is zoned *Commercial Pedestrian*. The project would require a Special Use Permit to allow for construction of a nine-story, mixed-use development with residential uses in the *CP* zoning district.

The proposed development would have 170 dwelling units per acre, an FAR of 0.5, and a maximum height of 85 feet, consistent with the *Urban Village* land use designation. Construction of the proposed project, in conformance with City land use policies, would not conflict with regulations adopted for avoiding or mitigating an environmental effect. **(Less Than Significant Impact)**

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The project site is located within an area designated as *Urban-Suburban* under the Santa Clara Valley Habitat Plan. No sensitive species or habitat types are present on the project site, and the project would not directly impact any of the covered species in the Habitat Plan. As discussed in *Section 3.4, Biological Resources* of this Initial Study / Environmental Assessment, the project would be required to conform to all applicable policies in the Habitat Plan. **(Less Than Significant Impact)**

3.10.4 Conclusion

Conformance with the adopted Urban Village Plan and General Plan policies related to land use compatibility and environmental effects would ensure that the proposed project would not result in significant land use impacts.

3.11 MINERAL RESOURCES

3.11.1 Setting

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to the Communications Hill area.

3.11.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

3.11.3 Impact Discussion

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

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill. The project would not result in the loss of availability of a known mineral resource. **(No Impact)**

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The project site is not located in an area of San José or Santa Clara County with known mineral resources. Therefore, the project would not result in the loss of availability of a mineral resource recovery site. **(No Impact)**

3.11.4 Conclusion

The project would not result in the loss of availability of a known mineral resource.

3.12 NOISE AND VIBRATION

The discussion in this section is based in part on the *Noise and Vibration Assessment* prepared by Illingworth & Rodkin, Inc. on January 24, 2018. This report is included in this Initial Study / Environmental Assessment as Appendix D.

3.12.1 Setting

3.12.1.1 *Overview*

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level, or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: L_{eq} , L_{max} , DNL, and CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. L_{max} is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The day/night average sound level (DNL) descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

Fundamentals of Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. This discussion uses peak particle velocity (PPV) to quantify vibration amplitude, which is defined as the maximum instantaneous positive or negative peak of the vibration wave. A PPV descriptor with units of millimeters per second or inches per second is used to evaluate construction generated vibration for building damage and human complaints. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential to interfere with the enjoyment of life. These two concerns are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches per second PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic (e.g., minor cracking of building elements), or may threaten the integrity of a building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher, and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

3.12.1.2 *Regulatory Framework*

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 noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 3.12-1.

Envision San José 2040 Relevant Noise Policies

Policies	Description
Policy EC-1.1	<p>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none"> ○ The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none"> ○ 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 3.12-1 in this Initial Study]. The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below: <ul style="list-style-type: none"> ○ For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
Policy EC-1.2	<p>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 3.12-1 in this Initial Study] by limiting noise generation and by requiring use of noise attenuation</p>

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.

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

Policy EC-1.6 Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.

Policy EC-1.7 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.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize potential for cosmetic damage at buildings of normal conventional construction.

Table 3.12-1: General Plan Land Use Compatibility Guidelines

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						

Notes: ¹Noise 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.

City of San José 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.²¹

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 with a Special Use Permit or other Use Permit. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

3.12.1.3 Existing Conditions

The project site is located west of North 21st Street, north of East Santa Clara Street in San José. The site is surrounded by residential land uses, commercial land uses, and a park. Residential land uses are located east of the project site, across North 21st Street. Adjacent commercial and recreational land uses include Roosevelt Park to the west, a roller rink to the north, a supermarket to the southeast, indoor batting cages to the south, and the Roosevelt Community Center to the southwest.

²¹ The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

The existing noise environment at the project site results primarily from vehicular traffic along North 21st Street and East Santa Clara Street.

Two long-term and two short-term noise measurements were taken in January 2018 to determine the existing ambient noise level on and around the project site. Based on the noise measurements taken at the site, the day-night average noise level at the project site ranges from 60 dBA DNL on the western site boundary to 62 dBA DNL on the eastern site boundary. Details about the existing noise measurements and locations are included in Appendix D of this IS/EA.

Based on the noise measurements taken at the site, noise levels on the project site currently exceed 60 dBA DNL. For sites with exterior noise levels of 60 dBA DNL or more that are to be developed with residential uses, General Plan Policy EC-1.1 requires the preparation of a design-level acoustical analysis prior to the issuance of building permits. The purpose of the analysis is to determine appropriate noise attenuation measures to ensure interior noise levels of 45 dBA DNL or lower.

3.12.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 26
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 26
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 26
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 26
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 27
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

As discussed in *Section 3.0, Environmental Setting, Checklist, and Impact Discussion* of this Initial Study / Environmental Assessment, the California Supreme Court issued an opinion “CBIA vs. BAAQMD” holding that CEQA is primarily concerned with the impacts of a project on the

environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that addresses existing conditions affecting a proposed project, which are discussed below.

3.12.3 Impact Discussion

a-b) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Operations

Operation of the proposed project would not create substantial groundborne vibration. While the project may include truck loading activities such as garbage collection during operation, the project is not anticipated to have activities that would substantially create groundborne vibration or excessive noise.

Construction Vibration

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. According to the list of construction equipment expected to be used for the proposed project, pile driving equipment, which can cause excessive vibration, is not proposed.

For structural damage, the California Department of Transportation and City of San José recommends a vibration limit of 0.5 inch per second peak particle velocity for buildings structurally sound and designed to modern engineering standards, 0.2 inch per second PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 inch per second PPV for historic structures or buildings that are documented to be structurally weakened. No ancient buildings or buildings that are documented to be structurally weakened adjoin the project site. Conservatively, groundborne vibration levels exceeding 0.2 inch per second PPV would have the potential to result in a significant vibration impact.

The nearest sensitive receptors would be the residences located approximately 75 feet east of the project site, across North 21st Street. At this distance, vibration levels due to construction activities would be up to 0.06 inch per second PPV. Other sensitive receptors near the project site include the community center and park located as close as 85 feet southwest of the site. At this distance, vibration levels due construction activities would be up to 0.05 inch per second PPV. The nearest commercial land uses, located approximately 45 feet south of the project site, would have vibration levels up to 0.11 inch per second PPV. Vibration levels at all surrounding land uses would be below the PPV threshold. **(Less Than Significant Impact)**

- c) **Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Operations – Traffic Noise

According to the City’s General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the “normally acceptable” noise level standard. Where ambient noise levels are at or below the “normally acceptable” noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City’s General Plan defines the “normally acceptable” outdoor noise level standard for the residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL along North 21st Street and East Santa Clara Street. Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient noise levels by 3 dBA DNL.

Based upon the analysis in the *Noise and Vibration Assessment*, the traffic noise increase resulting from project traffic volumes²² would be 1 dBA DNL or less at noise-sensitive receptors in the project vicinity. The proposed project would not result in a permanent noise increase of 3 dBA DNL or more. **(Less Than Significant Impact)**

Mechanical Equipment Noise

Mixed-use, multi-family residential buildings typically require various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings. The site plan indicates mechanical and utility rooms located on the interior of the parking garage, generator and electric rooms on the ground floor at the northwest corner, and rooftop mechanical equipment. The nearest noise-sensitive uses to the project site include the residences to the east opposite North 21st Street, 75 feet from the project site. Other sensitive receptors in the area include the community center and park, located as close as 85 feet from the site.

Under the City’s Noise Element and Municipal Code, noise levels produced by operation of the mechanical equipment would be limited to 55 dBA at receiving noise-sensitive land uses and 60 dBA at receiving commercial land uses unless expressly allowed with a Special Use Permit or other Use Permit. The proposed project would require approval of this Special Use Permit to allow for construction of a nine-story, mixed-use development with residential uses in the *CP* zoning district.

The noise levels from the proposed rooftop mechanical equipment would be less than 30 dBA at the residential property line and less than 50 dBA at the commercial property lines, below the City’s thresholds.²³ Given the proximity of the proposed generator room to the northern commercial property line and absence of plan detail about the proposed equipment type and

²² Hexagon Transportation Consultants. *Roosevelt Park Affordable Housing Mixed Use Development Traffic Impact Analysis*. February 20, 2018.

²³ Noise levels from rooftop mechanical equipment would be less than 30 dBA at all other noise-sensitive land uses, including the community center and park.

enclosure, there is the potential for noise from the generator equipment to exceed 60 dBA at the commercial property line to the north. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's thresholds. The project applicant shall retain a qualified acoustical consultant to review and report on mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise limits at the shared property lines. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, installation of acoustical louvers and mufflers, and the construction of acoustical enclosures. Prior to issuance of any building permits, the project applicant shall submit the qualified acoustical consultant's report to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement for review and approval.

The above Standard Permit Condition would reduce the project's mechanical equipment noise at surrounding uses. Mechanical equipment installed under the proposed project would not generate noise in excess of the standards defined in the City's Noise Element. (**Less Than Significant Impact**)

d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Project construction is estimated to take just over one year, beginning in mid-2018.

The City's General Plan requires all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 AM and 7:00 PM Monday through Friday when construction occurs within 500 feet of a residential land use. Further, 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.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code. Temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. The temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby

commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

Construction noise levels would exceed 60 dBA L_{eq} at residential land uses and would at times exceed 70 dBA L_{eq} at commercial land uses. Further, ambient levels at the surrounding uses would potentially be exceeded by 5 dBA L_{eq} or more at various times throughout construction. Since project construction would last for a period of more than one year and the project site is within 500 feet of existing residences and 200 feet of existing commercial uses, the City's General Plan would consider this temporary construction impact to be significant.

Construction activities would be completed in accordance with the provisions of the City's General Plan and the Municipal Code, as noted above. Further, the construction crew shall adhere to the following construction Best Management Practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Impact NOI-1: Construction noise generated by the proposed project could impact nearby noise-sensitive receptors. **(Significant Impact)**

Mitigation Measures: The project would implement the following measures to minimize the impacts of construction-generated noise.

MM NOI-1.1: Construction Best Management Practices. The project applicant shall develop a construction noise plan including, but not limited to, the following available controls:

- In accordance with Policy EC-1.7 of the City's General Plan, the project applicant shall use the best available noise suppression devices and techniques during construction activities.
- The project applicant shall construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary eight-foot noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. Temporary noise barriers can be made from standard eight-foot sheets of plywood.
- The project applicant shall equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- The project applicant shall ensure that unnecessary idling of internal combustion engines shall be strictly prohibited.
- The project applicant shall ensure that stationary noise-generating equipment, such as air compressors or portable power generators, are

located as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- The project applicant shall ensure that “quiet” air compressors and other stationary noise sources are used where technology exists.
- The project applicant shall ensure that construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The project applicant shall ensure that a temporary noise control blanket barrier is erected, if necessary, along building façades facing construction sites if conflicts occur which cannot be remedied by appropriate scheduling. Noise control blanket barriers can be rented and quickly erected.
- The project applicant shall ensure that material stockpiles, as well as maintenance/equipment staging and parking areas, are located as far as feasible from residential receptors.
- The project applicant shall ensure that noise from construction workers’ radios is controlled to a point where the radios are not audible at existing residences bordering the project site.
- Prior to issuance of any grading permits, the project applicant shall prepare a detailed schedule for expected major noise-generating construction activities. The schedule shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- The project applicant shall post the schedule for expected major noise-generating activities and any subsequent changes to the schedule, and mail notices of the schedule to residents and other sensitive receptors (places of worship, senior homes, hospitals, etc.) within 30 feet of the project site.
- The project applicant shall designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site

and include it in the notice sent to neighbors regarding the construction schedule.

- The construction noise plan shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of a demolition or grading permit.

Implementation of **MM NOI-1.1** would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the inclusion of these measures, and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels would be less than significant. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

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

Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.3 miles northwest of the project site. The project site is not located within the Santa Clara County CLUP for the Norman Y. Mineta San José International Airport. The project lies outside the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project EIR. **(No Impact)**

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

The project site is not located in the vicinity of a private airstrip; therefore, the project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels. **(No Impact)**

3.12.3.1 Existing Noise Conditions Affecting the Project

The noise environment at the site and at nearby land uses in the vicinity is primarily from vehicular traffic on the surrounding roadways. Based on noise measurements taken at the site, the day-night average noise level ranges from 60 dBA DNL on the western site boundary to 62 dBA DNL on the eastern site boundary.

Exterior Noise Levels

Residential Land Uses

The City of San José General Plan sets forth noise-related policies that support the City's goal of minimizing the impact of noise on people through noise reduction and suppression techniques. The "normally acceptable" noise level threshold for common outdoor use areas at new multi-family residential uses, as established in the City of San José General Plan, is 60 dBA DNL.

The future noise environment at the project site would continue to result primarily from traffic along the surrounding roadways. Although aircraft noise could occasionally be audible at the project site, noise from aircraft would not substantially contribute to ambient noise levels. The future noise level increase attributable to project trips is calculated to be 1 dBA DNL. The future exterior noise environment at the project site would range from 61 to 63 dBA DNL.

The project proposes a third-floor courtyard at the southwest corner of the building. The courtyard would be partially shielded from the traffic noise along North 21st Street by the proposed building. Given the estimated future exterior noise levels at the site, the shielding that would be provided by the proposed building, and the location of the courtyard, the exterior noise levels at the courtyard would be below the City's residential exterior noise standard of 60 dBA DNL. Additional detail about the noise levels at the common outdoor areas is included in Appendix D.

Commercial Land Uses

Common outdoor use areas for the proposed offices include a ninth-floor courtyard and a ninth-floor balcony. The courtyard would be located along the northern façade of the building and would be partially shielded from traffic noise by the project building. Future exterior noise levels at the proposed courtyard would be below the City's commercial exterior noise standard of 70 dBA DNL.

The ninth-floor balcony would be located along the eastern façade of the building and would be partially shielded from traffic noise by the solid glass railing system proposed along the edge of the balcony. Future exterior noise levels at the proposed balcony would be below the City's commercial exterior noise standard of 70 dBA DNL.

Interior Noise Levels

Residential Land Uses

The City's interior noise standard for residential uses is 45 dBA DNL. Residential units would be located on the third through eighth floors of the building. The units along the eastern and southern façades would be exposed to future exterior noise levels up to 61 dBA DNL.

Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. For the proposed project, the interior noise levels assuming standard construction methods and windows and doors partially open for ventilation would be up to 46 dBA DNL, which slightly exceeds the City's threshold for interior noise. The project shall implement the following permit condition as a condition of approval.

Standard Permit Condition: For consistency with the General Plan, the following condition shall be implemented by the project applicant:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all perimeter residential units, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards. Preliminary calculations indicate that standard dual thermal-pane windows (minimum 26 Sound Transmission Class [STC]²⁴ Rating) would be satisfactory to achieve acceptable interior noise levels of 45 dBA DNL.

With the inclusion of forced-air mechanical ventilation, the proposed project would be consistent with the City's interior noise standard.

Commercial Land Uses

The performance method established by the CalGreen Code requires that interior noise levels be maintained at 50 dBA L_{eq} or less during hours of operation at the proposed office. Future exterior noise environment at the project site would range from 61 to 63 dBA DNL. Standard construction materials for commercial uses would provide at least 20 to 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows can be kept closed at the occupant's discretion. The standard construction materials would satisfy the daytime threshold of 50 dBA L_{eq} .

Adherence to the permit condition above would reduce noise levels in compliance with local noise ordinances.

3.12.4 Conclusion

With implementation of **MM NOI-1.1** and Standard Permit Conditions above, the proposed project would not result in a significant temporary or permanent noise increase.

The proposed project would adhere to General Plan and Municipal Code noise policies. The project would not generate excessive groundborne vibration or groundborne noise levels. The project site is not located within an airport land use plan or in the vicinity of a private airstrip.

²⁴ Sound Transmission Class: A single-figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

3.13 POPULATION AND HOUSING

3.13.1 Setting

The project site is located in an urbanized area in the City of San José. The City of San José population was estimated to be 1,046,079 in January 2016.²⁵ The City had approximately 332,574 housing units in 2017, resulting in an average of 3.21 persons per household. ABAG projects that there will be an approximate City population of 1,334,100 and 432,030 households by the year 2040.²⁶

The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,200 new jobs by 2040.²⁷ To meet the current and projected housing needs in the City, the Envision San José 2040 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 Envision San José 2040 General Plan FEIR, 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.

3.13.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 28, 29
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

²⁵ California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2017." Accessed February 13, 2018. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

²⁶ Association of Bay Area Governments. *Projections 2013*. August 2013.

²⁷ City of San José. *Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report*. November 2016. Page 16.

3.13.3 Impact Discussion

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The project proposes to construct up to 80 multi-family residential units on-site, generating an estimated 257 new residents.²⁸ The project is consistent with the existing General Plan land use designation, and, therefore, would not result in a substantial increase in the City's current or projected population. The project would not extend a road or other infrastructure that would indirectly induce growth. **(Less Than Significant Impact)**

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

The project site is currently vacant. Construction of the proposed project would not displace existing housing or residents. **(No Impact)**

3.13.4 Conclusion

The development of up to 80 residential units would incrementally increase the housing available in the project area but would not induce substantial population growth. The project would not displace housing or people.

²⁸ Based upon the 2017 City average of 3.21 persons per household

3.14 PUBLIC SERVICES

3.14.1 Setting

3.14.1.1 *Regulatory Framework*

California Government Code Section 65996

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 issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), 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 exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide 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:

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy 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.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: <ol style="list-style-type: none"> 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José’s Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy 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 (PDO) and Park Impact Ordinance (PIO) 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.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sports fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

3.14.1.2 Existing Conditions

Fire Protection Services

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 (including injury accidents) in the City. The closest station to the project site is San José Fire Department Station #8 located at 802 East Santa Clara Street, approximately 0.2 mile southwest of the project site.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 1.9 miles northwest of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Central Division. Patrols are dispatched from police headquarters, and the patrol districts consist of 83 patrol beats.

Schools

The project site is located in the San José Unified School District (SJUSD). The school district operates 41 schools (25 elementary, two K-8 schools, six middle schools, six high schools, and two alternative education programs) serving over 30,000 students.²⁹ The project site is within the Horace Mann Elementary, Burnett Middle School, and San José High School attendance boundaries assigned by the SJUSD. Horace Mann is located at 55 North 7th Street, Burnett is located at 850 North 2nd Street, and San José High is located at 275 North 24th Street. The Envision San José 2040 General Plan FEIR found that SJUSD was operating above capacity by 1,004 students.³⁰

Parks

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 community centers, nine regional parks, and over 55 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest public park is the 11-acre Roosevelt Park, a general-purpose park located on the northeast corner of East Santa Clara Street and North 17th Street. Roosevelt Park is adjacent and to the west of the project site. The park includes picnic and barbeque space, a parking lot, restrooms, a youth playground, skate park, basketball court, lighted softball field, and two handball courts.

Library and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the East San José Carnegie Branch Library, approximately 0.1 mile west of the project site. The nearest community center is the Roosevelt Community Center, located adjacent to and southwest of the project site.

²⁹ San José Unified School District. *SJSU Fast Facts*. 2017.

³⁰ San José, City of. *Envision San José 2040 General Plan FEIR*. December 2011.

3.14.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
- Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
- Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 30, 31
- Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 32, 33
- Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

3.14.3 Impact Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?**

Fire and Police Protection

The proposed project would develop the project site with residential and commercial uses, and would incrementally increase the demand for fire and police protection services compared to existing conditions. The project is consistent with the development assumptions in the General Plan. The General Plan FEIR concluded that development under the General Plan would not require construction of fire stations or police facilities beyond those already planned by the City of San José.

The project would not preclude the SJFD and SJPD from meeting their service goals. The proposed 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 project would not result in a significant impact on fire and police protection services. **(Less Than Significant Impact)**

Schools

The project proposes to construct up to 80 multi-family residential units. Residents of the apartments could include elementary, middle, and high school students. According to the SJUSD student generation factors, multi-family residential development generates 0.238 students per dwelling unit.³¹ Based on this generation factor, the proposed 80-unit apartment building is estimated to increase the student population in the project area by approximately 19 students.

The incremental increase of students attending local schools is not expected to require construction of a new school. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project.

Although residential development under the proposed project could generate new students in the area, the project would conform to Government Code Section 65996, which requires the project to pay school impact fees and is considered adequate mitigation for increased demands upon school facilities. **(Less Than Significant Impact)**

Parks

New residents of the site would use existing recreational facilities in the area, including Roosevelt Park. The new residents would incrementally increase the use of existing recreational facilities in the project area. The project would conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance and would be required to pay PDO/PIO fees to offset the increased demand for parks and recreational facilities. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

Standard Permit Condition: The project shall conform to the City's Park Impact Ordinance and Parkland Dedication Ordinance.

The PDO/PIO fees generated by the residential development would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the project site and/or community-serving facilities within a three-mile radius (General Plan Policies PR-2.4 and PR-2.5). Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to parks. **(Less Than Significant Impact)**

³¹ San José Unified School District. *Development Fee Justification Study*. April 2014.

Libraries and Community Centers

There are 22 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 will 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 project would incrementally increase residential development and population growth, and therefore increase the use of public facilities such as the East San José Carnegie Branch Library and Roosevelt Community Center, the proposed project is consistent with the General Plan and would not substantially increase use of San José facilities or otherwise require the construction of new library facilities. **(Less Than Significant Impact)**

3.14.4 Conclusion

Implementation of General Plan policies, City ordinances, and the Government Code would ensure that development under the proposed project would not result in significant impacts to public services.

3.15 RECREATION

3.15.1 Setting

3.15.1.1 *Regulatory Framework*

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or provide a combination of the two. As described in *Section 3.14, Public Services* of this Initial Study / Environmental Assessment, the City of San José has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

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

3.15.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.³² The City also manages 51 community centers, 17

³² City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: <https://www.sanjoseca.gov/index.aspx?NID=204>

community gardens, and six pool facilities. Other recreational facilities include seven public skate parks and 57.5 miles of interconnected trails.

The project site is located within the Central/Downtown Planning Area of San José, which is currently underserved with respect to parklands for the population. The planning area needs an additional 323.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.³³ The project area is not considered underserved with respect to parklands or community centers for the population.

The nearest public park is Roosevelt Park, located on the northeastern corner of East Santa Clara Street and North 17th Street, adjacent and to the west of the project site. The nearest community center is Roosevelt Community Center, located at the southeastern corner of Roosevelt Park, adjacent and southwest of the project site.

3.15.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 28, 32, 33
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 28, 32, 33

3.15.3 Impact Discussion

a) 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?

The proposed residential development would result in a maximum of 80 dwelling units and an estimated 257 residents on the site, using the City’s average of 3.21 persons per household. This development and population growth was anticipated under the General Plan. As described in *Section 3.14, Public Services* of this Initial Study / Environmental Assessment, the project would conform to the City’s Parkland Dedication Ordinance and Park Impact Ordinance to ensure that the development would not significantly impact neighborhood and regional park facilities. **(Less Than Significant Impact)**

³³ City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project would pay in-lieu fees to meet City open space requirements. No new off-site recreational facilities would be required to serve the population increase that would result from the project. The proposed development would include private common recreational areas on the site, including a common courtyard area on the third floor and a ninth-floor balcony. Each apartment would also have private open space. According to the *Greenprint 2009 Update*, the project area is not underserved by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including Roosevelt Park adjacent to the project site. The proposed project would not require the construction of new recreational facilities with the potential to adversely affect the environment. **(Less Than Significant Impact)**

3.15.4 Conclusion

The proposed project, with implementation of General Plan policies and the City's PDO/PIO measures, would not result in significant impacts to recreational facilities in the City of San José.

3.16 TRANSPORTATION/TRAFFIC

The discussion in this section is based in part on the *Traffic Impact Analysis (TIA)* prepared by Hexagon Transportation Consultants on February 20, 2018. This report is included in this Initial Study / Environmental Assessment as Appendix E.

3.16.1 Setting

3.16.1.1 *Regulatory Framework*

Metropolitan Transportation Commission

The Metropolitan Transportation Commission 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).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara Congestion Management Program (CMP)*. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

Bike Plan 2020

The City of San José *Bike Plan 2020*, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a five percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City's standard is LOS D

rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).³⁴ The City’s Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, a traffic impact analysis is only required when a project would result in 100 or more peak hour trips.

Envision San José 2040 General Plan

The Circulation Element of the General Plan contains several long-term 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;
- Create a city in which 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. The proposed project would be subject to the transportation policies in the General Plan, including the following:

Envision San José 2040 Relevant Transportation Policies

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

³⁴ Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-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 towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	<p>The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:</p> <ul style="list-style-type: none"> ○ Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts. ○ Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City’s adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.
Policy 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.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and other Growth Areas.
Policy TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
Policy TR-8.8:	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Policy 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.
Action TR-10.4	In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code’s parking space requirements.
Policy CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

- Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
- Create easily identifiable and accessible building entrances located on street frontages or paseos.
- Accommodate the physical needs of elderly populations and persons with disabilities.
- Integrate existing or proposed transit stops into project designs.

Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.3	Within new development, create a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-3.6	Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

In addition to the policies in the General Plan, the proposed project would be required to comply with the San José Residential Design Guidelines with regards to pedestrian access.

3.16.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided by US 101 and Interstate 680. US 101 is an eight-lane freeway aligned in a northwest-southeast direction in the vicinity of the site. Site access to and from US 101 is provided via the East Santa Clara Street / Alum Rock Avenue interchange. Interstate 680 is an eight-lane freeway aligned in a north-south direction in the vicinity of the site. Site access to and from Interstate 680 is provided via the Alum Rock Avenue interchange.

Local access to the site is provided via Alum Rock Avenue, East Santa Clara Street, North 24th Street, and North 21st Street. The project site is located on North 21st Street, north of East Santa Clara Street.

Pedestrian and Bicycle Facilities

Pedestrian facilities in the project area consist primarily of sidewalks along streets and crosswalks with pedestrian signal heads at intersections. Sidewalks are found along all streets in the project area. The signalized intersections in the vicinity of the project site have crosswalks on all or most of the legs of the intersections, combined with pedestrian push buttons and pedestrian signal heads. Overall, the existing network of sidewalks and crosswalks has good connectivity and provides pedestrians with adequate routes to the project site and transit stops.

Bicycle facilities in the project area include Class II bike lanes and Class III bike routes. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are existing streets that accommodate bicycles but are not separate from the existing travel lanes.

Transit Services

Existing transit service in the project area is provided by VTA. Three local bus routes (Routes 22, 23, and 64) and one limited stop bus route (Route 522) provide service in the project area. The bus stops closest to the project site are located within walking distance at the East Santa Clara Street / North 24th Street intersection, with bus services provided by Routes 22, 23, and 522.

Traffic Analysis – Methodology

The following four intersections were studied in the TIA:³⁵

1. North 21st Street and East Santa Clara Street
2. North 24th Street and East Santa Clara Street
3. US 101 Southbound Ramps and East Santa Clara Street
4. US 101 Northbound Ramps and Alum Rock Avenue

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of adjacent street traffic. The AM peak hour typically occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday. These are the peak commute hours, during which most weekday traffic congestion occurs on the roadways in the study area.

Traffic conditions were evaluated for the following:

- Existing Conditions – includes recent traffic counts
- Existing Plus Project Conditions – Existing traffic volumes with the project were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing plus project conditions were evaluated relative to existing conditions in order to determine the effects the project would have on the existing roadway network
- Background Conditions – Background traffic volumes reflect traffic added by nearby approved projects that are not yet completed or occupied.
- Background Plus Project Conditions – Projected near-term peak hour traffic volumes with the project were estimated by adding to background traffic volumes the additional traffic

³⁵ The US 101 Southbound Ramps / East Santa Clara Street and US 101 Northbound Ramps / Alum Rock Avenue intersections are designated as CMP intersections. An analysis in accordance with the VTA Congestion Management Program requirements was not required because the project would generate fewer than 100 net peak hour vehicle trips.

generated by the project. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts.

Under the City of San José's Level of Service Policy, the project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions,
- The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent or more, or
- The level of service at a designated Protected Intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by 0.5 percent or more.

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

While this IS/EA analyzes existing, project, and background conditions, the background conditions represent the baseline from which project impacts are identified, consistent with the City's Level of Service Policy.

Level of Service Analysis Results

Traffic conditions were evaluated using a LOS analysis. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Intersection LOS was evaluated using TRAFFIX software, which is based on the 2000 Highway Capacity Manual (HCM) method for signalized intersections. The correlation between average delay and LOS is shown in Table 3.16-1.

Table 3.16-1: Intersection Level of Service Definitions Based on Delay		
Level of Service	Description	Average Control Delay per Vehicle³⁶
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) pages 10-16.

The results of the LOS analysis under existing and background conditions are summarized below.

Table 3.16-2: Existing and Background Conditions – LOS Results					
Intersection	Peak Hour	Existing Conditions		Background Conditions	
		Average Delay (sec.)	LOS	Average Delay	LOS
N. 21 st St & E. Santa Clara St.	AM	4.8	A	4.8	A
	PM	4.4	A	4.4	A
N. 24 th St. & E. Santa Clara St.	AM	19.4	B	19.4	B
	PM	19.6	B	19.9	B
US 101 SB Ramps & E. Santa Clara St.*	AM	10.6	B	10.7	B
	PM	15.2	B	15.3	B
US 101 NB Ramps & Alum Rock Ave.*	AM	12.9	B	12.9	B
	PM	12.8	B	12.9	B

Notes: * Denotes a VTA CMP intersection.

³⁶ Measured in seconds.

As shown in Table 3.16-2, under existing and background conditions, all four study intersections operate at better than LOS D during both the AM and PM peak hours.

3.16.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 34
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 34
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 34
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 34
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 34
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 34

3.16.3 Impact Discussion

a, b, d) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?; Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?; Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

The project proposes development of up to 80 multi-family apartments, and up to 10,417 square feet of commercial space on a site that is currently vacant. A full access driveway would be constructed for site access on the North 21st Street project frontage.

Trip Generation Estimates

Trip generation resulting from new development proposed within the City of San José typically is estimated using either the trip rates detailed in the *San José Traffic Impact Analysis Handbook* (November 2009), or the trip rates published in the *Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition* (2017). Both sources for trip generation rates were utilized in this traffic study.

A mixed-use development with complementary land uses such as residential and commercial generate trips internally between the uses. Thus, the number of vehicle trips generated for each use may be reduced, since a portion of the trips would not require entering or exiting the site. The VTA's *Congestion Management Program Transportation Impact Analysis Guidelines* (October 2014) indicates a trip reduction of up to 15 percent is allowed for residential and commercial mixed-use developments. The reduction is first applied to the smaller of the two complimentary trip generators (commercial use), and the same number of trips is then subtracted from the larger trip generator (residential use) to account for both trip ends.

The proposed development would generate 683 new daily vehicle trips, with 35 new trips occurring during the AM peak hour and 56 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the *ITE Trip Generation Manual* and the *San José Traffic Impact Analysis Handbook*, the project (under background plus project conditions) would produce 14 inbound and 21 outbound trips during the AM peak hour, and 31 inbound and 25 outbound trips during the PM peak hour (see Table 3.16-3 below).

Table 3.16-3: Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Uses							
Apartments ¹ (80 units)	435	8	21	29	21	14	35
Transit Trip Reduction for Residential (9%) ²	(39)	(1)	(2)	(3)	(2)	(1)	(3)
Residential & Office Internal Capture (15%) ³	(61)	(1)	(1)	(2)	(3)	(3)	(6)
Office / Commercial ⁴ (10,417 SF)	409	9	4	13	18	18	36
Residential & Office Internal Capture (15%) ³	(61)	(1)	(1)	(2)	(3)	(3)	(6)
New Trips:	683	14	21	35	31	25	56
Notes:							
1. Trip generation based on Multi-Family Housing Mid-Rise (Land Use 221) rates contained in the ITE Trip Generation Handbook, 10 th Edition (2017).							
2. A 9 percent transit reduction was applied to the residential component of the project, since the project site is located within a 2,000-foot walk of a Bus Rapid Transit (BRT) stop on East Santa Clara Street at North 24 th Street.							
3. A 15% residential/commercial mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA Guidelines. A 15% reduction was first applied to the smaller generator (commercial). The same number of trips were subtracted from the larger general (residential) to account for both trip ends.							
4. Trip generation based on Strip Commercial rates contained in the <i>San José Traffic Impact Analysis Handbook</i> , August 2009.							

The trip distribution of new project trips was generated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses.

Level of Service Impacts

The project trips were assigned to intersections in the project area, and the intersection level of service analysis results for project conditions are summarized in Table 3.16-4 below. All project intersections would operate within applicable jurisdictional standards of City of San José (LOS D) or better during the AM and PM peak hours under background plus project conditions. Therefore, the project would have a less than significant impact at all four study intersections.

Table 3.16-4: Background Plus Project Conditions – LOS Results							
Intersection	Peak Hour	Existing Conditions		Background Conditions		Background Plus Project Conditions	
		Average Delay (sec.)	LOS	Average Delay	LOS	Average Delay	LOS
N. 21 st St & E. Santa Clara St.	AM	4.8	A	4.8	A	5.2	A
	PM	4.4	A	4.4	A	5.0	A
N. 24 th St. & E. Santa Clara St.	AM	19.4	B	19.4	B	19.5	B
	PM	19.6	B	19.9	B	20.0	C
US 101 SB Ramps & E. Santa Clara St.*	AM	10.6	B	10.7	B	10.7	B
	PM	15.2	B	15.3	B	15.3	B
US 101 NB Ramps & Alum Rock Ave.*	AM	12.9	B	12.9	B	12.9	B
	PM	12.8	B	12.9	B	12.9	B

Notes: * Denotes a VTA CMP intersection.

The project would not conflict with any plan, ordinance, or policy. The project would not result in significant intersection delays or inadequate circulation. The project would not result in significant intersection level of service impacts or conflict with a congestion management program. The project does not propose potentially hazardous design features. **(Less Than Significant Impact)**

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

As discussed in *Section 3.8, Hazards and Hazardous Materials*, the project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones. The project would not result in a change in air traffic patterns. **(No Impact)**

- e) **Result in inadequate emergency access?**

The proposed project is consistent with City policies regarding project design features and emergency access. Consistent with City standards, the proposed project would provide a 26-foot wide driveway with access for emergency vehicles. For consistency with the City’s fire code, which requires 32 feet for fire access, the curb segments adjacent to the project driveway should be painted red to prohibit parking. No hazards or design features would hinder emergency vehicles access to the project site. The project would, therefore, not substantially increase hazards due to a project design features or result in inadequate emergency access. **(Less Than Significant Impact)**

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The project is located within the Roosevelt Park Urban Village. One of the City's urban village goals is to create a safe, attractive, pedestrian-friendly street environment that encourages walking, bicycling, and transit ridership. Urban village sidewalks should provide a comfortable pedestrian environment and should be widened to 15 feet.

The project would construct a new sidewalk along its frontage on North 21st Street. The network of sidewalks and crosswalks in the study area has good connectivity and would provide residents with safe routes to bus stops and other points of interest in the urban village. The project includes 80 bicycle parking spaces, consistent with the City's Municipal Code. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities in the immediate vicinity of the project site. **(Less Than Significant Impact)**

3.16.3.1 Other Transportation and Site Access Considerations

Queueing Analysis

A queueing analysis for the four study intersections was completed to evaluate the size of the existing pockets and the number of vehicles the proposed project would generate at the existing pocket (further detail related to the queueing analysis is contained within Appendix E).

For the purposes of CEQA, there are no quantitative impact thresholds specific to queueing. There is, however, a qualitative threshold stating that the project would have a significant impact if it would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses sharing the roadway (e.g., farm equipment). If project traffic would exceed an existing turn-pocket length and spill out of the pocket, typically the resulting traffic would be more congested, resulting in additional delay but not a safety concern. Thus, there would be no safety impact.

During the AM peak hour, queues at the North 24th Street / East Santa Clara Street intersection would exceed the available storage. Vehicle queues on northbound North 24th Street at East Santa Clara Street could not always clear the intersection in one signal cycle length. The project would, however, only add three vehicles during the AM peak hour to the northbound left-turn movement and would not have a noticeable effect on vehicle queues.

Parking

The project is required to comply with vehicle and bicycle parking standards per the City's policies and regulations. A parking reduction may be considered based on City of San José Department of Planning, Building and Code Enforcement review of a subsequent parking analysis. Parking deficits are not considered significant environmental impacts under the CEQA Guidelines; therefore, the future parking analysis would not affect the project's attainment of CEQA thresholds.

Per the City of San José Municipal Code (Chapter 20.90), vehicle parking requirements for multi-family residential uses are as follows:

- 1.25 spaces per one-bedroom unit
- 1.7 spaces per two-bedroom unit
- 2.0 spaces per three-bedroom unit

California Assembly Bill (AB) 744 prevents local jurisdictions from imposing vehicular parking requirements higher than those established by the legislation, provided that the project includes enumerated percentages of affordable housing and is located near designated public transit. The project consists of 100 percent affordable units. The project site is located less than 0.5 mile from the Rapid Bus 522 Corridor and local bus routes 22 and 23, and is approximately 0.5 mile from local bus route 64. AB 744 states that for 100 percent affordable housing projects located within 0.5 mile of a major transit stop, the parking requirement cannot exceed 0.5 spaces per unit, which equates to 40 parking spaces for the 80 units proposed by the project.

The City of San José Municipal Code also requires one vehicle parking space per 250 square feet of the floor area of the proposed office uses. The project would be required to provide 35 parking spaces for the commercial uses. A 20 percent reduction can be granted for proposed projects within an Urban Village which provide all the required bicycle parking spaces. This reduction would result in a commercial parking requirement of 28 spaces.

Based on the City's parking requirements and the AB 744 reduction, the project would be required to provide a total of 68 vehicle parking spaces. The project proposes to provide 80 parking spaces and, therefore, would meet the City's parking requirements.

Although the project does not require an official Transportation Demand Management (TDM) plan to meet the City's parking requirement, the project proposes to implement two TDM measures: Transit Eco Passes and Bicycle Sharing. Providing free VTA Eco Passes promotes transit usage and reduces a project's parking demand.

The City requires one motorcycle parking space for every four residential units and one motorcycle parking space per 20 required vehicle parking spaces for commercial units. Therefore, the project would be required to provide a total of 21 motorcycle parking spaces. The project site plan shows 21 motorcycle parking spaces, which meets the City's requirement.

The City's bicycle parking requirements require one bicycle parking space for every four residential units and one bicycle parking space for every 4,000 square feet of commercial space. To meet the City's requirements, the project should provide 14 long-term and nine short-term bicycle parking spaces. The project proposes to install 80 bicycle parking spaces and, therefore, would be consistent with City requirements.

Standard Permit Condition: The applicant would be required to enter into an agreement with the City to add measures to prevent private vehicles associated with the project from using the parking lots at the park and community center.

3.16.4 **Conclusion**

Implementation of City General Plan policies and Residential Design Guidelines would ensure that the proposed project would not result in significant impacts on the transportation system serving the site. The project would not impact air traffic patterns.

3.17 UTILITIES AND SERVICE SYSTEMS

3.17.1 Setting

3.17.1.1 *Regulatory Framework*

Assembly Bill 939

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (CIWMB; now the California Department of Resources Recycling and Recovery [CalRecycle]) and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 50 percent of the waste stream by the year 2000.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

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 proposed project would be subject to the utilities and services policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Action 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.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require mitigation for 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.” Mitigation measures to improve the LOS to “D” or better can be provided by either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José’s Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector 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 will minimize the use and waste of energy, water, and other resources.

3.17.1.2 Existing Conditions

The project site is currently vacant and does not use existing water, wastewater, or solid waste utilities. There is an existing 6-inch verified clay pipe (VCP) sanitary sewer on the North 21st Street project frontage, which may serve the proposed project site.

Water Service

Water service is provided to the site by the San José Water Company. A recycled water line runs beneath North 21st Street, adjacent and east of the project site, and connects to a main beneath East Santa Clara Street.³⁷

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 Water Pollution Control Plant (WPCP), in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.³⁸ In 2012, the RWF's average dry weather effluent flow was 85.3 million gallons per day.³⁹ 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.

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.⁴⁰

Storm Drainage

The project site is located in a developed area served by an existing storm drainage system. The project site is currently vacant and does not contain impervious surfaces.

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 2030.⁴¹ Solid waste generated within

³⁷ City of San José. "Recycled Water." Accessed February 6, 2018. Available at: <https://www.sanjoseca.gov/index.aspx?nid=1586>.

³⁸ City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed February 6, 2018. Available at: <http://www.sanjoseca.gov/index.aspx?NID=1663>.

³⁹ City of San José. "Clean Bay Strategy Reports." February 2013. Available at: <http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629>

⁴⁰ City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 648.

⁴¹ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

3.17.2 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 36, 37
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 39, 40
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 14
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 38
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 14

3.17.3 Impact Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the RWQCB regulates wastewater discharges to surface waters, such as San Francisco Bay, through the NPDES program. Wastewater permits contain specific requirements that limit the pollutants in discharges.

Sanitary sewer lines serving the site are owned and maintained by the City of San José. Two 8-inch storm drain laterals and one 4-inch storm drain lateral would be constructed on the site. Stormwater would flow north and east toward a proposed 12-inch storm drain main along the North 21st Street project frontage.

The project site is currently vacant and does not generate wastewater. Development of the site under the proposed project is anticipated to result in wastewater generation of approximately 16,500 gallons per day.⁴² The project would not result in exceedances of RWQCB's treatment requirements for the RWF. **(Less Than Significant Impact)**

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Development under the proposed project is consistent with General Plan growth projections and would not substantially increase water or wastewater volumes such that new or expanded water or wastewater treatment facilities would be required. The project would comply with all applicable Public Works requirements to ensure sanitary sewer and water mains would have capacity for water and sewer services. Therefore, the project would not have a significant impact related to the provision of water and sewer service for the project. **(Less Than Significant Impact)**

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The site is currently undeveloped and unpaved. Runoff from the project site currently enters the storm drainage system untreated and unimpeded. The project proposes to construct residential and commercial uses, along with associated parking and landscaping.

The project proposes to construct two 12-inch storm drain laterals along the northern and eastern site boundaries. Two eight-inch and one four-inch storm drain laterals would be constructed on the site. Stormwater would flow north and east toward an existing 12-inch storm drain main under North 21st Street.

As discussed in *Section 3.9, Hydrology and Water Quality* of this IS/EA, the project would add impervious surfaces to the site. The project would install media filtration systems, removing pollutants and decreasing the rate and volume of stormwater runoff entering the City storm drainage system. The project would also comply with the San Francisco Bay MRP. For these reasons, development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

⁴² Based upon the California Emissions Estimator Model (CalEEMod) standard water use rate of 65,154 gallons of indoor water and 41,075 gallons of outdoor water per dwelling unit per year for mid-rise apartment units; 177,734 gallons of indoor water and 108,934 gallons of outdoor water per 1,000 square feet per year for general office buildings; and wastewater comprising 85 percent of water use.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Water service is provided to the site by the San José Water Company. The primary water source for the project area is groundwater. The SCVWD currently manages the groundwater basin in Santa Clara County.⁴³ The groundwater basin is not adjudicated, meaning landowners have equal rights to the underlying aquifer. In 2010, SCVWD's groundwater usage was estimated at 51,107 acre-feet per year.⁴⁴ The proposed project is consistent with the development assumptions in the General Plan and Urban Water Management Plan.

The project site is currently vacant and does not use water. The project proposes to develop the project site with residential and commercial uses. It is estimated that the project would result in a water demand of approximately 31,000 gallons per day. The proposed project would increase water usage at the site, but would not significantly impact SCVWD's water supplies or usage. **(Less Than Significant Impact)**

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

In 2011, the Envision San José 2040 General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity remaining for the City of San José. Development of the site under the proposed project would not substantially increase wastewater treatment demand. **(Less Than Significant Impact)**

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Santa Clara County's 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 2030.⁴⁵ The project 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. **(Less Than Significant Impact)**

g) Comply with federal, State, and local statutes and regulations related to solid waste?

The Envision San José 2040 General Plan FEIR concluded that the increase in waste generated by buildout of the General Plan would not cause the City to exceed the capacity of existing landfills serving the City. Future increases in solid waste generation from developments allowed under the General Plan would be limited through implementation of the City's Zero Waste

⁴³ San José Water Company. *2010 Urban Water Management Plan*.

⁴⁴ San José Water Company. *Water Supply Source Map*. Accessed February 6, 2018. Available at: https://www.sjwater.com/for_your_business/builders_contractors/water_flow_design/water_supply_source

⁴⁵ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

Strategic Plan. The proposed project would comply with the Zero Waste Strategic Plan as well as other existing regulations and programs. **(Less Than Significant Impact)**

3.17.4 Conclusion

The proposed project would not require construction of new off-site facilities for wastewater treatment, storm drainage conveyance, water supply, or waste disposal. Existing facilities have the capacity to serve the anticipated uses, and the project would not substantially increase demand upon these facilities compared to existing conditions.

Implementation of General Plan and other City policies would ensure development of the project site would not significantly impact utilities and service systems serving the project site.

3.18

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-40
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-40
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-40

3.18.1 Impact Discussion

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

As discussed in the previous sections of this Initial Study / Environmental Assessment, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and mitigation measures. As discussed in *Section 3.4, Biological Resources*, with implementation of the identified Standard Permit Conditions and mitigation measures (MM BIO-1.1 through MM BIO-1.4), the project would not significantly impact sensitive habitats or species. As discussed in *Section 3.5, Cultural Resources*, with implementation of the identified Standard Permit Conditions and mitigation measures (MM CUL-1.1 through MM CUL-1.3), the project would result in a less than significant impact on archaeological, historic, and paleontological resources. The project would not result in new or more significant impacts than identified in the General Plan FEIR. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

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.”

Similar approved projects in the vicinity of the proposed project include PDC02-082 with development of up to 93 affordable housing units 1.2 miles from the project site; and PDC03-108 with development of up to 2,818 residential units and 365,622 square feet of commercial space 1.8 miles from the project site. These projects are required to comply with federal, State, and local regulations and have incorporated mitigation measures to reduce environmental impacts.

The proposed residential and commercial development would result in temporary air quality, biological, cultural, hazardous materials, and noise impacts during construction. With implementation of the Standard Permit Conditions, BMPs, and mitigation measures identified in the General Plan FEIR, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, these impacts would not be considered cumulatively considerable.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, transportation, and utility and service systems. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan FEIR and accounted for in the City’s long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

The project would result in operational impacts to air quality. A *Construction Risk Assessment* was completed for the proposed project, including detailed analysis of cumulative impacts. As described in *Section 3.3, Air Quality* of this IS/EA, mitigation measures included in the project would reduce cumulative air quality impacts to a less than significant level. **MM AIR-1.1** and **MM AIR-1.2** would reduce the emissions of toxic air contaminants associated with construction equipment.

Other approved projects in the vicinity of the project site are required to incorporate similar measures in accordance with the San José General Plan. The project would not result in cumulatively considerable environmental impacts. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

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

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 construction air quality, hazardous materials and noise. However, adherence to General Plan policies and implementation of mitigation measures would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

SECTION 4.0 OTHER SECTIONS REQUIRED BY NEPA

The National Environmental Policy Act requires consideration of physical and socioeconomic impacts beyond those required by the California Environmental Quality Act. The purpose of this chapter is to address those additional NEPA requirements and to fulfill the additional environmental documentation required by the U.S. Department of Housing and Urban Development prior to its taking a federal action.

4.1 COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located within any airport influence area, airport clear zones, or safety zones (see Figures 4.1-1 through 4.1-3). [Source: (19)]
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is an infill parcel within an urbanized area of San José. The site is not located in or near a coastal zone or costal barrier resource area. [Source: (41)]
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is located within the Federal Emergency Management Agency's Flood Zone X (Map No. 06085C0251J, February 19, 2014), an area with one percent annual chance of flooding (see Figure 4.1-4). The project site is not located in a Federal Emergency Management Agency-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program.

		<p>The project is in compliance with flood insurance requirements.</p> <p>[Source: (23)]</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5</p>		
<p>Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project would conform to the federal Clean Air Plan. Based on the location, service area, and objectives of the project, the project would not substantially increase air emissions in the project area.</p> <p>See the discussion in <i>Section 3.3, Air Quality</i> of the Initial Study.</p> <p>[Source: Appendix A]</p>
<p>Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 et seq.). The nearest coastal zone is located approximately 23 miles to the southwest in Santa Cruz County. A Coastal Development permit is not required for the project.</p> <p>[Source: (41)]</p>
<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>A <i>Phase I Environmental Site Assessment</i> was prepared to ASTM E-1527 standards for the project site in March 2017.</p> <p>Shallow soils at the project site could include elevated concentrations of hydrocarbons, solvents, and lead. As discussed in <i>Section 3.8, Hazards and Hazardous Materials</i>, a fuel leak was identified and remediated at the 961 East Santa Clara Street property. No releases have been identified from 46 North 21st Street (former cleaners) or 997 East Santa Clara Street (former automobile service station). Potential contaminants from releases, however, could have migrated beneath the project site. Due to the age (pre-1978) of the previous site buildings, lead from the previous buildings could be present in site soils.</p> <p>Mitigation measure MM HAZ-1.1 includes soil, soil gas, and groundwater testing to</p>

		<p>determine the presence/absence and extent of residual chemical contamination on the project site. Based on the results of the testing, a Site Management Plan (MM HAZ-1.2) may be required to manage cleanup of potential contamination.</p> <p>[Source: Appendix C]</p>
<p>Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The USFWS was contacted for a list of threatened and endangered species that may occur within the boundary of the proposed project and/or be affected by the proposed project (see Appendix F). The species of concern are:</p> <ul style="list-style-type: none"> • San Joaquin kit fox • California least tern • California red-legged frog • California tiger salamander • Delta smelt • Bay checkerspot butterfly • Contra Costa goldfields • Metcalf Canyon jewelflower • Robust spineflower • Santa Clara Valley Dudleya <p>The project site is located in an urban area and is surrounded by existing development. The site is currently vacant, but was previously developed from approximately 1890 to 2015. Urban habitats including street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species.</p> <p>No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site, and no sensitive species are anticipated in this area of the City of San José.</p> <p>The project site is located within the study area of the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan. According to the Santa Clara Valley Habitat Agency</p>

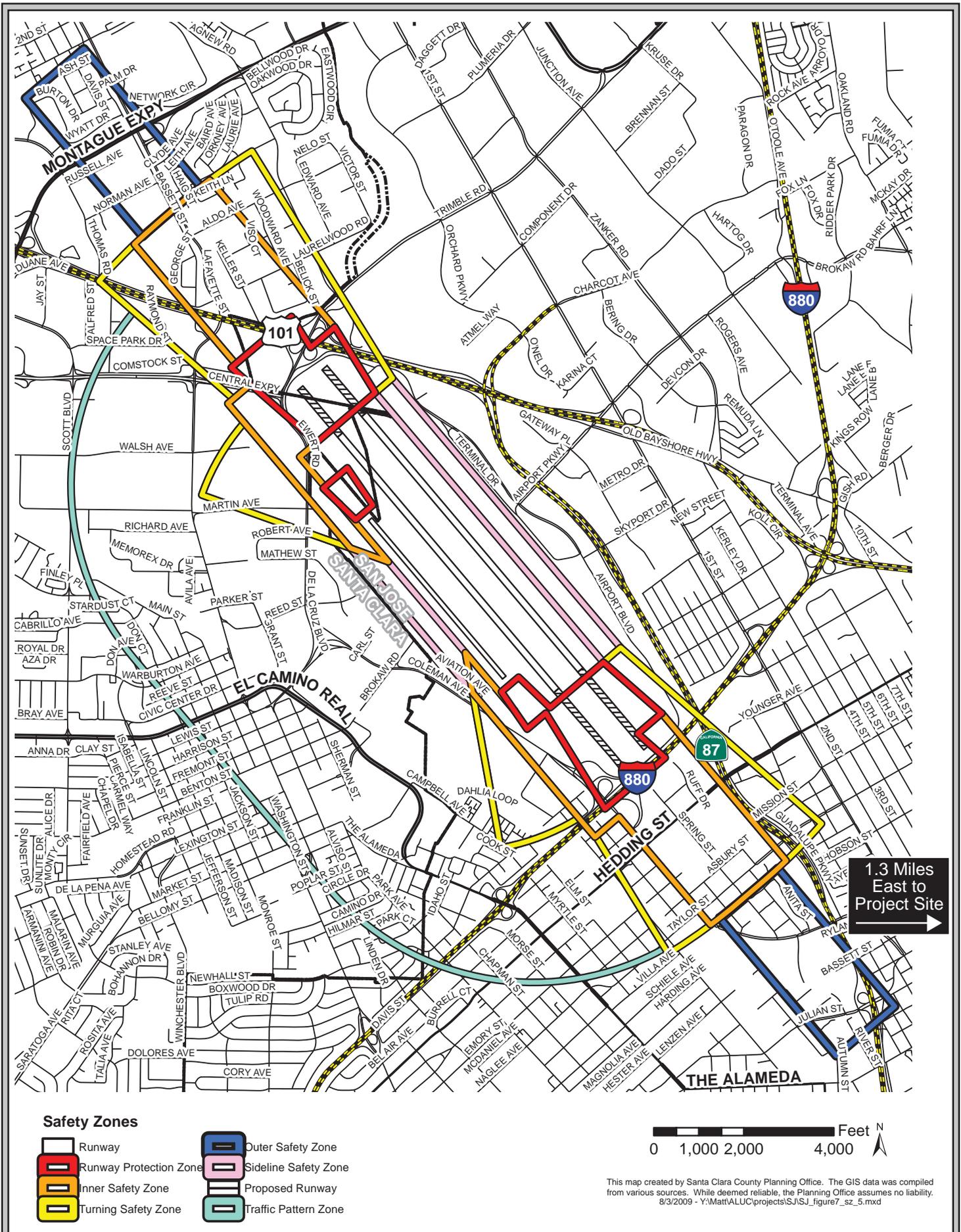
		<p>Geobrowser, the project site is designated as <i>Urban-Suburban</i> and is not located in any Land Cover Fee Zones or Plant or Wildlife Survey Area.</p> <p>If construction of the proposed project occurs during the bird nesting season (February 1- August 31), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act. Mitigation measures (MM BIO-1.1 through MM BIO-1.4), which include nesting bird surveys and buffer zones, are included in the project to avoid the potential for construction related impacts. With implementation of MM BIO-1.1 through MM BIO-1.4, the project would comply with the Endangered Species Act.</p> <p>[Source: Appendix F, (12)]</p>
<p>Explosive and Flammable Hazards 24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>An <i>Explosives and Fire Hazards Review</i> was completed on October 25, 2017 for the proposed project.</p> <p>The review included a visual survey of the project area and consultation with the San José Fire Department. The review and survey was completed in accordance with 24 CFR Part 51 C. There are no explosive or flammable operations on the project site. The survey identified one facility within 2,000 feet of the site reporting storage of materials that warranted calculation of Acceptable Separation Distance (ASD). The ASD for the diesel tanks located at the San José Water Company (SJWC) property at 86 North 17th Street, southwest of the project site, is less than the distance to the proposed building on the site.</p> <p>Therefore, all identified above-ground storage containers satisfy or exceed the required ASD for the quantities of the chemicals present. There are no facilities storing quantities of explosive and/or flammable materials that did not meet the ASDs in conformance with HUD 24 CFR Part 51 C.</p>

		[Source: Appendix G]
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is located in an urban area and would not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. The project site is designated as “urban and built-up land” on the 2014 Santa Clara County Important Farmland Map; therefore, the project complies with the Farmland Protection Policy Act.</p> <p>[Source: (9), (10)]</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is not located within a 100-year flood zone (see Figure 4.1-4). Based on the FEMA flood insurance maps for the City of San José, the project site is designated Zone X, defined as areas with one percent annual chance of flooding. Zone X areas are not subject to flood management provisions.</p> <p>[Source: (23)]</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Historic preservation is discussed in detail in <i>Section 3.5, Cultural Resources</i> of this Initial Study / Environmental Assessment.</p> <p>The project site is not listed on the City of San José Register of Historic Resources, California’s Historic Resources Inventory, or the National Register of Historic Places.</p> <p>The project’s Area of Potential Effect for archaeological impacts is limited to the project parcel (see Figure 4.1-5). A records search for the project site was completed through the California Historical Resources Information System at the Northwest Information Center. <i>A Section 106 Archaeological Literature Search and Initial Native American Consultation</i> was completed for the project on December 19, 2017.</p> <p>The project’s APE for historic resources is the project site and adjacent parcels. No archeological or historic resources were identified on or adjacent to the project site.</p>

		<p>The Native American Heritage Commission was contacted on October 3, 2017 for any evidence of cultural resources or tribal properties of potential concern. After outreach was completed (phone calls and emails), one spokesperson agreed that mechanical trenching under the direction of a qualified archaeologist (MM CUL-1.1) would be their recommended approach. Based on the findings of the mechanical trenching, an archaeological resources treatment plan (MM CUL-1.2) would be prepared by a qualified archaeologist, if necessary. Any prehistoric or historic resources encountered during excavation and/or grading of the site would be properly evaluated and reported to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center (MM CUL-1.3).</p> <p>A request for review and determination of concurrence with a finding of no adverse effect was submitted to the State Historic Preservation Officer (SHPO) by the City of San José on November 6, 2018 (see Appendix H).</p> <p>[Source: (15)]</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>HUD environmental noise regulations are set forth in 24 CFR Part 51B. The following noise standards for new housing construction would be applicable to this project:</p> <p>Interior:</p> <ul style="list-style-type: none"> • <u>Acceptable</u> – 45 DNL or less <p>Exterior:</p> <ul style="list-style-type: none"> • <u>Acceptable</u> – 65 DNL or less. • <u>Normally unacceptable</u> –exceeding 65 DNL but not exceeding 75 DNL. • <u>Unacceptable</u>– Exceeding 75 DNL. <p>The primary source of noise in the area is traffic along nearby roads.</p>

	<p>A <i>Noise and Vibration Assessment</i> was completed for the project site by Illingworth & Rodkin, Inc., on January 24, 2018.</p> <p style="text-align: center;"><i>Exterior Noise Environment</i></p> <p>Consistent with HUD guidelines, the noise exposure 10 years in the future was considered in addition to the existing noise exposure. Future cumulative exterior noise levels at the project site would continue to result primarily from traffic. With the inclusion of the proposed project and other approved projects in the vicinity, the total noise level increase at the project site would be 1 dBA under worst-case conditions. Future noise exposures at the southern and eastern residential façades would reach 61 to 63 dBA DNL.</p> <p>The project includes a third-floor courtyard in the southwest corner of the building, a ninth-floor courtyard along the northern façade of the building, and a ninth-floor balcony along the eastern façade of the building. The courtyards would be partially shielded from traffic noise by the project building. The balcony would be partially shielded from traffic noise by the solid glass railing along the edge of the balcony. The future exterior noise levels at these locations would be at or below 65 dBA L_{dn} and would meet HUD compatibility criteria.</p> <p style="text-align: center;"><i>Interior Noise Environment</i></p> <p>Future cumulative exterior noise levels at the project site are estimated to be approximately 61 to 63 dBA DNL. Typical construction would result in a 20 dBA exterior to interior noise level reduction. Calculations were made to quantify the transmission loss provided by building elements in order to estimate interior noise levels within individual rooms.</p> <p>The project is required to include noise insulation features, including windows and doors with a minimum STC rating of 26 STC.</p>
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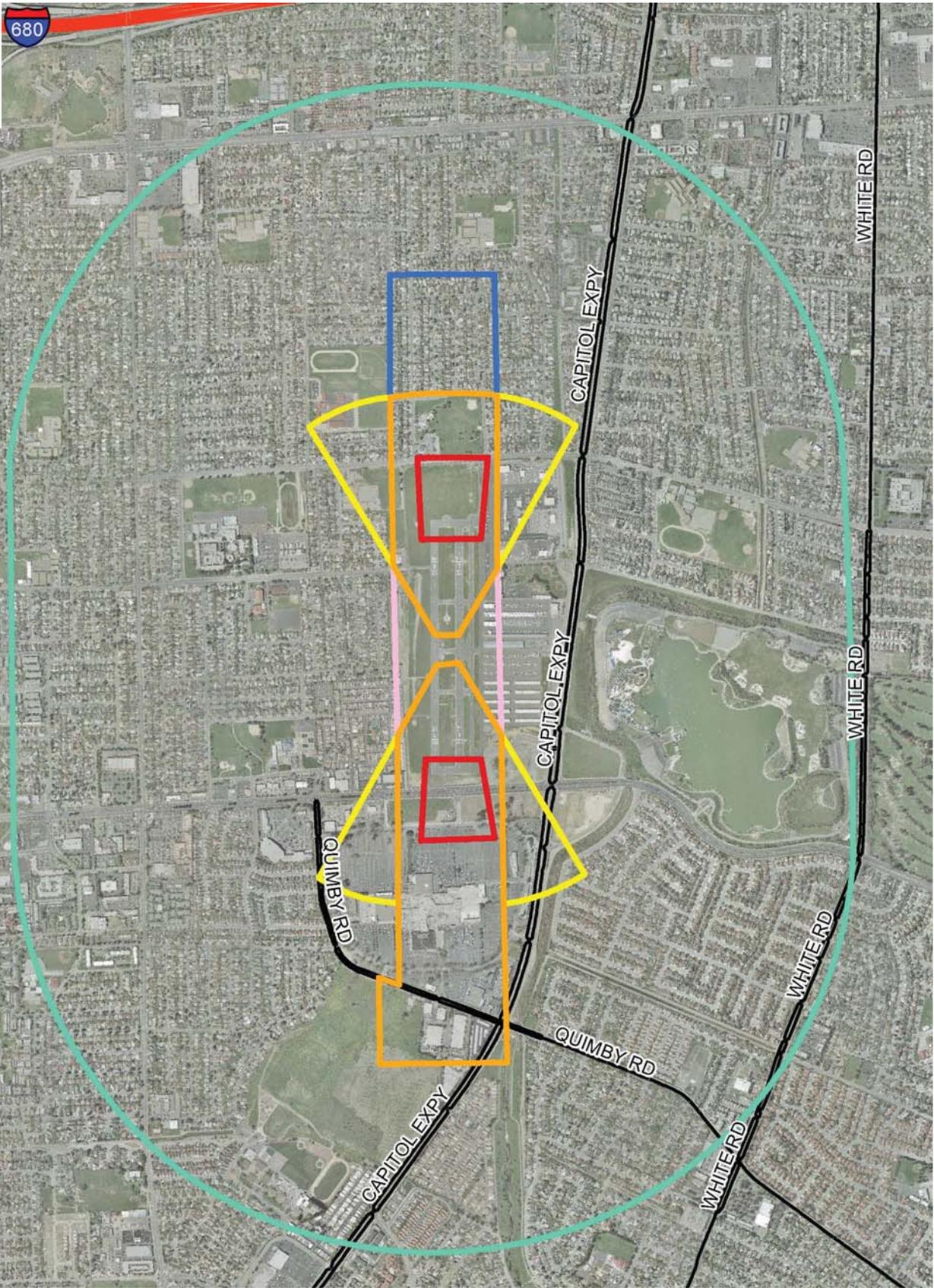
		<p>These windows and doors, in combination with the wood-sided exterior wall construction, would maintain interior noise levels below 45 dBA DNL. With these insulation features, the project would be in compliance with HUD Noise Abatement and Control regulations of 24 CFR 51 B.</p> <p>[Source: Appendix D]</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not in an area designated by the USEPA as being supported by a sole source aquifer.</p> <p>[Source: (43)]</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The nearest designated wetland is a freshwater forested/scrub wetland along Coyote Creek, located 600 feet west of the project site (see Figure 4.1-6).</p> <p>The project site is an infill parcel located in an urban area and is surrounded by existing development. The site does not contain any wetlands or riparian habitat; therefore, no wetlands would be impacted and the project complies with Executive Order 11990.</p> <p>[Source: (44)]</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project site is not located within a mile of a designated wild and scenic river system. There are no wild and scenic rivers in Santa Clara County.</p> <p>[Source: (45)]</p>
ENVIRONMENTAL JUSTICE		
<p>Environmental Justice Executive Order 12898</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project includes affordable housing and would not have any disproportionately high health or other negative effects on minority or low-income populations. The site is currently vacant, and the project would not displace any minority-owned businesses or residents. The project would facilitate the General Plan goals of the City of San José and provide much-needed rental assistance to benefit low-income populations. Therefore, the project complies with Executive Order 12898.</p> <p>[Source: (46)]</p>



SAN JOSE INTERNATIONAL AIRPORT SAFETY ZONES

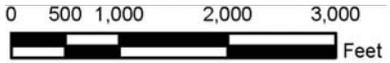
FIGURE 4.1-2

1.1 Miles
Northwest
to
Project Site



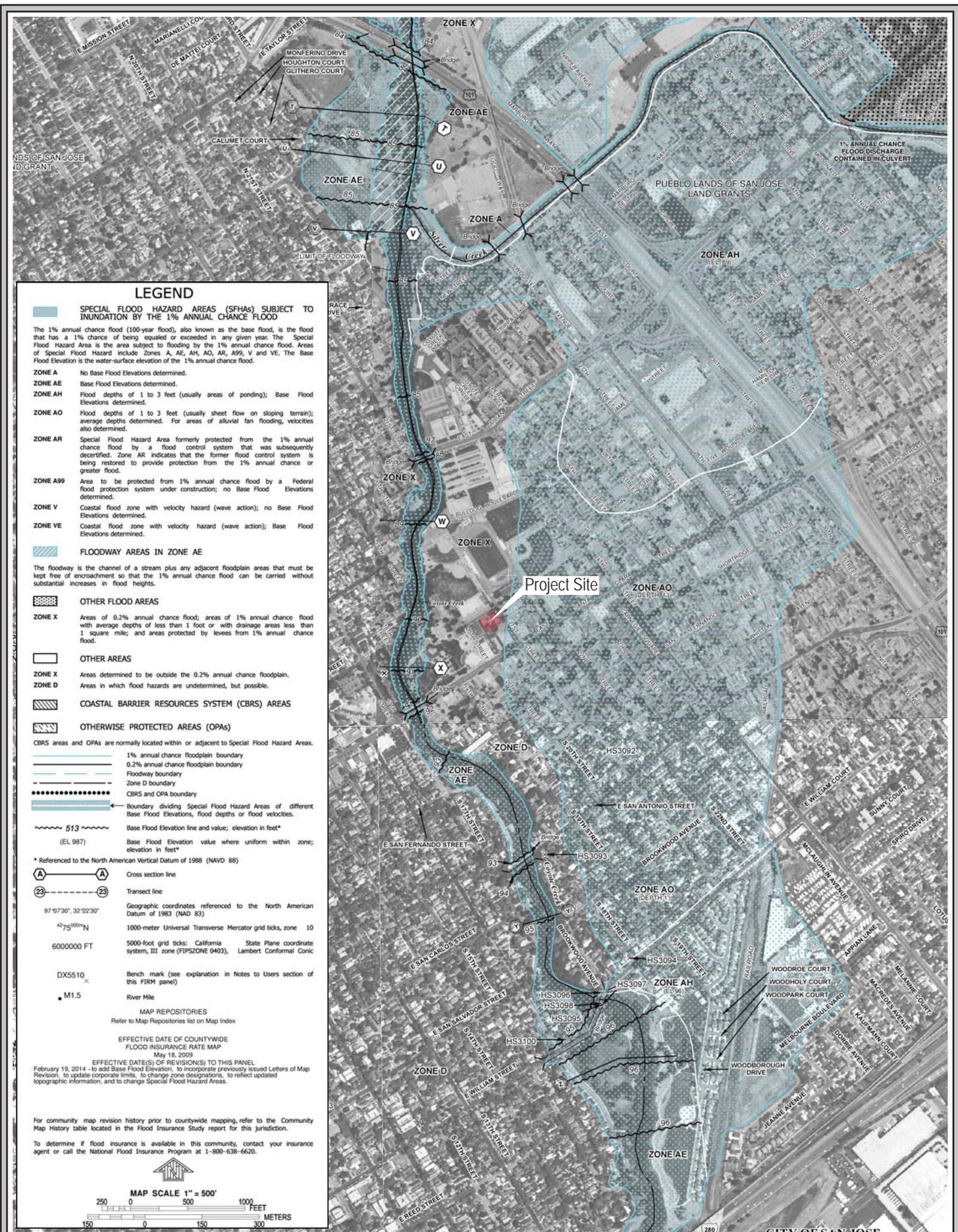
Safety Zones

- ▬ Inner Safety Zone
- ▬ Outer Safety Zone
- ▬ Runway Protection Zone
- ▬ Sideline Safety Zone
- ▬ Turning Safety Zone
- ▬ Traffic Pattern Safety Zone



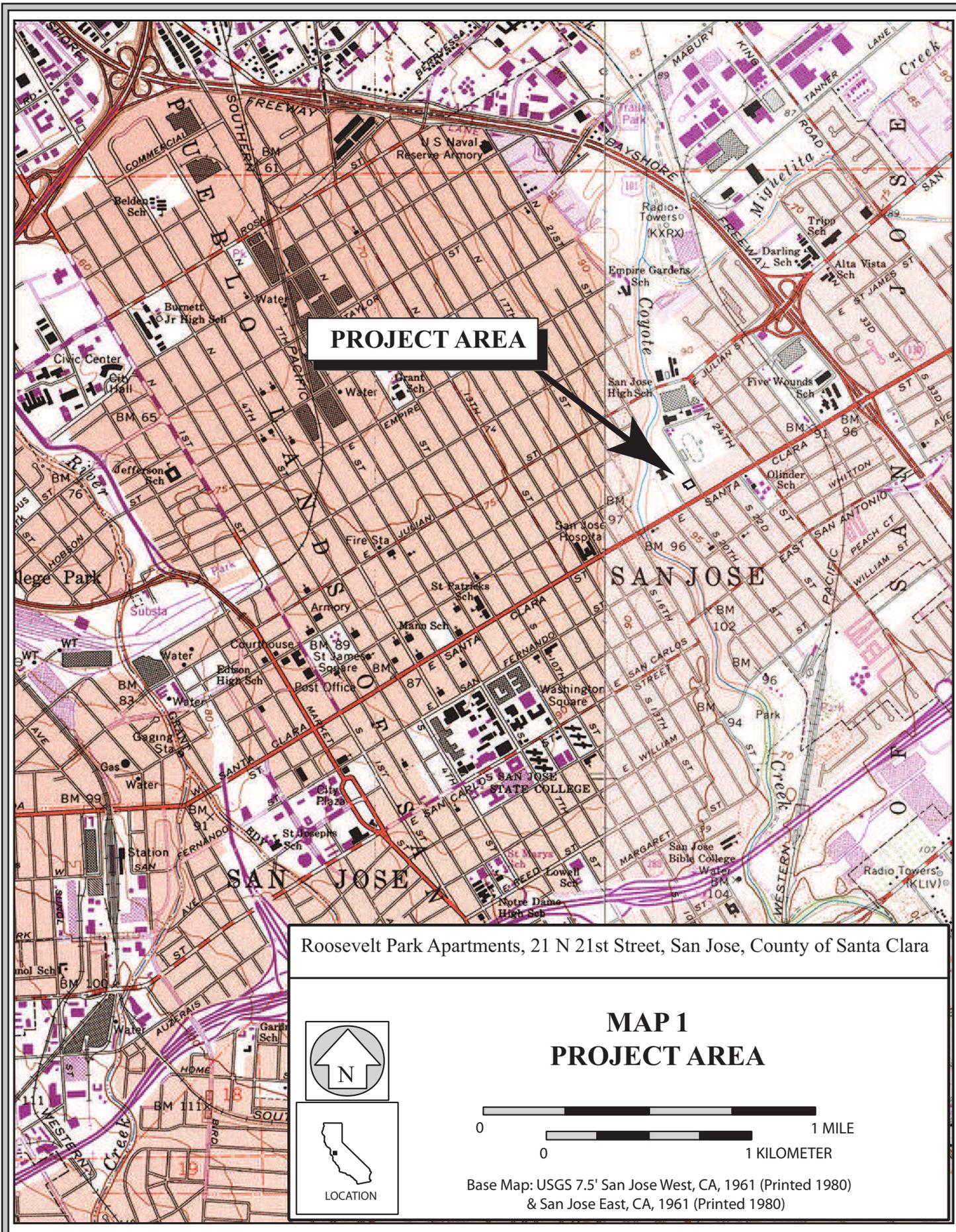
REID-HILLVIEW AIRPORT SAFETY ZONES

FIGURE 4.1-3



FEMA FLOOD INSURANCE RATE MAP

FIGURE 4.1-4



PROJECT AREA

Roosevelt Park Apartments, 21 N 21st Street, San Jose, County of Santa Clara

**MAP 1
PROJECT AREA**



LOCATION



Base Map: USGS 7.5' San Jose West, CA, 1961 (Printed 1980)
& San Jose East, CA, 1961 (Printed 1980)



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov

April 25, 2018  Project Site

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

4.2 ENVIRONMENTAL ASSESSMENT FACTORS [24 CFR 58.40; REF. 40 CFR 1508.8 &1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features, and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: The following codes are used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>The project is consistent with the General Plan designation, Roosevelt Park Urban Village Plan, and applicable general plan policies.</p> <p>The project site has a General Plan land use designation of <i>Urban Village (UV)</i> and <i>Commercial Pedestrian (CP)</i> zoning. The project would require a Special Use Permit for construction of a nine-story, mixed-use development with residential uses in the <i>CP</i> zoning district.</p> <p>The proposed project is consistent with the permitted land uses under the General Plan land use designation and would be consistent with building height, landscaping, and parking requirements of the City’s Residential Design Guidelines.</p> <p>Surrounding lands uses included residential, recreational, and commercial uses and would not conflict with the proposed residential development.</p> <p>[Source: (2)]</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	<p style="text-align: center;"><i>Soil Suitability/Slope/Erosion</i></p> <p>The project site is located in a relatively flat area of San José. The site is underlain by the Santa Clara Valley alluvial basin.</p>

		<p>The project site is not located in a California Geological Survey Fault Rapture or Landslide Hazard Zone. The site is located in a Liquefaction Hazard Zone. There is no known history of liquefaction-induced damage at the site. As discussed in <i>Section 3.6, Geology and Soils</i>, liquefaction control measures would be incorporated into the building foundation design.</p> <p>Expansive soils are common in the region. As discussed in Section 3.6, the San José Department of Public Works would review development plans for conformance with City and State standard engineering practices. A Geotechnical Engineer would oversee all aspects of site grading, and measures would be incorporated to stabilize the subgrade during grading work.</p> <p>[Source: (17)]</p> <p style="text-align: center;"><i>Drainage/Stormwater Runoff</i></p> <p>The project site is not located in an area of high erosion potential; however, development of the proposed project would include grading activities that may result in a temporary increase in erosion. Because less than one acre of soil would be disturbed, the project would not be required to comply with the NPDES General Permit for Construction Activities. The project would incorporate Best Management Practices to reduce the potential for erosion during construction, and would comply with the City’s erosion control policies.</p> <p>Post-construction, the proposed project would not alter the existing drainage pattern of the site or area, or increase the amount of runoff in a manner that could potentially exceed the capacity of existing stormwater system or result in erosion or siltation on- or off-site. Because the project would create more than 10,000 square feet of impervious surfaces, the City of San José requires that post-construction measures are undertaken that comply with the requirements of the NPDES Municipal Regional Stormwater permit, and the project includes a post-construction stormwater control plan to manage and treat stormwater.</p> <p>[Source: (2)]</p>
Hazards and Nuisances	3	The project would not create a risk of explosion, release of hazardous substances or other dangers to public health.

<p>including Site Safety and Noise</p>	<p>Mitigation measures and design measures have been incorporated into the project to reduce potential impacts related to hazardous materials and noise impacts, as noted in <i>Section 3.8, Hazards and Hazardous Materials</i> and <i>Section 3.12, Noise and Vibration</i>.</p> <p style="text-align: center;"><i>Seismicity</i></p> <p>The project site is located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States. The project site is located in a Liquefaction Hazard Zone. See discussion in <i>Section 3.6, Geology and Soils</i>.</p> <p>The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. Required project compliance with the latest California Building Code requirements for new construction would reduce the associated risk of property loss and hazards to occupants to a less than significant level. The project would also be constructed in conformance with the California Building Code for Seismic Zone 4 to avoid and minimize potential damage from seismic ground shaking.</p> <p>[Source: (17)]</p> <p style="text-align: center;"><i>Noise</i></p> <p>The primary permanent, ongoing noise anticipated at the project site is traffic on nearby roadways. Truck loading and traffic noise associated with the proposed project would not have a long-term significant effect. The project includes a Standard Permit Condition requiring selection and design of mechanical equipment that meets City requirements.</p> <p>The project may result in temporary noise and groundborne vibration from construction. The project includes a construction mitigation measure (MM NOI-1.1) to minimize construction noise impacts on surrounding sensitive noise receptors. Therefore, the project complies with the HUD noise abatement and control regulations of 24 CFR 51B.</p> <p>[Source: Appendix D]</p>
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Energy Consumption	2	<p>The new development would not represent a wasteful use of energy. The project would be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project would comply with the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The building would feature LEED Platinum green building design and solar electricity and heating, and would include drought-tolerant plants and water-efficient features.</p> <p>[Source: (14)]</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	<p>According to the 2016 Census, the median household income in the project site's census tract is \$44,052. Approximately 5.2 percent of households earned less than \$10,000, 6.2 percent between \$10,000 and \$14,999, 9.5 percent between \$15,000 and \$24,999, 10.1 percent between \$25,000 and \$34,999, 26.9 percent between \$34,999 and \$49,999, and 19.9 percent between \$50,000 and \$74,999. The project would increase the availability of low-income housing for the residents of San José and Santa Clara County, where such housing is in high demand. No significant change to the demographic character of the neighborhood is expected because of the project, as it is intended to serve the existing population.</p> <p>[Source: (47)]</p>
Demographic Character Changes, Displacement	1	<p>The project would provide affordable housing designed to accommodate the unmet needs of the low-income population of San José and Santa Clara County. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing population.</p> <p>[Source: (1)]</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>The proposed 80 units of affordable housing and an estimated 10,417 square feet of commercial uses are not anticipated to have impacts on education or cultural facilities since the project is designed for low-income residents of the County of Santa Clara.</p> <p>In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the San José Unified School District to offset potential increased demands on school facilities.</p> <p>The project would not displace existing cultural facilities nor would it affect cultural facilities by its operation.</p> <p>[Source: (1)]</p>
Commercial Facilities	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts to commercial facilities. The project is located in an urban area within proximity to shopping and commercial opportunities.</p> <p>[Source: (2)]</p>
Health Care and Social Services	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses would provide housing opportunities for low-income residents in San José and Santa Clara County. The project is located within 10 miles of four major hospitals: O’Connor Hospital, the Santa Clara Valley Medical Center, the Kaiser Medical Center, and Good Samaritan Hospital. There are numerous smaller clinics, medical facilities, and convalescent hospitals located nearby.</p> <p>Within the project site’s census tract, there are 3,487 total households, of which 488 (14 percent) are living in poverty. The project would provide affordable housing designed to accommodate the unmet needs of the census tract population. The project does not represent a significant change to the demographics of the area or on area social services, as it is intended to serve the existing population.</p> <p>[Source: (48)]</p>
Solid Waste Disposal / Recycling	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts to solid waste disposal/recycling facilities. The</p>

		<p>project would result in an incremental increase in solid waste disposal; however, the project is subject to City of San José development fees to accommodate the incremental demand on services.</p> <p>[Source: (2)]</p>
Waste Water / Sanitary Sewers	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts to waste water/sanitary sewer services. The project would result in an incremental increase in waste water and sanitary sewer services. As discussed in <i>Section 3.17, Utilities and Service Systems</i>, the proposed development is estimated to generate 16,500 gallons of wastewater per day. The project is subject to City of San José development fees to accommodate the incremental demand on wastewater and sanitary sewer services. There is available wastewater treatment capacity to serve the proposed project, as documented in Section 3.17.</p> <p>[Source: (36)]</p>
Water Supply	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts to the water supply. The project would result in an incremental increase in water consumption. As discussed in <i>Section 3.17, Utilities and Service Systems</i>, the proposed development is estimated to use 31,000 gallons of water per day for potable water and irrigation requirements.</p> <p>The project site is served by the San José Water Company.</p> <p>The Envision San José 2040 General Plan FEIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there would be adequate water supply to serve the project.</p> <p>[Source: (2), (39)]</p>
Public Safety - Police, Fire and Emergency Medical	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts on police, fire, or medical services. See discussion in <i>Section 3.14, Public Services</i>.</p> <p>Public services are generally provided to the community as a whole and financed on a community-wide basis. The proposed affordable housing project is located on a currently vacant site in an urban area that is currently served by municipal providers. The project would result in an incremental increase in the demand for public services. The</p>

		<p>project is subject to City of San José development fees to accommodate the incremental demand for services. The project would not require a significant change in emergency police, fire, and medical services already provided in the area.</p> <p>[Source: (1)]</p>
Parks, Open Space and Recreation	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses are not anticipated to have impacts on parks, open space, or recreation. The project is located adjacent to Roosevelt Park in an area adequately served by parks and recreational facilities and would result in an incremental increase in demand. The project is subject to City of San José development fees to accommodate the incremental demand.</p> <p>The project would be required to pay fees consistent with the Parkland Dedication Ordinance. These fees would be used to improve existing parkland and recreational facilities.</p> <p>[Source: (2), (33)]</p>
Transportation and Accessibility	2	<p>Based on a traffic analysis completed for the project by Hexagon Transportation Consultants in February 2018, the project is estimated to generate 693 new daily trips, including 35 AM and 56 PM peak hour trips.</p> <p>As described in <i>Section 3.16, Transportation/Traffic</i>, all the project intersections would operate within applicable jurisdictional LOS standards.</p> <p>The project would not result in significant intersection delays or inadequate circulation. The project would not result in significant intersection level of service impacts, and would not impede alternative transportation modes.</p> <p>[Source: (34)]</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	<p>The proposed 80 units of affordable housing and estimated 10,417 square feet of commercial uses would be located on an infill lot, which is currently vacant and surrounded by residential, recreational, and commercial development. The project would not impact unique natural features or water resources. There are no surface waters on or adjacent to the</p>

		<p>project site. Coyote Creek is approximately 500 feet to the west, separated by Roosevelt Park, and would be unaffected by the project.</p> <p>The project would be served by the San José Water Company. The project would have an incremental increase in water consumption, estimated to be approximately 31,000 gallons per day. The Envision San José 2040 General Plan FEIR concluded that sufficient water supplies are available to serve planned growth in the City. Therefore, there would be adequate water supply to serve the project.</p> <p>[Source: (14)]</p>
Vegetation, Wildlife	3	<p>The project site is located on an infill lot, currently vacant, located in an urban area. Surrounding uses include residential, recreational, and commercial development. The project would not impact natural habitat containing endangered species or any designated or proposed critical habitat. The project would remove one existing tree that would be replaced in accordance with the City of San José replacement ratios.</p> <p>In compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, the proposed project would implement mitigation measures (MM BIO-1.1 through MM BIO-1.4), including avoiding the nesting season, completing pre-construction nesting bird surveys, designating buffer zones around identified nests, and reporting findings. These measures would reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season.</p> <p>[Source: (13), (14)]</p>
Other Factors	1	<p>New construction of the apartment building would provide safe living conditions for low-income residents by meeting fire, life safety, and Americans with Disabilities Act (ADA) codes.</p> <p>[Source: (2), (3)]</p>

4.3 ADDITIONAL STUDIES PERFORMED

Appendix A: Construction Risk Assessment
Appendix B: Geotechnical Investigation
Appendix C: Phase I Environmental Site Assessment
Appendix D: Noise and Vibration Assessment
Appendix E: Traffic Impact Analysis
Appendix F: List of Threatened and Endangered Species
Appendix G: Explosive and Fire Hazards Review
Appendix H: Section 106 Letter to SHPO

4.4 FIELD INSPECTION (DATE AND COMPLETED BY)

January 23, 2018
David J. Powers & Associates, Inc.
Hannah Darst, Associate Project Manager

4.5 LIST OF PERMITS OBTAINED

The project proposes the following Development Approval as listed below:

- SP17-027: Special Use Permit

4.6 PUBLIC OUTREACH [24 CFR 50.23 & 58.43]

The proposed project will be the subject of community meetings and notified public hearings before the Planning Director. The environmental decision may be appealed to the City Council of the City of San José.

4.7 CUMULATIVE IMPACT ANALYSIS [24 CFR 58.23]

The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the affordable apartment building. It is possible that other proposed construction schedules in the project area may overlap with the project, but the overlap is likely to be minimal, and the proposed project includes mitigation measures to limit disturbance to adjacent land uses and would not result in cumulatively considerable impacts.

4.8 ALTERNATIVES [24 CFR 58.40(E), REF. 40 CFR 1508.9]

This alternatives analysis is included to fulfill the requirements for an Environmental Assessment under NEPA. Under NEPA, an Environmental Assessment shall include brief discussions of alternatives. No development alternatives to the proposed project have been identified or considered, because the proposed action would not result in any significant unavoidable impacts. For the proposed project, the No Action Alternative was included.

4.9 NO ACTION ALTERNATIVE [24 CFR 58.40(E)]

The no action alternative would not construct an 80-unit affordable housing project in the City of San José. The property is zoned *Commercial Pedestrian (CP)* and is currently vacant. The no action

alternative consists of leaving the site in its current condition. Under this alternative, both the potentially beneficial and adverse effects of the proposed action would be avoided. Adverse effects which would be avoided could include exposure of persons to construction noise, air quality, and water quality impacts, potential disturbance of nesting raptors through tree removal, and exposure of persons to hazardous materials. It should be noted, however, that the magnitude of these adverse effects associated with the proposed action would be less than significant with mitigation measures included in the project. Thus, the No Action Alternative would not avoid any significant environmental impacts, because none are expected if the proposed 80-unit affordable housing project is constructed.

If the proposed project is not constructed, it is likely that the vacant site would be developed under the existing *Urban Village (UV)* land use and *Commercial Pedestrian (CP)* zoning designation. Development of commercial uses on the project site would have similar environmental effects, but would not meet the project's goal of providing affordable housing for low income persons and families in the City of San José

The No Action Alternative would not meet the goals and objectives of the proposed action which are to provide affordable rental housing on the project site in a manner that is consistent with the goals and plans of the City of San José and is compatible with the surrounding land uses.

4.10 SUMMARY OF FINDINGS AND CONCLUSIONS

- The proposed action would be compatible with existing and planned future land uses in the vicinity of the project site.
- The proposed action would provide affordable housing in the City of San José where affordable housing options are in high demand.
- The proposed action would comply with all statutory regulations pertaining to environmental issues.
- The proposed action could result in adverse long-term environmental effects with regard to air quality. Mitigation measures have been incorporated into the project that would minimize or avoid these long-term impacts.
- The proposed action could result in short-term (i.e., construction-related) environmental effects with regard to air quality, biological resources, cultural resources, hazardous materials, and noise. Mitigation measures have been incorporated into the project that would minimize or avoid these short-term impacts.

SECTION 5.0 MITIGATION MEASURES AND CONDITIONS [40 CFR 1505.2(C)]

Pursuant to 40 CFR 1505.2(c), the following summary includes all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. The staff responsible for implementing and monitoring mitigation measures are identified in the mitigation plan. These mitigation measures must be incorporated into project contracts, development agreements, and other relevant documents.

Law, Authority, or Factor	Mitigation Measure
<p>Clean Air Measures</p>	<p>MM AIR-1.1: Exhaust emissions reduction. The project applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 70 percent reduction in PM₁₀ exhaust emissions (assumed to be diesel particulate matter) or more. Feasible methods to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> • All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, USEPA particulate matter emissions standards for Tier 4 engines or equivalent. • The use of equipment that includes Tier 2 engines and CARB-certified Level 3 Diesel Particulate Filters, or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. • The use of added exhaust devices, or a combination of measures, to meet this requirement, provided that these measures are approved by the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and demonstrated to reduce community risk impacts to a less than significant level. <p>MM AIR-1.2: Construction operations plan. Prior to issuance of any grading permit, the project applicant shall submit a construction operations plan to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement that includes specifications of the equipment to be used during construction. The plan shall include a letter signed by a qualified air quality specialist which verifies that the equipment included in the plan meets the standards set forth in MM AIR-1.1.</p> <p>In addition, the proposed action shall implement the following permit conditions:</p>

Standard Permit Condition: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Soil, sand, or other loose material that would be transported off-site shall be covered in transit.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- Sandbags or other erosion control measures shall be installed to prevent silt runoff on public roadways.
- Wheel washers shall be installed for all exiting trucks, or tires or tracks of all trucks and equipment shall be washed off before leaving the site.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

	<ul style="list-style-type: none"> • A publicly visible sign shall be posted with the telephone number and contact person at the Lead Agency who will receive dust complaints. The Air District’s phone number shall also be included to ensure compliance with applicable regulations.
<p>Historic Preservation</p>	<p>MM CUL-1.1: <u>Preliminary investigation.</u> Once the site has been cleared, a qualified archaeologist shall complete mechanical trenching to explore for buried historical and Native American resources. Trenching depths shall be consistent with the depths and range of excavation proposed, and the stratigraphy of the parcel. This investigation shall be completed prior to any construction or other ground disturbing activities required as part of the project. The results of the presence/absence exploration shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the presence/absence exploration, an archaeological resources treatment plan (as described in MM CUL-1.2) shall be prepared by a qualified archaeologist, if necessary.</p> <p>MM CUL-1.2: <u>Treatment plan.</u> If required by MM CUL 1-1, the project applicant shall retain a qualified archaeologist to prepare a treatment plan that reflects the permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> • Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. • Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found). • Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). • Detailed field strategy to record, recover, or avoid the finds and address research goals. • Analytical methods. • Report structure and outline of document contents.

- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan by a qualified archaeologist shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL-1.3: Accidental discovery. 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 Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find. Project personnel shall not collect or move any cultural material.

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 any occupancy permits. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete. If the find does not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical or archaeological resource, then project activities shall avoid it. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan per **MM CUL-1.2**, or otherwise equivalent as determined by the qualified archaeologist.

Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center prior to issuance of occupancy permits.

In addition, the proposed action shall implement the following permit conditions:

Standard Permit Condition: The following measures shall be applied to development of the project site to reduce and/or avoid impacts to paleontological resources:

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction, the types of fossils likely to be seen based on past finds in the project area, and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.

Standard Permit Condition: The following measures shall be applied to the project to reduce and/or avoid impacts to human remains:

- 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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission within 24 hours. The NAHC will then designate a Most Likely Descendant. The MLD will inspect the remains and make a

	<p>recommendation on the treatment of the remains and associated artifacts.</p> <ul style="list-style-type: none"> • If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance: <ul style="list-style-type: none"> ○ The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC; ○ The MLD identified fails to make a recommendation; or ○ The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.
<p>Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff</p>	<p>No formal mitigation measures are required for soil suitability, slope, erosion, drainage, or stormwater runoff impacts. However, the proposed action shall implement the following permit conditions:</p> <p><u>Standard Permit Condition:</u> To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of San José Department of Planning, Building and Code Enforcement as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on-site and off-site to the extent feasible and in compliance with the Building Code. In accordance with the Municipal Code, the Director of Public Works must approve a seismic hazard evaluation report prior to issuance of a grading or building permit for areas within the defined State Seismic Hazard Zone for Liquefaction.</p> <p><u>Standard Permit Conditions:</u> The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works clearance. These standard practices, including the measure outlined below, will ensure that the future building on the site is</p>

	<p>designed properly to account for soils-related hazards and to prevent soil erosion.</p> <ul style="list-style-type: none"> • The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit shall be obtained prior to the issuance of a Department of Public Works clearance. • A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining, and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008; and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the report. • The City Geologist shall review the Geotechnical Report and issue a Geologic Clearance before the building permit is issued. • The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations. <p><u>Standard Permit Conditions:</u> Best Management Practices to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:</p> <ul style="list-style-type: none"> • 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.
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	<ul style="list-style-type: none"> • All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard. • All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). • Vegetation in disturbed areas shall be replanted as quickly as possible. • All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be employed at the request of the City. • The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
<p>Contamination and Toxic Substances Measures</p>	<p>MM HAZ-1.1: <u>Preliminary investigation.</u> Soil, soil gas, and groundwater investigations and testing shall be completed to determine the presence/absence and extent of residual chemical contamination on the project site. If testing determines that contaminants on the site exceed screening levels, additional mitigation measures shall be required, including soil removal and vapor barriers. The results of the preliminary investigation shall be submitted to the Santa Clara County Department of Environmental Health or equivalent agency. This can also be included in the submittal described in MM HAZ-1.2 below. A copy of the preliminary investigation results shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer, City of San José Environmental Services Department for approval prior to the issuance of any grading permits.</p> <p>MM HAZ-1.2: <u>Site Management Plan.</u> Based on the results of the investigations described in MM HAZ-1.1, the SCCDEH will require a Site Management Plan or similar document to manage the cleanup of potential contamination. If applicable, an SMP shall be prepared prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils, and shall include the following:</p>

	<ul style="list-style-type: none"> • A detailed discussion of the site background; • Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program; • Procedures to follow if evidence of an unknown historic release of hazardous materials is discovered during excavation or demolition; and • A health and safety plan for each contractor working at the site, in an area below grade, that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. <p>The SMP shall be submitted to the SCCDEH (or equivalent agency) for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement and the Municipal Compliance Officer, City of San José Environmental Services Department for approval prior to the issuance of any grading permits.</p>
Noise Abatement and Control Measures	<p>MM NOI-1.1: <u>Construction Best Management Practices.</u> The project applicant shall develop a construction noise plan including, but not limited to, the following available controls:</p> <ul style="list-style-type: none"> • In accordance with Policy EC-1.7 of the City’s General Plan, the project applicant shall use the best available noise suppression devices and techniques during construction activities. • The project applicant shall construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary eight-foot noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. Temporary noise barriers can be made from standard eight-foot sheets of plywood. • The project applicant shall equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • The project applicant shall ensure that unnecessary idling of internal combustion engines shall be strictly prohibited.

	<ul style="list-style-type: none"> • The project applicant shall ensure that stationary noise-generating equipment, such as air compressors or portable power generators, are located as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors. • The project applicant shall ensure that “quiet” air compressors and other stationary noise sources are used where technology exists. • The project applicant shall ensure that construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • The project applicant shall ensure that a temporary noise control blanket barrier is erected, if necessary, along building façades facing construction sites if conflicts occur which cannot be remedied by appropriate scheduling. Noise control blanket barriers can be rented and quickly erected. • The project applicant shall ensure that material stockpiles, as well as maintenance/equipment staging and parking areas, are located as far as feasible from residential receptors. • The project applicant shall ensure that noise from construction workers’ radios is controlled to a point where the radios are not audible at existing residences bordering the project site. • Prior to issuance of any grading permits, the project applicant shall prepare a detailed schedule for expected major noise-generating construction activities. The schedule shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • The project applicant shall post the schedule for expected major noise-generating activities and any subsequent changes to the schedule, and mail notices of the schedule to residents and other sensitive receptors (places of worship, senior homes, hospitals, etc.) within 30 feet of the project site. • The project applicant shall 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
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	<p>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.</p> <ul style="list-style-type: none"> • The construction noise plan shall be submitted to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement for review and approval prior to issuance of a demolition or grading permit. <p>In addition, the proposed action shall implement the following permit conditions:</p> <p>Standard Permit Condition: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City’s thresholds. The project applicant shall retain a qualified acoustical consultant to review and report on mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City’s noise limits at the shared property lines. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, installation of acoustical louvers and mufflers, and the construction of acoustical enclosures. Prior to issuance of any building permits, the project applicant shall submit the qualified acoustical consultant’s report to the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement for review and approval.</p> <p>Standard Permit Condition: For consistency with the General Plan, the following condition shall be implemented by the project applicant:</p> <ul style="list-style-type: none"> • Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all perimeter residential units, so that windows can be kept closed at the occupant’s discretion to control interior noise and achieve the interior noise standards. Preliminary calculations indicate that standard dual thermal-pane windows (minimum 26 STC Rating) would be satisfactory to achieve acceptable interior noise levels of 45 dBA DNL.
Vegetation, Wildlife Measures	<p>MM BIO-1.1: Avoidance. The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 15th (inclusive), as amended.</p> <p>MM BIO-1.2: Nesting bird surveys. If it is not possible to schedule demolition and construction between August 16th and January 31st (inclusive), pre-construction surveys for nesting birds</p>

shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 15th inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: Buffer zones. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

MM BIO-1.4: Reporting. Prior to any tree removal, or approval of any grading permits (whichever occurs first), the project applicant shall submit the ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner, City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading or building permits.

In addition, the proposed action shall implement the following permit conditions:

Standard Permit Condition: The trees removed by the proposed project would be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance (see replacement ratios provided in Table 3.4-1 below);
- San José Municipal Code Section 13.28; and
- San José General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 3.4-1: Tree Replacement Requirements

Circumference of Tree to be Removed ¹	Type of Tree to be Removed ²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	15-gallon container	3:1	24-inch box
19 – 38 inches	3:1	15-gallon container	None	24-inch box
Less than 19 inches	1:1	15-gallon container	None	15-gallon container

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 is 12.1 inches in diameter.

One 24-inch box tree = two 15-gallon trees.

Standard Permit Condition: In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Building Division within the Department of Planning, Building and Code Enforcement prior to the issuance of any occupancy permits.

	<p><u>Standard Permit Condition:</u> The project shall implement the following condition to reduce the impacts to endangered and threatened species:</p> <ul style="list-style-type: none"> • The project is subject to applicable Santa Clara Valley 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, City of San José Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.
<p>Educational and Cultural Facilities</p>	<p>No formal mitigation measures are required for educational and cultural facilities impacts. However, the proposed action shall implement the following permit condition:</p> <p><u>Standard Permit Condition:</u> In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project.</p>
<p>Parks, Open Space, and Recreation</p>	<p>No formal mitigation measures are required for parks, open space, or recreation. However, the proposed action shall implement the following permit condition:</p> <p><u>Standard Permit Condition:</u> The project shall conform to the City’s Park Impact Ordinance and Parkland Dedication Ordinance.</p>

**Roosevelt Park Apartments Mixed-Use Development Project
City of San José**

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Shannon George Date: 12/5/18

Name/Title/Organization: Shannon George, Principal Project
Manager, David J. Powers & Associates

Certifying Officer Signature: Jenny Nuklaum Date: 12-03-18

Name/Title: Rosalynn Hughey, Director, Planning, Building and Code Enforcement, City of San
José/Deputy

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

SECTION 6.0 LIST OF SOURCES

List of Sources, Agencies, and Persons Consulted [40 CFR 1508.9(b)]

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
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3. City of San José. *Municipal Code*. January 2017.
4. City of San José. *Affordable Housing Investment Plan (FY 2016/17 – FY 2017/18)*. May 8, 2017.
5. Association of Bay Area Governments. *Regional Housing Need Allocation (2014 – 2022)*. July 19, 2012.
6. California Department of Transportation. “California Scenic Highway Mapping System: Santa Clara County.” Accessed February 2, 2018. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
7. City of San José. *Historic Resources Inventory*. Accessed February 1, 2018. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/35475>.
8. Santa Clara County. *Heritage Resource Inventory*. Accessed February 1, 2018. Available at: <https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx>.
9. California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2014 Map*. October 2016. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sc114.pdf>.
10. Santa Clara County Department of Planning and Development. *Williamson Act and Open Space Easement*. Map. Accessed February 13, 2018. Available at: <https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx>.
11. Illingworth & Rodkin, Inc. *Roosevelt Park Apartments Project Construction Risk Assessment*. January 27, 2018.
12. Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.
13. City of San José. *Resolution No. 72274: A Resolution of the Council of the City of San José Designating Certain Trees as Heritage Trees, Placing Said Trees on the Heritage Tree List, and Deleting Certain Trees Therefrom, and Repealing Resolution No. 69745*. August 10, 2004.

14. City of San José. *Envision San José 2040 General Plan Final Environmental Impact Report*. 2010.
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18. West Environmental Services & Technology. *Phase I Environmental Site Assessment: 21 North 21st Street, San José, California*. March 2017.
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21. California Department of Forestry and Fire Protection. *Santa Clara County: Very High Fire Hazard Severity Zones in Local Responsibility Areas*. October 2008.
22. California State Water Resources Control Board. “Impaired Water Bodies.” Accessed February 2, 2018. Available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.
23. Federal Emergency Management Agency. *Flood Insurance Rate Map, Community Panel No. 06085C0251J*. Effective Date: February 19, 2014.
24. California Department of Conservation. “Santa Clara County Tsunami Inundation USGS 24 Quads.” Accessed February 13, 2018. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara
25. Santa Clara Valley Water District. *Leroy Anderson Dam Flood Inundation Maps*. April 2016.
26. Illingworth & Rodkin, Inc. *Roosevelt Park Apartments Project Noise and Vibration Assessment*. January 24, 2018.
27. City of San José. *Norman Y. Mineta San José International Airport Master Plan Update Project, Eighth Addendum to the Environmental Impact Report*. February 10, 2010.

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32. City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: <https://www.sanjoseca.gov/index.aspx?NID=204>.
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37. City of San José. "Clean Bay Strategy Reports." February 2013. Available at: <http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629>.
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41. California Coastal Commission. "Coastal Zone Boundary Map." Accessed February 21, 2018. Available at: <https://www.coastal.ca.gov/maps/czb/>.
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48. U.S. Census Bureau. "Poverty Status in the Past 12 Months, Census Tract 5014.01, Santa Clara County, California." Available at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>.